

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	No. 2022 - <u>29</u>
§ 5-109: LENGTHY TRIALS)	(Affecting Administrative
)	Order No. 2013-77)
)	
)	

Pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt technical changes in existing administrative code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 5-109 is amended as indicated on the attached document. All other provisions of § 5-109 remain unchanged and in effect.

Dated this 9th day of March, 2022.

ROBERT BRUTINEL
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 5: Court Operations
Chapter 1: Funding
Section 5-109: Lengthy Trials

- A. Purpose.** A.R.S. § 21-222 establishes the Arizona lengthy trial and digital evidence fund (~~ALTF~~) (ALTDEF) to pay full or partial earnings replacement or supplementation to jurors who serve as petit jurors for more than five days and who receive less than full compensation from their employers. This section includes procedures for paying eligible jurors and for seeking reimbursement from the ~~ALTF~~ ALTDEF.
- B. Program Administration.** The Administrative Office of the Courts (AOC) ~~shall administer~~ is responsible for administering the ~~ALTF~~ ALTDEF.
- C. Filing Fee.** A filing fee of \$15.00 is established pursuant to A.R.S. § 12-115. The clerk of the superior court ~~shall~~ must collect the fee on civil complaints, answers to civil complaints, and motions to intervene in civil cases filed in superior court, as specified in Appendix A. The fee ~~shall~~ must be deposited in the ~~ALTF~~ ALTDEF and used to reimburse lengthy trial payments to jurors.
- D. Program Eligibility.**
1. Days of service. Jurors whose service exceeds five days are eligible for payment from the ~~ALTF~~ ALTDEF. Jury service ~~shall include~~ includes every day or partial day of service that the court requires of jurors in response to the jury summons, including voir dire and the trial.
 2. Juror's eligibility. Jurors who serve on a trial that lasts more than five days and who do not receive their normal earnings during that time may apply to the jury commissioner for additional juror compensation of up to \$300 per day from the ~~ALTF~~ ALTDEF. Jurors who are unemployed or who earn less than \$40 per day are eligible for a \$40 per day minimum payment.
 3. Notice. When the court anticipates a lengthy trial, jurors ~~shall~~ must be informed that they may qualify for additional juror compensation. Jury commissioners ~~shall~~ will determine when the jurors ~~shall~~ are required to submit claims and notify them accordingly, provided that all claims ~~shall~~ must be submitted no later than 30 days after jury service is complete. Jurors requesting compensation for a lengthy trial ~~shall~~ must submit a completed juror claim form, a statement from the juror's employer and any additional information and documentation required by the jury commissioner necessary to process the claim. If the court makes interim payments to jurors throughout the trial, the jury commissioner ~~shall~~ must request an initial juror claim form upon the juror's sixth day of service. Jurors ~~shall~~ must submit an updated juror claim form in the event of a change in the juror's financial circumstances.

E. Payment Calculation.

1. Jury commissioners ~~shall~~must pay each juror determined to be eligible for additional juror compensation at least \$40 per day, which includes the \$12 juror fee paid pursuant to A.R.S. § 21-221, for each day of jury service. For those who qualify for more than \$40 per day, payment ~~shall~~cannot exceed \$300 per day.
2. Jury commissioners ~~shall~~must use the following formula to determine the amount due each juror:

$$(A - \$12) - B = C$$

$$C \times D = E$$

$$E + (\$12 \times D) = F$$

A = Juror's normal gross daily earnings. If this amount is less than \$40, use \$40.

B = Juror's daily earnings actually received during jury service.

C = Daily amount due to the juror from the lengthy trial and digital evidence fund, not to exceed \$300.

D = Number of days of jury service for which payment is due.

E = Total ~~ALTF~~ALTDEF payment due the juror.

F = Total payment to juror, excluding mileage reimbursement.

3. Jury commissioners ~~shall~~must base the calculation on the juror's normal gross earnings before any deductions for taxes, social security, insurance and other benefits. Using the verified earnings information the juror provides, the jury commissioner ~~shall~~must deduct any gross earnings the juror received during the juror's term of service from the amount the juror would have earned had the juror not been serving.
4. Jury commissioners ~~shall~~must require jurors who earn commissions only, are self-employed, are temporarily employed, or are employed as contractors, to provide sufficient reliable documentation to identify with reasonable certainty the amount they would have earned on the days of jury service for which they are eligible for ~~ALTF~~ALTDEF compensation.
5. Jury commissioners ~~shall~~must advise the county of any payments of \$600 or more to any juror in the same year for filing Form 1099 with the Internal Revenue Service.
6. Jury commissioners ~~shall~~must adopt procedures to ensure that confidential and personal financial information provided in support of an ~~ALTF~~ALTDEF claim is not disclosed to the public pursuant to law.
7. A juror who does not agree with the decision of the jury commissioner regarding payment may request that the presiding judge or their designee review the decision.

F. Reimbursement Procedures.

1. To request reimbursement for lengthy trial payments, the jury commissioner ~~shall~~must submit a completed reimbursement request form. The jury commissioner ~~shall~~must complete a separate form for each jury panel to be paid.
2. The request may include an administrative fee as set forth in A.R.S. § 21-222(B), provided that the fee may be requested and paid only once for each juror.
3. Jury commissioners must submit a reimbursement request form within 60 days of the last day of jury service to allow the AOC sufficient opportunity to issue reimbursement within the same fiscal year it accrued. Failure to submit a timely request may result in the denial of the request for reimbursement or withholding of all or any portion of future ~~ALTF~~ ALTDEF funds to which the court may be entitled.
4. Reimbursement request forms ~~shall~~must be submitted to:

Court Services Division
Administrative Office of the Courts
1501 W. Washington, Suite 410
Phoenix, AZ 85007
Fax: (602) 452-3659
Ph: (602) 452-3453

- G. Forms.** The juror claim form and reimbursement request form can be accessed on the supreme court internet site at: ~~http://supreme.state.az.us/nav2/jury.htm~~ https://www.azcourts.gov/juryduty#Forms or by contacting the ~~court services division~~ Court Services Division.

Section 5-109: Lengthy Trials

Appendix A

Filings on which the ~~ALTF~~-ALTDEF Fee is to be Collected

Case/Filing Type	Initial Filing	Intervenor or Defendant Answer	Legal Authority and Comments
TORT MOTOR VEHICLE:			
Non-Death/Personal Injury	\$15.00	\$15.00	
Property Damage	\$15.00	\$15.00	
Wrongful Death	\$15.00	\$15.00	
TORT NON-MOTOR VEHICLE:			
Negligence	\$15.00	\$15.00	
Product Liability – Asbestos	\$15.00	\$15.00	
Product Liability – Tobacco	\$15.00	\$15.00	
Product Liability – Toxic/Other	\$15.00	\$15.00	
Intentional Tort	\$15.00	\$15.00	
Property Damage	\$15.00	\$15.00	
Legal Malpractice	\$15.00	\$15.00	
Malpractice – Other professional	\$15.00	\$15.00	
Premises Liability	\$15.00	\$15.00	
Slander/Libel/Defamation	\$15.00	\$15.00	
Other	\$15.00	\$15.00	
MEDICAL MALPRACTICE:			
Physician M.D.	\$15.00	\$15.00	
Physician D.O	\$15.00	\$15.00	
Hospital	\$15.00	\$15.00	
Other	\$15.00	\$15.00	
CONTRACTS:			
Account (Open or Stated)	\$15.00	\$15.00	
Promissory Note	\$15.00	\$15.00	
Foreclosure	\$15.00	\$15.00	
Buyer-Plaintiff	\$15.00	\$15.00	
Fraud	\$15.00	\$15.00	
Other Contract (i.e. Breach of Contract)	\$15.00	\$15.00	
Excess Proceeds -Sale	\$15.00	\$15.00	
Construction Defects (Residential/Commercial)	\$15.00	\$15.00	
Six to Nineteen Structures	\$15.00	\$15.00	
Twenty or More Structures	\$15.00	\$15.00	
OTHER CIVIL:			
Eminent Domain/Condemnation (A.R.S. § 12-1116)	\$0.00	\$15.00	See A.R.S. § 12-304

Eviction Actions (Forcible and Special Detainers) (A.R.S. § 12-1175)	\$15.00	\$15.00	
Change of Name	\$15.00	\$15.00	
Transcript of Judgment	\$0.00	\$0.00	See A.R.S. § 12-284(A), Class E
Foreign Judgment	\$15.00	\$15.00	
Quiet Title (A.R.S. § 12-1101)	\$15.00	\$15.00	
Forfeiture	\$15.00	\$15.00	
Election Challenge	\$15.00	\$15.00	
NCC- Employer Sanction Action (A.R.S. § 23-212)	\$0.00	\$15.00	See A.R.S. § 12-304
Injunction against Workplace Harassment	\$15.00	\$0.00	See A.R.S. § 12-1810(D)
Injunction against Harassment	\$0.00	\$0.00	See A.R.S. § 12-1809(D)
Civil Penalty	\$15.00	\$15.00	
Water Rights (Not General Stream Adjudication)	\$15.00	\$15.00	
Real Property	\$15.00	\$15.00	
Sexually Violent Person (A.R.S. § 36-3704)	\$15.00	\$15.00	
Minor Abortion	\$0.00	\$0.00	
Special Action Against Lower Courts	\$15.00	\$15.00	
UNCLASSIFIED CIVIL:			
Administrative Review (A.R.S. § 12-901)	\$15.00	\$15.00	
Tax Appeal	\$15.00	\$15.00	
Declaratory Judgment	\$15.00	\$15.00	
Habeas Corpus	\$0.00	\$0.00	See A.R.S. § 13-4143
Landlord Tenant Dispute	\$15.00	\$15.00	
Restoration of Civil Rights (Federal)	\$0.00	\$0.00	See Rule 29.2(b) 30.2(c), Rules of Criminal Procedure
Clearance of Records (A.R.S. § 13-4051)	\$0.00	\$0.00	
Declaration of Factual Innocence (A.R.S. § 12-771)	\$15.00	\$15.00	
Declaration of Factual Improper Party Status (A.R.S. § 12-772)	\$15.00	\$15.00	
Vulnerable Adult (A.R.S. § 46-451)	\$15.00	\$15.00	
Tribal Judgment	\$15.00	\$15.00	
Structured Settlement (A.R.S. § 12-2901)	\$15.00	\$15.00	
Attorney Conservatorships (State Bar)	\$0.00	\$0.00	See Rule 66, Rules of the Supreme Court
Unauthorized Practice of Law (State Bar)	\$0.00	\$0.00	See Rule 78, Rules of the Supreme Court

Out-of-State Deposition for Foreign Jurisdiction	\$15.00	\$15.00	If filed as a new case, ALTF <u>ALTDEF</u> fee is charged
Secure Attendance of Prisoner	\$0.00	\$0.00	See A.R.S. § 12-304 and Az. Const. Art. 2, § 24
Assurance of Discontinuance	\$15.00	\$15.00	
In-State Deposition for Foreign Jurisdiction	\$15.00	\$15.00	If filed as a new case, ALTF <u>ALTDEF</u> fee is charged
Eminent Domain– Light Rail Only	\$0.00	\$15.00	See A.R.S. § 12-304
Interpleader– Automobile Only	\$15.00	\$15.00	
Delayed Birth Certificate (A.R.S. § 36-333.03)	\$15.00	\$15.00	
Employment Discrimination	\$15.00	\$15.00	
Employment Dispute- Other	\$15.00	\$15.00	
Other (If do not specify, charge LTF <u>ALTDEF</u> fee)	\$15.00	\$15.00	
MISCELLANEOUS FEES NOT INCLUDED ON COVERSHEET:			
Change of Venue Out of County	\$15.00	\$15.00	