

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHMENT OF GOVERNANCE) Administrative Order
AND ADMINISTRATIVE STRUCTURE) No. 2013 - 70
FOR THE JUSTICE OF THE PEACE)
COURTS IN PIMA COUNTY)

On February 22, 1974, this Court entered an Administrative Order establishing “centralized administration, including civil, criminal, and all other matters,” of the justice courts in Tucson under the Presiding Judge of the Superior Court in Pima County. Today, eight of the ten justice court judges affected by that order work in a single facility in downtown Tucson, and their unified administrative structure is known as the Pima County Consolidated Justice Court (PCCJC). The PCCJC serves the residents of and has jurisdiction over all matters arising within the precincts of the PCCJC. The other two justice courts, located in Ajo and Green Valley, operate separately from the consolidated court.

In 2005, this Court entered two administrative orders establishing a broad governance framework for justice courts in fourteen of the fifteen counties. Administrative Order No. 2005-21 provides for the administrative and management duties of justices of the peace and for the selection of a justice of the peace to exercise these duties for justice courts located at a shared facility where administrative duties have been consolidated. Administrative Order No. 2005-22 provides for the selection and duties of the presiding justice of the peace of the county. Administrative Order No. 2008-59 provides for the governance and administrative structure for the justice of the peace courts in Maricopa County.

Because the legislature created the position of Presiding Justice of the Peace and, in Pima County, the justice of the peace holding that position and the administrative justice of the peace of the consolidated court may be different people, further clarification of the administrative duties of the Pima County justice courts’ leadership is needed.

The size and complexity of the justice court system in Pima County present unique administrative structure and governance responsibilities. Accordingly, an administrative and governance structure tailored to the needs of the justice courts in Pima County and the expectations of the public they serve is necessary.

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

IT IS ORDERED that this Court's February 22, 1974 administrative order shall remain in effect.

IT IS FURTHER ORDERED that, for Pima County, this Order supersedes all provisions of Administrative Order No. 2005-22 related to "Duties of the Presiding Justice of the Peace" and Administrative Order No. 2005-21 related to "Duties of the Justice of the Peace." Administrative Orders Nos. 2005-21 and 2005-22 shall remain in effect for all counties in the state other than Maricopa and Pima Counties.

IT IS FURTHER ORDERED that the governance and administrative structure of the justice courts in Pima County, and the duties of judicial officers and court administrators responsible for its operations, shall be as follows:

- 1. Presiding Judge of the Superior Court:** The Presiding Judge of the Superior Court in Pima County shall perform the duties prescribed by this Order and shall continue to perform all other duties prescribed by Supreme Court Administrative Order No. 2005-32 and its successor orders. The Presiding Judge of the Superior Court may issue local administrative orders, as necessary, in furtherance of the goals and directives of this Order.

Pursuant to the provisions of Supreme Court Administrative Order No. 2005-32, it is the responsibility of the Presiding Judge of the Superior Court to ensure the effective, efficient administration of the justice courts of Pima County, including the resolution of any issues and disputes regarding administrative matters in and among those courts.

The Presiding Judge of the Superior Court shall meet periodically with the Presiding Justice of the Peace and the Chief Administrative Justice of the Peace to discuss justice court issues and needs.

The Presiding Judge of the Superior Court shall review and approve uniform justice court policies where such policies promote the efficient and effective administration of the justice court system in Pima County.

- 2. Court Administrator of the Superior Court:** The Court Administrator of the Superior Court shall perform the duties prescribed by this Order and any other duties, as directed by the Presiding Judge of the Superior Court, in furtherance of the goals and directives of this Order.
- 3. Presiding Justice of the Peace of Pima County:** The justices of the peace of Pima County shall select a presiding justice of the peace, who shall serve a term of two years. The selection shall occur on the second Tuesday of January during odd

numbered years. The term of office shall begin on the third Tuesday of January. The presiding justice of the peace may be selected for subsequent terms. If the vote of the justices of the peace is tied and no resolution of the tie vote occurs within five business days, the Presiding Judge of the Superior Court shall solicit comments on the candidates who received tie votes and select one of those candidates as the Presiding Justice of the Peace.

The justices of the peace of Pima County shall select an Alternate Presiding Justice of the Peace at the same time as they select a Presiding Justice of the Peace following the same selection procedures used to select the Presiding Justice of the Peace.

The justices of the peace of the county may recommend for approval by the Presiding Judge of the Superior Court other procedures necessary to select the Presiding Justice of the Peace and Alternate Presiding Justice of the Peace.

The Presiding Justice of the Peace of Pima County shall perform the following administrative duties:

- a. Perform any duties and carry out any responsibilities that are provided by law, rules, or administrative orders of the Supreme Court;
- b. Perform administrative duties as directed by the presiding judge of the county;
- c. Call periodic meetings of the justices of the peace of the county, preside over all meetings called, and appoint necessary committees;
- d. Coordinate the establishment of a countywide bond schedule;
- e. Coordinate development of policies where necessary for uniform case processing procedures throughout the justice court system countywide;
- f. Exercise administrative supervision over the justices of the peace pro tempore and coordinate the use of justices of the peace pro tempore throughout the County;
- g. Provide assistance to the Justices of the Peace not part of the PCCJC, as needed, in cooperation with the Chief Administrative Justice of the Peace and as directed by the Presiding Judge of the Superior Court or the Supreme Court; and
- h. Perform the duties required by A.R.S. § 12-102.02.

The Alternate Presiding Justice of the Peace shall perform the duties and exercise the powers of the Presiding Justice of the Peace during the absence or inability to act of the Presiding Justice of the Peace.

In the event the Presiding Justice of the Peace resigns or is unable to complete the two-year term, the Alternate Presiding Justice of the Peace shall perform the duties and exercise the powers of the Presiding Justice of the Peace until the successor to the position is selected. The selection shall occur not sooner than 30 days following the

vacancy. The justice of peace selected shall complete the unexpired term of the vacant position.

In the event the Alternate Presiding Justice of the Peace resigns or is unable to complete the term, the selection shall occur not sooner than 30 days following the vacancy. The justice of peace selected shall complete the unexpired term of the vacant position.

The Chief Justice of Supreme Court, for good cause, including a request pursuant to Rule 31 of the Rules of the Commission on Judicial Conduct, may temporarily reassign the Presiding Justice of the Peace or the Alternate Presiding Justice of the Peace or both and suspend that person from performing any of these administrative duties.

4. **Chief Administrative Justice of the Peace of the Pima County Consolidated Justice Court (PCCJC):** The position of Chief Administrative Justice of the Peace is established. The Chief Administrative Justice of the Peace shall be appointed by the Presiding Judge of the Superior Court. The Presiding Judge of the Superior Court shall accept comments on any justice of the peace of the PCCJC who is interested in being appointed to this position. The Chief Administrative Justice of the Peace shall serve at the pleasure of the Presiding Judge of the Superior Court.

The term of the first Chief Administrative Justice of the Peace appointed pursuant to this section shall begin on January 13, 2014 and end on January 16, 2017. Effective January 17, 2017, the appointment of the Chief Administrative Justice of the Peace shall be for a term of three years. The Chief Administrative Justice of the Peace may be reappointed.

In the event the Chief Administrative Justice of the Peace resigns or is unable to complete a term, the Presiding Judge of the Superior Court shall appoint a successor to the position. The justice of the peace appointed shall complete the unexpired term of the vacant position.

The Chief Administrative Justice of the Peace also may serve as the Presiding Justice of the Peace of the county or the Alternate Presiding Justice of the Peace of the county.

The Chief Administrative Justice of the Peace shall perform the following administrative duties:

- a. Ensure timely disposition of cases filed in the PCCJC as required by state law or rules and orders of the Supreme Court;
- b. Ensure efficient public and litigant access to justice courts located in the PCCJC facility;

- c. Coordinate a plan in consultation with the Presiding Judge of the Superior Court to ensure petitions for orders of protection, emergency orders, and other calendared or emergency matters are considered and decided timely. The plan shall be submitted first to the Presiding Justice of the Peace of the County and then to the Presiding Judge of the Superior Court for review and approval;
- d. Convene bench meetings with the PCCJC justices of the peace no less than quarterly to conduct the administrative business of the PCCJC;
- e. Handle personnel matters that arise among and between the justices of the peace of the PCCJC;
- f. Cooperate with the Supreme Court and the Presiding Judge of the Superior Court with regard to their administrative supervision of the courts;
- g. Perform such other duties as directed by the Presiding Judge of the Superior Court;
- h. Coordinate the preparation of the annual budget with the Justice Court Administrator of the PCCJC; and
- i. Delegate administrative duties to the justice court administrator.

If the Chief Administrative Justice of the Peace is unable or unwilling to perform these duties, the duties shall be performed by the Presiding Judge of the Superior Court or that judge's designee.

The Chief Justice of Supreme Court, for good cause, including a request pursuant to Rule 31 of the Rules of the Commission on Judicial Conduct, may temporarily reassign the Chief Administrative Justice of the Peace and suspend that person from performing any of these administrative duties.

5. Other Justices of the Peace in Pima County: In cooperation with the Presiding Judge of the Superior Court and the Presiding Justice of the Peace, the Justices of Peace not part of the PCCJC shall be responsible for the following administrative duties of their respective courts:

- a. Exercise managerial control over the support personnel for their courts subject to state or county or Judicial Branch personnel policies and procedures applicable to their courts. Managerial control includes authority for hiring, conducting employee performance reviews, and imposing discipline up to and including termination pursuant to state, county, or judicial branch personnel policies applicable to employees of their court;
- b. Maintain justice court records in accordance with the applicable laws, rules, and polices;
- c. Consider and decide petitions for orders of protection, issue emergency orders and, in coordination with the Presiding Justice of the Peace of the county, arrange for another judicial officer or justice of the peace pro tempore to

- handle these and other calendared matters in the event of the justice of the peace's planned absence from the court;
- d. Schedule hearings and trials related to cases and other matters filed in the justice precinct over which the justice of the peace has jurisdiction;
 - e. Monitor and evaluate case processing data to ensure timely disposition of justice court cases in their precinct;
 - f. Prepare and submit a budget for their court as required by the county's and court's budgeting procedures and policies in coordination with the Presiding Judge of the Superior Court and the Presiding Justice of the Peace;
 - g. Manage budget expenditures and accounting and finance over county and other funds allocated to or under the control of their court;
 - h. Procure and contract for goods and services;
 - i. Manage jurors, consistent with the policies and practices of the Superior Court Jury Commissioner;
 - j. Assist with the preparation of the countywide technology plan required by the Supreme Court's Commission on Technology;
 - k. Provide for interpreter services;
 - l. Conduct or oversee asset inventory and management;
 - m. Manage court facility security and space utilization;
 - n. Participate in court-related programs to help in efficient management of cases or for special services for justice of the peace courts in Pima County, as appropriate; and
 - o. Delegate administrative duties to a manager, court clerk, or court administrator of their respective court, as necessary to perform the duties of the office of the justice of the peace.

If a Justice of the Peace of the county is unable or unwilling to perform any of these duties, the duty shall be performed by the Presiding Judge of the Superior Court or that judge's designee.

The Chief Justice of Supreme Court, for good cause, including a request pursuant to Rule 31 of the Rules of the Commission on Judicial Conduct, may temporarily reassign an individual Justice of the Peace from performing any of these administrative duties.

- 6. Justice Court Administrator for the Pima County Consolidated Justice Court (PCCJC):** The Justice Court Administrator of the PCCJC shall be appointed by a majority of the justices of the peace of the PCCJC with the advice and consent of the Presiding Judge of the Superior Court. The employment of the Justice Court Administrator may be terminated by a majority vote of the justices of the peace of the PCCJC and with the advice and consent of the Presiding Judge of the Superior Court.

The Justice Court Administrator shall perform the following duties for the PCCJC under the general direction of the Chief Administrative Justice of the Peace:

- a. Exercise managerial control over the court clerks and other court personnel assigned to or hired by the Justice Court Administrator to handle the caseload and other administrative functions of the PCCJC. Managerial control includes authority for hiring, conducting employee performance reviews, and imposing discipline up to and including termination pursuant to state, county, or judicial branch personnel policies applicable to employees of their court;
- b. Prepare and submit a budget as required by the county's and court's budgeting procedures and policies in coordination with the Presiding Judge of the Superior Court and the Presiding Justice of the Peace;
- c. Manage budget expenditures and accounting and finance over county and other funds allocated to or under the control of the PCCJC;
- d. Make calendar and case assignments that distribute case workload among the justices of peace equitably, subject to the policies and practices adopted by the PCCJC with respect to specialty courts or other programs designed to address particular needs of the community;
- e. Monitor and evaluate case processing data to ensure timely disposition of justice court cases as required by state law or rules and orders of the Supreme Court;
- f. Arrange for another judicial officer or justice of the peace pro tempore to handle emergency orders of protection and other calendared matters, in coordination with the Presiding Justice of Peace of the county, in the event of illness or planned absence of a justice of the peace from the court and manage the expenditures from the Justice of the Peace pro tempore budget allocated to the PCCJC;
- g. Provide for interpreter services;
- h. Conduct or oversee asset inventory and management;
- i. Manage court facility security and space utilization;
- j. Provide court technology and telecommunications support;
- k. Maintain justice court records in accordance with applicable laws, rule, and policies;
- l. Develop and implement standardized procedures that are necessary to most effectively utilize the automated case and financial management systems, and such other systems as may be required to carry out the functions of the PCCJC;
- m. Collect statistics and prepare statistical reports and conduct research necessary to comply with rules and law and to manage the workload of the PCCJC; and
- n. Perform other duties as directed by the Presiding Judge of the Superior Court.

7. **Calendar and Scheduling Coordination:** Proposed changes to calendaring and scheduling of matters filed in any justice of the peace court in Pima County shall

consider the impact such changes may have on other justice or municipal courts and criminal justice system entities of the county and the efficient provision and utilization of judicial and administrative services described in this Order.

Any proposed calendaring or scheduling changes, including change in business hours, the adoption of programs for new types of specialty courts or alternative dispute resolution, shall be documented by the person requesting the change and the documentation shall first be submitted to the Presiding Justice of the Peace and then to the Presiding Judge of the Superior Court for review and approval. If the proposed changes exclusively impact the PCCJC, the documentation shall first be submitted to the Chief Administrative Justice of the Peace and then to the Presiding Judge of the Superior Court for review and approval. Documentation shall describe the changes proposed, the reasons for proposing the changes, and an analysis detailing how the changes will make case processing more effective and efficient for the justice court and justice system entities affected by the proposed changes. The Presiding Judge of the Superior Court or designee shall circulate or cause to be circulated the document for comment to those criminal justice entities that may be affected by the proposed changes.

IT IS FURTHER ORDERED that the Presiding Judge of the Superior Court shall vacate local court administrative orders inconsistent with this Order and may enter orders necessary to accomplish the directives and goals of this Order.

IT IS FURTHER ORDERED that the Presiding Justice of the Peace of the County and the Administrative Justice of the Peace of the Pima County Consolidated Justice Court shall vacate local court administrative orders inconsistent with this Order and, with the approval of the Superior Court Presiding Judge, may enter orders necessary to accomplish the directives and goals of this Order and the effective and efficient administration of the justice courts in Pima County.

IT IS FURTHER ORDERED that the current position of Administrative Justice of the Peace of the Pima County Consolidated Justice Court is abolished effective August 1, 2013.

IT IS FURTHER ORDERED that the Administrative Office of the Courts shall conduct an operational review of the justice courts in Pima County and identify changes that may be needed to advance the goals of this new administrative and governance structure. A report on the operational review and recommendations, if any, shall be submitted to the Chief Justice.

IT IS FURTHER ORDERED that this Order is applicable only to the courts in Pima County and shall be effective August 1, 2013.

Dated this 25th day of July, 2013.

REBECCA WHITE BERCH
Chief Justice