

IN THE SUPREME COURT OF THE STATE OF ARIZONA

FILED
JUN 21 2002
NOEL K. DESSAINT
CLERK SUPREME COURT
BY

In the Matter of:)
)
ARIZONA CODE OF JUDICIAL)
ADMINISTRATION §1-305:)
SELECTION OF SPECIAL JUDICIAL)
OFFICERS)
)
_____)

Administrative Order
No. 2002 - 66
(Replacing Code Section adopted
by Administrative Order No. 2000-80)

The above captioned code section requires amendment on an emergency basis to provide for compliance with Article 6, §31 of the Arizona Constitution,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution and Arizona Code of Judicial Administration §1-201 (E),

IT IS ORDERED that the above captioned code section, a copy of which is attached hereto, is adopted to replace the corresponding section of the Arizona Code of Judicial Administration currently in effect.

IT IS FURTHER ORDERED that this amended code section be distributed and submitted to the Arizona Judicial Council for review and recommendation as provided in ACJA §1-201.

Dated this 21st day of June, 2002.



CHARLES E. JONES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 3: Judicial Officers and Employees
Section 305: Selection of Special Judicial Officers

- A. Applicability.** The following standards shall govern the selection of all special judicial officers including judges pro tempore, commissioners, hearing officers and juvenile court referees appointed by the chief justice or by any judge or on the recommendation of any chief judge, presiding judge, chief magistrate or justice of the peace. Judges responsible for appointing or recommending appointment of special judicial officers shall adopt written selection procedures and file them with the Clerk of the Supreme Court. The procedures for city courts shall be consistent with existing provisions of city charters and ordinances.
- B. Purpose.** This section is intended to result in selection of special judicial officers, through an open process, who are highly competent and highly respected by their peers and clients and who bring a diversity of background and experience to the bench. Those who seek the aid of the courts are entitled to the same quality of justice from the judiciary whether the judicial officer is a regularly elected or appointed judge or a person temporarily serving as a judge.
- C. Qualifications.** Persons applying for judicial office shall meet the minimum qualifications required by law and such special qualifications for the position as may be established by the chief justice, the chief judge, the presiding judge or the chief magistrate. Persons applying for judge pro tempore offices shall be at least 30 years of age, of good moral character, and admitted to the practice of law in and a resident of the State of Arizona for five years next preceding their taking office as required by article 6, §31 of the Arizona constitution.
- D. Procedures.**
1. **Public Announcement.** The judge shall adopt procedures that provide for public announcement of an opening for any judicial position. The announcement shall include, at a minimum, the qualifications for the position, an equal opportunity statement and the hiring authority. The judge shall assure that the announcement is publicized in such a manner that all attorneys, including minority and women attorneys, and other qualified persons within the jurisdiction of the applicable court would be reasonably expected to become aware of the announcement.
 2. **Application.** The judge shall adopt procedures that establish an open application process. The procedures shall require that applicants for full-time special judicial office complete a written application in which they indicate all aspects of their background, qualifications and experience relevant to the judicial position. The procedures may require that applicants for part-time special judicial office complete an application or, alternatively, that they submit a letter of application. Applicants shall have the opportunity to submit letters of reference. The judge shall assure that applicants are advised of the ethical restrictions on the practice of law contained in the Code of Judicial Conduct which relates to service as a special judicial officer.

3. Selection.

- a. Full-time Special Judicial Officers. The judge shall establish a selection committee. In appointing that committee, the judge shall be sensitive to representation reflecting the racial, ethnic, gender and political diversity of the community served by that judge's court. The procedures shall require that selection committee members disclose to each other and to the judge any cause for bias in favor or against any applicant reviewed. The judge shall assure that selection committee members are informed of their responsibility to recruit qualified applicants, including qualified minority and women applicants, who may not otherwise apply.

The procedures adopted pursuant to this section shall establish a screening process which provides for the selection committee to review applications, interview selected applicants and recommend one or more applicants. The screening process may include review of advisory committee recommendations and comment by other judges of the court on which the appointee will serve.

- b. Part-Time Special Judicial Officers. A judge who uses part-time special judicial officers shall adopt a procedure for selecting one or more persons to serve as part-time special judicial officers. This procedure shall include review by the appointing authority or a designated person or committee of applications or letters of application and any letters of reference submitted.

E. Temporary Appointment. The procedures shall provide for appointment of judges pro tempore on a temporary full-time basis without following the adopted selection process and shall provide that the selection process shall be followed before a continuing appointment is made.

F. Education. The procedures shall require that all special judicial officers receive orientation and; for full-time special judicial officers, ongoing education appropriate to the special judicial officer's duties and comparable to that received by other judges on the same court.

G. Evaluation. The procedures shall require periodic evaluation of full-time special judicial officers governed by this rule at least prior to the reappointment of each special judicial officer. The procedures shall require that information is obtained from both professional and public participants in the legal process. Any complaints received concerning a part-time special judicial officer shall be considered prior to reappointment.