

“...And Justice For All”



An Orientation for
Arizona Judicial
Staff

**Arizona Supreme Court
Administrative Office of the Courts
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“...And Justice For All”
An Orientation for Arizona Judicial Staff
A Curriculum for Court Employees



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Acknowledgments

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Preface

And Justice for All: An Orientation for Arizona Judicial Staff was designed with flexibility in mind. This program consists of three main sections and a local court information section. Each of the three main sections includes a videotape that can be viewed at the beginning of a section or at the end. This program can be one full-day course or can be broken into segments. Also, the program can be used as self-study modules in cases where a classroom session is not possible.

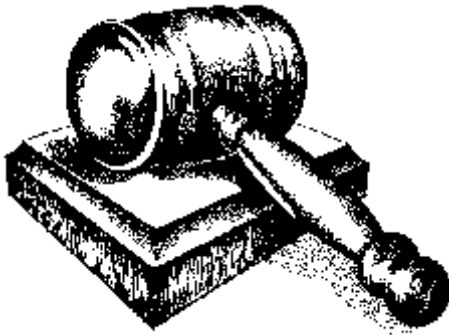
This course is not intended to give you a full orientation to your new job. That is not possible. You will learn much of what you need to know about your job from co-workers, from local, customized training programs, and from experience on the job. This course is designed to acquaint you with the basics of the court system in Arizona, standards of customer service, and programs that Arizona is undertaking to improve access to information for our citizens.

General Program Objectives

The program emphasizes three objectives for new court employees:

- C an understanding of the structure of the Arizona court system, the court processes, and roles of people involved in a case.
- C a minimum standard of customer service skills.
- C an introduction to judicial employee code of conduct and statewide court improvement programs.

“...And Justice For All”



**An Introduction
to the Arizona Court
System**

Contents of this Section:

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Arizona Courts: The Historical Perspective

Dec. 9, 1910 The Arizona Constitutional Convention completed the Arizona Constitution and sent it to the people for ratification. Article VI of the constitution created the judicial system.

Feb. 14, 1912 President Taft declared statehood for Arizona.

1912 The Arizona Legislature established superior, juvenile and justice of the peace courts.

1913 The Arizona Legislature established police (municipal) courts for each of the state's incorporated cities and towns.

1960 Voters approved the Modern Courts Amendment, which Amended Article VI by;

C giving the Supreme Court administrative supervision over all courts of the state;

C increasing the number of Supreme Court justices from three to five;

C giving the Supreme Court authority to "make rules relative to all procedural matters in any court;" and authorizing creation of the Court of Appeals.

C requiring that:

- justices and judges not practice law or hold any other public office or employment during their term of office;
- justices and judges hold no office in any political party, nor campaign in any election other than their own;
- Supreme Court justices, Court of Appeals judges and Superior Court judges must retire at age 70.

1965 Legislation established the Court of Appeals.

1970 Established the Commission on Judicial Qualifications (now called Commission on Judicial Conduct). The Commission investigates complaints against any judge in the state.

1974 Voters Approved:

C Merit selection and retention election of justices for the Supreme Court and judges for the Court of Appeals. This system also applies to judges for the Superior Court in counties with 150,000 or more people (at present, Maricopa and Pima Counties). In 1992, voters changed this population cutoff to 250,000, still limiting it to the two largest-populated counties. The amendment requires the governor to appoint these judges from a list submitted by judicial nominating commissions.

C All other counties currently elect their judges, but are authorized to use the merit selection process if they wish.

1992 Changes to Merit Selection:
 Proposition 109 amended the constitution to require public input and the establishment of a process to review judges' performance. Judges' job performance is reviewed and reports concerning performance are distributed to the public prior to each general election. The performance evaluation process includes surveys from jurors, witnesses, litigants, administrative staff and attorneys who have interacted with the judge in a judicial setting. The public provides input through written comment and public hearings. In addition, public committees screen and recommend candidates to the governor for membership on three commissions that nominate judges to fill vacancies on the bench.

Types of Cases

	CIVIL CASES	CRIMINAL CASES
DEFINITION	Usually a dispute between private citizens, corporations, government bodies, and other organizations which involves disagreements about contracts, money or property.	Brought by the government against individuals or corporations accused of committing a crime which violates a state, county or city law or ordinance.
EXAMPLES	contract disputes negligence divorce child custody discrimination small claims	robbery murder vandalism assault DUI theft
STANDARD OF PROOF	Preponderance of the Evidence-- more than half of the evidence has to support the decision of the judge or the jury. Person is found "responsible" or "not responsible"	Beyond a Reasonable Doubt Plea of "guilty", "not guilty" or "no contest". If plea of "not guilty" is entered, a trial by a jury of peers is held.

Today's Court System Has Three Levels

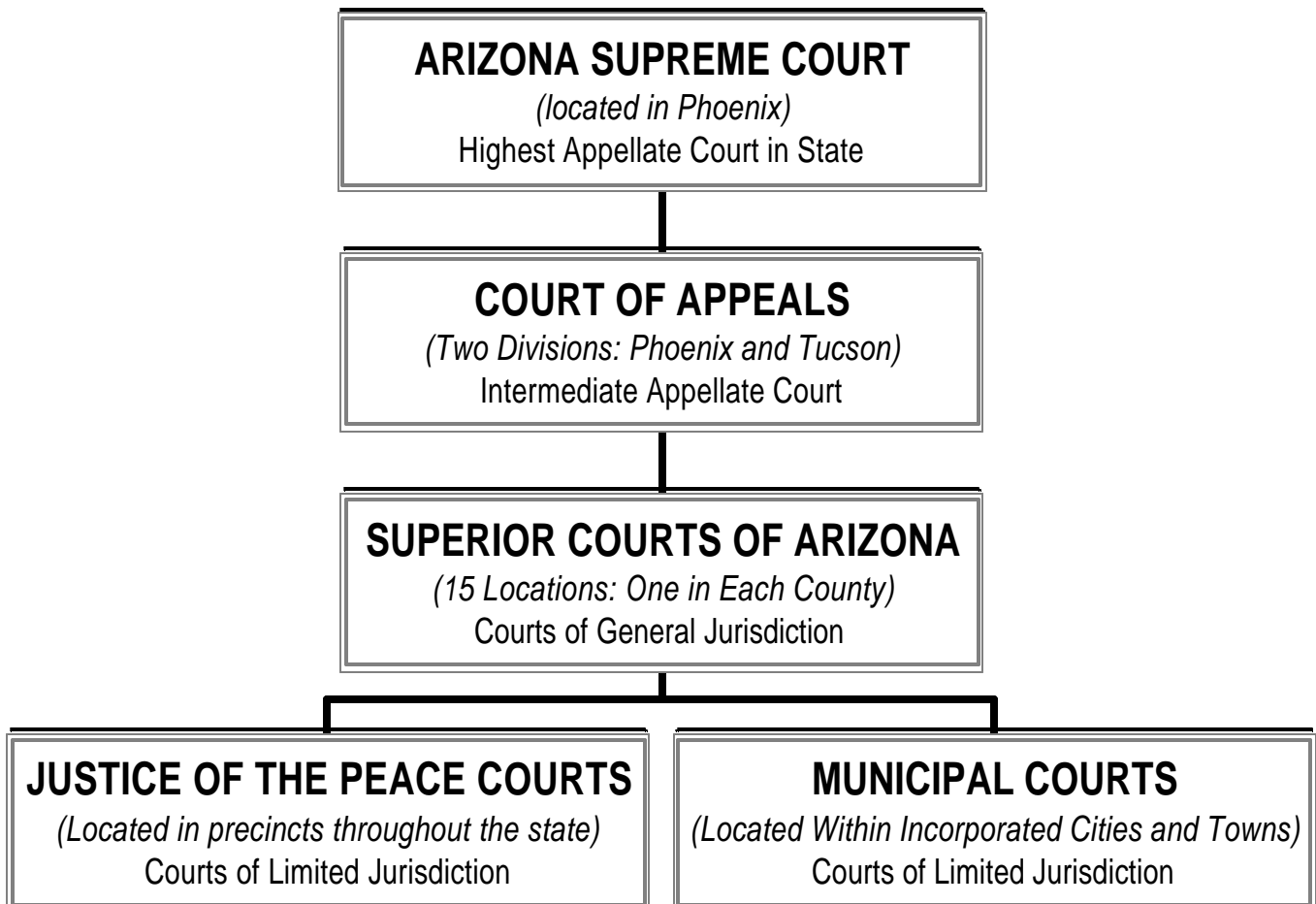
Limited Jurisdiction Courts are Justice of the Peace and Municipal (or City) Courts. These courts have jurisdiction over a limited variety of cases. They are non-record courts, meaning that permanent records of court proceedings are not required in limited geographical areas. However, some courts do make a record of proceedings.

The **General Jurisdiction Court** is the Superior Court of Arizona, a statewide trial court. This court hears the widest variety of cases and keeps permanent records of court proceedings. Each county in Arizona has at least one division of the Superior Court of Arizona.

The **Appellate Courts** include both the Court of Appeals and the Supreme Court. Appellate Courts have jurisdiction to review trials and decisions appealed to them. The Court of Appeals hears most appeals from Superior Court. The exceptions are death penalty appeals and some cases involving elected officials and disputes between counties, which go directly to the Supreme Court.

Arizona Judiciary Organizational Chart

This chart will help the reader understand the organization of Arizona's judicial system. The connecting lines from the lower courts upward indicate the normal route of appeal. For example, an appeal of a decision from a Justice of the Peace Court is heard in Superior Court.



To appeal a decision from the Court of Appeals, the appellant must file a Petition for Review requesting a Supreme Court hearing. Unlike the Court of Appeals, the Supreme Court is not required to hear every appeal; this is called “discretionary” review. The Supreme Court judges, known as “justices,” evaluate the case and decide whether they will review it.

Limited Jurisdiction Courts

Municipal Courts

Many incorporated cities or towns have a Municipal Court, also known as a City Court or Magistrate Court. Municipal Courts have criminal jurisdiction over misdemeanor crimes and petty offenses committed in their city or town. They share jurisdiction with Justice of the Peace Courts over violations of state law committed within their city or town limits.

Municipal Court judges hear misdemeanor criminal traffic cases such as driving under the influence of alcohol, hit-and-run, and reckless driving where no serious injuries occur. They hear civil traffic cases, violations of city ordinances and codes, and issue orders of protection and injunctions prohibiting harassment. They can also issue search warrants and handle domestic violence and harassment cases. They DO NOT hear civil lawsuits between citizens.

City charters or ordinances establish the qualifications of these judges, who may not have to be lawyers to serve as judges. City or town councils appoint their judges except in Yuma, where municipal court judges are elected. Judges serve terms set by the city or town council; their terms must be at least two years. Courts have court clerks who provide clerical assistance and schedule cases. In larger cities, the courts may also have court administrators.

Justice of the Peace Courts

Each county's board of supervisors sets the geographical boundaries, known as precincts, of that county's Justice of the Peace Courts. Generally, Justice of the Peace precincts are larger than city or town limits and typically incorporate an entire city or town, and pieces of other communities as well. Although these geographical boundaries can be changed, the precincts cannot be abolished until the four-year term of the current justice of the peace expires.

Justice of the Peace Courts hear traffic cases and certain civil and criminal cases. They can issue search warrants and handle domestic violence and harassment cases. Their civil jurisdiction is limited to cases involving claims of \$5,000 or less. Justice courts share jurisdiction with the Superior Court in cases of landlord/tenant disputes where the rental value does not exceed \$1,000/month and damages are \$5,000 or less. They can hear matters regarding possession of, but not title to, real property.

The Superior Court presiding judge in each county appoints special hearing officers to decide small claims cases in the justice court that are less than \$2,500. Small claims cases are decided before the judge or hearing officer. No attorneys are allowed to represent clients in these cases. Defendants who want to use an attorney may move the case from the small claims division to the civil division of the justice court.

When conducting preliminary hearings on felonies, justices of the peace may require defendants to answer criminal charges in Superior Court. They also may dismiss charges if there is no probable cause to believe the defendant is guilty.

Justice of the Peace Courts have criminal jurisdiction over:

1. Petty offenses and misdemeanors
2. Assault or battery — when not committed on a public officer in the discharge of the officer's duties, or committed with intent to make the offense a felony
3. Breaches of peace and committing a willful injury to property
4. Misdemeanors and criminal offenses punishable by fines not more than \$2,500, or imprisonment in county jail, not more than six months, or both fine and imprisonment, and
5. Felonies, for the purpose of issuing warrants and conducting preliminary hearings.

Court Personnel

Most justice of the peace precincts have an elected constable. The constable's duties are to "execute, serve and return all processes and legal documents as directed by the court."

Some statutes relating to sheriffs also govern the powers, duties and liabilities of constables. The justice of the peace usually has one or more court clerks to provide clerical assistance and maintain court records. Additionally, Justice of the Peace Courts in some busy urban precincts have a court administrator.

JUSTICE OF THE PEACE QUALIFICATIONS:

- C Elected to a four-year term.
- C Must be at least 18 years old.
- C Must be an Arizona resident.
- C Must be a qualified voter in the precinct in which duties of office will be performed.
- C Must read and write English.
- C Need not be an attorney.

General Jurisdiction Court

The **Superior Court** is the state's general jurisdiction court. Each county has at least one Superior Court judge. In counties with more than one superior court judge, the judges operate in numbered divisions. Superior Court judges may hear all types of cases except small claims, minor offenses, or violations of city codes and ordinances.

Article VI, Section 14 of the Arizona Constitution provides the Superior Court with jurisdiction over:

- C Cases and proceedings in which exclusive jurisdiction is not vested by law in another court.
- C Equity cases that involve title to or possession of real property or the legality of any tax, impost, assessment, toll or municipal ordinance.
- C Other cases in which the value of property in question is more than \$5,000, exclusive of interest and costs.
- C Criminal cases amounting to a felony, and misdemeanor cases not otherwise provided for by law;
- C Forcible entry and detainer actions (evictions of renters).
- C Proceedings in insolvency (however, bankruptcy is handled in federal court).
- C Actions to prevent or stop nuisances.
- C Matters of probate (wills, estates).
- C Dissolution or annulment of marriages (divorces).
- C Naturalization and the issuance of appropriate documents for these events.
- C Special cases and proceedings not otherwise provided for, and such other jurisdiction as may be provided by law.

Appellate Court Role of the Superior Court

The Superior Court acts as an appellate court for Justice of the Peace and Municipal Courts.

Probation Supervision

The Superior Court probation department supervises adults and juveniles on probation.

Court Personnel

The Arizona Supreme Court designates a presiding judge for counties with two or more Superior Court judges. In single-judge counties, that judge holds the administrative authority.

A 1971 state law (A.R.S. § 12-141) authorized the Chief Justice of the Supreme Court to appoint judges pro tempore (temporary judges) for six-month terms to assist with caseloads. These judges usually

work part-time. A judge pro tempore must be at least 30 years of age, of good moral character, a resident of Arizona and admitted to the practice of law in Arizona for not less than five years immediately preceding the appointment. A judge pro tempore may be appointed to serve in the county where he or she lives, or another county.

Each county has a Superior Court clerk elected to a four-year term. The clerk maintains court case files; certifies documents; collects fees; issues summonses, subpoenas, passports and marriage licenses; and performs other duties required by law. Some counties offer these services in more than one location.

In some counties, the clerk also serves as the jury commissioner. However, in larger counties, a separate jury commissioner may be appointed.

Larger Arizona counties also have court administrators to assist the presiding judge with caseload management, records management, financial management, and other administrative projects.

A county's Superior Court presiding judge may appoint court commissioners to perform limited judicial duties if the county has at least three judges. These commissioners hear cases where an uncontested charge has been entered against someone. They may also conduct the initial appearance of a defendant charged with a crime.

SUPERIOR COURT JUDGE QUALIFICATIONS:

Superior court judges obtain their authority from Article VI of the Arizona Constitution.

In the Superior Court system:

C Each court is entitled to one Superior Court judge and one additional judge for every 30,000 county residents or majority fraction thereof.

C Superior Court judges serve four-year terms. There are now more than 100 Arizona Superior Court judges; most serve in Maricopa and Pima counties.

A Superior Court judge must be:

C At least 30 years old.

C Of good moral character.

C Admitted to the practice of law in Arizona and a resident of Arizona for the five years immediately before taking office.

Special Divisions and Duties of the Superior Court

Juvenile Court

Counties with more than one Superior Court judge also have a special juvenile court. One or more Superior Court judges are assigned to hear all juvenile cases on delinquency, incorrigibility and dependency. Juvenile traffic cases may be heard by a court other than the juvenile court (if the presiding juvenile court judge allows it).

Arizona Tax Court

The Arizona Tax Court, established in 1988, has jurisdiction over all questions of law and fact relating to disputes involving the imposition, assessment or collection of Arizona taxes. Although the Tax Court is a department of the Superior Court in Maricopa County, it handles cases from throughout the state.

A taxpayer may choose to use the small claims division of the Tax Court for certain cases. The small claims division hears disputes concerning the valuation or classification of "class five" property (your home), or where the full cash value of all real and personal property does not exceed \$300,000. In addition, the small claims division judges hear all tax cases in which the amount of taxes, interest at the time of assessment, and penalties are less than \$5,000. There is no right to appeal the decision of the Tax Court's small claims division.

Arbitration

Arizona statutes require arbitration in most civil cases not exceeding \$50,000. These cases are heard by one to three arbitrators who are attorneys appointed by the court. Hearings are conducted in an informal setting and manner that saves money and reduces the number of cases in trial courts. Arbitrators act as judges. They listen to both sides and make decisions based on the law. Arbitration decisions can be appealed, but usually are not. When a decision is appealed, the case is heard from the start (trial de novo) in Superior Court.

Appellate Courts

Arizona has two appellate courts: The Court of Appeals is the intermediate appellate court; the Supreme Court is the court of last resort.

Court of Appeals

The Court of Appeals was established in 1965 as the first level of appeal from a Superior Court. It has two divisions: Division One in Phoenix (16 judges) and Division Two in Tucson (six judges).

The Court of Appeals:

- C Hears and decides cases in three-judge panels.
- C Has jurisdiction in all matters properly appealed from Superior Court.
- C Reviews all decisions properly appealed to it.

Division One of the Court of Appeals also has statewide responsibility for appeals from the Industrial Commission, unemployment compensation rulings of the Department of Economic Security, and rulings by the Arizona Tax Court.

The appeals process is generally the same for both civil and criminal cases. (Filing fees are assessed in civil cases, but not in criminal cases).

Court Personnel

Each division of the Court of Appeals has a clerk of the court and other support personnel. Their duties are outlined in A.R.S. § 12-120.9. A Clerk of the Court of Appeals maintains official records and case files for the Court of Appeals and handles the administrative duties of the court.

COURT OF APPEALS JUDGE QUALIFICATIONS:

- Ⓒ At least 30 years old.
- Ⓒ Of good moral character.
- Ⓒ A resident of Arizona and admitted to the practice of law in Arizona for the five years immediately prior to taking office.

The Supreme Court

The Supreme Court's primary judicial duties under Article VI, Sec. 5 of the Arizona Constitution are to review appeals and to provide rules of procedure for all the courts in Arizona. It is the highest court in the state of Arizona and is often called the "court of last resort."

The Supreme Court has discretionary jurisdiction. Therefore, the court may refuse to review the findings of the lower court. Cases in which a trial judge has sentenced a defendant to death, however, automatically go to the Supreme Court for review, and review *cannot* be denied.

Supreme Court Justices

Five justices serve on the Supreme Court for a regular term of six years. One justice is selected by fellow justices to serve as Chief Justice for a five-year term. In addition to handling case work like the other justices, the Chief Justice oversees the administrative operations of all the courts in Arizona.

The Supreme Court:

- Ⓒ May choose to review a decision of the Court of Appeals when a party (the plaintiff or defendant in the original case) files a petition for review.
- Ⓒ Always hears the appeal when the Superior Court imposes a death sentence.
- Ⓒ Regulates activities of the State Bar of Arizona and oversees admission of new attorneys to the practice of law.
- Ⓒ Reviews charges of misconduct against attorneys, and has the authority to suspend or disbar them.
- Ⓒ Serves as the final decision-making body when disciplinary recommendations are filed against Arizona judges by the Commission on Judicial Conduct.

The Court's Role in the Impeachment Process

Impeachment is a political process designed to deal with public officials accused of committing high crimes, misdemeanors or misconduct in office. The person is charged, tried, and if convicted, removed from office.

The Chief Justice of the Supreme Court presides over Senate impeachment trials but renders no decision as to the guilt or innocence of the public official on trial. Formal charges for an impeachable offense are initiated by a majority vote of the Arizona House of Representatives. Conviction for the impeachable offense requires a two-thirds vote in the Senate. Upon conviction, a public officer is removed from office.

The role of the Supreme Court in the impeachment process is set forth in Article VIII, Part 2, Section 1 of the Constitution of the State of Arizona.

Court Personnel

The Arizona Constitution authorizes the Supreme Court to appoint a Clerk of Court and assistants. According to A.R.S. § 12-202, the clerk shall attend sessions of the court, issue legal paperwork, enter all court orders, judgments and decrees, and keep other books of record and perform other duties as required by law or the court. The clerk's office maintains the court's official files and assists in scheduling matters for decisions and oral arguments. The clerk's office is also responsible for publishing and distributing the court's written opinions.

SUPREME COURT JUSTICE QUALIFICATIONS:

- C Must be admitted to the practice of law in Arizona and be a resident of Arizona for the 10 years immediately before taking office.
- C Must be at least 30 years old
- C Must be of good moral character.
- C Must retire at age 70.

Key Figures in the Courtroom

1. The **Judge** is the central figure in the courtroom and is generally seated higher than everyone else. The judge allows both sides the opportunity to present their version of the facts. The judge oversees the trial and decides legal questions that arise.
2. The **Courtroom Clerk** sits at the desk to one side of the judge. The clerk is an officer of the court and records a summary of what happens in a case, orders made by the court during the trial, and the verdict at the end of the trial. The clerk also administers the oath or affirmation to jurors and all witnesses before they testify and marks all exhibits when they are received in evidence.
3. **Witnesses** give testimony concerning the issue being tried.
4. The **Bailiff** is charged with keeping order in the courtroom during a trial. The Bailiff opens and closes the court each day and attends to the jury by sitting outside the jury room while the jury is deliberating on a verdict.
5. The **Court Reporter** records, in shorthand or on a machine, everything that is spoken on the record in the courtroom. These notes may be transcribed if necessary.
6. The **Plaintiff** (also called Petitioner) is the person who starts a lawsuit. In a criminal case, this would be the State of Arizona.
7. The **Defendant** (also called Respondent) in a civil case is the person against whom the lawsuit is brought. In a criminal case, the defendant is the person charged with an offense.
8. **Lawyer, Attorney, Counsel** are names referring to the legal representative of a party in a trial.
9. **County Attorney** or **Attorney General** is the prosecuting officer who represents the State in criminal cases.
10. The **Jury** is a group of individuals from the community selected to hear evidence in a court case and decide the case based on the facts presented.
11. Members of the public observing court proceedings sit in the public seating or **Spectators** area. The Sixth Amendment to the Constitution guarantees a defendant the right to a public trial.

Serving as a Juror

Jurors are the heart of the judicial system in the United States. In all serious criminal cases, defendants are entitled to a trial by a jury representative of the community.

THREE TYPES OF JURIES

Trial or Petit Jury

County Grand Jury

State Grand Jury

Trial or Petit Juries

Since 1980, names of prospective jurors have been obtained by random selection from lists of registered voters and licensed drivers who are 18 years of age and older. The Supreme Court may also designate other lists of residents from which jurors may be selected.

All U.S. citizens who are at least 18 years of age and are residents of the jurisdiction in which they are summoned to serve are eligible for jury duty. Persons qualified to be jurors can be exempt from service only if they have been determined to be mentally incompetent or insane, or if they are a convicted felon whose civil rights have not been restored. There are no automatic excuses or exemptions from jury duty.

Prospective jurors may be called for service by a Justice of the Peace or Municipal Court or by the jury commissioner of the Superior Court. Once selected, a prospective juror is subject to being called to court for 120 days, although in some courts the period is shorter, sometimes just one day or just one trial.

In Superior Court, a trial jury for a criminal case consists of 8-12 persons, depending on the severity of the possible sentence. A unanimous verdict is required.

For Superior Court civil cases, there are eight people on the jury; the agreement of six members is required to return a verdict.

In limited jurisdiction courts, there are six-member juries. Unanimous agreement is required for a verdict in criminal cases, and five of the six jurors must agree on a verdict in civil cases.

County Grand Jury

A county grand jury has the responsibility to investigate possible public offenses, including "corrupt or willful misconduct in office by public officials." A grand jury is 12-16 citizens who have qualified for jury service in the county; they usually are subject to being called into session for a period of not more than 120 days.

To begin a criminal case, the county attorney may present evidence to a grand jury and ask them to return a criminal indictment or "true bill," formally accusing someone of a crime.

An indictment means that at least nine members of the grand jury believe a crime has been committed and that there is enough evidence against the person to hold a trial.

State Grand Jury

The powers and duties of the state grand jury are similar to those of the county grand jury, except they extend statewide. Up to three grand juries can be assembled ("impaneled") simultaneously at the state level. The scope of the investigations of a state grand jury is specified by law. The Supreme Court makes rules that govern the procedures of grand juries.

Managing The Judiciary

In addition to reviewing cases, the Supreme Court sets the rules for operation and oversees the administration of all courts in Arizona. Managing the judiciary is a daunting task and requires the help of many commissions, committees and organizations.

**ARIZONA JUDICIAL
COUNCIL**

**JUDICIAL NOMINATING
COMMISSIONS**

ARIZONA SUPREME COURT

Administrative Office of the Courts

**COMMISSION ON
JUDICIAL CONDUCT**

**COMMISSION ON JUDICIAL
PERFORMANCE REVIEW**

The **Arizona Judicial Council** was established in 1990 by the Chief Justice to assist the Supreme Court in developing and implementing policies and procedures for managing the court system. It operates with four standing committees: the Commission on Technology, the Committee on Judicial Education and Training, the Committee on the Superior Court, and the Limited Jurisdiction Committee. The Arizona Judicial Council is chaired by the Chief Justice and membership includes judges, the Administrative Director of the Courts, the President of the State Bar, two public members, and one Clerk of Superior Court.

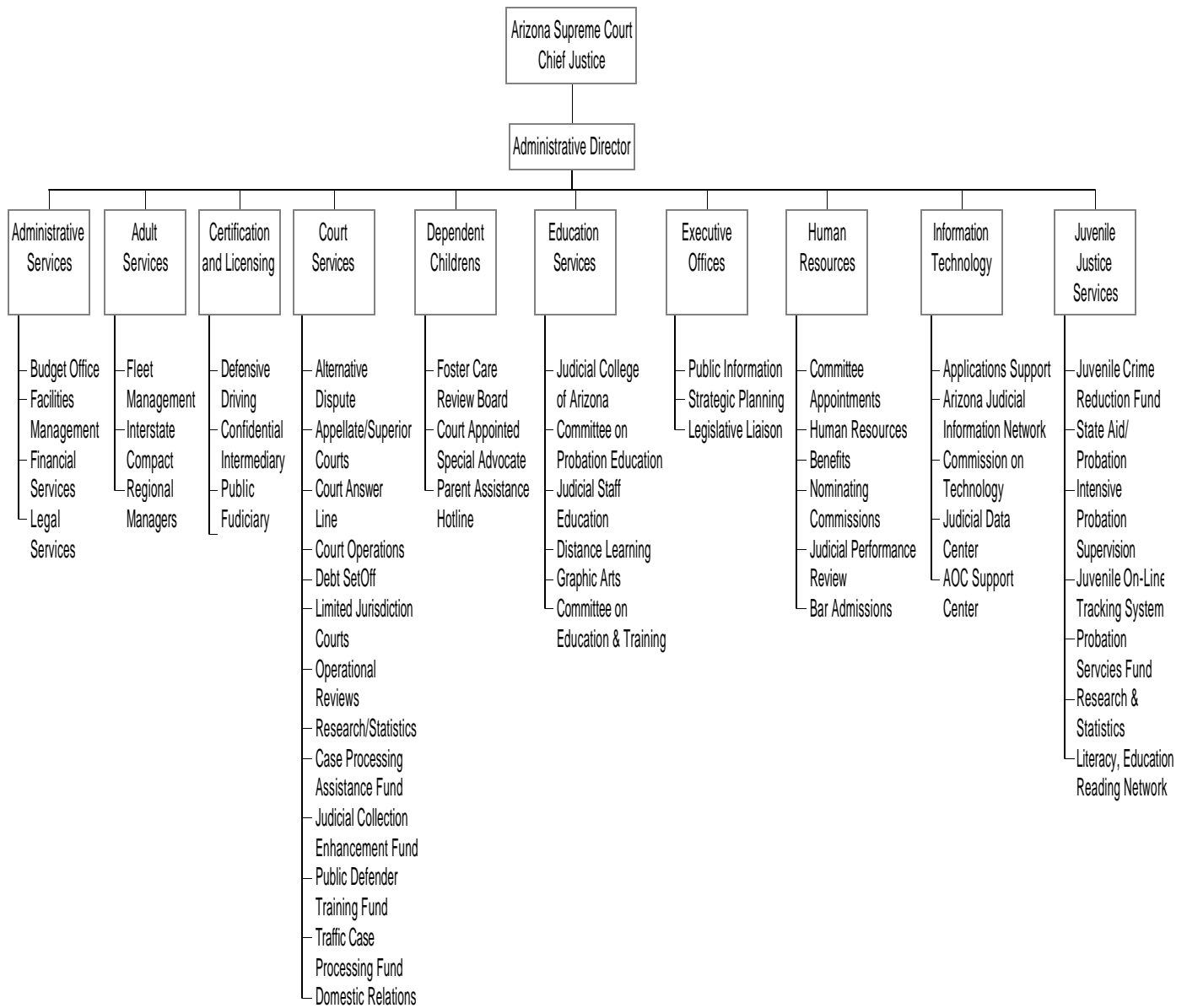
The **Commission on Judicial Performance Review** administers performance evaluations of Maricopa and Pima Superior Courts and all appellate judges up for retention election by voters. The performance evaluation includes surveys of jurors, witnesses, litigants, administrative staff and attorneys who have observed the work of the judge. Public input is also provided through written comment and public hearings.

The **Commission on Judicial Conduct**, also under the authority of the Supreme Court, is an independent agency that investigates complaints against state and local judges involving violations of the Code of Judicial Conduct. The commission has authority to discipline a judge informally and to issue private sanctions for improper conduct. The commission also has the power to initiate formal proceedings against a judge for serious misconduct. Judicial members of the commission are appointed by the Supreme Court and serve a six-year term.

And finally, the **Judicial Nominating Commissions** hear public testimony and make recommendations to the governor for appointments of Superior Court judges. The governor appoints new judges based on these public hearings and recommendations. Members of the judicial nominating commissions are appointed by the governor and approved by the Senate.

Under the direction of the Chief Justice, the **Administrative Office of the Courts** exists to provide the necessary support for the supervision and administration of all state courts.

The Administrative Office of the Courts or AOC recognizes the need to help state courts fulfill their mission. From educational programs; juvenile justice programs; juvenile and adult probation services; dependent children and families programs; domestic relations education, child support information, and domestic violence concerns; to ACAP, the Arizona Courts Automation project which is computer technology that is automating the Arizona court system for the next century, the AOC performs many functions and services that enhance the court's responsiveness as a system.



How a Case Flows through the System

Please note: This is intended to give only a general overview of the Arizona court system and its procedures. Not all cases proceed as outlined here.

Case Processing in Limited Jurisdiction Courts

Limited jurisdiction courts usually process criminal cases as follows:

Initial Appearance

First appearance in court by a defendant. The defendant is advised of the charges. Judge appoints an attorney if defendant cannot afford one.

Arraignment

Defendant appears in court to enter a plea of guilty or not guilty. (Note: Many limited jurisdiction courts combine the initial appearance and arraignment.)

Trial

If the defendant pleads not guilty, a trial is held. The judge, or at the defendant's request, a jury, can hear evidence on the charges and find the defendant guilty or not guilty.

Sentencing

If the defendant is found guilty, the court imposes the required punishment (sentence).

Appeals

Appeals from decisions of limited jurisdiction courts go to Superior Court. Appeals may be heard as a new trial (trial de novo), or the Superior Court judge may review records of trial proceedings, if records have been kept. Decisions in small claims court cannot be appealed.

Superior Court Case Processing

The two major types of court cases are criminal and civil. Trials in both criminal and civil cases are generally conducted the same way.

After all the evidence has been presented and the judge has explained the law related to the case to a jury, the jurors decide the facts in the case and render a verdict. If there is no jury, the judge makes a decision on the case.

Criminal Cases

Criminal cases involve the commission of acts that are prohibited by law and are punishable by probation, fines, imprisonment--even death. The attorney representing the state, county or municipal government that formally accuses an individual of committing a crime is the prosecutor. The party charged with the crime is the defendant.

Steps in a Criminal Case:

1. Arrest

A person is arrested by a law enforcement officer who either observes a crime or has a warrant for arrest when probable cause exists that a person committed a crime. When a person is arrested, that person must be brought before a judge for an initial appearance within 24 hours of being arrested or must be released.

In some criminal cases, facts may be presented to a state or county grand jury to determine whether there is probable cause to believe the person under investigation is guilty of the offense. If the grand jury believes there is probable cause, the jurors will return an indictment ("true bill") formally accusing the person of the crime.

2. Initial Appearance

At the initial appearance, the judge determines the defendant's name and address and informs the defendant of the charges and of the right to remain silent and to have an attorney. The judge appoints an attorney if the defendant cannot afford one and sets the conditions for release from jail.

3. Preliminary Hearing

If a preliminary hearing is held (usually by a justice of the peace), the judge hears evidence and testimony from witnesses called by the prosecuting attorney and the defendant's attorney. If the judge determines there is enough evidence to believe the defendant probably committed the crime, the defendant is held for trial in Superior Court, and an arraignment date is set.

4. Arraignment

At the arraignment, the defendant enters a plea of "guilty," "not guilty" or "no contest." If the defendant enters a "not guilty" plea, the judge will set a trial date. If the defendant enters a "guilty" plea or declares "no contest" to the charges, the judge will set a date to sentence the defendant for the crime.

5. Trial

Opening Statements

- C The defendant has the right to a trial either before a jury or a judge. When the court is ready for the trial to begin, opening statements are made by both sides. In a criminal case, the prosecuting attorney speaks first.
- C To begin, the attorney gives an overview of the facts to be presented. The opposing attorney may present the same type of opening comment or may reserve the opening statement until later in the trial when that side of the case begins. Either attorney may choose not to give an opening statement.

Witnesses

- C The prosecuting attorney will begin the case by calling witnesses and asking them questions. This is "direct examination."
- C Witnesses in all trials take an oath or affirmation that what they say in court is true. All trial evidence, including testimony and physical evidence such as documents, weapons or articles of clothing, must be acceptable as defined by the Arizona Rules of Evidence before they can be admitted into evidence and shown to the jury. The judge decides what evidence and testimony are admissible under the rules.
- C In a criminal trial, the prosecuting attorney presents evidence and testimony of witnesses to try to prove the defendant committed the crime. The attorney for the defendant may present evidence and witnesses to show that the defendant did not commit the crime or to create a reasonable doubt as to the defendant's guilt. However, the defendant is considered innocent of the crime charged until proven guilty.
- C When the prosecution's side has completed its questioning of a witness, the defense is allowed to "cross-examine" the witness on any relevant matter.
- C After cross-examination, the attorney who originally called the witness may ask additional questions of the witness to clarify something touched on in the cross-examination. This is "re-direct examination." The judge may allow an opportunity for the opposing attorney to "re-cross-examine."
- C When the plaintiff or prosecution has called all the witnesses for its side of the case and presented all its evidence, that side "rests" its case.

At this point, the defendant's attorney may ask the court to decide the case in the defendant's favor because the plaintiff or prosecuting attorney did not present sufficient evidence to prove the case against the defendant. This is called a "judgment of acquittal" in a criminal case.

If the judge agrees that there is not enough evidence to rule against the defendant, the judge rules in favor of the defendant, and the case ends.

If a judgment of acquittal is not requested, or if the request is denied, the defense may present evidence for its side of the case. The attorney for the defense often waits until this part of the trial to make an opening statement.

The defense may choose not to present evidence, as it is not required to do so. Remember, the defendant in a criminal case is not required to prove innocence, but the prosecution is required to prove the defendant's guilt beyond a reasonable doubt.

If the defense does present a case and call witnesses, the same rules and procedures which governed presentation of evidence by the prosecution now apply to evidence presented by the defense. The only difference is that the defense calls the witnesses and questions them first.

At the conclusion of the defendant's case, the prosecutor may present additional information to deny evidence offered by the defense. Following this, the defense is given another opportunity to present additional evidence on the defendant's behalf.

Closing Arguments

When both sides have presented their evidence, each side may make closing arguments. Closing arguments are similar to opening statements. They provide an opportunity for the attorneys to address the judge or jury one final time regarding the case. The plaintiff/prosecutor speaks first, usually summarizing the evidence that has been presented and highlighting items most beneficial to the prosecution. The attorney for the defendant speaks next. The defense attorney will usually summarize the strongest points of the defendant's case and point out flaws in the case presented by the prosecutor. The prosecutor then has one last opportunity to speak.

Verdict

After closing arguments in a jury trial, the judge reads instructions to the jurors explaining the law that applies to the case. Jury members are required to follow these instructions in reaching a verdict. The jury goes to a special jury room and elects a foreperson to lead the discussion. Jurors must consider all the evidence, review the facts of the case, and reach a verdict. When the jury makes its decision, the court is called back into session. The foreperson presents a written verdict to the judge, and either the judge or court clerk reads the jury's verdict to the court. The court then enters a judgment based on the verdict, and the jury is released from duty.

If found not guilty, the defendant in a criminal case is released immediately. If the defendant is found guilty, a date is set for sentencing.

6. Sentencing

At the sentencing hearing, the judge hears testimony from the prosecution and the defense regarding the punishment that each side feels the defendant should receive.

In Arizona, the Legislature has established a range of sentences for different crimes, and the judge must impose a sentence within the range outlined by law. The options include probation, fines, imprisonment or a combination of these punishments. In some cases, the penalty of death can be imposed.

7. Appeals

A convicted defendant may appeal. In a case where the death penalty is imposed, an automatic appeal is filed with the Supreme Court. In all other criminal cases, the appeal goes to the Court of Appeals.

Court of Appeals Case Processing

When an appeal is filed, the trial court sends the official case records to the Court of Appeals. When the records and attorneys' written arguments ("briefs") have been received by the court, the case is said to be "at issue," and is assigned to a three-judge panel for consideration. All cases filed in the Court of Appeals must be reviewed.

The brief of the person filing the appeal (the appellant) contains legal and factual arguments as to why the decision of the trial court should be reversed. The person against whom the appeal is made (the appellee) has the right to respond to these arguments.

An Appellate Court does not conduct trials. It reviews papers, exhibits and transcripts from the trial court. These items are the "record on appeal," and are used to determine whether the trial court correctly followed the law in making its decision.

After they have reviewed the record, judges of the Court of Appeals may hear oral arguments from the attorneys before deciding the case and issuing an opinion. A majority vote (at least two out of three judges in agreement) decides the case.

Court of Appeals judges may:

- C Affirm (agree with) the trial court's decision; or
- C Reverse (disagree) the decision; or
- C Remand the case (send the case back to the trial court for further action or a new trial).

Supreme Court Case Processing

A petition for review is filed with the Supreme Court when a party wants to appeal a decision from the Court of Appeals.

After a petition for review has been filed, the record is transferred to the Supreme Court. After reviewing the petition for review and supporting materials, the court decides whether to grant or deny review of the appeal.

In almost all cases, the Supreme Court's review is discretionary. This means the court may refuse to review the case. In that event, the decision of the Court of Appeals is final.

When the Supreme Court agrees to review a decision, the justices study the record and the questions or "points of law" it raises. In some cases, the court will hear oral arguments from the attorneys involved in the appeal.

During oral argument, the attorney for the appellant (the party making the appeal) highlights and clarifies the client's side of the case. Then the attorney for the appellee (the party responding to the appeal) presents the other side. The justices often question the attorneys about the issues and about the case law cited in support of their position.

After reviewing the case, the justices meet privately to discuss the case and vote on how the court should resolve it. A majority vote decides the case. Then, one justice is assigned to write the court's majority opinion.

Decisions of the Supreme Court must be in writing. When issuing a written decision or opinion, the court may:

- C Affirm (agree with) the judgment of the lower court which means that judgment is final; or
- C Reverse (disagree with) the decision of the lower court, meaning the Supreme Court's decision must be carried out; and/or
- C Remand the case (send it back to the trial court for further action and possible retrial).

How a Bill Becomes Law

The passage of new legislation in Arizona involves a series of steps, that must be completed within specified time frames. At each step in the process, a bill may run into problems and may fail. The legislative process involves negotiation and compromise. Most bills that are introduced are amended, and the final form of a bill may be very different from its original version.

Arizona has a bicameral legislature, which means that we have two chambers -- the Arizona House of Representatives and the Arizona Senate. In order for a bill to become law, both chambers must consider and approve the legislation. Legislation can be introduced in either the House or the Senate, but goes through the same process in each chamber. The procedure described below uses an example where a bill is introduced in the House.

Bill for Introduction

A bill is introduced in the House of Representatives by a legislator. The idea for the legislation may be the legislator's own, or, as is more often the case, the idea come from the legislator's constituents -- either an individual constituent, or a group of people (for example, a victims' advocacy group).

Committee Assignment

The bill is given a number and is referred by the Speaker of the House to one or more legislative committees.

Bill to Committee(s) for Debate and Vote

Each committee considers the bill. Public hearings are held in which the bill is debated and testimony is received from experts and the public. Amendments to the legislation may be discussed and agreed upon. Each committee votes on the bill and must approve the legislation for it to move on to the next step in the legislative process.

Bill to Rules Committee

Each bill must be considered by the Rules Committee. This committee determines if a bill is constitutional and in proper form. Again, this committee must approve a bill for it to move on.

Caucus

The members of each political party meet separately to discuss the bill.

Floor Debate and Final Vote

The entire House membership, acting as one large committee, meets to discuss the bill. If the bill passes through this step, the legislation is then formally voted upon by the membership.

Sent to the Opposite Chamber

If the bill is formally approved, the legislation is then sent to the Senate, where it goes through the same steps it went through in the House.

Sent to Original Chamber

If the Senate passes the legislation and has not amended the bill in any way, the legislation is sent to the Governor. However, if the Senate has changed the bill, it must then go back to the House for another formal vote. Upon passage of the revised bill by the House, the legislation is then sent to the Governor.

Transmitted to the Governor for Signature

After having been passed by both the House and the Senate, the Governor may sign the bill into law, allow the bill to become law without his or her signature, or veto the bill. If the Governor signs the bill or allows it to become law, the bill then becomes law and a part of the Arizona Revised Statutes.

Conclusion

Most people in the community don't realize the vast and vital work that is done behind the scenes of the courthouse. Every court employee plays an important role in the judicial process and it takes many people to run the court system.

As employees of the court system, each of us plays an important role in the lives of people in our communities and in the State of Arizona. No matter where you work in the system, you contribute ultimately to the pursuit of justice. Together we carry out our mission of helping people resolve their disputes fairly and expeditiously and with equal respect shown to all who use our services. It's a job that often requires a special sensitivity to people who are going through a difficult time. We need to show an extra measure of understanding and compassion. We are the hands of justice. We are the only face of justice some people see. That is what makes each person in the court system so important. In so many ways everything we do today is more than processing a file, or a record, or a computer entry; it is ensuring that justice is available to all.

Welcome to the Arizona Judicial System!

Self-Quiz

What are the three levels of court?

Which level of court is a superior court?

What are the two types of cases?

What are judges in the Supreme Court called?

Each county has one branch of this court:

A murder case would be heard in which court?

Sometimes these two courts are combined:

An order of protection would be obtained in which court?

Discretionary review means:

Only this court has discretionary review:

Voir Dire is the process that attorneys and the judge use to:

This office assists the Chief Justice with administration of all state courts:

What are the three branches of government?

A Willingness to Serve:

SECTION TWO

Effective Communication Skills for Court Employees



Contents of this Section:

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Exercise #1: Who is my Customer?		1
The Image We Present		2
Exercise #2: Individual Stress Diagnostic Exercise		6
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Exercise #1: Who is my Customer?

External

- General public
- Attorneys
- Defendants
- District Attorneys
- Public Defenders
- Other Court Employees
- Probation Officers
- Law Enforcement Officers

Internal

- Judges
- Co-workers
- Supervisors
- Managers

Use the chart below to list your customers, what they expect from you, how you meet their needs and, in the last column, barriers to giving excellent service. Then, below list ways to overcome those barriers.

Who are my customers?	What do they need or expect?	What do I provide to meet their needs / expectations?	What inhibits my ability to meet their needs / expectations?

Ways to overcome difficulties and barriers to excellent customer service:

The Image We Present

How We Receive Information

Body Language = 55%
Tone of Voice = 38%
Words = 7%

Body language includes:

eye contact	hand gestures	tone of voice
facial expression	breathing	body movement
body posture	posture	personal appearance
	touching	
	physical distance	

Ways to develop friendliness in communications:

- C *Be yourself* — be natural, don't put on airs, but put yourself in their shoes to understand them
- C *Listen a lot* — a good listener is a friend indeed, but learn to direct the conversation along constructive lines
- C *Give praise* — look for things to praise in others, but be sincere
- C *Smile a lot* — get some fun out of your work, develop your sense of humor, but don't make fun of others

To communicate, you must:

- C *Be courteous* — use please, thank you and identify yourself by name
- C *Be prompt* — for meetings, in returning phone calls, in processing paperwork
- C *Follow through* — to completion and acknowledge help from others
- C *Respect rights of others by going through channels* — think how you would feel if someone bypassed you
- C *Be considerate of the time of others* — don't talk too long, don't interrupt

Make courtesy, clarity and kindness basic parts of your communication skills:

- C *written*: letters, memos, reports, releases
- C *spoken*: face to face, telephone, speeches, small groups
- C *unwritten or unspoken*: appearance, dress or uniform, actions, habits, manners

Words and Phrases to Avoid

“Our policy doesn’t permit”
“I need (want) you to...”
“What’s your problem”
“I can’t” / “you can’t”
“You should have”
“It wasn’t my fault”
“Would you mind ...”
“You must...”
“You have to”
“You don’t understand”
“There aren’t any options”
“You made a mistake”
“There is nothing I can do”
“You need to...”
“Why didn’t you...”
“I’ll try”

Words to Use

“Will you?”
“Are you willing”
“What have you considered”
“Which do you prefer”
“What are the alternatives”
“How can it be corrected”
“How can I help”
“What do you want me to do?”
“I understand”
“I made a mistake”
“I apologize for...”
“Here are some options”
“I understand your concern”
“will,” “willing”
“able”
“unable”

Basic Elements of Telephone Courtesy

1. Answer the call pleasantly and promptly
2. State clearly the purpose of the call
3. Make inquiries tactfully
4. Offer assistance and volunteer information
5. Remember to use “please” and “thank you”
6. Give undivided attention to the conversation
7. Give the reason and ask permission when placing caller on hold
8. Get the person’s attention politely when returning to the line
9. Avoid unnecessarily long conversations
10. Conclude the call properly and replace the receiver gently

Basic Elements of Effective Correspondence

1. Accuracy: grammar, spelling, punctuation, addresses, facts, figures, information
2. Make the first paragraph say something direct and concise
3. Keep paragraphs short
4. Stop when everything necessary has been said
5. Revise the letter wherever it may be improved
6. Display a positive tone in the message

Preconceived Notions

Our customers may already have a preconceived notion of what their experience is going to be before they ever step into the courthouse. Most of them are unwilling participants or are not familiar with the process. Knowing this about our customer, though, gives us an advantage because we can change our customer's attitude simply by smiling and offering to help. Studies have shown that with proper orientation, adequate information, and courteous treatment, citizens frequently rate their encounter with the court system as an interesting, fair, and surprisingly positive experience.

Don't Discriminate

Customers expect fair, courteous and friendly service and are entitled to this, despite their race, religion, age, gender, background or handicap. We offer equal service to all. Our customers come from all different backgrounds, education levels, and jobs. Because of the emotions surrounding the reasons the public is there, we need to be more sensitive, more helpful. Everybody is to be treated with dignity, understanding and compassion.

- C Use appropriate language
- C Avoid speaking legalese
- C Be careful not to give legal advice
- C Don't assume person can read
- C Don't assume person can understand English.

Do not anticipate having problems with anyone; instead, assume that you will be able to communicate effectively with all those you assist while preserving both your dignity and theirs.

Also, be sure you are aware of local resources that you can recommend should you encounter a customer who has special needs.

Our Job is to Educate

For the most part, the public remains unaware of the complex workings of the administration of justice. The general public is involved in the court system on a very infrequent basis, and thus, this essential branch of government remains an unknown -- a mystery -- to most of our citizens. As court employees, part of our job is to educate the public. Many simply have never dealt with a legal process before and are frightened. Dealing with an unpleasant employee on top of the complex processes and procedures with any legal process only adds to their frustration. Access to information and the right to fair, helpful treatment are basic rights of our customers and we must remember this every time we greet someone. Part of our job is to educate the public, to help them work their way through the system, and to help make their dealings with the court as pleasant as is possible.

Professional Appearance

Professionalism extends to our work space and our co-workers. Unprofessional or offensive comments, discriminatory remarks or jokes, or even laughter that may seem to make fun of others is not acceptable. While we all want to personalize our work space, be careful not to post items that while funny to you, may be offensive to others. Also, your attire and your attitude reflect professionalism.

The Key to Satisfied Customers

1. Treat everyone as if he or she is special.
2. Understand customer needs and wants.
3. Pay attention to feelings.
4. Always communicate *“we are here to serve”*.
5. Follow through on commitments.
6. Build a relationship.

Exercise #2: Individual Stress Diagnostic Exercise

Briefly describe a customer service situation that is most stressful for you.

What makes this situation stressful for you?

What could you do differently in this situation?

What could others (e.g., co-worker, supervisor) do to help improve this situation?

Conclusion

Courts exist to promote justice and thus to serve the public interest. Every court employee should conduct the business of the court in a way that makes the court useful to the community. This means employees must interact effectively and in a professional manner at the counter, on the telephone, and with co-workers.

We can add to the effectiveness of the court process by meeting each customer with attentiveness and respect. What happens in the courtroom has a great effect on a person's life, but what happens when that person first steps into a courthouse may have an even greater effect and may shape that customer's attitude all the way into the courtroom.

Good communication skills begin with you. Your most important asset is your attitude — toward yourself, toward your co-workers, toward your job and toward your customers. Do you have the desire to learn and to help others? Do you express enthusiasm when you talk with others? Are you willing to work and to discipline your thoughts and efforts to get things done? Do you want to grow to do a bit more than is expected of you? And, do you have a sense of humor, so that you don't take yourself too seriously?

Do you have a willingness to serve?

Self-Quiz

CUSTOMER RELATIONS QUIZ

(0 = Rarely, 1 = Sometimes, 2 = Often, 3 = Almost Always)

- _____ When serving the public, do I give him or her my complete attention and avoid doing other activities (working on the computer, writing unnecessarily, talking to co-workers, and so on)?
- _____ Do I make eye contact when speaking with a customer to show that I am paying attention?
- _____ When speaking to the public over the phone, do I make an effort to use inflection in my voice to convey interest and concern?
- _____ Do I pick up the telephone by the third ring?
- _____ When I need to put someone on hold, do I ask his or her permission and wait for a response before doing so?
- _____ Do I avoid technical jargon and use language that the public can understand?
- _____ When I cannot provide my customer with exactly what he or she wants, do I suggest options and alternatives?
- _____ Do I sincerely apologize to the client when a mistake has been made by me or the court?
- _____ When a client is voicing a complaint, do I remain calm and understanding — even if I think he or she is wrong?
- _____ Do I view customer complaints as an opportunity to improve service rather than as a problem that is taking up valuable time?

CUSTOMER RELATIONS QUIZ: SELF SCORING

1-12 points:

You are a new employee and are still learning the ins and outs of dealing with the public and court litigants.

13-22 points:

You understand the basics but may not use them consistently. Remember that regardless of how you are feeling or how busy you are, you always have a personal choice about the attitude you project. It takes about thirty days to form a new habit, so make a point of practicing the items covered in the questionnaire every time you deal with the public — especially when you don't feel like it.

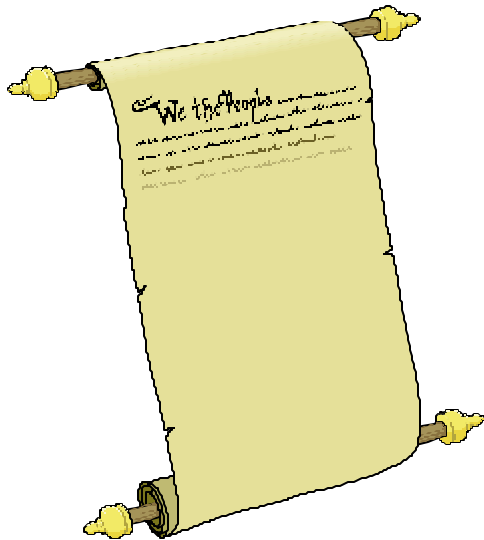
23-30 points:

Congratulations! You have a solid understanding of what it takes to provide excellent customer service. You have the basics down pat and are ready for bigger and better challenges. To continue to improve in the customer service area, consider the following suggestion:

Once you have finished evaluating yourself, get another perspective by having a co-worker you know and trust evaluate you. He or she may see areas for improvement that are blind spots to you.

Portions of Customer Relations Quiz from Missouri Court System Employee Orientation Handbook

The Changing Face of Justice:



Upholding the Public's Trust and Confidence

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ARIZONA
CODE OF CONDUCT
FOR
JUDICIAL EMPLOYEES

Effective: August 20, 1997

ARIZONA CODE OF JUDICIAL CONDUCT
FOR JUDICIAL EMPLOYEES

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PREAMBLE

A fair and independent court system is essential to the administration of justice. Proper conduct by judicial employees inspires public confidence and trust in the courts. There are certain principles that should govern the conduct of all judicial employees.

This code of conduct provides uniform standards for the conduct of all judicial department officers and employees other than judges. It is intended to complement the Code of Judicial Conduct that governs the conduct of judges and should be interpreted in a manner consistent with that code.

The minimum standards contained in this code do not preclude the adoption of more rigorous standards by law, court order or local rule.

Violations of this code shall be enforced locally and in the same manner as violations of local personnel rules that apply to judicial employees.

DEFINITIONS

The following terms have specific meanings within the context of this code.

“Canon” is a fundamental principle governing the conduct of judicial employees. The broad statement of principle appearing before each major section of the code is the canon. There are five canons in this code.

“Court managers” are high-level administrative staff who work in such close proximity to judges that their actions, decisions or conduct might be viewed as the official acts or positions of the judiciary. In the trial courts, court managers include court administrators, chief probation officers, juvenile court directors, and any other similar staff designated by the presiding judge of each county, except the elected clerks of court. In the appellate courts, court managers include clerks of the court, chief staff attorneys, the administrative director, deputy director, division directors and other staff designated by the chief justice or chief judges.

"Courtroom Clerks" are staff of the elected Clerk of the Court who are assigned to work in the courtroom with the judge.

“Judge” means any person who performs judicial functions within the judicial system as defined in the Code of Judicial Conduct.

“Judicial employee” refers to any person employed in the judicial department of this state, as defined in Article 6 Section 1 of the state Constitution, who directly or indirectly affects the operation of the judiciary.

“Personal staff” means assistants, secretaries, law clerks, bailiffs, and court reporters employed by, assigned regularly to, or reporting directly to a judge.

“Relative” means a spouse, child, grandchild, parent, grandparent or other person with whom the judicial employee maintains a close familial relationship, including any person residing in the employee's household.

CANON 1

JUDICIAL EMPLOYEES SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

A. Independence. Judicial employees shall maintain high standards of conduct so the independence of the judiciary is preserved.

B. Integrity. Judicial employees shall maintain and observe the highest standards of integrity, honesty, and truthfulness in their professional and personal dealings.

Commentary:

The fundamental attitudes and work habits of individual judicial employees reflect on the integrity and independence of the judiciary and are of vital importance in maintaining the confidence of the public in the judiciary. Honesty and truthfulness are paramount.

CANON 2

JUDICIAL EMPLOYEES SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL THEIR ACTIVITIES

A. Compliance with Law. Judicial employees shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Commentary:

As public servants, judicial employees should not act in any way that would violate specific laws or the provisions of this code. Public confidence in the judiciary is maintained by the willingness of each employee to live up to this standard. When faced with conflicting loyalties, judicial employees should seek first to maintain public trust.

B. Gifts and Extra Compensation. Judicial employees shall not solicit or accept gifts or favors from attorneys, litigants, or other persons known to do business with the court and shall not request or accept any payment in addition to their regular compensation for assistance given as part of their official duties.

Commentary:

Examples of improper conduct include seeking a favor or receiving a gift, or the promise of one, whether it be money, services, travel, food, entertainment, or hospitality, that could be viewed as a reward for past or future services. Receiving fees or compensation not provided by law in return for public services may be a class 6 felony or a class 1 misdemeanor under A.R.S. § 38-505 subject to the penalties in A.R.S. § 38-510. It is permissible, however, to accept food and refreshments of insignificant value when attending a conference, seminar, business lunch or meeting, and to accept or exchange gifts and other social hospitality on customary occasions, (e.g., birthdays or weddings) with friends outside the workplace. Employees may also accept awards presented in recognition of public service. The standard to keep in mind here is that employees should always conduct themselves in a manner that inspires public confidence in their role as judicial employees.

C. Abuse of Position. Judicial employees shall not use or attempt to use their positions to secure special privileges or exemptions for themselves or any other person.

Commentary:

Judicial employees should not, for example, seek or provide special consideration regarding traffic citations or parking violations; provide special treatment to particular parties or matters; discuss the merits of cases pending before the Court or be inappropriately friendly with litigants, counsel or other persons who do business with the court, and thus give the appearance of preferential treatment. To gauge the propriety of an action, employees should consider how

opposing parties and counsel are likely to view the situation. Accepting, agreeing to accept, giving or requesting a gift or favor with an understanding that any court business or proceeding would be influenced may be bribery, a class 4 felony under A.R.S. § 13-2602(A)(2), § 13-2606.

D. Employment of Relatives. Judicial employees shall not be appointed by, or assigned to be directly supervised by, a relative or by a supervisor reporting to a relative. Employees shall not attempt to influence the employment or advancement of a relative by a court except by letters of reference or in response to a person verifying references.

Commentary:

A court manager's employment of relatives may be a class 2 misdemeanor under A.R.S. § 38-481.

E. Use of Public Property. Judicial employees shall not use public funds, property or resources wastefully or for any private purpose not authorized by judicial or other administrative authorities.

Commentary:

Employees should not, for example, knowingly make false entries on time cards or personnel records; backdate a court document; falsely claim reimbursement for mileage or expenses; misuse the telephone, facsimile machine, or copying machine; or take supplies home for private use. This conduct may be theft, a class 1 misdemeanor ranging to a class 3 felony under A.R.S. § 13-1802 or fraud, a class 2 felony under A.R.S. § 13-2310.

F. Former Employees. Judicial employees shall not do business with a former judicial employee:

- ! who held a position involving substantial discretion over that aspect of the court's activities, and
- ! who left the court's employment during the preceding 12 months, and
- ! whose participation could harm the interests of the judiciary or cause a perception of favoritism.

Commentary:

Abuse of former employment may be a class 6 felony under A.R.S. § 38-504(A).

CANON 3

JUDICIAL EMPLOYEES SHALL PERFORM THEIR DUTIES IMPARTIALLY AND DILIGENTLY

A. Professionalism. Judicial employees shall be patient, prompt and courteous to litigants, jurors, witnesses, lawyers and others who come in contact with the court.

B. Impartiality. Judicial employees shall perform their duties impartially, and shall not be influenced by kinship, social or economic status, political interests, public opinion or fear of criticism or reprisal.

Commentary:

Employees who think they may be influenced in a particular matter should discuss the situation with a supervisor, administrator or judge.

C. Prejudice. Judicial employees shall perform their duties without bias or prejudice, and shall not manifest by words or conduct bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status.

D. Information and Records. Judicial employees, when authorized, shall furnish accurate, timely information and shall provide access to public court proceedings and records according to established procedures. A judicial employee shall not disclose any confidential information received in the course of official duties, except as required in the performance of such duties, or use such information for personal gain or advantage.

Commentary:

Some information received by judicial employees while performing their duties is confidential and should not be revealed. Sometimes confidential matters are revealed through innocent and casual remarks about pending or closed cases, about participants in litigation, or about juries, any of which could give attorneys, litigants and reporters an unfair advantage. Such remarks can seriously prejudice a case or harm a person's standing in the community. Abuse of confidential information by a current or former employee may be a class 6 felony under A.R.S. § 38-504B.

E. Legal Assistance. Judicial employees may assist citizens in identifying available procedural options and in understanding and complying with court procedures. Judicial employees shall not advise a particular course of action.

Commentary:

Employees may assist citizens, consistent with the court's resources, with matters within the scope of their responsibilities and knowledge. This assistance may include providing information contained in court records; furnishing examples of forms or pleadings; explaining court rules, procedures, practices, and due dates; and helping to complete forms with factual information provided by a citizen. Although a person may be informed of the options for addressing a matter, judicial employees should not advise citizens whether to take a particular course of action or attempt to answer questions outside their knowledge and experience. In performing their official duties, employees should not recommend the names of private attorneys to the public unless the employee works in a court-approved lawyer-referral program, but may refer members of the public to bar associations or legal aid organizations.

F. Education. Judicial employees shall comply with judicial education requirements and maintain any licensing or certification required for their positions.

G. Communication with Judges. Judicial employees shall not communicate personal knowledge about the facts of a pending case to the judge assigned to the case and shall not make or repeat remarks about a case pending before an Arizona court that might affect the fairness or outcome of the proceeding.

I. Duty to Report. Judicial employees shall report to a supervisor, administrator, or judge within the judicial department any violation of the law or this code by another judicial employee. Employees shall not be subject to retaliation for reporting violations if such report is made in good faith.

Commentary:

This obligation does not prohibit reporting illegal conduct to a law enforcement agency or other appropriate authority. In addition, employees should cooperate with the Commission on Judicial Conduct and may communicate with the Commission at any time, without fear of reprisal, for the purpose of discussing potential or actual judicial misconduct.

CANON 4

JUDICIAL EMPLOYEES SHALL SO CONDUCT THEIR OUTSIDE ACTIVITIES AS TO MINIMIZE CONFLICTS WITH THEIR EMPLOYMENT RESPONSIBILITIES

A. General Activities. Judicial employees shall conduct their outside activities so as to avoid a negative effect on the court or their ability to perform their duties.

B. Financial Activities. This section does not apply to court reporters appointed pursuant to A.R.S. § 12-221 when preparing transcripts pursuant to A.R.S. § 12-223 and 12-224. Except as provided by law or court rule, judicial employees shall not engage in any business activity or secondary employment that:

- (1) Involves an organization or a private employer that regularly conducts business with the court;
- (2) Is conducted during the employee's normal working hours;
- (3) Places the employee in a position of conflict with his or her official role in the judicial department;
- (4) Requires the employee to appear regularly in judicial or administrative agency proceedings;
- (5) Identifies the employee with the judicial department or gives an impression the employment or activity is on behalf of the judicial department; or
- (6) Requires use of court equipment, materials, supplies, telephone services, office space, computer time, or facilities.

Commentary:

In order to avoid any employment that is in conflict with a judicial employee's official role within the judiciary, a judicial employee should not, for example, work for a police department, public defender, or prosecutor. Judicial employees may become foster parents, and may teach, lecture, or write on any subject, so long as any payment is at the prevailing rate, any presentation or document clarifies that the judicial employee is not representing the judicial department, and confidential documents and information are not disclosed.

C. Conflict of Interest. Judicial employees shall manage personal and business matters so as to avoid situations that may lead to conflict, or the appearance of conflict, in the performance of their employment.

(1) Judicial employees shall inform the appropriate supervisor of any potential conflict of interest involving their duties.

(2) A member of a judge's personal staff and the courtroom clerk shall inform the judge of any potential conflict of interest, involvement or activity of the staff member or courtroom clerk in a case pending before the judge.

(3) Judicial employees shall withdraw from participation in a court proceeding or court business in which they have a personal, business, or family interest that may actually or appear to influence the outcome of the court proceeding or business.

Commentary:

Every judicial employee has a legal obligation under A.R.S. § 38-501 et. seq. to diligently identify, disclose and avoid conflicts of interest. A potential conflict of interest exists when an official action or decision in which a judicial employee participates may specially benefit or harm a personal, business or employment interest of the judicial employee, the judicial employee's relative or the judicial employee's close friends. In a judicial proceeding, a potential conflict of interest arises if a judicial employee's business associate, relative or close friend is an interested party. Even if no impropriety actually occurs, a conflict of interest creates an appearance of impropriety that can seriously undermine the public's confidence and trust in the court system.

If withdrawal from a matter would cause unnecessary hardship, the judge or court manager may authorize the judicial employee to participate in the matter if permitted by the Code of Judicial Conduct, no reasonable alternative exists, and safeguards, including full disclosure to the parties involved, ensure official duties are properly performed.

D. Solicitation. Judicial employees shall not use their positions or offices to solicit funds, but judicial employees, other than members of a judge's personal staff, courtroom clerks, or court managers, may solicit funds in connection with outside activities.

Commentary:

Judicial employees should not personally request subordinates to contribute funds to any organization or activity but may provide information to them about a general fund-raising campaign. A member of a judge's personal staff, the courtroom clerk, or a court manager should not request any judicial employee to contribute funds under circumstances where their close relationship to the judge could reasonably be viewed to give weight to the request.

CANON 5

JUDICIAL EMPLOYEES SHALL REFRAIN FROM INAPPROPRIATE POLITICAL ACTIVITIES

A. General Activities. In general, judicial employees may participate in any political activities that do not give the impression the judiciary itself endorses political candidates or supports political causes, except when assigned to do so regarding measures to improve the law, the legal system, or the administration of justice.

Commentary:

The judiciary seeks to maintain neutrality in political matters. While judicial employees may express and act on personal opinions about political candidates and issues as other citizens, they should maintain neutrality in action and appearance when performing their duties on behalf of the judicial department, unless their positions permit political advocacy on the part of the judiciary. To this end, judicial employees should separate their political activities from employment duties.

B. Personal Staff, Courtroom Clerks, and Managers. In addition to the other sections of this canon, members of a judge's personal staff, courtroom clerks, and court managers shall be subject to the same political limitations as judges contained in Canon 5 of the Code of Judicial Conduct, and may not hold any elective office.

C. Elective Office. Incumbent elected clerks of the court may be candidates for their offices without taking a leave of absence and are not subject to the provisions of this section. Judicial employees who are not members of a judge's personal staff, courtroom clerks, or court managers may be candidates for elective office under the following conditions:

(1) **Partisan.** Such judicial employees may be candidates for partisan elective office if the judicial employee is authorized to take an unpaid leave of absence. The leave of absence must begin prior to any public declaration of an intention to seek office, including the filing of campaign papers, and prior to any fund-raising for the judicial employee's campaign. The judicial employee shall publicly disclose that he or she is on a leave of absence from court employment. If elected, the judicial employee shall resign from court employment prior to assuming office.

(2) Non-partisan. Such judicial employees may be candidates for nonpartisan elective office without taking a leave of absence or separating from court employment if:

- a. the judicial employee first seeks permission from the Chief Justice, Chief Judge, Presiding Judge of the Court or Clerk of Court,
- b. that judicial officer or clerk of court determines the office sought is consistent with judicial employment,
- c. the judicial employee otherwise complies with this code.

D. Workplace Activity. During scheduled work hours or at the workplace, judicial employees shall not engage in political campaign activities and shall not display literature, badges, stickers, signs, or other political advertisements on behalf of any party, political committee, agency, or candidate for political office. Judicial employees authorized to do so may participate in approved activities regarding measures to improve the law, the legal system, or the administration of justice.

E. Political Pressure. Judicial employees shall not use their official authority or position, directly or indirectly, to influence or attempt to influence any other judicial employee to become a member of any political organization or to take part in any political activity.

F. Judicial Campaign Activity. Judicial employees, including members of a judge's personal staff, courtroom clerks and court managers, may voluntarily participate in a judge's or clerk's campaign activities and may voluntarily contribute funds to a campaign, but only through a judge's or clerk's fund-raising committee. However, judges, elected clerks of the court, and court managers or supervisors shall not require subordinate judicial employees to participate in political activities or personally receive funds from judicial employees for any political purpose.

G. Political Discrimination. Judicial employees shall not discriminate in favor of or against any subordinate or any applicant for judicial employment on account of permitted political activities.

**ARIZONA JUDICIAL DEPARTMENT
ELECTRONIC COMMUNICATIONS POLICY**

I. INTRODUCTION

I.A. Description. This statement sets forth the Arizona Judicial Department's policy with regard to use of, access to, and management of electronic communications and Internet access. For purposes of this policy statement, "electronic communication" may include but is not limited to electronic mail (email), Internet services, voice mail, and facsimile messages that are sent or received by judicial officers, court employees, and other authorized users, and the network resources over which such communications are transmitted. "Internet" may include, but is not limited to, access to the World Wide Web.

I.B. Definitions.

(1) Appointing Authority

The "**Appointing Authority**" is the judge, clerk of court, administrator, or their designee who is designated to supervise authorized users.

(2) Users

"**Users**" refers to all court officials and employees who are users of the Arizona Judicial Information Network and also includes any non-court persons who are authorized users.

II. POLICY

II.A. Purpose: Electronic communications and Internet technology allow access to a broad range of ideas and information, and facilitates the exchange of ideas and information in a timely and efficient manner. The Arizona Judicial Department supports the use of electronic communications, networked information, and Internet resources to further its mission, and to foster communication and information exchange within the Court and the justice community. The purpose of this policy is to set forth the guidelines and mutual responsibilities for managing and using the Arizona Judicial Information Network's (AJIN) electronic communications resources and Internet access. The Administrative Office of the Courts is responsible for operating and managing the Arizona Judicial Information Network, electronic communications resources, and Internet access, and ensuring that AJIN's resources are used to support the business of the Court and the judicial branch through implementation of appropriate policies and procedures. AJIN users are expected to be cognizant of the rules and conventions that make these resources secure and efficient, and to use the resources in a responsible manner, consistent with the work-related, professional, and educational purposes for which the Court provides these resources.

II.B. Persons Covered by This Policy. The policy applies to all users (including those who are not court employees) of the computer systems and networks of the Arizona Judicial Information Network, which is operated and managed by Administrative Office of the Courts.

II.C. Authorized Use. Authorized users shall use Court-provided electronic communications resources and Internet access responsibly, for purposes relating to the business of the Court and the judicial branch or enhancing the work environment of the Court, as set forth in this policy. Those authorized users who bring their own personal computers to work and access the Internet from those computers, as well as those who access email and the Internet from remote locations via any dial-up connection through AJIN, will be subject to these policies as well.

II.D. Relationship to Other Rules. Use of electronic communications and Internet resources is subject to all other rules governing the Arizona Judicial Department and court personnel, including the code of conduct, equal employment opportunity or sexual harassment policies and Supreme Court Rule 123 governing public access to court records. Each local court's policies and procedures may further clarify or provide for more restrictive access provisions of these policies for its staff. Statements in this policy regarding permissible and prohibited uses of electronic communications and the Internet are intended as additional guidelines and examples.

III. RESPONSIBLE USE OF ELECTRONIC COMMUNICATIONS AND INTERNET RESOURCES.

III.A. RESPONSIBLE USE OF ELECTRONIC COMMUNICATIONS.

III.A.1. Professionalism. Electronic communications shall be professional and business-like. Electronic mail messages, whether sent within the Judicial Department or outside the Judicial Department via wide area networks or the Internet, should withstand public scrutiny without embarrassment to the local court, the Judicial Department, other users, and the public, both as received by the original recipient and if forwarded beyond the original intended recipient.

III.A.2. Professional Use. It is permissible to use the Arizona Judicial Department's email systems for limited professional purposes. Approved professional uses may include participation in professional associations, continuing education, scholarly publication, communications with colleagues, and subscription to listservs, news groups or topical updating services related to the Court, the judicial branch, or a user's professional duties. Users subscribing to such services shall keep up with the mail received, regularly delete messages once read, learn the rules associated with the service and know how to unsubscribe (both for ending participation and for absences such as vacation), and maintain a professional demeanor when posting to a list. Such use is, in all respects, subject to approval of the user's Appointing Authority.

III.A.3. Routine Use.

- a. Routine Business Use. Routine business use is permissible and may include: scheduling meetings; requests for information; the assignment of work tasks or clarification of assignments; notification of users' whereabouts, such as sick days or vacation requests.
- b. Routine Personal Use. Routine personal use is permissible and may include notifying family members of schedule changes, personal messages to co-workers, and other uses typically permitted to be communicated in or from the workplace in person or by telephone. Such use does not include uses requiring substantial expenditure of workplace time, uses for personal charitable or partisan political solicitations or campaigns, or uses that would otherwise violate court policies with regard to a user's time commitments or court equipment. It is the responsibility of the user sending such messages to ensure that the message is identified, either specifically or clearly by its content, as personal in nature, and not on behalf of the court. Such use is in all respects subject to approval of the user's Appointing Authority.

III.A.4. Official Use. Official communication is a communication pertaining to public business, which must be preserved as a record of official action or policy. Official communications may be transmitted via email as long as they are created and preserved in compliance with applicable record retention and destruction schedules.

III.B. PROHIBITED USES.

III.B.1. Commercial Purposes. Users may not use electronic communications for commercial purposes. Users may not send "serial" or "chain" messages.

III.B.2. Copyright and Intellectual Property Rights. Users shall not use electronic communications to receive or send copies of documents in violation of copyright laws, or to send or receive software in violation of intellectual property laws or rights.

III.B.3. Harassment. Users shall not use electronic communications to intimidate or harass others, or to interfere with the ability of others to conduct court business. Users shall not use electronic communications in a manner that promotes or could be interpreted as discrimination on the basis of race, creed, color, gender, religion, disability, age or sexual preference.

III.B.4. Identification. Users shall clearly identify themselves in any electronic communication, and shall not construct an electronic message or communication so as to appear to be from anyone other than the user.

III.B.5. Unauthorized Access. Users may not capture and "open" electronic communications except as required in order for authorized staff to diagnose and correct delivery problems, and may not obtain access to the files or communications of others unless doing so serves a legitimate business purpose.

III.B.6. Confidentiality. AJIN users have no expectation of privacy. Even though users routinely use email as a form of communication to discuss ideas and pending cases, this form of communication can not be considered secure and no message should be considered absolutely confidential. Electronic mail, particularly when sent via the Internet, should be regarded as an unsecured medium. More information about electronic mail (including copies of the content of messages) is routinely recorded than may be recorded using other communications media. A broader, less controlled set of people may have or gain access to electronic mail, and messages may be mis-delivered or forwarded in an instant.

The confidential or privileged status of a communication is determined by Court rule or order, or by statute, and may include such matters as communications relating to employee performance or discipline, and judicial or attorney work product. It is the user's responsibility to carefully consider the confidentiality requirements of an electronic communication before it is transmitted.

III.B.7. Software. Users may not use AJIN electronic messaging or communications systems to download software, unless they comply with established AJIN policies for approval of loading or operating software on court-provided computers, verification of proper licensing, and scanning for computer viruses.

III.B.8. Adherence to Security Restrictions on Systems and Data. Users shall not attempt to gain unauthorized access to data, to breach or evade any security measures on any electronic communication system, or to intercept any electronic communication transmissions without proper authorization.

III.C. RESPONSIBLE USE OF THE INTERNET.

III.C.1. Professionalism. Use of the Internet shall be professional and business-like. Such use should withstand public scrutiny without embarrassment to the court, the judicial branch, other users, and the public.

III.C.2. Professional use. It is permissible to use AJIN's Internet access for limited professional purposes with the approval of the Appointing Authority. Approved professional uses may include participation in professional associations, continuing education, scholarly publication, legal research related to the court, the judicial branch, or a user's professional duties. Such use is, in all respects, subject to approval of the user's Appointing Authority.

III.C.3. Routine use.

a. **Routine Business Use.** Routine business use is permissible and may include, but is not limited to: locating information on a particular topic for work-related use, accessing other courts' information and sites, accessing information by various professional organizations.

b. **Routine Personal Use.** Routine personal use is permissible and may include using the Internet for the location of information relating to personal interests. Such use does not include uses requiring substantial expenditure of workplace time, uses for personal charitable or partisan political solicitations or campaigns, or uses that would otherwise violate court policies with regard to user time commitments or court equipment. It is the responsibility of the user using the Internet to ensure

that the use complies with all current policies. Such use is, in all respects, subject to approval of the user's Appointing Authority.

III.C.4. User's personal computer. Those users who bring their own personal computers to work and access the Internet from those computers, as well as those who access email and the Internet from remote locations via any dial-up connection through AJIN, will be subject to these policies as well.

III.D. PROHIBITED USES.

III.D.1. Commercial purposes. Users may not use the Internet for commercial purposes.

III.D.2. Copyright and intellectual property rights. Users shall not use the Internet resources provided by the court in violation of copyright laws, or to download or receive software in violation of intellectual property laws or rights.

III.D.3. Harassment. Users shall not use the Internet access provided by the AJIN to intimidate or harass others, or to interfere with the ability of others to conduct court business. Users shall not use the Internet access provided by AJIN in a manner that promotes discrimination on the basis of race, creed, color, gender, religion, disability, or sexual preference.

III.D.4. Other. Users shall not use the Internet access provided by AJIN for connecting to, posting, or downloading pornographic, offensive, or other material that is inappropriate for the workplace or violates the code of conduct, equal employment opportunity or sexual harassment policies.

III.D.5. Software. Users may not use the Internet access provided by AJIN to download software, unless they comply with established policies for approval of loading or operating software on Court-provided computers, verification of proper licensing, and scanning for computer viruses.

III.D.6. Unauthorized access. Users may not obtain access to the files or communications of others for any purpose unless doing so serves a legitimate business purpose.

III.D.7. Adherence to security restrictions on systems and data. Users shall not attempt to gain unauthorized access to data or to breach or evade any security measures.

IV. ELECTRONIC COMMUNICATIONS AND INTERNET TECHNOLOGY MANAGEMENT RESPONSIBILITIES.

IV.A. ELECTRONIC COMMUNICATIONS AND INTERNET MANAGEMENT.

IV.A.1. Management. The Administrative Office of the Courts manages the computers and the AJIN network on which the Court's electronic communications and Internet access are conducted, and has certain rights to software and data residing on, developed on, or licensed for the Court's computers and networks.

AJIN management has the responsibility to administer, protect, and monitor the aggregation of computers, software, and networks operating within the AJIN network.

IV.A.2. Use for Court Purposes. The Appointing Authority has the responsibility of ensuring, through appropriate policies and procedures, that electronic communications, information technology resources and Internet access used by courts under his/her administrative jurisdiction are used to support activities connected with the business of the Court and the judicial branch.

IV.A.3. Use of Software and Data Files. It is the responsibility of each user to learn to use electronic communications software, data files, and Internet resources correctly and efficiently.

IV.A.4. Equitable Use of Resources. AJIN management has the responsibility to manage electronic communications information technology resources and Internet access to ensure that court users have equitable access to these resources. AJIN management may occasionally need to restrict use of shared communications systems, including requiring users to refrain from using any software program, communications practice, or database that is unduly resource-intensive.

IV.A.5. Efficient Use of Resources. It is the responsibility of users to use electronic communications media and the Internet efficiently, to avoid wasting or overburdening the Arizona Judicial Department's network computing resources. Users should accept limitations or restrictions on file storage space, usage time, or amount of resources consumed, when asked to do so by systems administrators. In particular, users should carefully consider and appropriately limit the use of groups to send messages to multiple recipients, sending of announcements, and appending large text or graphics files.

IV.A.6. Policies and Procedures. Appointing Authorities have the responsibility to communicate the Arizona Judicial Department's electronic communications, Internet access, information technology policies, and user responsibilities, systematically and regularly to all of their users.

IV.A.7. Monitoring Effectiveness of Policies and Procedures. AJIN management shall monitor the application and effectiveness of electronic communications and information technology policies, and use of the Internet and propose changes in policy as events or technology warrant.

IV.B. SECURITY AND PRIVACY.

IV.B.1. Security Procedures. AJIN management shall establish and support reasonable standards and procedures for security of electronic data and information produced, used, or distributed in the Arizona Judicial Department, and to ensure the integrity and accuracy of data the Court maintains.

IV.B.2. Protection Against Unauthorized Use. All users have the responsibility to protect AJIN's computers, networks and data from destruction, tampering, and unauthorized inspection and use. It is the responsibility of each user to establish appropriate passwords for the user's account in the first instance, to change passwords periodically as may be required by network system administrators, to avoid sharing or

disclosing passwords to others, and to prevent unauthorized or inadvertent access by others to their computers and files.

IV.B.3. Protection Against Data Loss. AJIN management has the responsibility to ensure that the AJIN's computer systems do not lose important data due to hardware, software, or administrative failures or breakdowns. Authorized systems administrators or technical personnel may occasionally need to examine the contents of particular data files to diagnose or correct problems.

IV.B.4. Encryption. Only specified forms of encryption are permitted. AJIN email users may encrypt their electronic mail and files only with the use of software approved by AJIN management. Encryption may only be used for specialized transactions and only with express approval of the court's Appointing Authority. The encryption key to the software must be retained by AJIN management to access encrypted messages, which may limit the degree of privacy protection provided by such encryption.

IV.C. COURT ACCESS AND DISCLOSURE.

IV.C.1. Monitoring of Electronic Communications. AJIN management will not engage in the systematic monitoring of electronic mail messages, the electronic records created by use of e-mail systems, or other electronic files created by users.

IV.C.2. Monitoring of Internet access. AJIN management will engage in the systematic monitoring of Internet access and amount of time spent on the Internet by users. Monitoring will primarily be for the purpose of supporting the management responsibilities related to the equitable and efficient use of resources, but may also include monitoring of unlawful activity, conduct that would adversely reflect on the court, or other violation of this policy if detected or suspected.

IV.C.3. Access. AJIN management reserves the right to permit authorized staff to access and disclose the contents of electronic messages, provided that it follows appropriate procedures, in the course of an investigation triggered by indications of user misconduct, as needed to protect health and safety, as needed to prevent interference with the mission of the courts, to protect system security, comply with legal process or fulfill court obligations to third parties, protect the rights or property of the courts, or as needed to locate substantive information required for court business that is not more readily available by some other means.

IV.C.4. Limitations on Disclosure and Use of Information Obtained by Means of Access or Monitoring. The contents of electronic communications, properly obtained for legitimate business purposes, may be disclosed without permission of the user. The Arizona Judicial Department will attempt to refrain from disclosure of particular messages if disclosure could create personal embarrassment, unless such disclosure is required to serve a specific business purpose, satisfy a legal obligation, or to appropriately respond to requests for records disclosure under state or federal laws governing public access to records.

IV.D. PUBLIC ACCESS AND DISCLOSURE.

IV.D.1.Public Records. Electronic mail messages and files should be stored, preserved, and made retrievable according to law and policies and procedures defining the public record status of the data. The designations in section III(A) of this policy should be kept in mind when creating mail messages, but materials in all categories could be released to the public if it is determined that the information is not exempt from disclosure.

IV.D.2.Public Access to Court Records. The public record status of court records and communications is determined by Rule 123 of the Arizona Rules of the Supreme Court, *In the Matter of Public Access to Court Records* (as modified or superseded by future rules). This rule governs access to the records of all courts and administrative offices of the judicial department of the State of Arizona.

IV.D.3.Public Access Address. The Arizona Judicial Department, or AJIN management on its behalf, shall provide, publish and maintain an electronic mail address for public access to courts, preserving the confidentiality of judicial officers and court management addresses, as needed, and providing a single point of access for electronic public inquiries.

IV.E. E-MAIL RECORDS RETENTION AND DISPOSITION.

IV.E.1.Records Retention and Disposition. Email communications will be retained and disposed of pursuant to an approved retention schedule and consistent with Rule 123 of the Arizona Rules of the Supreme Court

IV.E.2.Procedures. AJIN management has the responsibility to establish or modify, as needed, in light of the retention schedule, reasonable standards and procedures for maintaining and purging backups of electronic data and information prepared in or transmitted by electronic mail.

V. POLICY ENFORCEMENT.

V.A. When necessary to enforce the Arizona Judicial Department's rules or policies, an authorized administrator may disable network connections by certain computers, require adequate identification of computers and users on the network, undertake audits of software or information on shared systems, or take steps to secure compromised computers that are connected to the network.

V.B. Appropriate disciplinary action will be taken against individuals found to have engaged in prohibited use of the AJIN's electronic communications resources. Such action may include, but is not limited to, loss of access to the electronic communications, computer, or network resources, as well as any other appropriate disciplinary action.

V.C. For authorized non-court users using AJIN's electronic communications resources, prohibited or inappropriate use may result in possible legal sanctions or cancellation or nullification of the contract.

V.D. Users are expected to cooperate with authorized investigation of technical problems, and of possible violations of this policy. Failure to do so may be grounds for disciplinary measures.

ACKNOWLEDGMENT OF ELECTRONIC COMMUNICATIONS AND INTERNET ACCESS POLICY

I understand that the confidentiality and protection of the Arizona Judicial Department's information is of the utmost importance. I have read and understand the Arizona Judicial Department's policy on use of electronic communications, information technology resources and Internet access, and agree to abide by the terms of that policy.

I understand that all information stored in, transmitted or received through the Arizona Judicial Information Network's (AJIN) information systems is the property of the Arizona Judicial Department, and is to be used only for authorized purposes. I further understand that authorized representatives of AJIN may monitor the use of AJIN's systems from time to time to ensure such use is consistent with the Arizona Judicial Department's policies and interests and that I can have no expectation of privacy. Further, I am aware that use of a password or code does not in any way restrict the Arizona Judicial Department's right or ability to access electronic communications.

I am aware that any violation of the email and Internet access policy may result in loss of system privileges, possible legal sanctions, and, for employees, disciplinary action up to and including termination.

Name (please print)

Signature

Date

Court/Department/Company

Exercise #1: Ethical Scenarios

Please consider and discuss the following ethical problems. Determine whether there is an ethical violation under the Code of Conduct and, if so, what the consequence should be for the violation.

1. Is there a Code of Conduct for all judicial department employees?
2. A judicial department employee does a great job on a particular matter. One of the attorneys involved in the case is so pleased that she sends the employee a \$10.00 gift certificate to a favorite local lunch spot. Is this ethical?
3. A judicial department employee assists a member of the public who is asking for protection from a violent, former girlfriend. The person asks for an Order of Protection but the employee knows that a Petition for Order of Harassment would be more appropriate. Is it appropriate for the employee to give that information to the member of the public?
4. Is it okay for a court employee to work at any job that she wishes so long as it's not during court hours?
5. Charles, court employee, has a PC computer with Internet access. Charlie needs access to the Internet in order to locate people for his work at the court. However, Charlie also often uses the Internet for personal purposes. Is this ethical?
6. Peggy, a judicial administrative assistant to a superior court judge, wants to run for Clerk of the Court. May she?
7. As a judicial department employee, can I be reprimanded for not reporting the unethical or illegal conduct of a co-worker?
8. Kathy, courthouse employee, is driving to work in the morning on a quiet, wide-open roadway. Kathy speeds and is pulled over by a DPS officer. The DPS officer recognizes Kathy from her courthouse work and tells Kathy that because she is a judicial employee that he will not ticket her. Is this ethical?
9. Assume the same story as #8, except that the officer does not know Kathy. Kathy pulls out her judicial department ID badge and tells the officer that she was speeding because she is late for her job at the courthouse, possibly delaying a trial. Is this ethical?

10. Judge Judy and her staff are out shopping for her Honor's new chamber's furniture. The budget for the furniture comes from the general fund of the county in which Judge Judy presides. While in one particular store, which happens to be outside of the county in which Judge Judy presides, the owner of the store recognizes Judge Judy and offers her a twenty percent discount based on the owner's respect for the judge. Would it be ethical for Judge Judy to accept this discount? Would it be ethical if the store advertised that it gave all government employees twenty percent off? Does it matter whether the store owner has pending cases before Judge Judy?
11. Imagine that the next "court trial of the century" ends up at your courthouse. As a court employee, you are privy to important inside information about the case. Ted Koppel asks you to go on Nightline. Diane Sawyer asks you to appear on 20/20. Matt Lauer asks you to appear on the Today show. As long as you will not be paid for making these public appearances about this most important public case, is it okay for you to comment publicly on the case?
12. A friend of yours has a case in the county courthouse in which you work. Can you be involved in the case?
13. You notice that each Monday and Wednesday afternoon, Judge Joe leaves his office at 3:45 p.m. and doesn't return until the next day. This goes on for two months. As a court employee, do you have the duty to report the judge's conduct?
14. A judge who handles adoption cases gets an idea from the Clerk of the Court. The Clerk of the Court gives out a gift package to all people who file for a marriage license. The Clerk's gift packet includes a whole lot of goodies, discounts and some product advertising for the sponsors. The judge would like to do the same thing for adoptive parents so he contacts major diaper distributors, photo galleries, babysitting services, and other major department stores to see if they are willing to contribute services and/or products to give to prospective adoptive parents. The judge puts you in charge of this endeavor. Is this project ethical?
15. A member of your department does freelance word-processing work on the side for extra money. You observe him using his work computer for one of these projects. Is this ethical? What if he was just typing a letter to a friend?

Responding to Requests for Legal Advice

DOs

Court staff may (and sometimes are expected to):

- C Explain court processes and procedures to litigants and other interested customers.
- C Explain the meaning of terms and documents used in the court process.
- C Inform litigants, and potential litigants, how to bring their problems before the court for resolution.
- C Provide public information contained in docket reports, indexes and other non-confidential material in case files.
- C To the extent possible, and in accordance with the court's particular policies, provide examples of forms or pleadings for the guidance of litigants.
- C Answer questions about the completion of forms and assist in filling out forms.
- C Answer general questions concerning deadlines of due dates.
- C Provide informational pamphlets and forms produced by the court system.
- C Refer someone to the local bar association or legal aid organization, but not make referrals to private attorneys.

DON'Ts

In providing information, court staff must NOT:

- C Give information when unsure of the correct answer. Never attempt to answer questions outside your knowledge or expertise.
- C Advise litigants whether to bring their problems before the court, or what remedies to seek. Court staff cannot advise court users whether to avail themselves of a particular procedural alternative.
- C Take sides in a case or proceeding pending before the court.
- C Provide information to one party that you would be unwilling or unable to provide to all parties.
- C Reveal confidential information, unless authorized by statute, rule or court order.
- C Reveal the contents or outcome of a court opinion to a party or to the press before it is made public or the judge directs disclosure of the matter.
- C Let yourself be used to circumvent the basic principle that counsel may not communicate with the judges ex parte.

From: Adapted from J. Greacen, "Clerk's Office Staff Cannot Give Legal Advice - What Does That Mean?", [The Court Manager](#), Winter 1995

IF YOU ARE UNABLE TO RESPOND TO AN INQUIRY

If you are unable to provide information because it exceeds what you are authorized to provide, help the customer find the answer:

- C First, explain that the information the customer is seeking is a type of legal advice that you are prohibited by law from giving, and suggest that the customer seek the assistance of a lawyer.
- C Then offer OPTIONS:
 - C If there is an appropriate court pamphlet or form, give one to the customer.
 - C If the customer is intent upon finding the answer by himself/herself, explain that the law library is open to the public.
 - C Know the procedures for requesting court-appointed counsel or waiver of court fees.
 - C Make referrals to local bar organizations or legal aid offices if possible.

From A Focus on Customer Service - Court Staff Workbook, produced by the New Mexico Administrative Office of the Courts.

Exercise #2: Information versus Advice Scenarios

1. A grandmother comes to the counter to ask for help. She wants her grandson to come to live with her because the child's mother is addicted to drugs and unable to care for the son. The child's father is dead and has left money for the child, but the mother is quickly spending it on drugs. The employee talks to the grandmother about possible actions: filing a petition for guardianship of a minor; petitioning for a conservatorship to manage the estate; petitioning for appointment as conservator (which requires posting bond); contacting the personal representative (if there is one) to deal with squandering of the estate's assets; and setting up a restricted bank account for the grandson's benefit. The employee shows the grandmother the various forms involved in these actions. After asking a few more questions of the grandmother, the employee suggests a course of action, but encourages the grandmother to seek the advice of an attorney before proceeding. Critique the employee's actions.
2. Husband calls the court to ask for what types of papers he will need to file for a divorce. The employee asks which type of divorce he wants to get. Husband says he didn't know that there were different types of divorces. Employee explains default divorces, contested divorces and divorces from a covenant marriage. The employee explains what needs to be filed for each one, the time frames and costs involved. Critique the employee's actions.
3. A woman arrives at counter saying her ex-husband is not paying the medical bills for her children, as he was ordered to do in their divorce judgment. She has no money, speaks with a heavy accent and says a collection agency is threatening to take her to court. She asks if there is anything she can do to make her ex-husband pay the bills. The clerk gives her the appropriate forms requesting the court to find her ex-husband in contempt and tells her she can fill out the form at the counter. The woman begins to ask questions and it becomes apparent that she is illiterate. The employee completes the form with information given to her by the woman, then files the complaint and gives the woman a copy, along with a summons form and tells her how it should be served. Critique the employee's actions.
4. Alice, your neighbor, comes to the court where you work one afternoon crying. She tells you she has just been beaten by her husband. She thinks she wants an order of protection and tells you she is intimidated by the system. She asks you to help her. What can you do? List what you will and will not do for Alice. Why or why not?
5. Your friend, Judith, is getting a divorce. She comes to your house on Wednesday night and asks you to help her with the paperwork. Can you help her?

6. A man comes up to the counter at Justice Court because his cousin was picked up on a Failure to Appear warrant. The man wants to find out what the original charge was against his cousin and what to do to help his cousin. What do you tell him?
7. A woman who has just been arrested for DUI comes up to your counter. She isn't sure whether she had another DUI within the past five years. Can you help her? If not, how can she find out?
8. A man comes up to your counter in Superior Court and tells you that he doesn't think he should be paying child support because his ex-wife now makes more money than he does. What does he need to do to change his child support payments? Can you tell him what he needs to know? If you can share information with him, what can you tell him?
9. A woman comes in to Justice Court looking for the file on her case. She is interviewing for a job and her sheet shows that she was arrested for possession of marijuana, but doesn't indicate how the case was resolved. She says the charges were dismissed. What can you do for her? What if the charges are older than five years?
10. A man was convicted of a felony in Superior Court. He spent time in jail, finished his community service and paid all restitution. He now wants to vote, but must first have his civil rights restored by a court order. Can you tell him what he wants to know?

Americans With Disabilities Act

The Americans with Disabilities Act is an act aimed at employers and states that

1. employers must not discriminate based on a disability, and
2. must try to reasonably accommodate the physical or mental disabilities of the job applicant or current employee.

Disability has three definitions:

1. A physical or mental impairment that substantially limits a major life activity. These may include sensory sensations like seeing, speaking, hearing and also working. A mental impairment may include psychosis, mental retardation and schizophrenia.
2. A history or medial record of impairment. This may include things like chronic back pain, cancer, AIDS, multiple sclerosis and bouts with depression.
3. The employer regards them as impaired. For instance, a person who may have had polio as a kid and walks with a limp is not handicapped, but may appear to be. An employer's attitude that considers that employee as handicapped is not appropriate.

In other words, the three definitions of a disability can be that

1. you are currently impaired,
2. you used to be impaired, or
3. the employer regards you as impaired.

An employee would be covered under the Americans with Disabilities Act if he or she encounters these attitudes on the job or when seeking employment.

Access to Justice and Other Programs to be Familiar With

Elder Law Hotline

The Arizona Supreme Court and the Arizona Bar Foundation, with the generous support of the Legislature and Governor Jane Dee Hull, responded to the needs of elderly citizens' demand for cost-effective legal advice by establishing an Elder Law Hotline in October 1998.

The Hotline is part of the Court's "Access to Justice" program, developed in conjunction with Chief Justice Thomas Zlaket's Justice 2002 strategic agenda and the Arizona Bar Foundation's Legal Services Program.

The Elder Law Hotline provides free legal assistance to Arizona residents age 60 and older, with no income restrictions. Callers from any part of the state can speak to an attorney who will provide brief legal assistance or services on a variety of legal issues, including landlord/tenant disputes, consumer protection, wills and trusts, protective proceedings and bankruptcy.

The Elder Law Hotline is operated by Southern Arizona Legal Aid, a Tucson-based, not-for-profit organization. Voice mail is available 24 hours a day, 7 days a week. Messages will be answered by an attorney during operating hours, Monday through Friday, from 8 a.m. to 4 p.m. Residents in any part of the state may use the toll-free number, 1-800-231-5441. Pima County residents may call the Hotline on a local number, 623-5137.

Jury Reform

Arizona has pioneered many successful jury reform measures, such as jurors being allowed to ask written questions of witnesses, jurors being allowed to discuss evidence in a civil case during the course of the trial, juror note taking, and juror notebooks in lengthy or complex trials. The impact of these jury reforms in Arizona has generated national interest the past several years. Currently a rule petition is pending before the Arizona Supreme Court to extend these reforms to criminal cases.

Fill the Gap

In the mid-90s resources at the "front" [law enforcement] and "back" [prison beds] were increased. More officers were put on the streets, more arrests were made, more case filings made, and more prison beds were built. These increases put a tremendous strain on the "middle" of the criminal justice system -- the courts, prosecutor and defense counsel -- creating a resource "gap" that needed to be filled. The Arizona criminal justice community rallied together in support of a legislative proposal, "Fill the Gap," to help solve these critical problems in the criminal justice system. The Legislature approved funds to improve the processing of criminal cases in the Superior Courts and Justice Courts. A key component of this initiative is the improvement of caseload process itself. In the late 90s the courts responded by studying and implementing new and better ways to handle criminal cases from the beginning to the end. As a result, the number of pending cases has dropped, fewer motions to continue are granted, and criminal cases are being processed quicker.

Juvenile Justice Reform

In the mid-90s legislation was passed to reform the criminal justice system which dealt with adjudicating, sentencing and treating juvenile offenders. As a result, juvenile detention centers have been renovated or built, treatment options have expanded and improved, and the agencies that make up the juvenile justice system are working better to coordinate and serve juvenile offenders and their families. Changes to the system address the diversion of juvenile to programs operated by the Juvenile Court and county attorney, consequences that a juvenile hearing officer may impose against a juvenile, automatic prosecution in adult court for juveniles age 15 and older who commit violent and chronic offenses, statutory provisions regarding transfer of a juvenile to adult court, access to Juvenile Court services for juveniles placed on adult probation, restitution, and confidentiality and expungement of court records. An audit by Deloitte-Touche, commissioned by the State Legislature in 1998, concluded that ***"In our opinion, Arizona's Juvenile Justice System, if not the best, is certainly one of the best juvenile justice systems in the country."***

Conclusion

In many ways, Arizona's progressive court system is the envy of the nation. We listen to our citizens, embrace new ideas, pursue innovative methods, and attempt always to remain accountable. As court employees, our goal must be to continue to respond to the needs of the public and deliver an independent justice system that respects the rights of our citizens, delivers prompt, impartial decisions free from outside influences, and upholds the trust and confidence of those it serves.

Maintaining a fair and independent court system is based on a foundation of proper ethical conduct of judicial employees who also strive to improve the way we do business for our community. This innovative spirit inspires public confidence and trust in the courts and is one that makes Arizona one of the most progressive court systems in the nation. For these and many other reasons, our courts will continue to break new ground in the administration of justice.

Maintaining the public trust is paramount to gaining public respect for the courts and for the law itself. Importantly, we as employee must remember that behind every case there is a face. Our system of justice says that every person is entitled by law, and by our belief in the basic dignity of human life, to his or her day in court and fair and equitable treatment in that court.

The way we as the judicial branch of government respond to the struggles of people in our complex society reflects our commitment to the trust the public has placed in us. It is an enormous responsibility, demanding the utmost of professionalism, confidence, courtesy and compassion.

Our reputation is upheld every day around the state by people like you. Perhaps more than ever before, our courts need to work at keeping the public trust. We know that the single most important step we can take towards that goal is improving our performance. You are critical to that effort. Through your work and the work of your counterparts around the state, we can reduce delays, enhance access, and increase efficiency. We can also treat people with dignity, fairness and sensitivity.

Local Court Information



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Local and State Court Directories

Local Organization Chart

Local Map of Building

Local Emergency Procedure Manual

COJET Calendar

Local Training Calendar

Local Training Requirements

Local Policies and Procedures

TELEPHONE NUMBERS FOR REFERRALS

Calls for other courts/judges Refer to Courts Directory
Calls for other state agencies Refer to State Directory
Calls for other governmental agencies Refer to "Blue Pages" of Telephone Directory

SUPREME COURT

Case Status (602) 542-9396
Certificates of Good Standing (Attorneys) (602) 542-9396
Disciplinary Cases (Attorneys) (602) 542-9396
Judicial Ethics Advisory Opinions (602) 542-5200
Judicial Nominating Commission Information (602) 542-9308
Public Information Materials (602) 542-9304
Administrative Office of the Courts (602) 542-9300

COURT OF APPEALS

Division One (Phoenix) (602) 542-4821
Division Two (Tucson) (520) 628-6954

SUPERIOR COURT

Callers can be given the General Information number for the Superior Court. They will get a recording that lets them choose a number for:

- Administration
- Marriage Licenses, Notary Bonds, Passports
- Filing and Case Information
- Child Support
- Juvenile Court
- Probation

General Information _____

Clerk's Office _____

JUSTICE COURT

Callers need to contact the justice court where the action was filed. Phone numbers for municipal courts can be found in the Courts Directory.

Local Justice Court Numbers:

_____	_____
_____	_____
_____	_____

MUNICIPAL COURT

Callers need to contact the municipal court where the action was filed. Phone numbers for municipal courts can be found in the Courts Directory.

Traffic	_____
Local Municipal Court - Minor Traffic Information	_____
Local Municipal Court - Criminal Information	_____

COMPLAINTS

Against a Lawyer (State Bar)	(602) 252-4804
Against a Judge (Commission on Judicial Conduct)	(602) 542-5200

FEDERAL COURTS

US Court of Appeals - 9 th Circuit (Phoenix)	(602) 514-7101
US District Court	
Phoenix	(602) 514-7101
Flagstaff	(520) 556-7055
Tucson	(520) 620-7200
Bankruptcy Court	
Phoenix	(602) 640-5800
Tucson	(520) 620-7500
Yuma	(520) 783-2288

References



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Glossary

This glossary is provided to help with courtroom and other legal terms. The following definitions are not legal definitions - they intended to provide a general idea of the meaning.

<u><i>A.R.S.</i></u>	Arizona Revised Statutes Books containing the laws that the Arizona Legislature has enacted.
<u><i>ACQUIT</i></u>	To find a criminal defendant not guilty.
<u><i>ACTION</i></u>	A dispute taken to court to be settled. Same as "case," "suit" and "lawsuit" when used in the courtroom context.
<u><i>ADMISSIBLE</i></u>	Evidence that is properly introduced in a trial.
<u><i>ADVERSARY SYSTEM</i></u>	The United States resolves both civil and criminal cases by using a system in which each party, with or without the help of a lawyer, presents his or her side of the story to the court. The judge, or in some cases the jury, listens to both sides and decides the case.
<u><i>AFFIRM</i></u>	A ruling by an appellate court meaning that the decision of the trial court or lower appellate court is correct.
<u><i>ALTERNATIVE DISPUTE RESOLUTION</i></u>	Rather than going to court, people who have a serious disagreement can go to private or community-based organizations to help them resolve their differences. These organizations include neighborhood mediation centers and private arbitrators. In addition, the court may direct potential litigants to court-annexed mediation or arbitration centers.
<u><i>APPEAL</i></u>	A losing party may ask a higher court to review a lower court's decision. Appellate review is normally limited to questions of law as applied in the case, not questions of fact. In a criminal case, only the defendant has a right to an appeal in most states.
<u><i>APPELLATE COURT</i></u>	A court having jurisdiction to hear appeals and review the trial court's procedures. In Arizona, this would include the Court of Appeals (Divisions One and Two) and the Arizona Supreme Court.
<u><i>ARBITRATION</i></u>	The assignment of a civil case to an impartial third party for a decision.
<u><i>ARBITRATOR</i></u>	An attorney selected to hear a case and settle a legal dispute without a formal trial.

ARRAIGNMENT

A hearing held before the trial in a criminal case, at which defendants are advised of their rights, informed of the charge(s) against them, and required to enter a plea of guilty or not guilty.

ARREST

An act by a legal authority, such as the police, taking an individual into custody to answer for criminal charges.

ATTORNEY-AT-LAW

One who is admitted by the Arizona Supreme Court to the State Bar of Arizona and who may represent clients in legal proceedings. Also called lawyers or counsel.

BAIL

Monies or other form of security the judge requires to be held by the court to ensure that a criminal defendant, released while awaiting trial, will be in court for the trial. Bail is returned when the defendant returns for trial.

BAILIFF

Courtroom attendant responsible for keeping order in the courtroom and supervising the jury.

BENCH

The seat and desk where a judge sits in court.

BENCH TRIAL

A trial in which the judge makes the decision. No jury participates in a bench trial.

BILL OF RIGHTS

The first 10 amendments to the United States Constitution, originally passed as a list of the basic rights and freedoms belonging to the people. The government must respect these rights. Rights relating to the judicial system include:

- 1. the right to practice any religion**
- 2. the right to speak freely**
- 3. the right to a jury trial for serious crimes**
- 4. the right not be tried twice for the same crime**
- 5. the right not to testify against oneself**
- 6. in a criminal case, the right to a speedy, fair, and public trial, to be informed of the nature and cause of the accusation, to confront the witnesses against oneself and to obtain witnesses in one's favor, and to be assisted by a lawyer.**

BIND OVER

To hold a person for trial on bond (bail) or in jail. If the court finds probable cause to believe the defendant committed a crime, the court will "bind over" the accused, normally by setting bail for the defendant's appearance at trial.

BOARD OF SUPERVISORS

Governing body at the county level.

<u>BRIEF</u>	Written statement explaining facts of a case and laws that apply.
<u>BURDEN OF PROOF</u>	Responsibility for proving the facts in a case.
<u>CASE</u>	Lawsuit, suit, or action being resolved through the court system.
<u>CASE LAW</u>	Law composed of previous written decisions of appellate courts.
<u>CHAMBERS</u>	Private office of a judge or justice.
<u>CHIEF JUSTICE</u>	Presiding justice of the Arizona Supreme Court.
<u>CITY COUNCIL</u>	Local governing body at the city (municipal) level.
<u>CIVIL CASE</u>	A case that involves a disagreement between two parties (or between a party and the government). A preponderance (more than half) of the evidence has to support the decision in a civil case. In ordinance violation cases, there is a "clear and convincing" evidence standard. After a decision has been reached, the winning party may stop the losing party from performing some action or may receive compensation from the losing party.
<u>CIVIL COMPLAINT</u>	Document filed by the plaintiff in a civil case that outlines the plaintiff's claim against the defendant(s).
<u>CIVIL LAW</u>	Area of law that deals with disputes between individuals not involving crimes.
<u>CLERK OF THE COURT</u>	An appointed or elected official who is responsible for keeping records and accounts for a court and managing routine affairs.
<u>CLERK</u>	A court employee responsible for maintaining permanent records of all court proceedings and exhibits and administering the oath to jurors and witnesses.
<u>CONCILIATION COURT</u>	A special division of the court in which parties bring their dispute to a neutral third party, who helps lower tensions, improve communications, and explore possible solutions.
<u>COMPLAINT</u>	In a civil case, the first document filed with the court by the plaintiff stating his or her claim(s) against the defendant. In a criminal case, the document charging the defendant with a crime.

CONSTABLE

An elected official whose primary duty is to deliver and return legal notices and documents as directed by a Justice of the Peace Court.

CONSTITUTION

The Constitution of the United States became the law of the land in 1787 and was the first written document telling how this nation should be organized, what powers the government should have, and what rights individuals should have. The Constitution is the original and supreme law of the United States. The fifty states have their own constitutions which cannot include anything that would contradict the federal constitution.

CONTRACT

An agreement, oral or written, that binds people to do things. To be legally binding, a contract must result from a clear understanding between two or more people. Leases and agreements to repay loans are examples of written contracts.

CONVICTION

A decision by the judge or a verdict by the jury determining that a person charged with a criminal offense is guilty beyond a reasonable doubt.

COUNTERCLAIM

A claim filed by a defendant in a civil case against the plaintiff's complaint. For this claim, the defendant is a plaintiff.

COUNTY ATTORNEY

Attorney elected in each county to prosecute criminal cases on behalf of the public and to represent the county in civil matters.

**COURT
ADMINISTRATOR**

Person who assists the presiding judge in managing the court.

**COURT APPOINTED
ATTORNEY**

See public defender.

**COURT
COMMISSIONER**

Person with authority to do the job of a judge in limited cases.

COURT OF RECORD

Courts in which all proceedings are permanently recorded according to law. Justice of the Peace and Municipal Courts are not courts of record, but they sometimes do keep records of court proceedings.

**COURT-ORDERED
ASSESSMENT**

Fines, fees, and surcharges ordered by the court.

COURT REPORTER

An employee of the court present during proceedings to make a word-for-word written record of all testimony and other oral statements.

COURTROOM CLERK

Person in charge of recording specific proceedings in court (including the date, names of parties, case number) and keeping the court records.

**COURTS, FUNCTION
OF**

Courts are places where disagreements are resolved by determining the facts of the case and applying the law to them. Courts can determine individual rights and responsibilities, protect individual liberties from unreasonable interference by the government, or prosecute individuals for committing a crime. Courts can act only when disputes are brought to them for resolution.

CRIMINAL CASE

A case brought by the government against an individual accused of committing a crime. Acts that are seen as harmful to society are crimes. Only the state can bring a criminal case to court. The state must prove beyond a reasonable doubt that the person accused of the crime is guilty or must let the person go. Punishments for committing a crime include: a prison or jail sentence; a fine; probation; community service; house arrest; or restitution.

CRIME

An act forbidden by law and punishable by fine, probation, imprisonment or death.

DECIDE

To render a legal decision.

DEFAULT

Failure of the defendant to file an answer or appear in a civil case within the allowed period of time. The plaintiff may then ask for a judgment against the defendant granting everything requested in the complaint.

DEFENDANT

The person or party sued in a civil case or accused in a criminal case.

DELINQUENT ACT

An act committed by a juvenile that if committed by an adult would be a crime.

DEPENDENCY

In need of proper and effective care and control and has no one willing or capable of exercising such care and control. Usually refers to minor children in juvenile court proceedings who are subject to removal from their homes due to lack of parental care/control; lack of provision of necessities of life, abuse, neglect, cruelty or depravity; or who is under the age of 8 years and is found to have committed an act that would be considered delinquent or incorrigible in an older child.

DIRECT EXAMINATION

The first questioning of witnesses by the party on whose behalf they are called.

DISCOVERY

The pretrial process by which one party becomes aware of the evidence gathered by the other party.

DISMISSAL

Termination of all or part of a lawsuit by court order or agreement.

DOMESTIC RELATIONS

Area of law dealing primarily with family issues, such as divorce, child support, custody, and visitation.

DUE PROCESS

The government must treat all individuals fairly and justly by following certain procedures that limit the government's power and protect the life, liberty, and property of the people.

EVIDENCE

Testimony of a witness, an object, or written documents submitted in court regarding the facts in a case.

EXHIBIT

A document or object that is offered into evidence during a trial or hearing.

FELONY

A serious crime, punishable by imprisonment.

FORCIBLE ENTRY AND DETAINER

A special proceeding for returning possession of lands, tenements or other real property to a person who has been wrongfully kept off the land or deprived of use of the land. This is a common proceeding used in landlord/tenant disputes, also known as eviction.

FOREPERSON, JURY

The presiding member of the grand or petit jury, chosen by the members, who speaks or answers for the jury.

**GENERAL
JURISDICTION
COURT (SUPERIOR
COURT)**

Court that has authority to hear all legal actions not assigned exclusively to another court.

GRAND JURY

A group of 12-16 citizens who usually serve a term of not more than 120 days to hear or investigate charges of criminal behavior. Their indictment, called a 'true bill,' leads to a court trial of the person charged.

IMPEACH

A formal accusation by the Arizona House of Representatives that a public official committed misconduct in office.

INCORRIGIBLE

Refers to a juvenile who is unmanageable by parents or guardians. Incurable offenses include running away and truancy.

INDICTMENT

A formal, written accusation by a grand jury charging that a person or business committed a specific crime.

**INITIAL
APPEARANCE**

The first appearance in court by the defendant in a criminal case.

INSOLVENCY

Inability or lack of means to pay debts

INTERPRETER

In most criminal courts, interpreters are provided by the government from the initial appearance through sentencing. However, many of these same courts do not provide them for lawyer-client conferences. In civil matters, courts generally do not supply interpreters. Interpreters are available only to interpret, not to give advice.

JAIL

A place of confinement for less than one year that is operated by either a county or city.

JUDGE

The public officer authorized to preside over, hear, and determine cases in a court of law.

JUDGMENT

The official decision by a court regarding the rights and claims of the parties to a civil or criminal lawsuit.

**JUDGE PRO
TEMPORE**

A person assigned to perform the duties of a judge, subject to periodic reappointment and based upon the workload of the court.

JUDGE, ROLE OF

The traditional role of the judge in the adversarial system is to be a neutral observer and to maintain orderly proceedings. When there is no jury, the judge decides the question of guilt in criminal cases and that of liability, or responsibility and damages, in civil cases. When there is a jury, the judge is there to ensure that the procedure is fair and to instruct the jury on the relevant law. When a jury finds a criminal defendant guilty, the judge imposes the sentence.

JUDICIAL INDEPENDENCE

An important concept meaning that judges should disregard outside influences and should make judgments based on legal principles and the facts presented in a given case. The judicial branch is separate from the legislative and executive branches.

JUDICIAL PERFORMANCE REVIEW

The process as required by the Arizona Constitution to periodically review the performance of judges appointed by the governor under the merit selection process.

JUDICIAL REVIEW

The courts may review the laws made and actions taken by the federal and state governments and may stop any law or action that does not follow the federal or state laws or constitutions.

JUDICIAL SELECTION

Judges are selected in a variety of ways. For the federal courts, they are appointed by the President, with the advice and consent of the Senate. The states use a number of methods, including appointment by the governor; merit selection, where the governor appoints a judge from a list of names submitted by a special nominating commission; appointment by the legislature; partisan election, where the candidates' political affiliations are mentioned on the ballot; and nonpartisan election, where no political party is mentioned.

JURISDICTION

The legal authority of a court to hear and decide cases; the exercise of judicial power within certain geographic, monetary or subject matter limits.

JURY

Traditionally, a group of 12 individuals from the community selected to hear evidence in a court case and decide the case based on the facts presented. Today, a jury may consist of as few as six individuals. The right to a jury trial in civil cases is limited by state law. However, in any criminal case where the accused person could be jailed for longer than six months if found guilty, he or she has the right to a jury trial. During voir dire, both parties, through their lawyers or the judge, have the opportunity to question potential jurors. Potential jurors may be excused from service in two ways. Some may be challenged for cause, such as obvious bias, conflict of interest, etc. Parties also have the right to exercise a limited number of "peremptory challenges" and dismiss a potential juror without stating a reason.

JURY POOL

The jury pool (group of potential jurors) may be called from a list of registered voters, from licensed drivers, or other sources. Names are selected at random, and those whose names are chosen are summoned to come to court on a certain day.

JURY
COMMISSIONER

Court officer who ensures that potential jurors are available to serve when needed by the courts.

JUSTICE OF THE
PEACE

An elected official from a geographical boundary (precinct) who hears certain traffic, civil and criminal cases, issues warrants, handles domestic violence and harassment cases, and civil cases involving claims of \$5,000 or less.

JUVENILE COURT

A section of the Superior Court in each county that has primary responsibility for juvenile cases involving delinquency, incorrigibility, dependency, and truancy.

JUVENILE DETENTION

Juvenile detention is the temporary and safe custody, in a separate lockup facility, of juveniles aged 8-17 who are accused of conduct subject to the jurisdiction of the court and who require a restricted environment for their own and/or the community's protection while pending legal disposition by the court. The superior court's juvenile court division and juvenile probation department, in conjunction with the county board of supervisors, are responsible to provide these services.

LAW

Provisions which regulate the conduct of society, primarily generated by the legislative branch of government.

LAWYER, RIGHT TO A

In any criminal case where a jail sentence is the possible punishment and the accused person cannot afford a lawyer, the accused has a right to be represented by a court-appointed lawyer, paid for by the state. In civil cases there is no such right to be represented at the expense of the state, but an individual can hire a lawyer at his or her own expense. The exception is that in small claims court (justice court), lawyers are not allowed. Legal aid offices provide lawyers for the poor in civil matters.

LAWYER, ROLE OF

The role of lawyers in the United States goes far beyond trying cases in court. Much of their work involves negotiation. Only about 10% of both civil and criminal cases filed in court ever go to trial. The rest of the cases are disposed of in a variety of ways, with the lawyers doing much of the bargaining. Their work also involves advising on business problems, as well as drafting legal documents like contracts and wills.

LIMITED
JURISDICTION COURT

A court that may hear and decide limited types of cases. In Arizona, these are the Justice of the Peace and Municipal Courts (also known as City Court).

LITIGANT

A party (person or persons) involved in a lawsuit.

LITIGATION

A judicial proceeding that seeks a decision from the court.

MAGISTRATE

Often used to refer to a Municipal Court judge, but Arizona statutes provide a broad definition that includes all judicial officers with power to issue a warrant for arrest which includes Supreme Court justices and judges of the Superior, Justice of the Peace and Municipal Courts.

MEDIATION

A form of alternative dispute resolution in which parties bring their dispute to a neutral third party, who helps them agree on a settlement.

MERIT SELECTION

A system that utilizes a judicial nomination commission to recommend candidates for judicial appointments to the governor.

MIRANDA WARNING

A special safeguard that requires the police to advise a person under arrest of his or her constitutional rights before questioning begins. These rights include: the right to remain silent; the right to consult with a lawyer before being questioned and to have a lawyer present during questioning; the right to have a lawyer appointed if the person cannot afford one; the right to stop answering questions at any time.

MISDEMEANOR

Offense less serious than a felony, punishable by a sentence other than being sent to prison (A.R.S. § 13-105) which cannot exceed 6 months in jail.

<u>MISTRIAL</u>	An invalid trial, caused by fundamental error. When a mistrial is declared, the trial must start again, beginning with the selection of a new jury.
<u>MOTION</u>	A request to a judge seeking a specific ruling or court order.
<u>NO CONTEST</u>	A plea by a defendant that does not challenge the validity of the charge, but does not admit or deny guilt of the offense.
<u>UNDER OATH</u>	Having made a pledge, promise, or declaration to provide true information in court or in an affidavit.
<u>OPINION</u>	Written statement issued to report the decision of an appellate court.
<u>ORDINANCE</u>	A law passed by a city, town, village, or county.
<u>PAROLE</u>	The supervised conditional release of prisoners before the expiration of their prison sentence. If the parolee observes the conditions of release, the remainder of the prison term does not have to be served.
<u>PARTIES</u>	Persons, partnerships, corporations, businesses, or governmental organizations involved in legal proceedings.
<u>PETIT (TRIAL) JURY</u>	The group of people selected by voir dire to decide the facts and render a verdict in a civil or criminal trial.
<u>PETITION</u>	Written request to the court asking for specific legal action.
<u>PETITION FOR REVIEW</u>	An application asking an appellate court to examine a ruling or decision.
<u>PLAINTIFF</u>	In a civil action, the party who files the lawsuit; in a criminal case, the state is the plaintiff.
<u>PLEA</u>	Response of a defendant to the criminal charges stated: the plea is usually "guilty," "not guilty," or "no contest."

PLEA AGREEMENT OR
PLEA BARGAINING

A process between the accused and the prosecution to negotiate a mutually satisfactory outcome of the case. Usually presented to the court in written form following a pretrial conference, the plea agreement sets out the plea (guilty or no contest); the charges pleaded to; charges dismissed (if any) as a result of the plea; any recommended sentence, and a statement of the defendant's rights relative to the plea. The agreement is signed by the prosecutor and the defendant/defense counsel. The court may accept or decline the agreement. It is a fact that if it were not for the use of plea agreements to facilitate case disposition, the system would not be able to bring all cases to trial.

PRECINCT

Geographic subdivision of a county used to describe the jurisdiction of the justice of the peace court. An unrelated use of this term is to divide the state for election purposes.

PRELIMINARY
HEARING

Court proceeding used to determine whether enough evidence exists against a person charged with a felony to proceed to trial.

PREPONDERANCE OF
EVIDENCE

Greater weight of the evidence, the common standard of proof in a civil case.

PRESENTENCE
REPORT

A report to the sentencing judge, prepared by the defendant's probation officer, containing background information about the crime and the defendant to assist the judge in making his or her sentencing decision.

PRESIDING JUDGE

Judge who handles the administrative duties of the court. Depending on the court, this judge may also hear cases.

PRESUMPTION OF
INNOCENCE

After an arrest and up until the time of a conviction, it is officially presumed that the accused person is innocent of any criminal charges. In other words, a person should be thought of as innocent until he or she is proven guilty in a court of law. Therefore, as long as bail is paid, the accused usually will remain free until the final outcome of the trial. To get a conviction, during the trial the prosecutor must prove beyond a reasonable doubt that the accused is guilty.

PRISON

A place of confinement for a term of one year or more supervised by the state Department of Corrections.

PROBATION

A conditional suspension of the sentence given by a court in a criminal case. If the terms of probation are completed successfully, the sentence is not imposed. If the terms of probation are violated, probation may be revoked and the sentence must be served.

<u>PRO PER OR PRO SE</u>	Appearing in court for oneself, as in the case of one who does not use the services of a lawyer.
<u>PROPOSITION 109</u>	The constitutional amendment that required public input and the establishment of a process to review judges' job performance which results in a publication for distribution during retention voting.
<u>PROSECUTOR</u>	Attorney representing the citizens of a particular community or the state in a criminal case. This may be the city attorney, county attorney, or attorney general.
<u>PUBLIC DEFENDER</u>	A lawyer provided by the government (federal, state, or local) to represent criminal defendants who cannot afford to hire a private lawyer. Public defenders are not provided in civil cases.
<u>PROBABLE CAUSE</u>	Reasonable grounds exist to proceed with arrest or search.
<u>REASONABLE DOUBT, BEYONDA</u>	Standard that requires that evidence presented against the defendant in a criminal trial be so conclusive that all reasonable doubt is removed from the mind of the jurors.
<u>RECORD</u>	All the documents and evidence plus transcripts of oral proceedings in a case.
<u>RECORD ON APPEAL</u>	Those papers, transcripts, and exhibits from the trial court that are forwarded to the appellate court for review.
<u>REMAND</u>	To send back; an appellate court may remand a case to the trial court for re-trial or other action.
<u>REST</u>	A party is said to "rest" or "rest its case" when it has presented all of the evidence it intends to offer.
<u>RESTITUTION</u>	Repayment for any loss, damage, or injury.
<u>RETENTION</u>	The electoral process used in merit selection counties by which voters decide whether judges will continue to serve another term in their current judicial capacity.
<u>REVERSE</u>	Decision of an appellate court to change all or part of the decision of a lower court.

RIGHTS AND
RESPONSIBILITIES

Along with the rights (powers or privileges) guaranteed by the Constitution and the laws of the United States, people are given responsibilities. For example, they must know and obey the law, pay taxes, attend school up to a certain age, and appear as a witness in court if summoned to do so.

RULE OF LAW

All government officials and all private citizens must follow the laws of the nation and must be treated equally under the law. The government is created by and for the people and is answerable to the people.

SENTENCE

Punishment set by the court within the range of punishments authorized by statute.

SEPARATION OF
POWERS/CHECKS AND
BALANCES

The government is divided into three branches, or parts. Each branch has part of the power, and no branch has all of the power. Each branch stands guard over the others so that no branch can misuse its power. The legislative branch makes laws. The executive branch enforces laws. The judicial branch makes judgments according to the law and can nullify laws that conflict with the Constitution. The government is also divided by levels. There is a central government called the federal government. There are separate governments for each of the 50 states, called the state governments, which are organized much like the federal government. There are also local governments for counties, cities, towns, and villages.

SETTLEMENT

An agreement which provides satisfaction to one or both parties in a civil lawsuit in return for dismissal of the case.

SMALL CLAIMS COURT

A special court designed to provide quick, informal and inexpensive resolution of relatively small civil suits (usually valued at \$1,500 or less). Lawyers are not allowed.

SPECTATORS

Members of the public observing court proceedings. The Sixth Amendment to the Constitution guarantees a defendant the right to a public trial.

STATUTE

Law enacted by the Legislature and published as the Arizona Revised Statutes.

SUBPOENA

A court order requiring an individual to appear and testify in court. Subpoenas are also used to obtain documents.

<u>SUMMONS</u>	Legal document issued by the court that directs the sheriff or other officer to notify the named defendant that a complaint has been filed and that the defendant is required to appear and answer the complaint on or before the time and date specified.
<u>SUPERIOR COURT</u>	See "General Jurisdiction Court".
<u>TEMPORARY RESTRAINING ORDER</u>	An emergency order restricting one or more parties from committing an act contrary to the other party pending a formal hearing on the issue(s).
<u>TESTIMONY</u>	Statements made by witnesses who have taken an oath or affirmed that they will tell the truth.
<u>TRANSCRIPT</u>	Official written word-for-word record of court proceedings.
<u>TRIAL</u>	Formal presentation of facts to a court or jury in order to reach a legal decision.
<u>TRIAL DE NOVO</u>	A new trial that is held upon appeal from a non-record court or from appeal of an arbitration award.
<u>TRUE BILL</u>	An indictment by a grand jury.
<u>VERBATIM RECORD</u>	A word-for-word record of judicial proceedings taken by use of a court reporter or an audio tape recorder.
<u>VERDICT</u>	A jury's decision. In a criminal case, the jury decides guilt or innocence. In a civil case, the jury decides liability and whether to award money damages and, if so, the amount of damages to be awarded. In a bench trial, the judge makes those decisions, which are called judgments.
<u>VICTIM</u>	A person who suffered physical injury, mental suffering, or loss of property because of an attempted or actual criminal act by another person. The government brings the case against the defendant, but the victim often will become a witness if a trial is held.
<u>VICTIM'S RIGHTS</u>	The rights due a victim of a crime, which may include the right to testify against the defendant, the right to restitution by the defendant, the right be apprised of the terms, and notification of the date of the defendant's release from jail or prison.

VOIR DIRE

Process of questioning potential jurors so that each side may decide whether to accept or oppose individuals for service on a jury. During voir dire, both parties, through their lawyers or the judge, have the opportunity to question potential jurors. Potential jurors may be excused from service in two ways. Some may be challenged for cause, such as obvious bias, conflict of interest, etc. Parties also have the right to exercise a limited number of "peremptory challenges" and dismiss a potential juror without stating a reason.

WARRANT

A court order authorizing law enforcement officers to make an arrest or conduct a search. An affidavit seeking a warrant must establish probable cause by detailing the facts upon which the request is based.

WITNESS

Person who gives testimony regarding the facts of the case. An expert witness is one who gives "opinion" regarding the case facts.

Resources: For Further Study

The following video tapes, audio tapes and books are provided for use in additional training in specific topical areas:

STATE AND TRIBAL COURT INTERACTION: BUILDING COOPERATION:

AN ARIZONA PERSPECTIVE Arizona Court Forum

This book discusses civil jurisdictional disputes between state and tribal courts. The Arizona Forum was to explore and chart ways of building consensus between state and tribal governments and prepare this report. The project was conceived by the Conference of Chief Justices of State Supreme Courts, designed by the National Center for State Courts, and funded by the State Justice Institute.

ANATOMY OF A TRIAL Martin R. Galbut

This program covers the anatomy of a civil lawsuit from the filing of claim to the issuance of a verdict. Included in the discussion are factors to consider when filing a lawsuit, alternative dispute resolution options, and the process a trial follows. General timeframes are described, as well as whether a trial by a judge or jury is preferable.

ARIZONA'S FOSTER CARE REVIEW SYSTEM. Arizona Supreme Court

This video describes the Foster Care Review Board, its goals and objectives, and place in our society.

BIAS IN THE COURTROOM. American Bar Association

Examples of bias in the courtroom are shown in this video. It is designed to promote discussion and action from its viewers.

CHILD SUPPORT GUIDELINES Arizona Supreme Court

An overview of current Child Support Guidelines.

THE COURT'S PEOPLE - ADMINISTERING ARIZONA'S JUSTICE

This video provides a basic overview of the personnel in a courtroom, including attorneys and witnesses, their duties and roles.

CRIMINAL CHARGING DOCUMENTS

This video provides a bird's-eye view of the proper way a court clerk should read criminal information or indictments or other charging documents.

FRONTLINE: INSIDE THE JURY ROOM.

The public broadcasting station takes the first television cameras ever inside a jury room. Twelve ordinary people decide the fate of one man. The real life drama of deliberations in a criminal trial unfold in this video. Target audience: all court personnel. Length: approx. 1 hour.

GUILTY PLEAS: STATE VS. BREWSTER American Academy of Judicial Education

The American Academy of Judicial Education in conjunction with the American Judicature Society and the American Judges Association presents a mock trial training program about the guilty plea in the case of State vs. Brewster. Target audience: all judges. Length: approx. 25 minutes.

HEARSAY EVIDENCE: GYPO NOLAN REVISITED Honorable Charles E. Moylan, Jr.

The Honorable Charles E. Moylan, Jr., Associate Judge of the Maryland Court of Special Appeals, discusses how a judge determines whether hearsay information is reliable and trustworthy and whether the information is constitutionally admissible.

HEARSAY TRIAL

Lecture to judges on the topic of hearsay evidence.

IT'S CALLED A WITNESS CHAIR Arizona Supreme Court

This tape is a child's guide to the court system. The video visits a courtroom and introduces children to the different things they may encounter. Length: approx. 10 minutes.

JURY DUTY AND YOU.

A step-by-step look at the jury process: how jurors are selected, what is expected of you, and what you may be confronted with as a member of the jury.

JURY DUTY, PHOENIX MUNICIPAL COURT

Jury Orientation for Phoenix Municipal Court prospective jurors.

A JURY OF HER PEERS Film Inc. Video

This short story is a drama that accounts the evidence of a murder trial in a small farming community in the early 1890s. Good discussion starter. Length: approx 30 minutes.

JUVENILE LAW Honorable Barry Silverman

This is a discussion revolving around the types of situations handled by the Juvenile Court, a division of the Superior Court in Arizona. The three types of cases heard in Juvenile Court are delinquency, dependency (protection of children), and adoption. Included in the discussions are explanations of hearings held and definitions of terms used.

THE LAW EXISTS FOR YOU Pima County Superior Court and Consolidated Justice Courts

This video deals with citizens' rights established under the U.S. Constitution and the responsibility of the court system to see that those rights are upheld.

MEDIATION: FOR YOUR CHILDREN'S SAKE Pima County Superior Court

Pima County requires domestic relations custody disputes to attend mediation through the Conciliation Court. This is the orientation video shown before the consultation with counselors.

OATHS AND AFFIRMATIONS AOC - Education Services in Conjunction with Maricopa County

Superior Court Program for new court clerks on how to administer oaths and affirmations to the court. Target audience: court clerks. Length: approx. 14 minutes.

ON BEING A JUROR ARIZONA'S JUDICIAL SYSTEM

This program provides an overview of Arizona's court system and will orient you to the duties and responsibilities of being a juror. Target audience: all court personnel. Length: approx 20 minutes.

OVERVIEW OF THE LEGAL SYSTEM

This video discusses where our laws come from and how they are administered, an overview of the most common areas of law, and some of the knowledge and skills necessary for members of a law firm. Target audience: all court personnel. Length: approx. 30 minutes.

PRELIMINARY HEARING: STATE VS. BREWSTER American Academy of Judicial Education, American Judicature Society and the American Judges Association

A mock trial training program on a preliminary hearing in the case of State vs. Brewster. Target audience: all judges. Length: approx. 30 minutes.

PRE-TRIAL SERVICES Pima County Superior Court

This video depicts how Pima County's Pretrial Services Division effectively assists the court in releasing a large percentage of the arrestee population while minimizing the failure to appear rate and risk to the community. Target audience: all probation officers. Length: approx. 30 minutes.

PRO PER LAWSUITS: REPRESENTING YOURSELF IN ARIZONA JUSTICE COURT

This video provides a step-by-step procedure for filing and preparing for a civil lawsuit in an Arizona Justice Court.

THE ROLE OF THE JUDGE IN A JURY TRIAL Honorable Robert Donfeld

This video is a representation of a jury, primarily focusing on the part the judge plays in a jury trial. Target audience: newly appointed judges. Length: approx. 42 minutes.

SPEAK UP FOR A CHILD Arizona Supreme Court's Court Appointed Special Advocate (CASA) Program. This is an orientation tape for CASA volunteers.

SEARCH AND SEIZURE - CRIME FILE SERIES National Institute of Justice

Topics discussed in this program include what kind of police search is reasonable and what is unreasonable, when police can stop you, when they can frisk you, when they can search you, your car, or your home. Target audience: probation officers. Length: approx. 30 minutes.

SPECIAL PROBLEMS IN THE CONDUCT OF A TRIAL The American Academy of Judicial Education and the American Judicature Society
Courtroom scenarios are presented depicting special problems that could arise during the course of trial. Target audience: judges. Length: approx. 3 hours.

TEEN COURT PROGRAM Gila County Superior Court

This video provides an explanation of the Teen Court Program used in Gila County. Juvenile offenders who meet certain criteria may choose to be tried by the Teen Court, a jury of their peers, which then determines punishment.

THIS HONORABLE COURT

An in-depth look at the history and evolution of the United States judicial system, specifically the Supreme Court. Target audience: all court personnel. Length: approx. 2 hours.

UNDERSTANDING THE COURTS The American Bar Association

This video provides a brief description of the anatomy of a criminal case and a civil case.

VERDICTS AND INTERROGATORIES

This video shows, through example, how to properly read courtroom verdicts and interrogatories in both civil and criminal jury trials. Target audience: all court clerks.

WILLS AND PROBATE Fenton McDonough

Through discussion this program defines and explains probate; when it is necessary and how the process works. It also defines what constitutes a will; what standards are required for a will to be valid, what should and should not be included. Medical Power of Attorney, living wills, and living trusts are also covered.

YOUR DAY IN COURT - CIVIL PROCEEDINGS

This video shows the step-by-step process involved in civil cases. Approx. 1.5 hours.

ZLAKET RULES

Presented by a panel of experts, including the Honorable Colin Campbell, Justice Thomas Zlaket and the Honorable Michael Brown.