

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 07-300

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Complainant: No. 0308100378A

Judge: No. 0308100378B

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**ORDER**

The Commission on Judicial Conduct reviewed a self-reported incident involving delay, and found no wrongdoing on the part of the judge. Although a motion was ruled on after the applicable time limits had expired, the cause of the delay was a procedural problem within the court that the judge has since corrected.

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

Dated: February 11, 2008.

FOR THE COMMISSION

g\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on February 11, 2008.

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

NOV 26 2007

November 20, 2007

Commission on Judicial Conduct  
1501 W. Washington Suite 229  
Phoenix, AZ 85007

Dear Commission Members:

I regret to report \_\_\_\_\_ exceeded the sixty day requirement to rule on an matter taken Under Advisement \_\_\_\_\_ in the \_\_\_\_\_.

This case concerns the request by \_\_\_\_\_  
\_\_\_\_\_ had been appointed as Guardian for \_\_\_\_\_  
however \_\_\_\_\_ after a disagreement arose between the \_\_\_\_\_

\_\_\_\_\_ At the conclusion of testimony, I entered orders for \_\_\_\_\_, and took the matter of \_\_\_\_\_ Under Advisement. I have enclosed a copy of the Minute Entry Order from that hearing.

\_\_\_\_\_ Courtroom Clerks are assigned on a rotating basis for a set period of time, however often a Clerk will only \_\_\_\_\_ for one day. \_\_\_\_\_ "regular" Clerk during that period of time. In \_\_\_\_\_, the Courtroom Clerks are asked to note on a copy of the calendar the result of the hearing and to give that to \_\_\_\_\_ Judicial Administrative Assistant. \_\_\_\_\_ If a matter is taken under advisement, \_\_\_\_\_ Judicial Administrative Assistant adds this \_\_\_\_\_ Under Advisement list and places the file in \_\_\_\_\_ awaiting a ruling. You will see from the copy of the calendar, \_\_\_\_\_ noted that the matter was "completed". Apparently, after signing the Minute Entry Order, a copy of the Minute Entry Order and the Court file were not \_\_\_\_\_ after processing,

which would have triggered \_\_\_\_\_ Judicial Administrative Assistant's placing the matter on the Under Advisement list. In \_\_\_\_\_, the Under Advisement Clerk no longer tracks these matters for the individual divisions.

\_\_\_\_\_ were unaware of this oversight until counsel for \_\_\_\_\_ filed a Motion to Set the matter for trial, and \_\_\_\_\_ pulled the file in order to calendar the matter for trial and discovered the Under Advisement ruling. For some reason, \_\_\_\_\_ did not contact \_\_\_\_\_ to enquire as to the status of the ruling when it became delinquent. Today \_\_\_\_\_ ruled on the matter.

Because \_\_\_\_\_ often have different Courtroom Clerks, \_\_\_\_\_ has previously posted an information sheet for the Clerk on their desk, as to the procedure for Under Advisement rulings, etc., for \_\_\_\_\_ more vigilant in bringing this information to each new Clerk's attention. Additionally, \_\_\_\_\_ make every effort to be sure that every time a case is taken under advisement, \_\_\_\_\_ personally make this information known to \_\_\_\_\_ for calendaring.

\_\_\_\_\_ I regret the necessity for bringing this matter to your attention. Please feel free to contact me if you have any questions regarding the above. Thank you for your attention to this matter.

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