

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-264

Complainant: No. 0308110699A

Judge: No. 0308110699B

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: January 28, 2009

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on January 28, 2009.

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

OCT 23 2008

Keith Stott, Jr. Director
Commission on Judicial Misconduct
1501 W. Washington Street, Ste. No. 229
Phoenix, AZ 85007

October 3, 2008

Dear Mr. Stott:

I write to self-report due to an oversight in addressing a motion in costs. The case is and a motion was ruled on approximately 33 days after the 60-day deadline. The facts are as follows:

1. a Motion for fees associated with service was received by Judge Division.
2. I took over Judge calendar.
3. a response was filed.
4. a reply was filed, and received in the Division
5. Trial was held in the matter on Without checking FTR (the audio recording of the trial), I do not recall that matter being brought to my attention. By written order, I timely ruled on trial matters and timely ruled on a subsequent motion for a new trial.
6. the Division received a "Request for Ruling." I immediately ruled on the extant motion.
7. I called your office to "self-report" and now follow up with this letter.

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Our computerized system shows that the matter was received by my Judicial Assistant and "tickled" for me to address. I do not remember seeing it at all.

"Tickling" is a date-file system. Motions are calendared and placed in the file, under the date upon which they are to be delivered to me. That date is the due date for a response or reply, as called for under the circumstances. I checked the "tickler" and did not find the motion. Apparently, the file was misplaced. I have not found it.

This problem arose, I am sure, simply from the confusion inherent with the transition between judges. Indeed, my Judicial Assistant reorganized Judge tickler system. This is not to say that I, in any way, am defecting responsibility. The opposite is true. In fact, I am responsible and very troubled.

In direct response to the oversight I have implemented a new "tickler review" procedure, by which the tickler will be reviewed at the beginning and the end of each day. We will be sure that all "tickled" matters are given to me in a timely manner. Additionally, we will maintain a written list of all matters given to me from the tickler, to be kept separately, along with a due date---- to be sure they get ruled on within the time limits. The written list will be maintained by the Judicial Assistant and reviewed weekly.

As you can expect, I find the matter very disconcerting. Rest assured, I will do everything under my control to be sure that such an occurrence will not repeat itself.

Very truly yours,