

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-194

Complainant: No. 1308110653A

Judge: No. 1308110653B

ORDER

The commission reviewed the information the judge voluntarily submitted in this matter and found no ethical misconduct on the part of the judge.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: August 29, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 29, 2007.

This order may not be used as a basis for disqualification of a judge.

JUL 23 2007

Friday, July 20, 2007

Mr. E. Keith Stott, Jr.
Executive Director
Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007

CJC-07-194

Dear Mr. Stott:

I am contacting you to bring to your attention and the attention of the Commission an issue to which I have just become aware. If I may, I shall begin by providing the background regarding this issue.

I have been routinely signing the Judicial Certification each pay period noting that to the best of my belief, I had no ruling pending for more than 60 days. However, I just received a *Motion For Ruling* from a party (filed in July, 2007) asking me to rule on an attorney fee issue. This is what brings me to the Commission for which I ask your attention.

When I looked into this, I found that it involved a case that was tried before me in December, 2005. After I issued the order following the trial, one party apparently filed an *Application For Attorney Fees* (January, 2006). We have no record in this Division of ever having received the *Application* and while I will not cast aspersions on those involved, I have no proof that it was ever forwarded to my Division.

The first I became aware of the attorney fee claim was when I received the *Motion For Ruling* (July, 2007). Immediately thereafter, I researched the computer-based Integrated Court Information System (ICIS) and found that the *Application For Attorney Fees* had been filed with the Clerk of the Court in January, 2006. Since I had never received the *Application* nor knew of its existence, I had not previously addressed it. I remedied this by immediately ruling and noting the above circumstances in the Minute Entry. I also apologized to the parties for the delay, albeit inadvertent.

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My reason for contacting you is that the Commission must be made aware of the inadvertent discrepancy between my regularly signed Judicial Certification and what occurred in this matter. While I believe that my Division has necessary safeguards against delay, I know of no means by which we can meaningfully address pleadings that are filed with the Clerk of Court but not copied to the Division. Nonetheless, despite my best faith belief to the contrary, it appears that I did have a matter pending for more than 60 days.

I take my oath and responsibilities quite seriously and therefore stand ready to address this issue as you deem appropriate. Please therefore contact me at your convenience.

Thank you for your time and consideration.

Sincerely,

