

IN THE SUPREME COURT OF THE STATE OF ARIZONA

FILED
JUL 12 1996
NOEL K. DESSAINT
CLERK SUPREME COURT
BY *[Signature]*

In The Matter of:)
)
PRESIDING JUDGES' AUTHORITY)
TO ESTABLISH COURT SECURITY)
POLICIES & PROCEDURES)
_____)

Administrative Order
No. 96- 32
(Correcting and Replacing
Administrative Order 96-25)

On August 6, 1993, this Court entered Administrative Order No. 93-30 adopting administrative rules entitled "Administrative Rule V-A" (administrative authority for Presiding Judge - Superior Court); "Administrative Rule VI-A, Section 2 (administrative authority for Presiding Justice of the Peace); and "Administrative Rule VII-A, Section 2" (administrative authority for Presiding Judge - Municipal Court).

At the June 4, 1996, meeting of the Arizona Judicial Council, the Council requested that the Court revise Administrative Order No. 93-30 to include the authority to establish court security policies and procedures and prohibit, or regulate, the possession of weapons in an area assigned to, or controlled by, the court.

In order to effect the changes prescribed by the Council, it is proposed that paragraph 9 be added to Part III (B) of Administrative Rule V-A; that paragraph 7 be added to Part III (D) of Administrative Rule VI-A; and that paragraph 7 be added to Part III (E) of Administrative Rule VII-A.

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

IT IS ORDERED that Administrative Rules V-A, VI-A, and VII-A adopted on August 6, 1993, by Administrative Order No. 93-30, be amended to include authority on court security policies and procedures and that the attached amended Administrative Rules V-A, VI-A, and VII-A replace those previously adopted by Administrative Order No. 93-30, effective upon entry of this order.

IT IS FURTHER ORDERED that this order replace Administrative Order 96-25 which incorrectly stated the numbers of the changed paragraphs.

Dated this 12th day of July, 1996.

STANLEY G. FELDMAN
Chief Justice

ADMINISTRATIVE RULE V-A (AMENDED)

PRESIDING JUDGE - SUPERIOR COURT

- I. **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.
- II. **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.

<NOTE; The terms of all presiding judges who have served five (5) years or more will expire December 31, 1993, subject to reappointment under I and II above.>

III. Duties -

- A. **Presiding judges shall be the Chief Judicial Executive Officers of their respective counties and shall exercise administrative supervision over the superior court and judges thereof in their counties; 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.**
- B. **Administrative supervision of the superior court shall include authority to:**
 - (1) **Make regular and special assignments of all superior court judges, except as otherwise provided by Arizona Revised Statutes Section 8-202(B) and, unless otherwise directed by the Chief Justice and in cooperation with other presiding judges, assign judges within the county to other counties.**
 - (2) **Exercise general supervision over all superior court personnel, not otherwise exercised by the individual judges.**
 - (3) **Prescribe the powers and duties of the clerk of the court, in addition to those prescribed by law and the Supreme Court**

- (4) 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.

- (5) Promulgate such local rules as a majority of the judges of the county may approve or as the Supreme Court shall direct.**

- (6) 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.**

- (7) Appoint a chief adult probation officer.**

- (8) Appoint a law library director.**

- (9) 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.¹**

- C. Presiding judges may develop and implement judicial branch personnel systems for the courts in their counties.**

- D. 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, clerk of the superior court, adult probation, justice courts and municipal courts.**

- E. 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.

- F. 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.**
- G. Presiding judges may appoint a superior court administrator.**
- H. 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 and justice of the peace courts in their counties.**
- I. Presiding judges shall assist the presiding justice of the peace and presiding municipal court judges in coordinating uniform bond schedules.**
- J. Presiding judges shall obtain compliance with statistical reporting requirements from superior court, adult probation, juvenile court, justice courts and magistrate courts.**
- K. 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.**
- L. 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.**
- M. Presiding judges shall approve and coordinate applications for grant funds from all courts in their respective counties.**
- N. Presiding judges shall, yearly, certify compliance, non-compliance and exemptions with Educational Policies and Standards.**
- O. Presiding judges shall approve procedures for implementing sexual harassment policies in the courts in their counties.**

- P. 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.**
- Q. Presiding judges may delegate any part of this order, as appropriate, to the presiding justice of the peace and presiding municipal court judges.**

¹ 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.

ADMINISTRATIVE RULE VI-A, Section 2 (AMENDED)

PRESIDING JUSTICE OF THE PEACE

- I. **Election** - 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. Presiding justices of the peace may be reelected for subsequent terms. In case of a tie vote of the justices of the peace, the presiding judge of the county shall make the selection.
- II. **Term of Office** - The presiding justice of the peace shall serve a term of two (2) years, subject to reelection, starting on a January 1, and expiring on a December 31.
- III. **Duties:**
 - A. Presiding justices of the peace shall perform administrative duties delegated to them by the presiding judge of the superior court in their respective counties, based on the authority of the Supreme Court to exercise administrative supervision over the courts pursuant to the Arizona Constitution Article 6 and Administrative Rules delegating that supervision to the presiding judge of the superior court. Such duties as are appropriate may be delegated to a justice court administrator.
 - B. Presiding justices of the peace shall coordinate annual budget preparation for the justice courts and submit the coordinated justice courts' budget to the presiding judge of the county for the coordinated county budget submitted to the Board of Supervisors.
 - C. Presiding justices of the peace may appoint or terminate, with the approval of the presiding judge of the county, a justice court administrator.
 - D. In counties that do not have a justice court administrator, where the duty is not delegated to one, or where the presiding judge of the county has not otherwise provided administrative services for the justice courts.

(1) Presiding justices of the peace shall supervise the administration of the judicial and internal administrative functions of the justice courts in a professional manner, using appropriate management techniques to organize and direct the efficient operation of the courts in the following areas:

- Personnel**
- Training**
- Facilities**
- Procurement**
- Finance**

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

- (2) Presiding justices of the peace shall supervise the justice courts' court administrator.**
- (3) Presiding justices of the peace shall coordinate establishment of uniform docketing, calendaring and case management policies and procedures in the justice courts of the county.**
- (4) Presiding justices of the peace shall coordinate establishment of justice court automation systems in their counties with the assistance and concurrence of the presiding judge of the county.**
- (5) With the assistance of the presiding judge of the county, presiding justices of the peace shall coordinate establishment of a uniform bond schedule in the justice courts of their counties in coordination with the municipal courts in the county.**
- (6) Presiding justices of the peace shall coordinate compliance by the justice courts in their counties with statistical reporting, jury management, and records management policies and procedures established by the Supreme Court.**
- (7) Presiding justices of the peace 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 justice of the peace may also prohibit or regulate the possession of weapons or potential weapons in an area assigned to or controlled by the court.¹**

¹ 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.

ADMINISTRATIVE RULE VII-A, Section 2

PRESIDING JUDGE - MUNICIPAL COURT

- I. 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.**
- II. Term of Office - The presiding municipal court judge shall serve a term as established by the appointing authority.**
- III. Duties:**
 - A. 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.**
 - B. Presiding municipal court judges may appoint a court administrator according to local charter or ordinance provisions.**
 - C. Presiding municipal court judges shall supervise the administration of the judicial and internal administrative functions of the municipal court including:**
 - (1) 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;**
 - (2) Being responsible for the supervision of judges and judicial and non-judicial staff who directly affect the operation of the court; and**
 - (3) Delegating duties and responsibilities to judges, judicial and non-judicial personnel as necessary.**
 - D. 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.**

E. In cities without a court administrator or where the duty is not delegated to one:

(1) Presiding judges of the municipal court shall prepare the annual budget request for the court.

(2) 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:

- Personnel**
- Training**
- Facilities**
- Procurement**
- Finance**

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

(3) Presiding municipal court judges shall establish docketing, calendaring, and case management policies and procedures.

(4) Presiding municipal court judges shall establish automation systems with the assistance and concurrence of the presiding judge of the county.

(5) 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.

(6) Presiding municipal court judges shall comply with statistical reporting, jury management and records management policies and procedures established by the Supreme Court.

(7) 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.¹

¹ 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.