

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHING AN ADVISORY) Administrative Order
COMMITTEE TO OVERSEE AN) No. 2025 - 188
ASSESSMENT OF INDIGENT)
DEFENSE SERVICES IN ARIZONA)
_____)

The Sixth Amendment to the United States Constitution guarantees that in all criminal prosecutions, the accused shall enjoy the right to “have the Assistance of Counsel for his defense.” This constitutional mandate requires that appointed counsel be not merely present, but effective, “subjecting the prosecution’s case to the crucible of meaningful adversarial testing.” *United States v. Cronin*, 466 U.S. 648, 656 (1984).

The right to counsel extends to every person facing potential loss of liberty, requiring the provision of an attorney at government expense not only in felony cases but also in misdemeanors with potential jail time, direct appeals, appeals challenging certain sentences, and juvenile delinquency proceedings.

The Sixth Amendment’s guarantee of effective counsel for indigent defendants in state criminal proceedings is a state constitutional obligation under the Fourteenth Amendment’s Due Process Clause. When a state delegates its constitutional duty to local governments, it remains responsible for ensuring those entities are both capable of and actually providing effective representation. *See Robertson v. Jackson*, 972 F.2d 529, 533 (4th Cir. 1992).

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

IT IS ORDERED that the 6th Amendment Center is authorized to conduct a study of the current indigent defense system in Arizona.

IT IS FURTHER ORDERED that an Indigent Defense Study Advisory Committee shall be established to oversee the study’s progress, assist as needed, review and make recommendations, and present findings to the Arizona Judicial Council upon the study’s completion.

IT IS FURTHER ORDERED that Yavapai County Presiding Judge John Napper shall chair the study committee. Members will be appointed by the Chief Justice.

The Administrative Office of the Courts shall provide staff support to the committee.

Dated this 31st day of October, 2025.

ANN A. SCOTT TIMMER
Chief Justice