

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	Administrative Order
GOVERNANCE AND)	No. 2024 - <u>26</u>
ADMINISTRATIVE STRUCTURE)	(Replacing Administrative
FOR THE JUSTICE OF THE PEACE)	Order No. 2008-59)
COURTS IN MARICOPA COUNTY)	

The size and complexity of the justice court system of Maricopa County present administrative challenges and opportunities that are unique in the state. Accordingly, a structure of governance and administration that is tailored to best meet the needs of the Justice of the Peace Courts in Maricopa County and the expectations of the public it serves is necessary. Since July 1, 2008, the structure was set forth in Administrative Order 2008-59. The Justices of the Peace in Maricopa County, the Presiding Justice of the Peace, and the Presiding Judge of the Superior Court in Maricopa County request that the administrative order be updated to more accurately reflect practices developed during the intervening years that have proven successful.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the provisions of this Order supersede all provisions of Supreme Court Administrative Order No. 2008-59 related to “Establishment of a Governance and Administrative Structure for the Justice of the Peace Courts in Maricopa County,” Supreme Court Administrative Order No. 2005-22 related to “Duties of the Presiding Justice of the Peace,” and Supreme Court Administrative Order No. 2005-21 related to “Duties of the Justice of the Peace” for Justices of the Peace in Maricopa County. Supreme Court Administrative Orders Nos. 2005-21 and 2005-22 shall remain in effect for all counties in the state unless otherwise ordered.

IT IS FURTHER ORDERED that the governance and administrative structure of the justice courts in Maricopa County, and the duties of those judicial officers responsible for its operations, shall be as follows:

1. Presiding Judge of the Superior Court: The Presiding Judge of the Superior Court in Maricopa County shall carry out the duties prescribed by this Order and shall continue to carry out all other duties, including exercising administrative supervision over all courts in the county, prescribed by Supreme Court Administrative Order No. 2017-79 and its successor orders. The Presiding Judge may issue local administrative orders, as necessary, in furtherance of the goals and directives of this Order.

The Presiding Judge of the Superior Court shall meet periodically with the Presiding Justice of the Peace to discuss justice court issues and needs.

2. Presiding Justice of the Peace: The Presiding Justice of the Peace of Maricopa County shall exercise the following administrative duties:
 - a. Manage the expenditure of the justices of the peace pro tempore budgets and reallocate pro tempore hours assigned to the office of the Presiding Justice of the Peace when needed to fund a budget deficit of an individual justice court;
 - b. Establish policies ensuring the availability of a justice of the peace or justice of the peace pro tempore at each justice of peace court for purposes of considering petitions for orders of protection, issuing emergency orders, and handling calendared or emergency matters in the event of the illness or a planned absence of a justice of the peace;
 - c. Collect and analyze budget requests from justice courts and prepare a consolidated justice court system budget. Submission of the consolidated justice court system budget to the Board of Supervisors shall be coordinated with the Presiding Judge of the Superior Court pursuant to the requirements of Supreme Court Administrative Order No. 2017-79, Section C. 8;
 - d. Transfer resources among the justice courts as required to handle significant caseload or other workload changes to ensure the efficient and effective operation of each justice court and the justice courts system of the county;
 - e. Coordinate with other justices of the peace and the presiding municipal court judges to maintain a countywide bond schedule and submit proposed changes to the presiding judge of the superior court if revisions are necessary;
 - f. Monitor and evaluate case data in conjunction with each justice of the peace to promote timely processing and disposition of justice court cases;
 - g. Convene bench meetings to conduct the administrative business of the justice courts, preside over meetings called, and appoint committees, as necessary;
 - h. Implement standardized procedures necessary to allow justice courts to utilize the automated case and financial management system;
 - i. Identify justice court space needs and, as funding for new or expanded facilities is approved by the Board of Supervisors, develop proposals for design and space use for space allocated to the justice courts. Proposals shall be submitted to the Presiding Judge of the Superior Court who shall determine the need for, and approve, the allocation of space and furnishings for court buildings pursuant to Supreme Court Administrative Order No. 2017-79, Section C. 4;
 - j. Require all justices of the peace and justice court employees to utilize the consolidated administrative services provided to the justice courts by Superior Court administration;
 - k. Appoint a justice court administrator and a justice of the peace pro tempore for back-up coverage and other administrative duties as assigned. Termination of the justice court administrator shall require the approval of both the Presiding Justice of the Peace and the Presiding Judge of the Superior Court;
 - l. Delegate to the justice court administrator administrative duties not otherwise assigned by this Order to consolidated services of the Superior Court or to individual justices of the peace. Duties delegated to the justice court administrator may include, but are not limited to, appointment of administrative positions authorized by the Board of Supervisors and assigned to justice courts, personnel

investigations, budget, finance, case management, research and statistics and, in accordance with requirements and limitations imposed by law, the exercise of signature authority for purposes of signing contracts for purchases of goods and services;

- m. Ensure efficient public and litigant access, either by phone or in person, to all justice courts in Maricopa County;
 - n. Engage in strategic planning with the justices of the peace and ensure continuity of court services and initiatives through coordination with the Presiding Judge of the Superior Court;
 - o. Perform administrative duties that are delegated by the Presiding Judge of the Superior Court; and
 - p. Perform any administrative duties and carry out responsibilities that are provided by law, rules, or administrative orders of the Supreme Court.
3. Regional Coordinating Justice of the Peace: A Regional Coordinating Justice of the Peace shall be designated by the justices of the peace assigned to a shared facility and shall serve a term that coincides with the term of the Presiding Justice of the Peace. If the justices of the peace of the shared facility do not designate a Regional Coordinating Justice of the Peace, the Presiding Justice of Peace shall make the designation.

The Regional Coordinating Justice of the Peace shall exercise the following administrative duties:

- a. Coordinate a plan in consultation with the Regional Presiding Judge of the Superior Court, as appropriate, that provides for the availability of judicial officers at the regional justice court facility to ensure that petitions for orders of protection, emergency orders, and other calendared or emergency matters are considered and decided timely. The plan shall be submitted to the Presiding Justice of the Peace and the Presiding Judge of the Superior Court for review and approval;
 - b. Convene bench meetings with the regional court facility justices of the peace, as necessary, to conduct the administrative business of the Regional Justice Courts; and
 - c. Ensure efficient public and litigant access, either by phone or in person, to justice courts located in the regional facility.
4. Justice of the Peace: The Justice of Peace, in cooperation with the Presiding Judge of the Superior Court and the Presiding Justice of Peace, shall exercise the following duties:
- a. Exercise managerial control over the court clerks and other support personnel assigned to or hired by the justice of peace to handle the caseload of the justice court. Managerial control includes authority for hiring, conducting employee performance reviews, and imposing discipline up to and including termination subject to the personnel policies and procedures of the Maricopa County Judicial Merit System Resolutions and Rules;

- b. Assign work to judicial officers, court managers, court personnel and other support personnel who are assigned to or hired by the justice of peace;
- c. Maintain justice court records kept at the justice court facility in accordance with applicable policies, rules, and law;
- d. Make work assignments that permit shared use of justice court staff located in a regional court facility. Shared use of justice court staff is authorized only with the consent of the justices of the peace who are the appointing authority of the staff involved. The shared use of staff may be discontinued only if a request that documents the reasons and the impact on staffing and business processes is approved by the Presiding Justice of the Peace and the Presiding Judge of the Superior Court;
- e. Consider and decide petitions for orders of protection, issue emergency orders, and arrange for another judicial officer or justice of the peace pro tempore to handle these and other calendared matters in the event of the justice of the peace's illness or planned absence from the court;
- f. Schedule hearings and trials related to cases and other matters filed in the justice precinct over which the justice of the peace has jurisdiction in coordination with other justice of the peace courts, as necessary, and monitor and evaluate case processing data to ensure timely disposition of justice court cases;
- g. Manage cost center budgets and prepare and submit to the Presiding Justice of the Peace a budget request for the justice court;
- h. Manage the expenditures from the justice of the peace pro tempore budget following the requirements established by the Presiding Justice of the Peace;
- i. Cooperate with developing and implementing standardized procedures that are necessary to enable justice courts to utilize the automated case and financial management system provided to justice courts by technology staff of the Superior Court in Maricopa County;
- j. Utilize and require employees to utilize the consolidated administrative services provided to the justice courts by Superior Court administration;
- k. Coordinate with the other justices of the peace, if assigned to a regional court facility, and cooperate with the designated Coordinating Regional Justice of the Peace;
- l. Delegate administrative duties to a court manager, court clerk, or court administrator, as appropriate; and
- m. Cooperate with the Supreme Court with regard to its administrative supervision of the courts.

If a Justice of the Peace is unable or unwilling to perform any of these duties, the duty shall be performed by the Presiding Judge of the Superior Court or that judge's designee.

The Chief Justice of Supreme Court, for good cause, including a request of the Judicial Conduct Commission pursuant to Rule 31, may temporarily suspend an individual Justice of the Peace from performing any of these administrative duties.

5. Calendar and Scheduling Coordination: Proposed changes to calendaring and scheduling of matters filed in any justice of the peace court in Maricopa County shall take into account the impact such changes may have on other justice courts, other criminal justice system entities, and the efficient provision and utilization of consolidated administrative services described in this Order.

Proposed calendaring or scheduling changes shall be documented and the documentation coordinated with the Presiding Justice of the Peace and submitted to the Presiding Judge of the Superior Court for review and approval. The document shall describe the changes proposed, the reasons for proposing the changes, and an analysis detailing how the changes will make case processing more effective and efficient for the justice court and justice system entities affected by the proposed changes. The Presiding Judge shall circulate the document to those criminal justice entities that may be affected by the proposed changes.

IT IS FURTHER ORDERED that the Presiding Judge of the Superior Court, through the Superior Court Administrator or designee(s), shall provide the following consolidated administrative services to justice courts. Where deemed necessary by the Superior Court Administrator and the Justice Court Administrator, a cost allocation plan shall be developed, maintained, and updated in any of the support serves listed below:

1. Jury management;
2. Information technology support, including data base and server operations, data storage, network and application security, hardware and software upgrades, website operations, and electronic courtroom equipment and operations;
3. Court facility security;
4. Court facility planning, construction oversight, utilization, and management with input from the Presiding Justice of the Peace and the Justice Court Administrator;
5. Procurement and contracting;
6. Law Library Resource Centers;
7. Alternative dispute resolution programs (ADR);
8. Interpreter services;
9. Preparation of the countywide technology plan required by the Supreme Court's Commission on Technology.

IT IS FURTHER ORDERED that the Presiding Judge of the Superior Court shall vacate local court administrative orders inconsistent with this Order and may enter orders necessary to accomplish the directives and goals of this Order.

IT IS FURTHER ORDERED that the Presiding Justice of the Peace shall vacate local court administrative orders inconsistent with this Order and may enter orders necessary to accomplish the directives and goals of this Order and the effective and efficient administration of the justice courts in Maricopa County.

IT IS FURTHER ORDERED that this Order is applicable only to the Justice Courts in Maricopa County.

IT IS FURTHER ORDERED that this governance and administrative structure of the justice courts in Maricopa County is effective upon entry of this Order and until further order of the Court.

Dated this 17th day of January, 2024.

ROBERT BRUTINEL
Chief Justice