



SUPREME COURT OF ARIZONA

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ARIZONA JUDICIAL COUNCIL  
COMMITTEE TO STUDY IMPROVEMENTS  
IN THE LIMITED JURISDICTION COURTS

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Administrative Order No. 94- 46

Arizona's citizens expect and deserve a justice system that fairly resolves disputes while operating efficiently. From time to time, the judicial department must engage in critical self-examination to determine whether it is achieving these goals.

The majority of Arizonans first encounter our justice system in a limited jurisdiction court. In fact, limited jurisdiction courts process ninety percent of the approximately 1.6 million cases filed in Arizona courts each year. Experience with these courts, therefore, substantially shapes public trust and confidence in our judicial system.

The existing system of limited jurisdiction courts has evolved incrementally, and change has been dictated far more by the needs of the moment than by deliberation, planning, and logic. It is time to re-examine this system, identify areas that need improvement, and recommend changes to better serve the needs of our citizens and to meet the many challenges that our limited jurisdiction courts will face in decades to come.

IT IS ORDERED, therefore, that an advisory committee of the Arizona Judicial Council, to be known as the Committee to Study Improvements in the Limited Jurisdiction Courts, is established.

## **PURPOSE**

The Committee to Study Improvements in the Limited Jurisdiction Courts shall develop a plan for operating, staffing, and funding limited jurisdiction courts. At a minimum, the plan shall include recommendations on the following topics:

## **CASE TYPE**

### **A. Case type**

1. What types of cases can limited jurisdiction courts best process?
2. Is the Superior Court now processing cases that the limited jurisdiction courts could process more efficiently?
3. Are the limited jurisdiction courts now handling matters that the Superior Court (including juvenile courts) could handle better?
4. Would it be better to handle certain types of proceedings (i.e., in custody cases) at central or regional locations to reduce sheriffs' security and transportation costs?

### **B. Jurisdiction**

1. Should there be two limited jurisdiction court systems (municipal and justice court)?
2. Should we unify municipal and justice of the peace courts?
3. Should municipal and justice of the peace courts continue to have different jurisdictions?
4. Should urban areas have specialized limited jurisdiction courts to handle such matters as environmental cases?
5. How should jurisdiction be coordinated with the Superior Court?

**C. Record**

1. Should the limited jurisdiction courts remain non-record courts?
2. If not, what recording method should these courts use and for which cases?

**D. Physical location**

1. Where should limited jurisdiction courts be located?
2. How many locations should there be?
3. What type of case processing and alternative dispute resolution services should be available in limited jurisdiction courts (small claims, mediation, arbitration, other)?

**E. Staffing**

1. What type of staffing does each court need?
2. Would it be appropriate to have a central or regional office to handle some of the routine business functions (accounting, payroll, benefits) for the limited jurisdiction courts?
3. What qualifications and training do judges or hearing officers need to handle cases assigned to limited jurisdiction courts?
4. What is the best method to select judges and hearing officers for these courts?
5. What method of compensation should be used to determine salaries of limited jurisdiction court judges and hearing officers?
6. What role, if any, should the constable perform?
7. How should the constable be selected?
8. Do we need constables?

## **F. Technology**

1. What type of technology is needed to process cases with the greatest efficiency?
2. Should limited jurisdiction courts use case and cash management systems that differ from those used by the superior courts?

## **G. Security**

1. Given the high volume and the often distressing types of cases handled at limited jurisdiction courts, what type of security is needed at each court?

## **H. Funding**

1. What amount of funding is needed to properly operate the limited jurisdiction courts?

The Committee should coordinate its funding considerations with the Committee on State Funding of the Arizona Court System.

## **MEMBERSHIP**

The Chief Justice shall appoint the chair, vice chair, and members of the Committee. The members appointed by this order are set forth in Appendix A.

## **ADVISORY COMMITTEES**

The chair may appoint additional members to advisory committees to help the Committee carry out its responsibilities.

## **RESPONSIBILITIES OF MEMBERS**

Committee members shall actively participate in Committee meetings, the administration of Committee business, and advisory committees.

## **MEETINGS**

The Committee shall meet at the direction of the Committee chair. All meetings shall comply with the Judicial Department's Open Meeting Policy.

## **RULES OF PROCEDURE**

The Committee shall follow the standard rules of procedure used by the Arizona Judicial Council.

## **FUNDING**

The Committee, with the assistance of the Administrative Office of the Courts, may seek grant funding from local, state, and national organizations for its operational expenses, including expert advice and consultations. To the extent available, Supreme Court funds may also be used to partially or fully fund the Committee's expenses.

## **STAFF**

Under the direction of the Chief Justice, the Administrative Office of the Courts shall provide staff for the Committee and, as feasible, may conduct or coordinate research that the Committee recommends.

DATED AND ENTERED this 7<sup>th</sup> day of September, 1994,

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STANLEY G. FELDMAN  
Chief Justice

## **APPENDIX A**

### **Members**

- 1) Mr. Martin L. Shultz, Director, Government Relations, Arizona Public Service Company, Chairperson
- 2) Hon. Frank X. Gordon, Jr., Attorney, Roush, McCracken, and Guerrero, Vice-Chairperson
- 3) Hon. Lex Anderson, Justice of the Peace, Peoria
- 4) Hon. Ernie Baird, Arizona State House of Representatives
- 5) Mr. Mike Baumstark, Deputy Director, Administrative Office of the Courts
- 6) Hon. Christopher Bavasi, Mayor, City of Flagstaff
- 7) Hon. Margarita Bernal, Magistrate, Tucson Municipal Court
- 8) Mr. John Blackburn, Special Assistant to the County Attorney, Maricopa County Attorney's Office
- 9) Mr. Robert S. Briney, Deputy Public Defender, Maricopa County Public Defender's Office
- 10) Ms. Barbara Cooper, Acting County Manager, Maricopa County
- 11) Mr. Kent Cooper, City Manager, Gilbert
- 12) Hon. Sam Daniels, Justice of the Peace, Navajo County
- 13) Mr. John J. DeBolske, Executive Director, League of Arizona Cities and Towns
- 14) Hon. B. Robert Dorfman, Presiding Judge, Phoenix Municipal Court
- 15) Mr. David S. Ellsworth, Yuma County Attorney
- 16) Mr. James R. Feltham, Attorney, Rauscher, Pierce, Refsnes

- 17) Ms. M. Jan Smith-Florez, Santa Cruz County Attorney
- 18) Hon. Robert Gibson, Justice of the Peace, Pima County
- 19) Hon. John A. Greene, President, Arizona State Senate
- 20) Mr. J. Elliott Hibbs, Director, Department of Administration
- 21) Hon. Phillip Hubbard, Arizona State House of Representatives
- 22) Hon. R. Wayne Johnson, Justice of the Peace, East Mesa
- 23) Ms. Hannah Lieberman, Director of Advocacy, Community Legal Services
- 24) Mr. Kevin McCarthy, President, Arizona Tax Research Association
- 25) Mr. Bill McCool, Administrator, Glendale Municipal Court
- 26) Mr. Thomas J. Murphy, Attorney, State Bar of Arizona
- 27) Hon. C. Kimball Rose, Presiding Judge, Maricopa County Superior Court
- 28) Ms. Victoria G. Ruffin, Attorney, Berry and Ruffin
- 29) Ms. Noreen Sharp, Project Director, Maricopa County Superior Court
- 30) Mr. Charles Shipley, Vice-President of Public Affairs, Arizona Chamber of Commerce
- 31) Hon. Victor Soltero, Arizona State Senate
- 32) Hon. Marc L. Spitzer, Arizona State Senate
- 33) Mr. Archie Stephens, Executive Director, Arizona Association of Counties
- 34) Hon. R. Michael Traynor, Magistrate, Chandler Municipal Court
- 35) Hon. John Verkamp, Arizona State House of Representatives