

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
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AUTHORIZING A PILOT PROGRAM ) Administrative Order  
IN COCONINO AND YAVAPAI ) No. 2008 - 42  
COUNTIES EXPANDING THE )  
POWERS AND DUTIES OF COURT )  
COMMISSIONERS IN CRIMINAL )  
PROCEEDINGS )  
\_\_\_\_\_ )

The first goal of the Strategic Agenda for Arizona's Courts 2005-2010 is to provide access to swift, fair justice. Among the initiatives designed to further this goal is the development of case management procedures that reflect best practices for resolving disputes in a prompt, fair, and cost-effective manner.

Article VI, Section 24 of the Arizona Constitution permits superior court judges to appoint court commissioners to fill the gap in judicial resources and effectuate more efficient case processing. Commissioners are generally appointed from the ranks of experienced local attorneys and retired judges, and generally function without the full cadre of support staff and amenities normally associated with the creation of a new judgeship.

Supreme Court Rule 96 specifies the powers and duties of superior court commissioners and authorizes them to preside over an extensive list of proceedings in family, probate, and civil matters. However, in criminal matters the rule limits their assignment to a narrow range of pre- and post-trial proceedings. For those attorneys and former judges possessing the requisite expertise in criminal cases, the rule's strictures present a needless impediment to facilitating prompt resolution of criminal cases through the assignment of pre- and post-trial proceedings to commissioners. Expanding commissioners' duties to encompass a broader range of criminal proceedings can be expected to reduce costs and improve the parties' and victims' satisfaction with court operations in furtherance of the Strategic Agenda.

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

IT IS ORDERED that the Superior Court in Coconino and Yavapai Counties is authorized to conduct a pilot program beginning June 1, 2008 and ending December 31, 2009, involving expanded use of court commissioners. Under the program, the presiding judge may assign a commissioner possessing the requisite litigation or judicial experience to hear and determine any matter governed by Rules 5, 8, 10, 11, 15, 16.2, 16.3, 17.5, and 27, Rules of Criminal Procedure, Rule 609, Rules of

Evidence, and A.R.S. §13-804, in addition to those matters authorized by Supreme Court Rule 96(a)(11).

IT IS FURTHER ORDERED that the presiding judges of Coconino and Yavapai Counties shall provide an interim report to the Supreme Court on the impact of the pilot program on case processing by December 1, 2008, and a final report on December 31, 2009.

Dated this 14th day of May, 2008.

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RUTH V. MCGREGOR  
Chief Justice