

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
PRESIDING JUDGES AUTHORITY) Administrative Order
) No. 2005 - 32
) (Replacing Administrative
) Order No. 96-32)
)
_____)

On July 12, 1996, Administrative Order No. 96-32 replaced Administrative Order No. 93-30 which had adopted a set of administrative rules that provided separately the powers and duties of presiding judges of the superior court (Rule V-A), presiding justices of the peace (Rule VI-A, Section 2) and presiding municipal court judges (Rule VII-A, Section 2).

On March 24, 2005, by Administrative Order No. 2005-22, this Court repealed and replaced Administrative Rule VI-A, Section 2 concerning the presiding justice of the peace.

Amendments to Rule V-A that clarify the authority of the presiding judge over the administration of the superior court were considered and recommended for adoption by the presiding judges of each county at a meeting on March 29, 2005 and by the Arizona Judicial Council at a meeting on March 30, 2005.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Administrative Rule V-A is repealed and replaced by the attached provision of this Order entitled Presiding Judge of the County that contains the recommended amendments.

IT IS FURTHER ORDERED that Administrative Rule VII-A is repealed and replaced by the attached provision of this Order entitled Presiding Judge - Municipal Court that contains only formatting changes.

Dated this 16th day of May, 2005.

CHARLES E. JONES
Chief Justice

PRESIDING JUDGE OF THE COUNTY

- A. Appointment.** In each county with two or more superior court judges, the Supreme Court shall appoint one of such judges presiding judge. The presiding judge shall serve as the presiding judge of the county. Presiding judges may be reappointed.
- B. Term of Office** - The presiding judge of the superior court in each county shall serve a term of five (5) years. The term of the presiding judge may be extended as determined by the Supreme Court.

C. Duties

1. Presiding judges shall be the Chief Judicial Executive Officers of their respective counties and shall exercise administrative supervision over the superior court including all of its divisions and judges thereof in their counties. As a division of the superior court, the juvenile court is subject to this authority. Presiding judges shall also exercise administrative supervision over the clerk of the superior court; give direction to the court administrator; exercise administrative supervision over the justice of the peace courts in their counties; and exercise administrative supervision over the municipal courts in their counties. In counties with an associate presiding judge, and when so designated by the presiding judge, the associate presiding judge shall perform the duties of presiding judge of the superior court.
2. Administrative supervision of the superior court shall include authority to:
 - a. Determine the administrative structure of the superior court and all of its divisions and make regular and special assignments of all superior court judges and, unless otherwise directed by the Chief Justice and in cooperation with other presiding judges, assign judges within the county to other counties.
 - b. Exercise general supervision over the personnel of all divisions of the superior court.
 - c. Prescribe the powers and duties of the clerk of the court, in addition to those prescribed by law and the Supreme Court.
 - d. Appoint with the approval of the Supreme Court an associate presiding judge to act during the absence or unavailability of the presiding judge or as defined above. The presiding judges may delegate any and all of their powers to the associate presiding judge. The associate presiding judge shall serve at the pleasure of the presiding judge and shall exercise and discharge all powers and duties of the presiding judge, except appointing court commissioners or appointing judges permanently to special assignments. In order to facilitate the business of the court the presiding judges or associate presiding judge may delegate their duties to other judges.

- e. Appoint a presiding judge of the juvenile court to perform under the administrative supervision of the presiding judge administrative duties as provided by statutes, rules, and administrative code provisions.
 - f. Promulgate such local rules as a majority of the judges of the county may approve or as the Supreme Court shall direct.
 - g. Identify and develop programs that provide alternative methods for the resolution of civil disputes to which actions may be referred pursuant to the authority conferred by Rule 16(g) of the Arizona Rules of Civil Procedure, and promulgate such local rules as a majority of judges of the county may approve establishing and governing such alternative-dispute resolution programs.
 - h. Appoint a chief adult probation officer and provide advice and consent to the presiding judge of the juvenile court concerning the appointment of the juvenile court director.
 - i. Appoint a law library director.
 - j. Establish court security policies and procedures to provide a safe work environment for judicial employees, litigants and users of the court. Court security may include procedures, technology, security personnel or architectural features needed to provide a safe work environment. The presiding judge may also prohibit or regulate the possession of weapons or potential weapons in an area assigned to or controlled by the court.
3. Presiding judges may develop and implement judicial branch personnel systems for the courts in their counties.
 4. Presiding judges shall determine the need for, and approve, the allocation of space and furnishings in the court building; the construction of new court buildings, courtrooms and related physical facilities; and the modification of existing court buildings, courtrooms and related physical facilities. This authority extends, but is not limited to, superior court and all of its divisions, clerk of the superior court, adult probation, justice courts and municipal courts.
 5. Presiding judges shall meet on a regular basis with the presiding justices of the peace, presiding judges in the municipal courts, and justice court and municipal court administrators to discuss separation of powers, resources, use of technology and legal, administrative and other relevant issues to ensure proper functions and independence of the courts in the county.
 6. In counties with four or more justices of the peace, a presiding justice of the peace will be chosen by vote of the justices of the peace in the particular county, with the advice and consent of the presiding judge of the county. In case of a tie vote of the justices of the peace, the presiding judge of the county shall make the selection.

7. Presiding judges shall appoint a superior court administrator and establish and maintain an administrative structure for the superior court and all of its divisions that provides administrative support, as the presiding judge deems necessary, in the areas of human resources, finance, technology, training and whatever other services are required for the administration of justice.
8. Presiding judges shall submit to the Board of Supervisors a coordinated budget for the superior court, clerk of the superior court, adult probation, juvenile court, juvenile probation and justice of the peace courts in their counties.
9. Presiding judges shall assist the presiding justice of the peace and presiding municipal court judges in coordinating uniform bond schedules.
10. Presiding judges shall obtain compliance with statistical reporting requirements from superior court, adult probation, juvenile court, justice courts and magistrate courts.
11. Presiding judges shall coordinate and implement compatible information systems and technology at the local level for all jurisdictions within the county, improve information sharing, and encourage projects which utilize technology to increase accessibility and improve efficiency and court management within their jurisdictions.
12. Presiding judges shall submit a written report, not less than every 18 months, to the Supreme Court and Arizona Judicial Council concerning plans made and progress achieved toward implementation of Admin Order 91-40, Access to Court Services.
13. Presiding judges shall approve and coordinate applications for grant funds from all courts in their respective counties.
14. Presiding judges shall, yearly, certify compliance, non-compliance and exemptions with Educational Policies and Standards.
15. Presiding judges shall approve procedures for implementing sexual harassment policies in the courts in their counties.
16. Presiding judges shall approve plans to implement the policy on access to court services by persons with disabilities, for the courts in their respective counties and report such plans to the Supreme Court.
17. Presiding judges may delegate any part of this order, as appropriate, to the presiding justice of the peace and presiding municipal court judges.

PRESIDING JUDGE - MUNICIPAL COURT

- A. Appointment.** Presiding municipal court judges shall be selected in a manner provided by the charter or ordinances of the city or town, except in cities and towns which transfer that responsibility to the presiding judge of the county.
- B. Term of Office.** The presiding municipal court judge shall serve a term as established by the appointing authority.
- C. Duties:**
1. Presiding municipal court judges shall perform administrative duties delegated to them by the presiding judge of the county. Such duties as are appropriate, may be delegated to a municipal court administrator.
 2. Presiding municipal court judges may appoint a court administrator according to local charter or ordinance provisions.
 3. Presiding municipal court judges shall supervise the administration of the judicial and internal administrative functions of the municipal court including:
 - a. Determining judicial assignments for each judge and, within guidelines established by city or town council, establishing and maintaining standard working hours and times to effectively discharge those assignments;
 - b. Being responsible for the supervision of judges and judicial and nonjudicial staff who directly affect the operation of the court; and
 - c. Delegating duties and responsibilities to judges, judicial and nonjudicial personnel as necessary.
 4. Presiding municipal court judges shall work with the presiding judge of the county to assure selection of judges pro tempore in the municipal court is consistent with Administrative Order No. 93-17.
 5. In cities without a court administrator or where the duty is not delegated to one:
 - a. Presiding judges of the municipal court shall prepare the annual budget request for the court,
 - b. Presiding municipal court judges shall supervise the administration of the judicial and internal administrative functions of the municipal courts in a professional manner, using appropriate management techniques to organize and direct the efficient operation of the court in the following areas:

- (1) Personnel
- (2) Training
- (3) Facilities
- (4) Procurement
- (5) Finance

That supervision includes supervision of the judges and judicial staff, and non-judicial staff, while they are performing work for the court.

- c. Presiding municipal court judges shall establish docketing, calendaring and case management policies and procedures.
- d. Presiding municipal court judges shall establish automation systems with the assistance and concurrence of the presiding judge of the county.
- e. With the assistance of the presiding judge of the county, presiding municipal court judges shall establish bond schedules in coordination with the justices of the peace in the county.
- f. Presiding municipal court judges shall comply with statistical reporting, jury management and records management policies and procedures established by the Supreme Court.
- g. Presiding municipal court judges may establish court security policies and procedures to provide a safe work environment for judicial employees, litigants and users of the court. Court security may include procedures, technology, security personnel or architectural features needed to provide a safe work environment. The presiding judge may also prohibit or regulate the possession of weapons or potential weapons in an area assigned to or controlled by the court.

In 1991, the Arizona Judicial Council recommended that court security standards developed by the Committee on Risk Management/Court Security be used as guidelines to implement court security policies and procedures. These standards are found in the Final Report, AJC Committee on Risk Management/Court Security, Appendix G, 1991.