

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-019

Complainant: No. 0308110082A

Judge: No. 0308110082B

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 understandable under the circumstances, because new motion had been filed while the original matter was pending.

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

Dated: April 7, 2009

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on April 7, 2009.

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



Superior Court of Arizona

JAN 28 2009

PHONE:
FAX:
TDD:

January 27, 2009

✓ Keith Stott
Judicial Ethics Commission
1501 W. Washington St.
Suite 229
Phoenix, AZ 85007

RE:

Gentlemen:

Enclosed please find a copy of a minute entry I issued this date.

Please also accept this letter as my self-report for what appears to be a violation of Arizona Rules of the Supreme Court, Rule 91(e).

As you will note from the minute entry, I simply erred. Upon receiving a copy of the Reply to the Motion for Partial Summary Judgment, I had the file pulled, placed on my desk and I calculated my 60 day time limits, ie., December 20, 2008.

Unfortunately, when the Objection to the Defendants' Reply (Plaintiff's sur-Response) was filed on November 21, 2008, I apparently simply "added" time for the Defendants' Response (Defendants' sur-sur-Reply) and then when that Pleading arrived on December 3, 2008, I "recalculated" my 60 days from that date (ie., February 3, 2009), because in my quick review of the additional Pleadings, I determined they contained information relevant to my decision on the matter.

By the time the additional Pleadings were filed, I had read the Motion and part of the Response, but when the additional Pleadings came in and I scanned them, I felt they were relevant, and I noticed I now had what appeared to be several hundred pages of Pleadings to read. It appears I then allowed myself to slip in my usual care in calculating my time to complete my work.

Frankly, I was somewhat relieved I now had "more time", so I could finish work on several other files before my Christmas vacation, and then return to the Motion for Partial Summary Judgment after Christmas.

I regret my lapse in judgment. My minute entry includes an apology to the parties. I truly hope further action on your part is not necessary, but I stand ready to comply with whatever course of action you deem appropriate.

Sincerely,