

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-272

Complainant: No. 0308110760A

Judge: No. 0308110760B

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 limits had expired, the judge has taken affirmative steps to ensure that delay will not occur again.

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

Dated: March 12, 2009

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 12, 2009.

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

November 5, 2008

NOV 07 2008

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

Subj: Overdue Rulings

The purpose of this letter is to follow up on my email from last week wherein I advised the Commission that I had several matters which were beyond the 60-day ruling requirement. Please be advised that with the help of my Presiding Judge, I have taken steps to correct the problem and, hopefully, ensure it does not reoccur.

I was appointed to the bench on _____ and was, of course, advised of the 60-day requirement for ruling on matters I had taken Under Advisement. Until last week, I had never gone past the 60 days on Under Advisement Rulings. However, as a result of my recent NJO training

I became aware that the 60-day requirement applies to ANY matter submitted to me for a decision, including motions, petitions and applications of any kind. I immediately reviewed my existing cases and, in conjunction with my Judicial Assistant, generated a list of the past due matters.

The matters that I had not ruled on in a timely manner were cases such as lower court appeals, applications for attorneys' fees and several motions to dismiss/ motions for summary judgment. In addition, I had a domestic trial that took me 65 days to rule on. For the most part, the past due matters all involved issues I needed time to research and write. Frankly, speed reading and fluent writing are not my strong suits, but I am getting faster.

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Since becoming aware of the situation, I have been able to clear my calendar for the remainder of this week and a few days next week. As a result of some early mornings and late nights, I have been able to get the oldest matters resolved. As of today, all matters older than 60 days are resolved. I am now left with 5 matters that will be approaching the 60-day deadline by next week. Those will be resolved before they get to the 60 days.

I have now developed a better system for tracking those matters submitted to me for decision. And with the help of other Judges, I have developed subject matter outlines that I use on the bench to help me make better and faster decisions.

Obviously, as I spend more time on the bench, I am becoming more comfortable ruling from the bench. Also, as similar matters come across my desk, I need less time to research the issues. I realize there is always a fine balance between quality and quantity.

I appreciate the Commission's understanding of this situation and am prepared to provide any additional information that is requested. Please let me know if I need to actually meet with anyone to further address this matter.

Thank you.