

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	
JUDICIAL ADMINISTRATION)	Administrative Order
§ 5-109: LENGTHY TRIALS)	No. 2022 - <u>97</u>
)	(Affecting Administrative
)	Order No. 2022-29)
)	

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. The need for a technical amendment to the above-captioned section of the Arizona Code of Judicial Administration is necessary due to the amendments made by Laws 2022 (2nd Reg. Sess.) Ch. 310, House Bill 2859.

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

IT IS ORDERED effective September 24, 2022, 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.

IT IS FURTHER ORDERED the amendments to § 5-109 affecting the number of days a juror must serve to become eligible for compensation apply only to jurors impaneled on or after September 24, 2022.

Dated this 31st day of August, 2022.

ROBERT BRUTINEL
Chief Justice

[Added text is shown underlined, deleted text by strikethrough.]

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

- A. Purpose.** A.R.S. § 21-222 establishes the Arizona ~~lengthy-trial~~ and digital evidence fund (AŁTDEF) to pay full or partial earnings replacement or supplementation to jurors who serve as petit jurors in the superior court ~~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 AŁTDEF.
- B. Program Administration.** The Administrative Office of the Courts (AOC) is responsible for administering the AŁTDEF.
- C. Filing Fee.** A filing fee of \$15.00 is established pursuant to A.R.S. § 12-115. The clerk of the superior court 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 must be deposited in the AŁTDEF and used to reimburse ~~lengthy trial~~ payments to jurors for jury service.
- D. Program Eligibility.**
1. Days of service. Jurors ~~whose service exceeds five days~~ who serve as petit jurors in the superior court are eligible for payment from the AŁTDEF. Jury service 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 jury service may apply to the jury commissioner for additional juror compensation of up to \$300 per day from the AŁTDEF. 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, j~~Jurors must be informed that they may qualify for additional juror compensation. Jury commissioners will determine when the jurors are required to submit claims and notify them accordingly, provided that all claims must be submitted no later than 30 days after jury service is complete. Jurors requesting compensation for ~~a lengthy trial~~ jury service must submit a completed juror claim form, ~~a statement from the juror's employer's contact information,~~ 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 must request an initial juror claim form upon the juror's ~~sixth~~ first day of service. Jurors must submit an updated juror claim form in the event of a change in the juror's financial circumstances.
- E. Payment Calculation.**

1. [No Change]
2. Jury commissioners must use the following formula to determine the amount due each juror:

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

$$x D = E$$

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

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 ~~A~~TDEF payment due the juror.

F = Total payment to juror, excluding mileage reimbursement.

3. [No Change]
4. Jury commissioners 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 ~~A~~TDEF compensation.
5. [No Change]
6. Jury commissioners must adopt procedures to ensure that confidential and personal financial information provided in support of an ~~A~~TDEF claim is not disclosed to the public pursuant to law.
7. [No Change]

F. Reimbursement Procedures.

1. To request reimbursement from the ATDEF for ~~lengthy trial~~ jury service payments, the jury commissioner must submit a completed reimbursement request form. The jury commissioner ~~must complete a~~ may submit one separate form for each ~~multiple~~ jury panels. All reimbursement requests must include the information required by the reimbursement request form to be paid.
2. [No Change]
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 ~~A~~TDEF funds to which the court may be entitled.

4. [No Change]

G. Forms. The *Superior Court Juror Claim* ~~juror claim~~ form and *Superior Court Reimbursement Request* ~~reimbursement request~~ form can be accessed on the supreme court internet site at: <https://www.azcourts.gov/juryduty#Forms> or by contacting the Court Services Division.

Section 5-109: ~~Lengthy~~ Trials and Juror Payments

Appendix A

Filings on which the ALTDEF Fee is to be Collected

Case/Filing Type	Initial Filing	Intervenor or Defendant Answer	Legal Authority and Comments
TORT MOTOR VEHICLE:			
[No Changes]			
TORT NON-MOTOR VEHICLE:			
[No Changes]			
MEDICAL MALPRACTICE:			
[No Changes]			
CONTRACTS:			
[No Changes]			
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), except Answers (A.R.S. § 12- 1175)	\$15.00	\$15.00	See A.R.S. § 12- 301(D)
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	\$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 30.2(e), 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, AŁTDEF 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, AŁTDEF 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 AETDEF fee)	\$15.00	\$15.00	
MISCELLANEOUS FEES NOT INCLUDED ON COVERSHEET:			
[No Changes]			