

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-256

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Complainant: No. 0308100555A

Judge: No. 0308100555B

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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 the judge ruled on a motion after the applicable time limit had expired, the delay was the result of an inadvertent clerical error. Therefore, the case was closed pursuant to Rules 16(a) and 23.

Dated: December 12, 2008.

FOR THE COMMISSION

            
Executive Director

Copies of this order were mailed to the complainant and the judge on December 12, 2008.

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

OCT 16 2008

October 9, 2008

Commission on Judicial Conduct  
Attn: E. Keith Stott, Executive Director  
1501 W. Washington Street, Suite 229  
Phoenix, AZ 85007

Dear Mr. Stott:

Re: Self-Report of Under Advisement Error

Attached for your reference is a copy of the Minute Entry, I completed this under advisement and sent it to my judicial assistant. However the ruling did not reach the file, was not electronically imaged or distributed via the Clerk's Office. I did not receive a complaint of delay from either self represented party in the case. I discovered the error on October 8, 2008, during a subsequent hearing before me.

The procedure in my division for tracking under advisements is for my courtroom clerk to place the language in caps in the Minute Entry and to also note the daily calendar, additionally a copy is noted to the Under Advisement Clerk. The U/A Clerk may or may not track the time limits. My own judicial assistant is also independently charged with tracking the completion of the under advisement. My judicial assistant keeps a separate tickle log of any u/a pending from the daily calendar and cross checking the division copies of the Minute Entries.

The dual tracking system is the best method I know to safeguard against lost under advisements. I discussed the case with my judicial assistant. In the future, she will track all under advisements on an Excel spreadsheet with a separate check off review to confirm the Ruling went through the Clerk's distribution and imaging system. The other safeguards shall remain in place.

**CJC - 08 - 256**

While we work as a team to cross check for errors, the responsibility for the failure to distribute the under advisement on time rests with me. This is the first error of this nature that I am aware of. The last error similar to this one occurred on October 7, 1997. If you or the Commission have any questions, please let me know.

Sincerely yours,