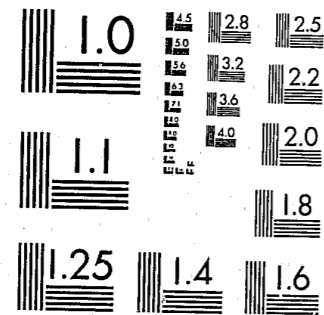


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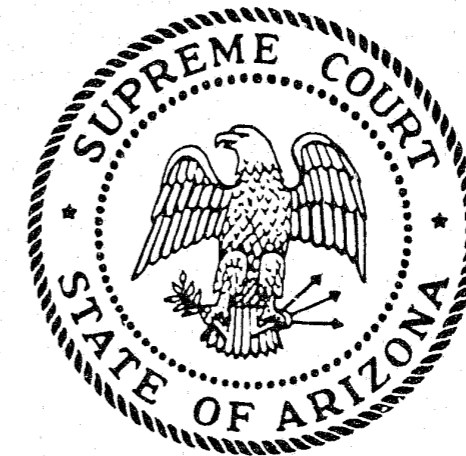
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THE ARIZONA COURTS



1980 Annual Judicial Report

81120

Supreme Court
State Capitol
Phoenix, Arizona

PUBLISHED
ON BEHALF OF
THE ARIZONA SUPREME COURT

FRED C. STRUCKMEYER, JR., Chief Justice
WILLIAM A. HOLOHAN, Vice Chief Justice
JACK D. H. HAYS, Associate Justice
JAMES DUKE CAMERON, Associate Justice
FRANK X. GORDON, JR., Associate Justice

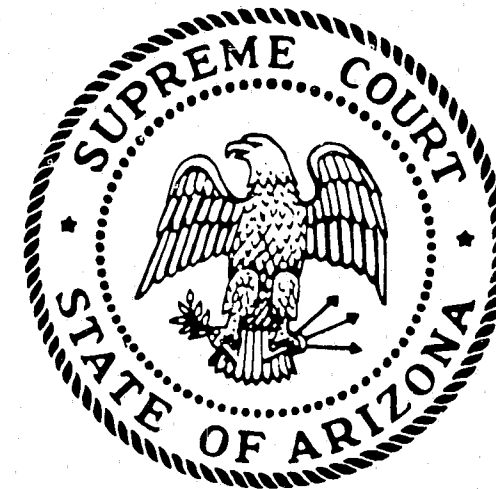
BY
THE ADMINISTRATIVE OFFICE OF THE COURTS

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THE ARIZONA COURTS



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1980 Annual Judicial Report

Supreme Court
State Capitol
Phoenix, Arizona



Justices of The Supreme Court of Arizona. Left to right: James Duke Cameron, Justice; William A. Holohan, Vice Chief Justice; Fred C. Struckmeyer, Jr., Chief Justice; Jack D. Hays, Justice; Frank X. Gordon, Jr., Justice.

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from the
CHIEF JUSTICE

It is a pleasure to present the *1980 Annual Judicial Report*.

I would like to take this opportunity to acknowledge and thank all those who have contributed to publication of the Report. This includes the Administrative Director of the Courts, his staff, and the Municipal, Justice, Superior, and Appellate court personnel who collect and compile the statistical data reported here.

Having completed thirty years of service as a judge, I have witnessed dramatic growth and many changes in Arizona's judicial system.

As an example, in 1950, the year I was appointed to the Maricopa County Superior Court bench, there were six judges and a total of 8,894 civil, criminal, divorce, juvenile, and probate filings. Thirty years later, there are forty-one judges and a total of 58,214 new case filings, an increase of 554%.

This growth has not been limited to Maricopa County. Courts in other counties have experienced similar caseload increases. It does not appear that the increase in case filings can be explained by population growth alone since Maricopa County's population increased by 347% between 1950 and 1980, whereas the increase in new cases, as stated, is 554%.

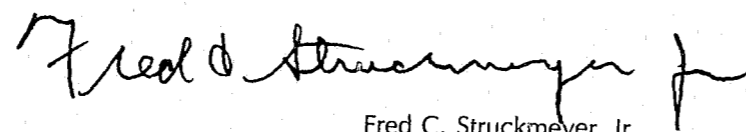
Filings in the Supreme Court have also increased dramatically since my election in 1955. There has been a 403% increase in filings between 1955 and 1980, even though four intermediate appellate court panels have been created to assist with the state's appellate workload.

During this 30-year period, the judicial system in Arizona has been involved in progressive achievements and changes. A few of these are noted.

- Numerous procedural standards have been formalized. For example, Rules of Criminal Procedure, Civil Procedure and Evidence have been developed and adopted. Procedures for appeals from justice to superior court and for arbitration have also been established. Significant revisions have been made in the Rules of Practice before the Supreme Court and Court of Appeals and in the Rules of Procedure for Juvenile Court.
- Television, which was in its infancy in 1950, is now making its way into the courtroom. The Court has approved, on an experimental basis, television coverage of proceedings in the Supreme Court and Court of Appeals. The State Bar has been asked by the Court to appoint a committee to recommend guidelines and rules for television coverage in the trial courts.
- Increased emphasis has been placed on providing continuing legal education for judges. Judicial conferences and a variety of training seminars are being conducted and all judges are expected to attend.
- The Supreme Court's administrative authority over all courts in the state was reaffirmed in the Arizona Constitution.
- An intermediate appellate court, the Court of Appeals, was created in 1964.
- The position of Administrative Director of the Courts was created and staff provided to assist the Director in carrying out administrative duties as assigned by the Court.
- A merit selection process is now used for appointment of appellate court judges and of superior court judges in counties with a population of 150,000 or more.
- Continuity in the development and implementation of special programs and projects was provided for by changing the term of the Chief Justice from one year to five years.

The central issue presently affecting the ability of Arizona's courts to effectively serve the people is funding. As litigation continues to increase, it is imperative that funds be provided to staff, operate, and house the courts which constitutionally are required to process and decide cases. The Supreme Court, therefore, supports the concept of state financing of superior courts.

Those of us involved with the Arizona judicial system face a multitude of challenging issues in achieving our goal of providing fair, independent, and impartial justice to all of Arizona's citizens. We have faced many challenges in the past and are proud of our achievements. We look forward to meeting the new challenges.



Fred C. Struckmeyer, Jr.
Chief Justice

Administrative Director's Summary Report

The Administrative Director of Courts and his staff are appointed by the Supreme Court to assist the Court with its administrative responsibilities. These administrative functions vary greatly and include such duties as budget preparation, fiscal management, statewide court and probation caseload information systems, continuing judicial education programs, state aid for probation services, and foster care review boards.

Judges, clerks, administrators and many people outside of the judicial system all play a part in the discipline of judicial administration throughout the court system in Arizona. Judicial administration is greatly influenced and often shaped by problems and issues beyond the control of the Judiciary. In 1980, for example, the State's House of Representatives passed a far-reaching bill calling for immediate and almost complete state financing of the superior court system which is now predominantly funded by county governments. Although the bill was not passed by the Senate, its overwhelming support in the House prompted the Supreme Court to undertake a full study of the issue. Partial results of that study regarding superior court costs and numbers of personnel are reflected in this annual report. The Supreme Court supports the concept of state financing, but also believes that state assumption of such costs should be phased in from year to year so that administration of the system can proceed in an orderly fashion. The full results of the Supreme Court's study, which is being conducted by the Western Regional Office of the National Center for State Courts, will be available in 1981.

During the last decade, Arizona has experienced an explosion in population, rising from 1,775,399 in 1970 to 2,719,225 in 1980, making it the second fastest growing state in the country. The Arizona judicial system has experienced a litigation explosion as well. Case filings in the Superior Court have almost doubled statewide from 50,515 in 1970 to 98,571 in 1980. This escalation has been heavily felt in Maricopa County where the Superior Court saw case filings rise from 27,313 to 58,214 (113%) during the same period. Despite this increased demand for adjudication of legal disputes, Maricopa Superior Court lacks ten judges under Arizona's constitutional standard.

While statistical data is not available from 1970 for the courts of limited jurisdiction, these courts, justice and municipal combined, experienced major increases from 1979 to 1980. Total filings in these courts rose 29.6% from 952,432 in 1979 to 1,234,250 in 1980. Approximately 8% of this increase can be attributed to the requirement that failure to appear defendants be statistically reported.

Arizona's appellate court system has not escaped this litigation explosion. The combined total number of cases filed in Division 1 of the Court of Appeals, Division 2, and the Supreme Court jumped 115% from 1,514 in 1970 to 3,263 in 1980. The heaviest impact in terms of number of cases was in Division 1 of the Court of Appeals. Although Division 1 has not been successful during the last three years in convincing the Legislature to add another panel of three judges to the court, the need for these vital additional resources will be presented to the Legislature once again in 1981. In 1970 Division 1 received 630 cases. New case filings dramatically increased 140% with 1,510 new cases filed in 1980.

The Legislature, recognizing the growth of the Supreme Court and Division 1 of the Court of Appeals in appellate litigation and administrative obligations, appropriated preliminary planning funds for construction of a state court facility. Currently, these two courts are housed in the state's executive capitol building, but have outgrown the current space in a little over five years. The Supreme Court has even been required to lease outside commercial office space for its Foster Care Review Board staff. The planning funds have been used to document what additional space is needed now and for the future, along with a tentative building design concept. The preliminary proposal will be presented to the Legislature in 1981 so that this important project, which is consistent with the burgeoning growth of the appellate courts, can be continued during 1981.

This past year was the first full year of operation of the Supreme Court's probation statistical information system. The activities of the adult and juvenile probation departments of the Superior Court can now be represented in a more complete and uniform manner. More importantly, this information regarding the probation component of the criminal justice system should be helpful to judges, legislators, policy makers, funding bodies and managers in evaluating issues related to the administration of justice.

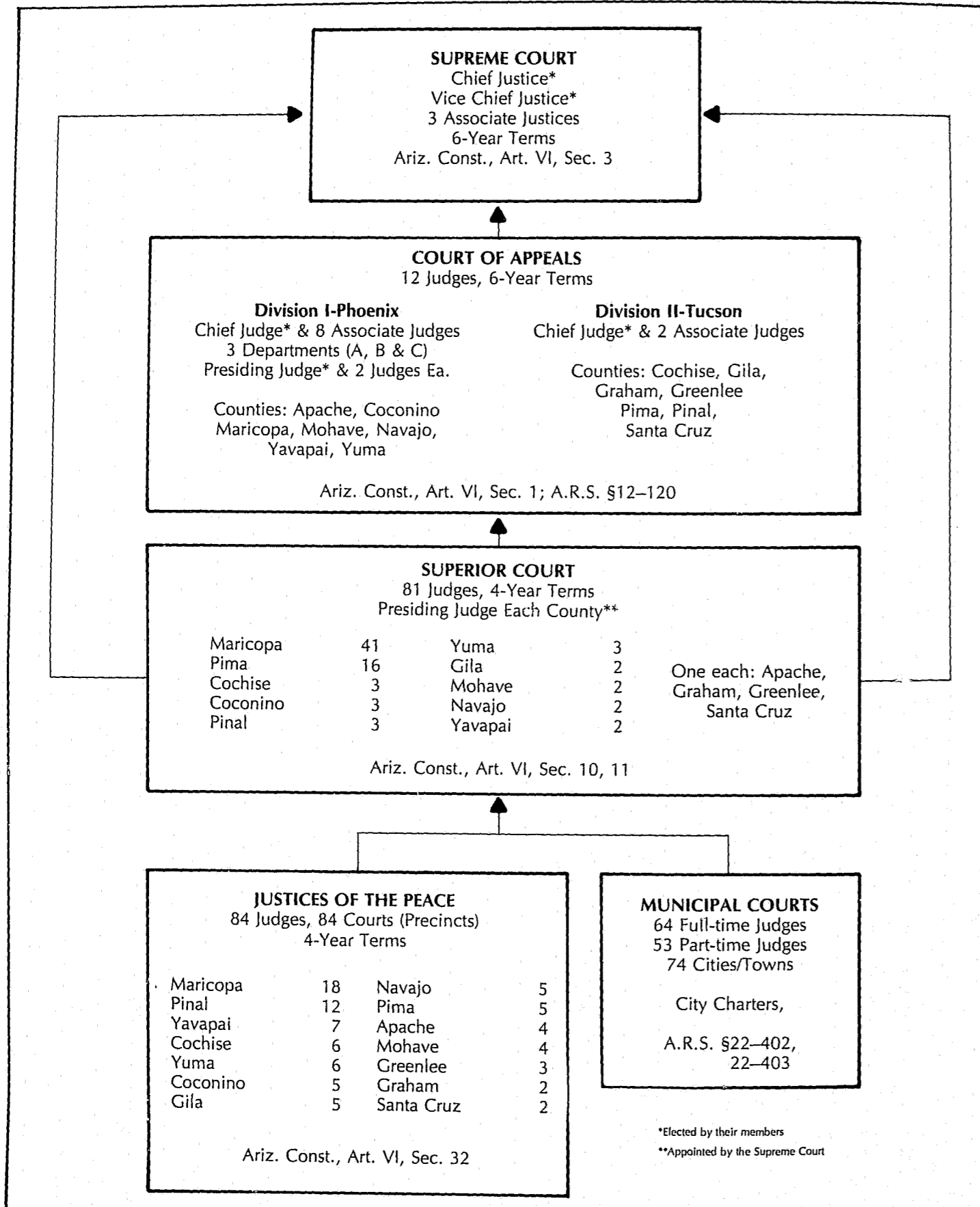
The caseload reports not only represent the work of judges, but also the work of entire court staffs who assist in the delivery of judicial services to the public. The statistics contained in this report are based on monthly reports prepared and submitted to the Supreme Court by the various courts and probation departments. The statistical data reflects an increasing population and a more complex society turning more and more to the courts for resolution of disputes.

This annual report summarizes some of the major activities involving Arizona courts during 1980 and the caseloads of the judicial system. A companion publication, the *1980 Caseload, Financial and Personnel Report*, provides extensive and detailed information regarding each court and probation department in Arizona.



Noel K. Dessaint
Administrative Director of Courts

ORGANIZATIONAL CHART—THE ARIZONA JUDICIARY



The Judicial Branch Of Government

"The judicial power shall be vested in an integrated judicial department consisting of a supreme court, such intermediate appellate courts as may be provided by law, a superior court, such courts inferior to the superior court as may be provided by law, and justice courts."
 Arizona Constitution, Article VI, Sec. 1

THE SUPREME COURT

The Arizona Supreme Court consists of five justices. The regular term of office is six years. The Supreme Court has administrative supervision over all the courts of the state and the Chief Justice has the authority to exercise that supervision. The jurisdiction of the Court is provided in Article VI, Section 5 of the Arizona Constitution and includes appellate jurisdiction, the issuance of extraordinary writs and the power to make rules relative to all procedural matters in any court. Decisions of the Court of Appeals may be reviewed at the discretion of the Supreme Court when a litigant files a Petition for Review.

In addition to law clerks and secretarial and clerical staff, the Court appoints the Administrative Director of the Courts, the Clerk of the Supreme Court and a central staff of attorneys. All employees serve at the pleasure of the Court.

COURT OF APPEALS

The Court of Appeals consists of two divisions. Division One, with nine judges, is located in Phoenix; and Division Two, with three judges, sits in Tucson. The Court has appellate jurisdiction to determine all matters properly appealed from the Superior Court. In criminal cases, however, where the sentence of death or life imprisonment has actually been imposed, the appeal is directly to the Arizona Supreme Court.

The geographical jurisdiction of Division One covers appeals from the Superior Courts in the counties of Maricopa, Yuma, Coconino, Yavapai, Mohave, Navajo and Apache. Division One also has statewide responsibility for reviewing decisions of the Industrial Commission and unemployment compensation appeals from the Department of Economic Security.

Division Two receives its cases from the Superior Courts in the counties of Pima, Pinal, Cochise, Santa Cruz, Greenlee, Graham and Gila.

SUPERIOR COURT

At the close of 1980, the Superior Court consisted of 81 judges sitting in 14 counties. The Superior Court is a trial court of general jurisdiction and is empowered to hear cases of equity and law which involve title to or possession of real property; civil cases where the claim for relief amounts to \$2,500 or more; felony prosecutions and misdemeanors not otherwise provided for by law; probate matters; and cases involving dissolution or annulment of marriage. The Superior Court has concurrent jurisdiction with the Justice of the Peace Court over civil claims between \$500 and \$2,500.

Court commissioners may be appointed by the presiding judge of the Superior Court in counties with three or more judges to perform such duties as may be provided by law or Supreme Court rules. Commissioners usually determine matters where a default has been entered against a party and may also preside at the initial appearance of a defendant charged with a crime.

Each county has a Superior Court Clerk who is elected at the general election. The responsibilities of the Clerk's office are diversified and include the maintenance of official court case files, certification of documents, collection of fees, and issuance of summonses, subpoenas and marriage licenses.

Probation departments are also operated under the supervision of the Superior Court.

JUSTICE OF THE PEACE AND MUNICIPAL COURTS

Statewide there are 84 Justices of the Peace sitting in the same number of precincts. These judges are elected at the general election by the voters in the precinct and the regular term of office is four years.

Municipal Courts are mandated by state law in each incorporated city or town. There are 74 such courts with 64 full-time and 53 part-time judges. Municipal judges are appointed by city or town councils.

These courts have jurisdiction to hear class 1, 2 and 3 misdemeanor cases. The Justice of the Peace may also conduct preliminary examinations on felony complaints. Municipal Courts are empowered to hear matters arising out of violations of city or town ordinances. Virtually all traffic violation cases are filed in the Justice of the Peace or Municipal Courts.

The Justice of the Peace Courts also have civil jurisdiction over lawsuits involving less than \$2,500.

During 1980 . . .

Numerous special projects have been undertaken by the Supreme Court during 1980. Three of the most significant projects are noted here along with a description of various new rules implemented by the Supreme Court.

STATE FINANCING OF SUPERIOR COURTS

In the 1980 Legislative Session, the State House of Representatives passed sweeping and far-reaching legislation affecting the financial support and management of the superior court system. House Bill 2165 passed on a vote of 58-0 requiring the State, through the Supreme Court, to fund the salaries of most superior court personnel and the operations of the superior court. The bill included the following provisions:

1. That the Supreme Court include in its annual budget request an appropriation request for the following costs of the state superior court:
 - (a) Salaries and employee-related benefits of employees of the superior court, including adult and juvenile probation departments, but excluding salary costs of the office of the Clerk of the superior court;
 - (b) Other operating expenses of the superior court.
2. That the law would become effective for fiscal year 1981-82.

Had this bill passed in the Senate and been enacted into law, the Supreme Court and superior courts would have encountered serious difficulties in implementing the legislative goals due to a lack of preparation time. In addition, the bill created uncertainty as to precisely what was to be included in the state budget. A major funding change of this type involves several complications and issues that deserve study and consideration.

Although the bill did not pass in the Senate, its strong support in the House prompted the Arizona Supreme Court to undertake a special project to prepare for the advent of state financing of the superior court system. If the Legislature in the 1981 session or in future sessions expresses an interest in providing greater state financial

support for the trial courts of general jurisdiction, the Supreme Court will be able to provide information to assist in that process.

The purpose of the project is to gather financial and personnel information related to the cost of the superior court statewide. Currently, these costs are funded by each county. In the fall of 1980, the Supreme Court retained the services of the Western Regional Office of the National Center for State Courts to assist the Administrative Director of Courts in collecting the appropriate financial and personnel information. Based on its study and analysis, the National Center will also present alternatives to the Supreme Court on administrative matters related to budget preparation, fiscal management, and personnel.

As a separate aspect of this project, the Supreme Court appointed a select committee of judges to review the concept of state financing and to advise the Supreme Court regarding its views about what should be financed by the state.

The Supreme Court's committee has recommended that state financing, if it occurs, be implemented in phases from year to year so that appropriate transitions can take place in the changeover from county financing to state financing. A phase-in approach will also enable the entire court system to better prepare for each step in the process. The Supreme Court has adopted the Committee's approach and believes that this plan affords the best opportunity for successfully implementing the goals of the Legislature and for reducing disruption in the court system.

While the project being conducted by the National Center has been delayed due to some difficulties encountered in collecting the necessary information at the county level, preliminary estimates are available. The chart below shows amounts which could conceivably be transferred from county funding to state funding.

The Supreme Court supports the concept of state financed superior courts and hopes to be able to provide recommendations to the Legislature during the 1981 session regarding the administration of such a system.

1980-81 Superior Court Budget

	Court	Clerk	Probation	Total
Personnel Costs*	11,001,842	6,320,789	16,859,821	34,182,452
All Other Operating Expenses	6,372,839	1,138,926	3,009,475	10,521,240
Indirect Funds**	5,516,504	754,729	4,174,177	10,445,410
Total	22,891,185	8,214,444	24,043,473	55,149,102

*Includes salaries and employee-related expenses.

**Includes indirectly budgeted county support services and federal grant funds.

APPELLATE COURT FACILITIES

The Arizona Supreme Court and Division 1 of the Court of Appeals are currently housed on the second and first floors, respectively, in the southwest wing of the capitol addition completed in the fall of 1974. These quarters are no longer sufficient for the needs of the state level judiciary. Administrative functions of the Supreme Court have increased to the extent that leased outside office space is currently required. The Clerks' offices at the Supreme Court and Court of Appeals are in critical need of space due to the volume of appellate litigation filed in those offices. Plans for a needed fourth panel of judges in Division 1 of the Court of Appeals have also suffered due to a lack of office space.

In the 1980 session, the Legislature recognized the need to begin planning for an appellate court building which would not only relieve the severe space restrictions currently confronting the Supreme Court and Court of Appeals, but which would also provide for the future needs of the state appellate court system.

Planning funds in the amount of \$100,000 were appropriated to the Supreme Court in order to undertake this very vital project. As a result of this project, which will carry forward into 1981, the Supreme Court should be in a position during the 1981 session to present to the Legislature concrete cost figures for construction of this much needed court building.

COURT RULES

The Supreme Court is constitutionally empowered to promulgate rules for the operations of the courts. Pursuant to this authority, during 1980 the Court adopted several new rules, amended many existing rules, and approved several local rules. A number of these rules and changes are noted here.

—Rule 15 of the Rules of Procedure for Juvenile Court was amended to require that the date for a hearing to determine dependency of a child who has been declared a temporary ward of the court must be scheduled at the time the youth is declared a temporary ward and within 21 days from the filing of the petition.

—Supplements to the Rules of Procedure for the Foster Care Review Boards were approved. The new sections specify the terms of office for local board officers and State Board officers. The composition of the executive committee of the State Board is also outlined.

—Rule 32.4 of the Rules of Criminal Procedure was amended to add a section authorizing the superior court to stay execution in death penalty cases where a post-conviction relief proceeding is pending.

—Supreme Court Rule 49 was promulgated pursuant to new legislation, A.R.S. §§45-405 and 45-406. The rule, in accordance with the statute, provides that the Chief Justice of the Supreme Court will designate one or more judges to hear groundwater appeals. The list of those

judges currently designated is maintained by the Clerk of the Supreme Court and is incorporated into this rule by reference.

—Rule VI(a), Uniform Rules of Practice of the Superior Court of Arizona, was amended to include provision for Local Rules of Practice which specify time periods for filing pretrial statements.

—Pursuant to the above, the Court approved a change in the Local Rules for the Superior Court in Pima County. Rule III was amended to specify time periods for filing pretrial statements and to note penalties for non-compliance. Changes in this rule also provide for a civil case "calendar call" to be held a week before the scheduled trial week. The latter will be in effect for at least a one-year period.

—Rule VII was added to the Local Rules of Criminal Procedure for the Superior Court in Pima County. The rule states that the record of preliminary hearings held in justice or municipal courts may be made by videotape or audiotape; the tape is then the record.

—Rule 9 of the Local Rules of Practice for the Superior Court in Maricopa County was changed to create the Northeast Judicial District. The district will serve the northeast corner of Maricopa County and will hear non-jury civil and domestic relations cases. Litigants may request that their case be heard in the new district under the following circumstances: 1) if an action for damages arises out of events occurring within the district; 2) if one of the parties resides in the district; 3) if an action involves property located within the district; or 4) if performance of a contract is within the district.

ARIZONA MANUAL FOR COURTS OF LIMITED JURISDICTION

In 1962 the Supreme Court issued the *Arizona Manual for Justice Courts* which was prepared by Professor Charles Marshall Smith of the University of Arizona, College of Law. This manual was designed as an orientation tool and reference resource for justices of the peace. During the interim 18 years, this manual has become seriously outdated due to many changes in the law and judicial procedures.

In 1980 the Supreme Court, with the assistance of Professor Smith, began work on a new manual that will be applicable to both justices of the peace and municipal court judges. Drafting and preparation of the manual has been coordinated through the Administrative Director's office with the aid of a committee of judges representing the courts of limited jurisdiction.

The manual, which will be very extensive, provides orientation for the new judge regarding general court operations and management responsibilities. It will help explain civil and criminal proceedings including trial procedures and will provide valuable references on such topics as constitutional requirements, burden of proof, and evidence. Publication is planned for May, 1981.

Judicial Coordinating Committee

The Judicial Coordinating Committee was originally established by the Arizona Supreme Court on December 31, 1976, as the Judicial Planning Committee, pursuant to the federal Crime Control and Safe Streets Act of 1976. The Justice System Improvement Act of 1979 changed the Committee name to the Judicial Coordinating Committee.

The primary responsibility of the Committee is to establish planning priorities for improving the various courts of the state. To this end, the Committee publishes a plan for improving judicial services in Arizona. The plan is also used as a basis for Committee review of court-related grant applications for Law Enforcement Assistance Administration (LEAA) funds.

During 1980 the Judicial Coordinating Committee published and distributed reports reflecting the results of the Needs Assessment Survey which it conducted during 1979. An individual report citing local needs was produced for courts in each county, and a statewide report was issued summarizing the major judicial system needs identified on a statewide basis. The information reported in these documents provided local insights regarding judicial system needs and served as a valuable resource in preparing the 1981 Arizona Judicial Plan.

In the 1981 Arizona Judicial Plan, the Committee has identified numerous issues which should be addressed to improve the services of the judicial branch of government and has recommended activities for accomplishing each one. The major goal related to each issue is restated below. It is hoped that this information will help to provide direction for court improvement projects and for the expenditure of federal, state, and local funds available for assistance to the judiciary.

A. GOALS OF GENERAL CONCERN

1. To Improve the Planning and Research Capabilities of the Judicial System.
2. To Study the Implications of Various Approaches to and Degrees of Statewide Financing for Arizona's Court System and Make Appropriate Recommendations.

B. GOALS SPECIFIC TO THE SUPREME COURT

1. To Improve Coordination and Cooperation at All Levels of the Court System and Cooperation Between Various Criminal Justice Agencies and the Court System.
2. To Have the Supreme Court Take a Leadership Role in Improving the Operations of the Courts of Limited Jurisdiction.
3. To Insure Adequate Measurement of Judicial System Activities.
4. To Improve the Level of Understanding on the Part of Jurors, Witnesses, and Litigants Regarding Their Involvement in the Judicial System.

C. GOALS SPECIFIC TO THE COURT OF APPEALS

1. To Address Increasing Caseloads in Division One of the Court of Appeals with the Addition of a Fourth Panel of Judges and Necessary Support Staff and to Determine What Other Methods May be Utilized to Expedite Case Processing.

D. GOALS SPECIFIC TO THE SUPERIOR COURT

1. To Attain and Maintain the Constitutionally Authorized Number of Superior Court Judges in Each County.

E. GOALS SPECIFIC TO LIMITED JURISDICTION COURTS

1. To Continue Study of Reorganization of Courts of Limited Jurisdiction.
2. To Organize and Improve Operations of the Lower Court System.
3. To Provide Appropriate Mechanisms to Assist Justices of the Peace in Obtaining Court Coverage.

F. GOALS SPECIFIC TO TRIAL COURTS

1. To Reduce Court Backlog Where It Exists.
2. To Improve the Management Capabilities of the Courts on a Local and Statewide Basis.
3. To Have All Courts in Arizona Housed in Appropriate Facilities.
4. To Further Develop Pre-service and In-service Training for Judges and Court Personnel.
5. To Achieve and Maintain Adequate Personnel and Compensation Levels.
6. To Provide Necessary and Appropriate Support Services to All Courts.
7. To Use Modern Office Equipment and Technological Advances to Enhance Efficient Court Operations Wherever Possible.
8. To Provide the Public with Appropriate Assistance in Their Use of the Courts.
9. To Establish a Process for Statewide Certification of Court Reporters.
10. To Adopt a Program of Certification and Orientation for Court Interpreters.

G. GOALS SPECIFIC TO ADULT PROBATION SERVICES

1. To Provide a Sufficient Number of Adult Probation Personnel and Appropriate Management Strategies to Maintain Reasonable Caseloads in the Superior Courts.
2. To Provide Appropriate Probation Services to Courts of Limited Jurisdiction.
3. To Expand Community-based Restitution Programs.

This year as the Judicial Coordinating Committee began to address the major issues in juvenile justice, the Committee reviewed the issues identified by the Juvenile Justice and Delinquency Prevention Committee of the Arizona State Justice Planning Agency. The Judicial Coordinating Committee concurred with the issues they had identified and incorporated them into the 1981 Arizona

Judicial Plan. In addition to those issues, the Committee identified the need to provide sufficient personnel to meet juvenile probation department needs.

The Committee will continue to identify the important needs of the judicial system and propose recommendations to the Supreme Court regarding future plans for court improvement projects.

Judicial Education

During 1980, the Supreme Court was able to increase the number of continuing education opportunities available to Arizona's judges. Through such programs, judges update their knowledge of legal issues, court management issues, and legislation affecting the courts. During 1980, as contrasted with 1979, more judges attended educational programs within the state, and more judges obtained financial assistance to attend out-of-state sessions.

The Supreme Court Education Program is organized through the Office of the Administrative Director and implemented by the Judicial Education Coordinator, Patricia A. Brackeen. The program focuses on the training needs of the judiciary in the limited jurisdiction courts. Other judges and court personnel are also served by the program. The Court utilizes its educational funds to provide financial assistance to judges attending nationally-sponsored schools, seminars, conferences, and in-state educational programs; to finance the cost of in-state programs held and sponsored by the Arizona Supreme Court; and, when possible, to provide similar services to judicial support personnel.

Requests for financial assistance to attend national educational programs continue to increase. Since the training funds available through the Supreme Court cannot meet all such requests, other funding sources, e.g., grants and local budgets, remain an important resource for judges and other court personnel.

The following report highlights the major activities of the Supreme Court's Education Program during 1980.

CONFERENCES

1980 Annual Conference for Appellate and Superior Court Judges

This Conference was attended by 89 active appellate and general jurisdiction court judges and five retired judges. Program topics for the one-and-a-half day session included the following:

- Recent Developments in Sentencing and Probation Revocation
- Division of Retirement and Disability Benefits in Dissolution
- The Aftermath of *World-Wide Volkswagen*

- Search and Seizure, 1980
- Stress and the Judicial Role

1980 Annual Conference for Justices of the Peace and City Magistrates

The limited jurisdiction court conference was attended by 72 justices of the peace and 60 city magistrates. This year Arizona Supreme Court Justice Frank X. Gordon, Jr., addressed the opening session of the Conference on the topic of "The Judge in the Public Eye." A follow-up session dealt with communication and perception. Other Conference topics included:

- Domestic Violence Legislation
- Expert Witness Testimony and Other Evidentiary Problems
- Contempt Powers in Arizona's Courts of Limited Jurisdiction

The Southwest Judicial Conference

The Southwest Judicial Conference, a regional meeting of appellate and general jurisdiction judges from Arizona, Nevada, New Mexico, and Utah, is hosted by one of the four states annually. The 1980 conference was hosted by Utah and was attended by 20 Arizona judges. Topics discussed at the Conference included: Impact Decisions - U.S. Supreme Court; Recent Trends in Judicial Discipline and Liability; Media in the Courtroom; Evidence; Recent Trends in Death Penalty Cases; and Use of Central Staff and Other Procedures in Appellate Courts.

The 1981 Southwest Judicial Conference will be held in Santa Fe, New Mexico.

SUPREME COURT CONTINUING EDUCATION PROGRAMS

During 1980, the Supreme Court sponsored a total of 12 continuing education sessions for personnel from the limited jurisdiction courts around the state. These educational sessions were attended by a total of 243 judges and 113 clerks. The following chart notes the actual attendance at each of the educational programs.

**In-State Education Programs
for Limited Jurisdiction Courts**

	Justices of the Peace	City Magistrates	Clerks	Total
Ethics Seminars (3 Regional Sessions)	54	43	N/A*	97
Problems in Landlord Tenant Law	42	N/A*	N/A*	42
Statistical Reports/Court Management (6 Regional Sessions)	22	8	113	143
Domestic Violence (2 Regional Sessions)	39	35	N/A*	74
Total	157	86	113	356

*This program was not applicable to this group.

The total number of judges who participated in these various programs, 243, reflects a 100% increase over the number who attended programs during 1979. Many of the programs were held on a regional basis. For example, the Ethics Seminar was conducted in three different locations around the state, and the Statistical Reports/Court Management program was offered in six regional locations.

In addition to providing the training programs identified above, the Supreme Court Education Program distributed to each justice court a civil process manual for use by all court personnel. The manual was prepared by Professor Charles Marshall Smith, College of Law, University of Arizona.

NATIONAL PROGRAMS

A total of 71 judges received financial assistance from the Supreme Court to attend national programs and conferences. Two appellate and 17 general jurisdiction court judges attended schools and programs held by such organizations as the National Judicial College, the National College of Juvenile Justice, the National College of Probate Judges, and the American Law Institute.

Foster Care Review Boards

The Foster Care Review Board system was established by law in September 1978, and placed under the administrative supervision of the Arizona Supreme Court (A.R.S. §§8-515.01 to 8-519). Administration of the review board system is the responsibility of the Administrative Director and administrative staff, which includes a coordinator, David K. Byers, and seven staff assistants. Volunteer citizen review boards are appointed in each county by the presiding juvenile court judge. Local boards review the case of each child adjudicated dependent and in foster care for six months or more; subsequent reviews are held at least every six months.

With financial assistance from the Supreme Court Education Program, 31 justices of the peace and 21 city magistrates attended national programs at the National Judicial College and the American Academy of Judicial Education. Most new, non-lawyer judges attended special, non-lawyer general sessions at the National Judicial College. Other judges attended sessions on a variety of topics including the following: Traffic Court; Criminal Law; Evidence; Special Court Jurisdiction; Civil Action in the Special Court; Sentencing Misdemeanants; and Alcohol and Drugs. Financial assistance requests were also approved for seven non-judicial court personnel to attend programs on court management, statistics, and juvenile justice.

Through a Supreme Court administered federal grant, funds were provided for five probation officers to attend national educational programs and conferences given by the Institute for Court Management, the National Symposium on Youth Violence, and the National Council of Juvenile and Family Court Judges. Grant funds were also used to assist with limited in-state training for probation officers.

Pursuant to A.R.S. §8-511(B), the Department of Economic Security or other child welfare agency must establish a plan for the permanent placement of each child placed in foster care. The statutory purpose of the review board is to determine what efforts are made by the Department of Economic Security or other child welfare agency to carry out that plan. The board then submits its recommendations and findings to the juvenile court regarding the efforts and progress made to carry out the placement plan together with any other recommendations it chooses to make regarding the child.

The recommendations of review boards are advisory only. The juvenile court judge maintains responsibility for judicial determinations regarding each child.

In addition to the 38 local review boards throughout the state, a State Review Board has been established. It is composed of five members appointed by the Supreme Court and various local review board chairmen. In counties with several boards, one chairman for every three boards serves on the State Board. The State Board is required by statute to review and coordinate the activities of the local boards and to make recommendations to the Supreme Court, the Governor, and the Legislature on or before January 15 of each year regarding foster care statutes, policies, and procedures. The State Board's first report regarding such recommendations was filed January 14, 1980. The State Board is also responsible for establishing training programs for board members. In addition to local training, some statewide and regional training programs have been conducted and others are planned for 1981.

Review board members serve without pay. Pursuant to state law, they only receive reimbursement for mileage and subsistence. The volunteer board members have committed a substantial amount of their time and energy to accomplishing the goals of the Legislature. The sustained efforts of these volunteers are a necessary ingredient to the success of this program.

The following chart captures basic information related to Foster Care Review Board activity during 1980.

**1980
Statewide Statistical Summary**

Number of Review Boards	38
Number of Volunteer Review Board Members	190
Number of Review Board Meetings	393
Number of Children Reviewed (Includes Initial and Subsequent Reviews)	5,090
Appearances by Interested Parties at Review Meetings, e.g., Parents and Fosterparents	4,811
Number of Volunteer Hours Provided by Review Board Members	6,295

During 1980, a number of changes affecting the operations of the foster care system have been made. Some of these changes were directly related to activities of board members, while others involved internal adjustments in the administration of the Review Board program. In addition, several other groups, including the Department of

Economic Security, have addressed problems in the foster care area. The following is a sample of the types of activities and changes which have been undertaken this year.

— Acting on information from the Foster Care Review Board system, the Supreme Court modified Juvenile Court Rule 15 to require that: (1) at the time a temporary custody order is issued removing a child from the home, a date for the adjudication hearing will be set; and (2) such hearing must be scheduled within 21 days from the filing of the petition. This marks a significant reduction in the time lapse between the filing of a temporary custody order and the start of dependency hearings.

— In an effort to reduce the number of times a foster care child who is likely to become available for adoption is relocated, a program to license families as both foster and adoptive parents (fost-adopt) has been implemented by the Department of Economic Security (A.R.S. §8-515.03-5.)

— Following discussion between Foster Care Review Board members, Supreme Court staff, and presiding judges, substantial progress has been made in several counties with respect to (1) holding formal annual reviews of children in the foster care program; and (2) notifying all interested parties regarding the hearings.

— The Supreme Court staff has identified numerous children who were eligible to be on the Adoption Registry, but were not listed.

— In June, the Foster Care Review Board administrative staff began developing an automated information system using an IBM OS-6 information processor. The system schedules case hearings for the individual boards, prepares hearing notifications for all interested parties, and maintains individual case data.

Three major data system projects were completed during 1980: (1) data regarding approximately 4,200 cases was entered to provide the original data base; (2) board member demographics and committee assignment information was entered; and (3) a statistical file was established. While not a computer, and having certain limitations, the system provides quick access to a considerable amount of information and performs numerous routine clerical functions.

Federal Law, 42 U.S.C.A. §675, requires that states receiving federal dollars for foster care must have a review system of some type and mandates that a written case plan similar to that utilized in Arizona be established for each child. Because Arizona's review law is considered a model by many, our Foster Care Review Board system continues to attract national attention. Many requests for information and consultation received from organizations throughout the country have been accommodated during the past year.

State Aid for Probation Services

Arizona Revised Statutes §12-261 through §12-266 became effective on October 1, 1978, establishing a program of state financial aid for probation departments in the superior court in each county wishing to participate. At the state level, this probation aid program is administered through the Office of the Administrative Director.

Each participating county is entitled to a base amount of \$10,000, with the remainder distributed pursuant to a population formula. The funds must be used for probation supervision of first-time adult felony offenders and first-time juvenile offenders adjudicated delinquent as the result of an offense that would be a felony if committed by an adult.

The program is administered pursuant to Supreme Court guidelines and the statutes. Each participating superior court must submit to the Supreme Court a plan for the use of funds for which its probation departments are eligible. Implementation of the plan and continued funding are subject to the approval of the Supreme Court.

PROBATION AID PROGRAMS

Ten participating counties utilize their state aid allocations in various ways. Although each department's program has unique features, there are also many similarities among the various programs. For example, most probation departments hire special staff to implement their probation plan. Thirteen full-time and four part-time employees have been hired for this purpose. Several departments contract with outside agencies to provide specialized supplementary services such as individual and group counseling, and employment training. Many programs limit the number of cases assigned to state aid staff in order to provide more intensive supervision.

State aid personnel in Cochise, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yavapai Counties are using previously untapped or underutilized community resources as part of their rehabilitation programs. In Pinal County, for example, a job training program was developed using both probation state aid and ex-offender program funds. Since implementation, 18 probationers have benefited from this program. In Cochise County, the state aid for probation program developed the county's first community work service program. Between January 1, 1980, and December 31, 1980, 1,537 hours of work (192 eight-hour days) were provided to various non-profit agencies such as the Y.W.C.A. and the Parks and Recreation Department.

In Pima County, both the adult and the juvenile probation departments have developed unique team approaches to probationer supervision. An attitudinal survey administered to adults in the program indicates that probationers' attitudes toward the program improved during the time between assignment to the program and completion of the program.

In Gila, Graham, Greenlee, and Santa Cruz Counties, emphasis has been placed on providing direct field supervision to probationers in the state aid program.

The following chart reflects the total number of persons receiving services from state aid programs during calendar year 1980.

Statewide Summary
State Aid Probation Programs

	Adult	Juvenile
Probationers as of 1-1-80	509	62
Probationers Added	573	69
Terminations	149*	37
Transferred to Non-State Aid Caseload	226	33
Revocations	37	2
Probationers as of 12-31-80	670	59

*Includes full-term discharges and early terminations.

FUNDING REQUESTS AND ALLOCATIONS

The Supreme Court Probation Aid budget request for 1981-82 will reflect an increase in response to rising costs of program operation and a request from an additional county to participate in the program.

Since the inception of the state aid probation program, the superior courts in the listed counties have participated and have been eligible for state funds as indicated.

These state funds have assisted probation departments in expanding their probation services and in satisfying the legislative goal of increasing the level of supervision provided to first-time adult felony offenders and first-time juvenile offenders who are subsequently adjudicated delinquent.

Superior Courts	1978-79	1979-80	1980-81
Cochise	\$17,688	\$18,750	\$19,460
Gila	13,338	13,925	14,290
Graham	12,153	12,400	12,640
Greenlee	11,098	11,275	11,403
Maricopa	139,047	164,600	179,950
Mohave	14,329	15,175	15,748
Pima	55,999	64,850	70,885
Pinal	18,700	20,050	20,862
Santa Cruz	—	12,150	12,365
Yavapai	15,793	16,825	17,397

Family Counseling Programs

State law provides for the establishment of, and financial assistance for, family counseling programs in the juvenile divisions of the superior court (A.R.S. §§8-261 through 8-265). Family counseling services are utilized by the various juvenile courts to strengthen family relationships and to help prevent delinquent or incorrigible behavior.

State funds appropriated to the Supreme Court are distributed each year to the various juvenile courts. Each court is entitled to a base amount of \$5,000 and the remainder is allocated according to the juvenile population in each county.

Types of problems which prompt referral to a juvenile court's family counseling program are many and varied. They include emotional and behavioral problems stemming from alcoholism, unemployment of parents, divorce, stepparenting problems, and parent-child communications.

The total appropriation in recent years has remained constant at \$250,000 which has been allocated to each juvenile court as indicated in the chart.

County	1978-79	1979-80	1980-81
Apache	\$10,310	\$10,346	\$9,996
Cochise	11,354	10,940	11,003
Coconino	11,408	12,056	11,857
Gila	7,718	7,808	7,667
Graham	6,908	6,800	6,720
Greenlee	5,954	5,936	5,914
Maricopa	99,392	99,212	100,061
Mohave	8,222	8,240	8,255
Navajo	11,642	12,164	11,885
Pima	37,184	37,544	38,660
Pinal	12,560	12,236	11,705
Santa Cruz	6,656	6,602	6,508
Yavapai	8,870	8,798	8,478
Yuma	11,822	11,318	11,291
	\$250,000	\$250,000	\$250,000

The Supreme Court's budget request to the Legislature for 1981-82 will be maintained at \$250,000. Based on reports received by the Administrative Director's office from the juvenile probation departments during 1979-80, approximately 1,650 children received counseling services through the program.

Special Trial Court Projects

During 1980, a number of courts have undertaken or further developed projects to improve the administration of justice. A few of these activities are highlighted in this section.

MARICOPA SUPERIOR COURT CIVIL DELAY REDUCTION PROJECT

The National Center for State Courts, in conjunction with the National Conference of Metropolitan Courts, is sponsoring trial court delay reduction programs in eight major metropolitan courts throughout the country. The Superior Court in Maricopa County has participated in this program since January, 1979. The primary objective of the Maricopa Superior Court project is to reduce the total case processing time of civil cases.

Initially, four of the superior court's civil divisions participated in the pilot project. With the approval of the Arizona Supreme Court, these divisions implemented special civil case management procedures and policies developed by the National Center. Many of the details of this project were described in the *1979 Annual Judicial Report*. The following is an update on the progress of that project.

Progress During 1980

The project expanded from four to six divisions at the beginning of 1980. The two new divisions experienced

many of the same results as the original four divisions, including an increase in total dispositions and settlements. As expected, they also experienced higher trial rates as they worked to remove from the pending caseload all cases in which more than a year had elapsed since the filing of the complaint. The original four divisions during the same period experienced an equilibrium in their trial and settlement rates after experiencing the higher rates during the first year on the project.

The Maricopa Court Administrator's Office has collected data to compare the six project divisions to the 11 non-project divisions for the first six months of 1980. The information shows that:

1. The project divisions had a 16% higher disposition rate than the non-project divisions;
2. The settlement rate in the project divisions was 6.5% higher than the non-project divisions;
3. The trial rate was 6% higher in the non-project divisions than in the project divisions; and
4. The project divisions reduced their pending caseload by 7.3% compared to the non-project divisions' reduction by .8%.

Although the trial rate for the project divisions is slightly less than that for the non-project divisions, their higher settlement rate and overall disposition rate allows them to achieve their goal of reducing the age of the active pending caseload.

The six project divisions work as a team in their efforts to attain the project objectives. The judges and support personnel work together to insure trial on the scheduled date. This teamwork is enhanced by regular communication among judges, staff, the presiding judge, and the court administrator. The judges, presiding judge, and court administrator meet regularly to discuss problems and establish policies for the project.

Due to regularly scheduled assignment rotation, the judges and staff assigned to the special project have changed over the last two years; however, the project policies and procedures remain stable. The court is expected to add two more divisions to the project in January, 1981, thus having a total of eight out of 17 civil divisions involved.

PIMA SUPERIOR COURT CIVIL CASE DELAY REDUCTION PROGRAM

The Superior Court in Pima County began a civil case delay reduction program on June 1, 1980. The assignment of cases to judges in Pima County is accomplished through an integrated master calendaring system administered by the Court Administrator's Office and managed daily by the Court Coordinator, Mrs. Edna H. Blank. All civil cases are a part of the court's civil delay reduction program. All judges and court commissioners are available to assist the court in this program when not adjudicating criminal cases.

Prior to the implementation of the case delay reduction program, civil jury cases were being calendared 24 to 26 months from the filing of the Motion to Set and Certificate of Readiness. A random selection of these cases indicated that it was taking approximately three to five years for final disposition in civil jury cases. It was ascertained that the attorneys involved were, on the average, stipulating to three to five continuances, which further delayed the disposition of cases well beyond the original trial date.

For the past two years, a Pima County Bar Committee along with the presiding judge and court administrator have been studying calendaring techniques because of a mutual concern over civil case processing delays. In their quest to address this issue, various groups of attorneys, judges, and court personnel have attended special programs dealing with reducing delays in case processing.

After considerable study and deliberation, Judge Carruth, in cooperation with a Pima County Bar Association committee, prepared a plan to reduce delay in processing civil cases in the Pima Superior Court. The plan included changes in the Pima County Local Rules of Practice. Judge Carruth was then named to oversee and manage implementation of the program.

The local rule promulgated to effect implementation of the delay reduction program requires that joint pre-trial statements be filed 20 days prior to the date set for trial. Failure to submit a timely pre-trial statement results in the assignment of the case to the inactive calendar. The rule also requires a formal motion to have the case re-assigned to the active calendar. The local rule provides for a strong

policy discouraging continuances. All motions to postpone a trial are heard by the Civil Presiding Judge. The rule also established a weekly "call of the calendar" of all cases set for trial during the next week. The calendar call is heard each Monday morning at 10:00 a.m. and all attorneys with cases set for that week are required to attend, with exceptions as noted in the rule.

Before implementation of the new program in June, 1980, all existing cases set for trial were reset and advanced into a time period of about 15 months and all parties to those cases were notified.

After seven months of operation, the civil delay reduction program is working well. The court is disposing of cases that had been pending for several years prior to implementation of the new program. Although statistics have not yet been compiled, it appears that the weekly calendar call has resulted in accelerated disposition of civil cases. New cases are being assigned trial dates which are within 13 months of the filing of the Motion to Set and Certificate of Readiness. Available information indicates that on the average, the Motion to Set is filed within 90 days from the date on which the case was filed.

The Bar and the court will continue working together in a spirit of coordination and cooperation to make the program successful.

COURT COMPUTERS

Clerks from the Superior Court in Mohave, Pinal, and Yavapai Counties have recently installed minicomputer systems in their offices. The court computer in Yavapai County was installed in January, 1980; the court in Mohave County has had its computer since April, 1979. The Superior Court in Pinal County purchased its first computer in February, 1978, and replaced it with a more sophisticated model in April, 1980. Thus far, all three computers have been used primarily for jury management and child support systems, although Pinal County also has an automated judicial expense system. According to the Clerk of the Pinal Superior Court, three of the most important benefits of computerized operations are (1) rapid access to data, (2) improved data accuracy, and (3) enhanced system efficiency.

The computer in the Mohave Superior Court Clerk's office is considered an invaluable tool for meeting the increasing demands on the office. It is estimated that the computerized jury management system in Mohave County saves two and one-half months of work each year. The old system for compiling a jury pool took about one month; the new system takes about two days. Computerization provides additional time savings related to drawing a period panel of qualified jurors, preparing biographical sketches, preparing justice court jury pool lists, and preparing jury payrolls. Time savings have also been realized with the child support system. Daily functions, as well as monthly financial and statistical reports for the court and the Department of Economic Security, are handled in about one-fourth the time that was previously required. These time savings allow staff members

to redirect their time to other important tasks.

In Gila County, the Clerk of the Superior Court has recently acquired access to the county's large, main computer; however, considerable time delays were involved in the process. The terminals were scheduled for delivery in January, 1977, but they did not arrive until January, 1978, and the system was not operational until April, 1980. Operating delays are currently being experienced due to the fact that the county's computer programmer lives in Phoenix and is not readily available to make program modifications and corrections. In addition to jury and child support functions, the Clerk in Gila County uses the terminal to register all financial transactions including fines, restitution, bond payments, filing fees, notary bonds, and marriage licenses. The Clerk of the Superior Court hopes that someday computerization can be used for most financial and statistical reporting needs.

COMPUTER AIDED TRANSCRIPTION

Reporting court proceedings is a vital and necessary part of the judicial system and a service required by litigants in resolving legal disputes. Transcripts of court hearings and trials are required in the superior courts so that cases appealed to higher courts can be reviewed for legal error.

The 1979 *Annual Judicial Report* described the Computer Aided Transcription (CAT) project with which the Superior Court in Maricopa County is experimenting. During 1980, the experimental project has continued.

Commission on Judicial Qualifications

The Arizona Commission on Judicial Qualifications was established in 1970 pursuant to Article VI.1 of the Arizona Constitution. The purpose of the Commission is to review and investigate, when indicated, complaints against Justices of the Peace, Superior Court Judges and Appellate Judges. The Commission has no constitutionally provided jurisdiction over city court judges.

Any litigant aggrieved by a judge's legal ruling or decision must pursue whatever normal appeal rights may be available to correct the alleged legal error. The Commission cannot be used as a substitute for the appellate process.

The Commission is empowered to investigate the following matters:

1. The disability of a judge that seriously interferes with the performance of his duties and is or is likely to become permanent.
2. Action by a judge that constitutes wilful misconduct in office.
3. Action by a judge that constitutes a wilful and persistent failure to perform his duties.

Progress During 1980

There are now seven court reporters using the CAT system. Experienced CAT reporters can produce completed transcripts at a rate of approximately 150 pages per hour, which is about 15 minutes for each hour of court testimony. Using traditional transcription methods, it takes two to four hours to transcribe one hour of courtroom testimony. During the first 16 months of operation, reporters used the transcription center to produce an average of 2,400 pages of transcript each month.

The court believes that the CAT system does indeed provide more efficient use of court reporter time and therefore, in September 1980, a decision was made to purchase the previously leased computer aided transcription equipment.

Various other courts are also involved in special court projects. The Phoenix City Court, for example, is developing an internal office procedures manual to serve as a training component and facilitate efficient operations. That court is also involved in a police witness standby program aimed at reducing the amount of time officers spend unnecessarily at court waiting to testify. In Chandler, the justice of the peace court uses the Court Intervention and Referral Program sponsored by the Arizona Recovery Centers Association for many offenders involved in crimes committed under the influence of alcohol. The Tucson City Court completed their much needed facility renovation and improvement plan during 1980. Maricopa Superior Court has opened its first satellite court in Scottsdale, the Northeast Judicial District.

These and many other projects are being undertaken by individual courts in an attempt to improve the delivery of judicial services to the citizens of Arizona.

4. Action by a judge that constitutes habitual intemperance.
5. Conduct by a judge that is prejudicial to the administration of justice that brings the judicial office into disrepute.

The Commission does not have the authority to censure or remove a judge from office. It can recommend to the Supreme Court that such action be taken after holding a formal evidentiary hearing for the purpose of making findings of fact and formulating its recommendation. The activities of the Commission are confidential until such time as formal recommendations are filed with the Clerk of the Supreme Court.

During 1980, for the first time in the Commission's ten-year history, it made formal disciplinary recommendations to the Arizona Supreme Court in three cases, all involving justices of the peace. In two cases, the judges involved resigned from office before completion of the final procedures, so the Supreme Court was not required to determine whether or not discipline should have been imposed. In the third matter, the Commission recommended censure and at the close of 1980, that case was still pending before the Supreme Court.

The Commission's budget appropriation during the past nine years has been minimal. The appropriations to the Commission from the Legislature have been as follows:

1971-72 - \$ 7,500	1976-77 - \$ 8,000
1972-73 - \$10,000	1977-78 - \$10,000
1973-74 - \$10,000	1978-79 - \$10,000*
1974-75 - \$10,000	1979-80 - \$15,000
1975-76 - \$10,000	1980-81 - \$15,000

*Plus \$15,300 supplemental

The Commission, which consists of five judges, two lawyers and two lay persons from all over the State, has no staff to assist it in fulfilling the responsibilities established in the Arizona Constitution. In the past, preliminary investigations have been conducted by members of the Commission. In selected cases, private investigators have been hired. In the three cases filed with the Supreme Court this year, the Commission was required to hire a specially appointed attorney to prepare and present the cases against the judges involved.

Because the Commission has no permanent staff, the Administrative Director of the Courts serves in the capacity of the Executive Secretary to the Commission, but the Administrative Director performs only the following functions:

1. Provides information on the Commission to persons who wish to file a complaint.
2. Receives written complaints for distribution to Commission members.
3. Maintains the files of the Commission.
4. Administers the Commission's budget.

Because the Commission has no permanent staff, the resolution of complaints against judges often takes several months, and one case involving a formal evidentiary hearing took three years. Neither the public nor the judges involved are well served by this delayed process.

Medical Liability Review Panels

Pursuant to A.R.S. §12-567, medical liability review panels are appointed by the presiding judge of the superior court to review lawsuits alleging medical malpractice. The panels consist of one Superior Court judge who serves as chairman, one attorney, and one physician. The panels determine whether the evidence presented to them supports a finding in favor of the plaintiff or defendant, but regardless of the determination either party may proceed with litigation.

In addition, the volume of work submitted to the Commission in the last five years has increased steadily as shown in the table that follows.

Activity	1976	'77	'78	'79	'80
Public Requests for Information	22	21	25	30	56
Cases Opened by Commission	15	15	10	33	25
Formal Inquiries Filed	1	-	2	-	1
Formal Hearings Held	-	-	-	1	2
Disciplinary Recommendations Filed with the Supreme Court	-	-	-	-	3
Pending Cases at Year End	3	9	6	14	14

Although most complaints received by the Commission are frivolous or are attempts to bypass the appellate process, the number of cases opened by the Commission has substantially increased since 1976. Each matter must be reviewed and processed by the Commission.

Because the volume of work is adversely affecting the ability of the Commission to perform its constitutional duties in a timely and adequate fashion, the Commission has requested the Legislature to increase its budget for 1981-82 to \$60,700. The purpose of this increased request is to provide for a permanent lawyer-investigator, an adequate operating budget and costs necessarily incurred in formal evidentiary hearings.

Since the Commission's members are judges, lawyers and non-lawyers with other occupations who donate their time as a public service, it is apparent that the continued escalation in complaints has surpassed the Commission's ability to provide the type of timely and thorough service that the public and judicial profession deserve. With the acquisition of permanent staff, if funds are provided, a major improvement in the operations of the Commission will take place.

The Supreme Court administers the state funds appropriated to it for the purpose of reimbursing counties for the expense and compensation of the panel members, other than the chairman. In fiscal year 1979-80, \$10,792 was expended for the medical liability review panels. For that period, this expenditure covered panels appointed in 52 medical malpractice cases: 34 in Maricopa County, 14 in Pima County, 2 in Yuma County, and 1 each in the counties of Gila and Pinal.

State Grand Jury

The impanelment of state grand juries is authorized by state law upon the written application of the Attorney General to the Chief Justice of the Arizona Supreme Court. The presentation of evidence to the state grand jury is made by the Attorney General or his designee, and that office is responsible for the prosecution of indictments returned by the grand jury.

The Supreme Court is charged by law with the responsibility of reimbursing counties for the costs and expenses of the grand jury and for the costs and expenses incurred by a county arising out of the prosecution and trial of state grand jury indictments. During 1979-80, reimbursements totaled \$143,582.

1980 Legislation Affecting the Courts

In their second regular session, the Thirty-fourth Arizona Legislature addressed a number of issues specifically related to the judicial branch of government. Of the 817 bills which were introduced, 253 actually became law. The following section discusses many of the bills which affect the courts in Arizona.

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| <p>SB 1086</p> <p>HB 2238</p> <p>SB 114</p> <p>SB 1110</p> <p>SB 1151</p> | <p>Defines "shelter care" and authorizes juvenile probation officers to place a juvenile in a shelter care or minimally secured facility for temporary custody. (A.R.S. §§8-201 and 8-223)</p> <p>Adds A.R.S. §§13-3601 and 13-3602 and amends several other sections. The two new sections relate specifically to domestic violence. They define it and prescribe procedures for dealing with it. This legislation provides city courts with civil jurisdiction, which they have not had previously. In domestic violence cases, a verified petition for an order of protection can now be filed with a magistrate, justice of the peace, or superior court judge. At the request of a party, a court hearing can be held.</p> <p>Creates a small claims division in each justice court as of July 1, 1981. The small claims procedure has come about as the result of a desire to provide an informal, inexpensive, and timely forum for resolution of civil disputes involving \$500 or less. The statute requires that the justice of the peace or other appointed hearing officer hear small claims within 30 days of the filing of the defendant's answer. Trials are to be conducted in such a manner as to do justice to both parties, but are not bound by formal rules of procedure, pleading, or evidence, with certain exceptions. Neither attorneys nor discovery proceedings are used. Decisions of the small claims division are final and the legislation prohibits appeals. (A.R.S. §§22-501 through -507 and §§25-511 through -523)</p> <p>Changes the jurisdictional limit for civil cases in the justice courts to include claims up to \$2,500. (A.R.S. §22-201)</p> <p>Specifies review procedures for numerous administrative agencies in an effort to provide for orderly review of administrative decisions according to the guidelines and requirements of the Administrative Review Article. Under the article, most administrative agency decisions are appealed to the superior court. (A.R.S. §§12-901 through -914)</p> | <p>SB 1084</p> <p>HB 2080</p> <p>SB 1146</p> <p>HB 2291</p> <p>SB 1143</p> <p>SB 1052</p> <p>SB 1046</p> | <p>Redefines status offense acts, including liquor and curfew violations, as "incorrigible" rather than "delinquent," (A.R.S. §8-201). The bill also authorizes that a monetary assessment of up to \$50 be imposed on juveniles for violation of liquor laws or curfew ordinances. (A.R.S. §§8-201 and 8-241)</p> <p>Provides procedures for admission, evaluation, and commitment to mental health agencies of children who are wards of the court or are in the custody of the court. (A.R.S. §§8-201, 8-242, 8-242.01, 36-518, 36-518.01, and 36-519)</p> <p>Affirms a juvenile's right to be represented by counsel and right to waive appointed counsel. The bill also authorizes the court to require financially able parents or guardians to reimburse, at least in part, the cost of court-appointed counsel. In addition, the fee limit for appointed counsel is removed. (A.R.S. §§8-225 and 8-236)</p> <p>Increases liability of parents or legal guardians for malicious or wilful misconduct of a minor to \$2,500. (A.R.S. §12-661)</p> <p>Prohibits a juvenile probation officer from acting as a referee in juvenile court hearings. (A.R.S. §8-231)</p> <p>Precludes salary payments to judges and commissioners of the superior court and to justices of the peace unless they certify that they have no causes before them which have been pending and undetermined for 60 days after being submitted for decision. The Chief Justice of the Arizona Supreme Court may exempt a judge from this provision for physical disability or may make an exception for specific pending litigation, but the reason for such exemption must be certified in writing. (A.R.S. §§11-424.02 and 12-128.01)</p> <p>Increases the maximum penalty for violation of a city ordinance to \$1,000 and/or six months in jail. (A.R.S. §9-240)</p> |
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Caseload, Financial and Personnel Information

GENERAL INTRODUCTION

For the second year, the Supreme Court has collected and reported comprehensive data on caseloads, financing and personnel for all the courts within the Arizona judiciary. Summary information for the appellate courts and statewide totals for superior, justice and municipal courts have been included in this volume. Detailed caseload, financial and personnel information of the individual courts within the Arizona court system has been compiled and published in the second volume of the report, titled *The Arizona Courts: 1980 Caseload, Financial and Personnel Report*.

The following introductory sections have been included to facilitate a better understanding of the summary data presented herein. These general statements are intended only as an overview of the data presented. Particular attention should be paid to the narrative statements and definitions and the footnotes applicable to various statistics and information presented.

CASELOAD STATISTICS

The summary caseload statistics presented herein have been compiled from the monthly statistical reports submitted to the Supreme Court by the individual appellate, superior, justice of the peace, and municipal courts of the state. Virtually all caseload data reported herein is complete. Incomplete or inconsistent information, where detected, has been appropriately footnoted in the specific court report where the explanation is applicable. While the statistics are checked for mathematical correctness, they are unaudited.

FINANCIAL INFORMATION

The financial information published in this report is based upon the survey of county finance offices for superior and justice courts and municipal courts conducted during October, 1980. The survey of superior and justice courts was made in conjunction with the National Center for State Courts Western Regional Office for their study of state financing of superior courts. Both the Supreme Court and National Center have worked to obtain the most complete and accurate information possible. The survey document used in 1980 requested more comprehensive and detailed information than preceding years. However, the financial data presented herein is unaudited and, therefore, is based upon the accuracy of the reporting counties and cities participating in the survey. An effort was made through the survey conducted to identify all direct costs of court operations, where the cost is not directly attributable to the individual court's budget. Such costs, where identified, have been included in the financial data presented.

The following definitions for the categories used in this report are to provide a better understanding of the financial information presented.

DIRECT EXPENDITURES AND APPROPRIATIONS—those funds appropriated directly to the court by the immediate funding authority (appellate courts—state legislature; superior courts, justice courts—counties; municipal courts—cities/towns).

Salaries—amounts for salaries and wages for all personnel.

Fringe Benefits—amounts for employer's cost of FICA, insurance, retirement contributions, etc.

Operating Expenses—amounts for utilities, telephone, postage, insurance, rent, building maintenance, office supplies and office equipment maintenance.

Travel and Transportation—amounts for personnel mileage, per diem, and travel.

Professional Services—amounts for court reporter costs, juries, attorney fees for indigent defendants, and mental institution charges.

Capital Expenses—amounts for purchases of a value of over \$100.

INDIRECT EXPENDITURES AND APPROPRIATIONS—those expenses attributable to the court included in other departments' or agencies' budgets.

Fringe Benefits—amounts for employer's cost of FICA, insurance, and retirement contributions not directly budgeted to the court.

Support Services—amounts for data processing, maintenance, accounting, payroll, law library, and building repair not directly budgeted to the court.

FEDERAL FUNDS—amounts received through such sources as C.E.T.A., federal revenue sharing, anti-recession funding, LEAA grants, Title IV child support, etc.

STATE FUNDS—amounts charged to state funds, such as Department of Corrections and Department of Economic Security, other than Supreme Court programs (State Aid to Probation and Family Counseling).

NON-BUDGETED SUPPORT SERVICES—amounts which may result in a charge to the state if the state were to assume funding.

PERSONNEL INFORMATION

The personnel information contained in this report is based upon a survey of the staffing levels of the Arizona judiciary on October 1, 1980. Like the financial report, this survey was undertaken in conjunction with the National Center for State Courts in the superior and justice courts. Because of the vast number of job titles encountered both within and between the different levels of courts, broad general position groupings were developed to publish the information in a reportable format. Personnel definitions which detail the various types of positions included within each grouping are included at the beginning of each section of the *1980 Caseload, Financial and Personnel Report*.

Statewide Personnel Information

The table below reflects a statewide summary of all court personnel as of October 1, 1980. This information was reported by the individual courts in response to a personnel survey conducted by the Supreme Court. Personnel information for individual courts can be found in the *1980 Caseload, Financial and Personnel Report*.

The 1980 survey attempted to obtain the most accurate information regarding the staffing levels of the various courts throughout Arizona. Therefore, personnel have

been identified as being full-time (F.T.) or part-time (P.T.) employees in the table below.

The superior court employs approximately 70% of the full-time and 54% of the part-time court personnel within the Arizona judiciary. Both justice and municipal courts employ 12.5% of the full-time court workers while appellate courts (Supreme Court and Court of Appeals) presently account for 5% of the workforce.

STATEWIDE PERSONNEL SUMMARY - ALL COURTS

CLASSIFICATION	SUPREME COURT		COURTS OF APPEAL		SUPERIOR COURTS		JUSTICE OF THE PEACE		MUNICIPAL COURTS		TOTAL	
	F.T.	P.T.	F.T.	P.T.	F.T.	P.T.	F.T.	P.T.	F.T.	P.T.	F.T.	P.T.
Justice; Judge	5		12		81		84		64	53	246	53
Court Commissioner/Referee					19	2					19	2
Clerk of the Court	1		2		14						17	
Constable							15*				15	
Bailiff					72	6					72	6
Court Reporter					91						91	
Staff Attorney	5		10								15	
Law Clerks	10		12								22	
Probation Officer					415	7					415	7
Probation Admin. Staff					33						33	
Probation Services Support					185	63					185	63
Administrative Staff	14				59		7		14	9	93	9
Support Staff	1		1		117	19	8	4	59	6	186	29
Deputy Clerk **	6		13								19	
Secretarial/Clerical	14	1	15		644	57	204	40	184	31	1,061	128
Financial/Statistical Clerk	4										4	
Library Staff					12	4					12	4
Custodial Support					31	14					31	14
TOTAL	60	1	65		1,773	172	318	44	321	99	2,537	316

*Although more courts are known to have constables, only 15 courts reported the position in the personnel survey.

**Refers only to appellate court deputy clerks, all other deputy clerk positions were included under the Secretarial/Clerical category.

Statewide Judicial Expenditures

The financial information shown below reflects costs of the Arizona judiciary as identified by the financial survey of the courts for fiscal year 1979-80. This information represents a summarization of statewide financial tables of the various levels of courts reported in later sections. Financial information for individual court units can be found in the 1980 Caseload, Financial and Personnel Report.

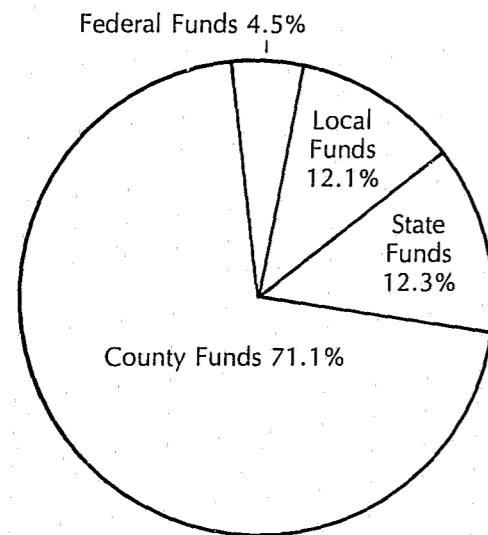
In 1979-80, the superior court accounted for 72.3% of the expenditures made for court services in Arizona.

Municipal courts reported that they expended 12.1% of the court appropriations while justice courts comprised 8.6% of the total. Appellate courts in the state accounted for 7% of the statewide expenditure. The greatest burden for funding courts in Arizona fell upon the counties with 71.1% of all judicial expenditures made statewide falling upon that source. State funds were nearly equal to local city funds for courts with the state supporting 12.3% of the statewide total while local funds supported 12.1%. Federal funding provided 4.5% of the identified statewide judicial expenditures in 1979-80.

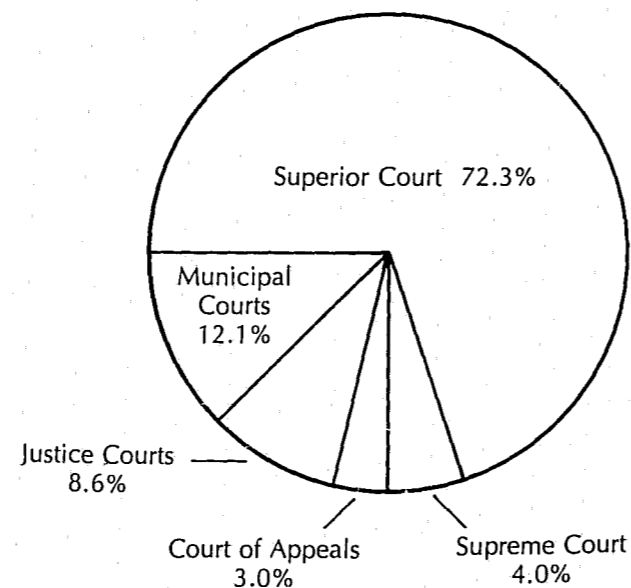
1979-80 ARIZONA JUDICIAL EXPENDITURES
ALL COURTS—ALL FUNDS

	STATE FUNDS	COUNTY FUNDS	LOCAL FUNDS	FEDERAL FUNDS	TOTAL	% OF TOTAL
SUPREME COURT	2,467,709			106,692	2,574,401	4.0%
COURT OF APPEALS	1,972,339				1,972,339	3.0%
SUPERIOR COURT	3,617,972	40,951,880		2,642,323	47,212,175	72.3%
JUSTICE COURTS		5,506,945		128,295	5,635,240	8.6%
MUNICIPAL COURTS			7,906,348	28,182	7,934,530	12.1%
TOTAL	8,058,020	46,458,825	7,906,348	2,905,492	65,328,685	100.0%
% OF TOTAL	12.3%	71.1%	12.1%	4.5%	100.0%	

1979-80
ARIZONA JUDICIAL EXPENDITURES
BY FUND SOURCE



1979-80
ARIZONA JUDICIAL EXPENDITURES
BY COURT LEVEL



Statewide Financial Information All Courts

The table below represents the specific line item expenditures for fiscal year 1979-80 and budgeted amounts for fiscal year 1980-81. This information was totaled from the Supreme Court's financial survey of Arizona courts, which includes the following entities: Supreme Court, court of appeals, superior court (including clerks of the court, adult and juvenile probation departments), justice of the peace courts, and municipal courts. Definitions concerning the types of expenditures included in the categories listed in the table can be found in the General Introduction to the Caseload, Financial, and Personnel Information section on page 18.

Statewide financial information for individual court levels is available in the remaining sections of this report.

The two largest individual categories of expenditures within the Arizona judiciary are salaries and fringe benefits. Professional services which include such items as jury fees and attorneys' fees for indigents represent the second largest expenditure category.

EXPENDITURES AND APPROPRIATIONS:

	1979-80 EXPENDITURES	1980-81 BUDGET
Salaries	\$38,150,234	\$43,040,811
Fringe Benefits	5,772,379	7,222,434
Operating Expenses	5,528,302	6,879,003
Travel & Transportation	551,084	740,690
Professional Services	7,164,863	7,504,473
Capital Expenses	264,459	569,931
Support Services	1,977,827	2,212,648
Medical Malpractice Panels	10,342	20,000
Publishing Arizona Reports	80,900	80,900
Probation Reporting System	9,346	15,000
Family Counseling	250,000	250,000
Probation—State Aid	327,717	375,000
Judicial Education	111,981	80,000
Foster Care Review Boards	219,125	312,600
State Grand Jury	143,582	291,888
Commission on Judicial Qualifications	25,399	18,165
Commission on Appellate and Trial Court Appointments	1,158	5,000
Federal Funds	2,905,492	6,929,993
State Funds	1,834,495	2,212,000
TOTAL	<u>\$65,328,685</u>	<u>\$78,760,536</u>

Supreme Court

CASE ACTIVITY

Case filings in the Supreme Court increased from 1,000 matters in 1979 to 1,051 matters in 1980. The Court also continued to transfer in cases from the Court of Appeals. The Court was able to meet its workload by terminating 1,110 matters during the year. The total cases pending at year end increased slightly by 30 cases from 151 pending in 1979 to 181 pending in 1980.

As shown in the pie chart, petitions for review constitute the largest percentage of the total number of matters filed in the Court (53.2%) during 1980. The remainder of the Court's caseload is divided among special actions, criminal, state bar, and other matters.

The overall trend of case filings in the Supreme Court appears to have stabilized during the most recent three years. However, minor fluctuations occurred in specific case categories within the total caseload in 1980. State Bar disciplinary matters showed the largest change by increasing 86% from 56 cases in 1979 to 104 cases in 1980.

Several categories also showed decreases in 1980. The largest reduction occurred in the petitions for review category which decreased 16%. In this large classification, this percentage decrease represents a loss of 109 cases comparing 1979 with 1980. *Habeas corpus* and civil matters also showed slight declines during the year.

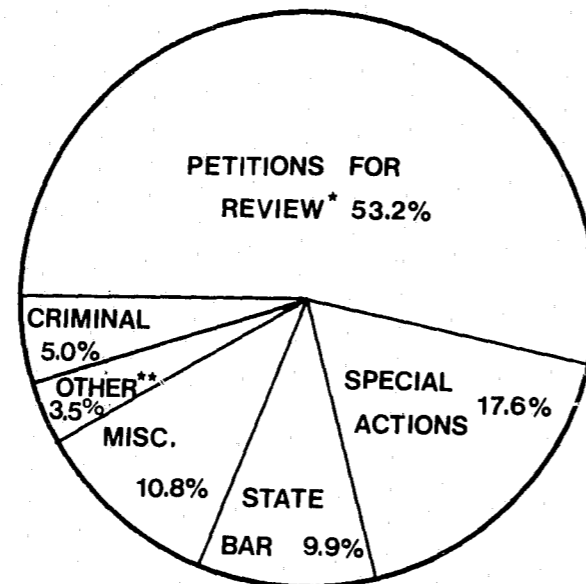
The Supreme Court transferred 89 cases, primarily civil and criminal actions, from the Court of Appeals, Division One, to its own calendar. In the past five years, the Supreme Court has accepted transfer of an average of 112 cases per year. This transfer of cases has been deemed necessary to assist the Court of Appeals with their increasing caseload backlog.

FINANCIAL INFORMATION

Financial administration of the Supreme Court's operating budget is the responsibility of the Office of the Administrative Director. In addition, the Administrative Director's office fiscally administers state appropriations to provide for:

- One-half of all superior court judges' salaries and related costs
- Medical Malpractice Review Panels
- Commission on Appellate and Trial Court Appointments
- Commission on Judicial Qualifications
- State Grand Jury expenses
- Family Counseling programs
- State Aid for Probation services
- Foster Care Review Boards
- Judicial Education

SUPREME COURT FILINGS-1980



**"PETITIONS FOR REVIEW" category includes:

	Cases	% of Total Case-load
Industrial Commission	79	7.5%
Post Conviction	33	3.1%
Criminal	181	17.2%
Civil and Special Actions	239	22.8%
Habeas Corpus	1	.1%
Juvenile	26	2.5%
TOTAL	559	53.2%

**"OTHER" category includes direct civil appeals and habeas corpus filings.

SUPREME COURT
1980 CASE ACTIVITY

TYP OF ACTION	PENDING AS OF JAN. 1, 1980	FILINGS	TRANSFERS IN FROM COURT OF APPEALS	SUB-TOTAL	TERMINATIONS BY:				PENDING AS OF DEC. 31, 1980
					WRITTEN OPINION	MEMO DECISION	OTHER	TOTAL	
CIVIL	7	5	37	49	25	3	5	33	16
CRIMINAL	56	53	52	161	65	10	20	95	66
PETITIONS FOR REVIEW	61	559		620	31		552	583	37
SPECIAL ACTIONS	11	185		196	20		151	171	25
DELAYED APPEALS	3	4		7	1			1	6
HABEAS CORPUS	1	27		28	3		22	25	3
STATE BAR MATTERS	5	104		109	7		96	103	6
MISCELLANEOUS	7	114		121	1		98	99	22
TOTAL	151	1,051	89*	1,291	153	13	944	1,110	181

*95 cases were actually transferred out of the Court of Appeals to the Supreme Court during 1980. Six of the cases transferred were consolidated with other cases being transferred, resulting in a net transfer of 89 cases docketed in at the Supreme Court.

FINANCIAL INFORMATION

CATEGORIES	1979-80 EXPENDITURES	1980-81 BUDGET
I. DIRECT:		
Salaries	\$ 949,504	\$ 1,226,900
Direct Fringe Benefits	109,341	185,100
Operating Expenses	180,832	205,300
Travel & Transportation	14,477	25,300
Professional Services	3,354	4,000
Capital Expenses	7,753	15,600
Law Library	22,898	31,100
Medical Malpractice Panels	10,342	20,000
Publishing Arizona Reports	80,900	80,900
Probation Reporting System	9,346	15,000
Family Counseling	250,000	250,000
Probation - State Aid	327,717	375,000
Judicial Education	111,981	80,000
Foster Care Review Boards	219,125	312,600
TOTAL	\$ 2,297,570	\$ 2,826,800
II. OTHER STATE FUNDING:		
Superior Court	\$ 1,783,477	\$ 1,964,800
Statewide Grand Jury	143,582	291,888
Commission on Judicial Qualifications	25,399	18,165
Commission on Appellate and Trial Court Appointments	1,158	5,000
III. INDIRECT:		
Federal Funds	\$ 106,692	\$ 273,411

PERSONNEL INFORMATION

OFFICES AND POSITIONS	
Justices and Staff	
Justice	5
Secretary	5
Law Clerk	10
Staff Attorney	
Chief Staff Attorney	1
Staff Attorney	4
Secretary	2
Clerk of the Court	
Clerk of the Court	1
Chief Deputy Clerk	1
Deputy Court Clerk	5
Machine Operator	1
Administrative Director	
Administrative Director	1
Deputy Director	1
Judicial Administrator	4
Secretary	4
Financial Clerk	2
Statistical Clerk	2
Foster Care Review Boards	
Coordinator	1
Staff Assistant	7
Secretary	3.5
TOTAL	60.5

ARIZONA SUPREME COURT
FILING AND TERMINATION ACTIVITY
1971-1980

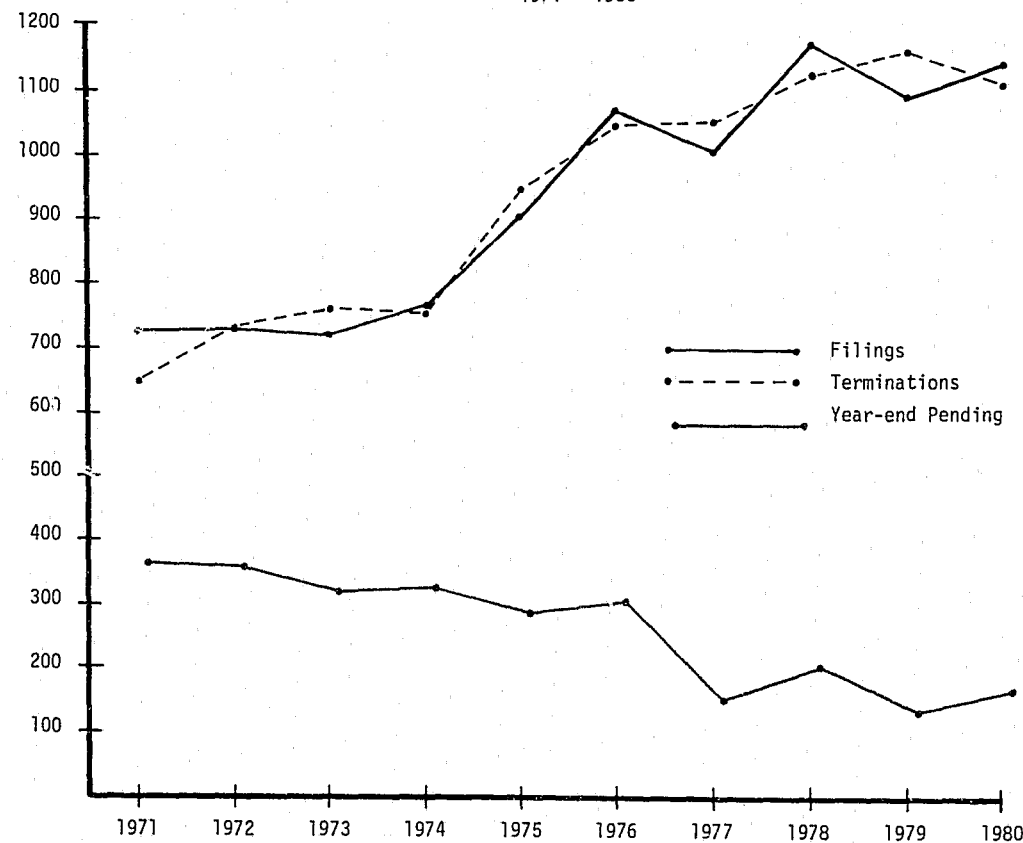
	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
FILINGS	690	702	714	713	799	921	923	1,016	1,000	1,051
TRANSFER IN	33	23	6	54	107	142	82	155	93	89
TOTAL	723	725	720	767	906	1,063	1,005	1,171	1,093	1,140

TERMINATIONS	643	724	764	757	949	1,043	1,047	1,123	1,159	1,110
TRANSFER OUT	1	3	0	2	0	0	0	0	0	0
TOTAL	644	727	764	759	949	1,043	1,047	1,123	1,159	1,110

YEAR END PENDING	386	384	340	348	305	325	169*	217	151	181
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*Year End Pending caseload adjusted based on an actual physical inventory of the Supreme Court's pending cases as of December 31, 1977.

FILING AND TERMINATION ACTIVITY
1971 - 1980



Court of Appeals—Division One

CASE ACTIVITY

During 1980, Division One responded to a record number of case filings by terminating the second largest number of cases in its history. Despite this action, cases pending at year end reached the highest number in the court's 16-year history.

Overall, filings in the court jumped 7% in 1980 over the 1979 level, rising from 1,411 to 1,510 cases. One significant reason for the increase in filings was that during 1980 the court received the full impact of the shifting of unemployment insurance appeals from the superior court. New legislation enacted in 1979 provided for direct appeal from the State Department of Economic Security to the court. In 1980, 144 such cases were filed in the court. As shown in the trend analysis, page 28, unemployment insurance cases made up 9.5% of the total new caseload. Thus, a significant portion of the increase in caseload is a direct result of this new category.

Another area in which the court is experiencing sizable growth is in civil cases. In the most recent six years, civil filings have risen 71% from 314 cases filed in 1975 to 537 cases filed in 1980. There has been an average increase in civil case filings of 9% each year since 1973 which appears likely to continue into the future.

In contrast to the rise in civil filings during the past six years, criminal case filings in Division One have decreased slightly each year. For example, in 1980, a total of 592 criminal matters were filed with the court, which is a decrease of 8.5% compared with the 647 criminal filings in 1979. Since 1976, criminal filings have decreased an average of 4% each year.

Termination of cases reached near-record proportions during 1980. The Supreme Court accepted transfer of a total of 91 matters from Division One to assist in reducing the Court of Appeals workload. However, with the influx of the new unemployment insurance matters, terminations in nearly all of the other individual categories such as civil and criminal cases suffered during 1980. For

example, it was possible for the court to terminate (including transfers to the Supreme Court) a total of 581 criminal cases in 1979. In 1980, however, the court was able to close only 528 criminal matters for a decrease of 9% from the previous year. This trend was repeated in all other case categories except for juvenile appeals, in which terminations increased from 21 closures in 1979 to 46 closures in 1980.

Of particular concern when looking at these termination statistics is the court's ability to meet its growing civil caseload. For example, the pending civil caseload increased 15% between the end of 1979 and the end of 1980. By virtue of the criminal laws, court rules, and other factors, civil appeals carry the lowest priority in terms of court processing. This results in civil cases generally having the greatest lag time of any type case between the time of filing the appeal and resolution by the court. Therefore, the termination rate of civil cases declines and the civil pending case backlog grows.

The court is concerned with the growing backlog of cases and is particularly aware of the need to increase resources in order to provide civil litigants with timely resolutions of their appeals.

As shown in the Total Filing and Termination Activity chart and graph, the year-end pending total for the court grew 9% from 1,181 cases in 1979 to 1,289 cases in 1980. Noting the total number of matters which the court can presently terminate in a year (in 1980 the court actually closed 1,311 cases), it would take the court approximately a year to clear this caseload (1,289 cases) if no new matters were filed.

In 1981, legislation will again be introduced to establish a fourth panel of judges in Division One to address this critical caseload problem. The Arizona Judicial Coordinating Committee in its 1981 Plan endorsed the creation of the fourth panel "to handle not only the existing pending caseload, but . . . to cope with the continued increase in appeals which has occurred in recent years and which is projected to escalate even further in coming years."

COURT OF APPEALS - DIVISION 1
1980 CASE ACTIVITY

TYPE OF ACTION	PENDING AS OF JAN. 1, 1980	FILINGS	SUB-TOTAL	TERMINATIONS BY:					PENDING AS OF DEC. 31, 1980
				TRANS. TO SUPREME COURT	WRITTEN OPINION	MEMO DECISION	OTHER	TOTAL	
CIVIL	554	537	1,091	37	104	110	200	451	640
CRIMINAL	435	546	981	53	40	299	136	528	453
POST CONVICTION RELIEF	48	46	94	1	10	28	26	65	29
INDUSTRIAL COMM.	105	190	295	0	29	98	60	187	108
UNEMPLOYMENT INS.	9	144	153	0	7	15	86	108	45
SPECIAL ACTIONS	2	17	19	0	1	0	15	16	3
HABEAS CORPUS	1	1	2	0	0	1	0	1	1
DELAYED APPEALS	0	0	0	0	0	0	0	0	0
JUVENILE APPEALS	27	29	56	0	7	32	7	46	10
TOTAL	1,181	1,510	2,691	91	198	583	530	1,402	1,289

FINANCIAL INFORMATION

CATEGORIES	1979-80 EXPENDITURES	1980-81 BUDGET
I. DIRECT:		
Salaries	\$ 1,133,210	\$ 1,317,900
Direr. Fringe Benefits	116,913	166,400
Operating Expenses	168,658	192,700
Travel & Transportation	28,548	37,500
Professional Services	2,984	2,000
Capital Expenses	5,781	8,200
TOTAL	\$ 1,456,094	\$ 1,724,700

PERSONNEL INFORMATION

OFFICES AND POSITIONS	FULL-TIME
Judge	9
Secretary	9
Law Clerk	9
Clerk of the Court	1
Chief Deputy Clerk	1
Deputy Clerk	8
Machine Operator	1
Chief Staff Attorney	1
Staff Attorney	7
Staff Secretary	3
TOTAL	49

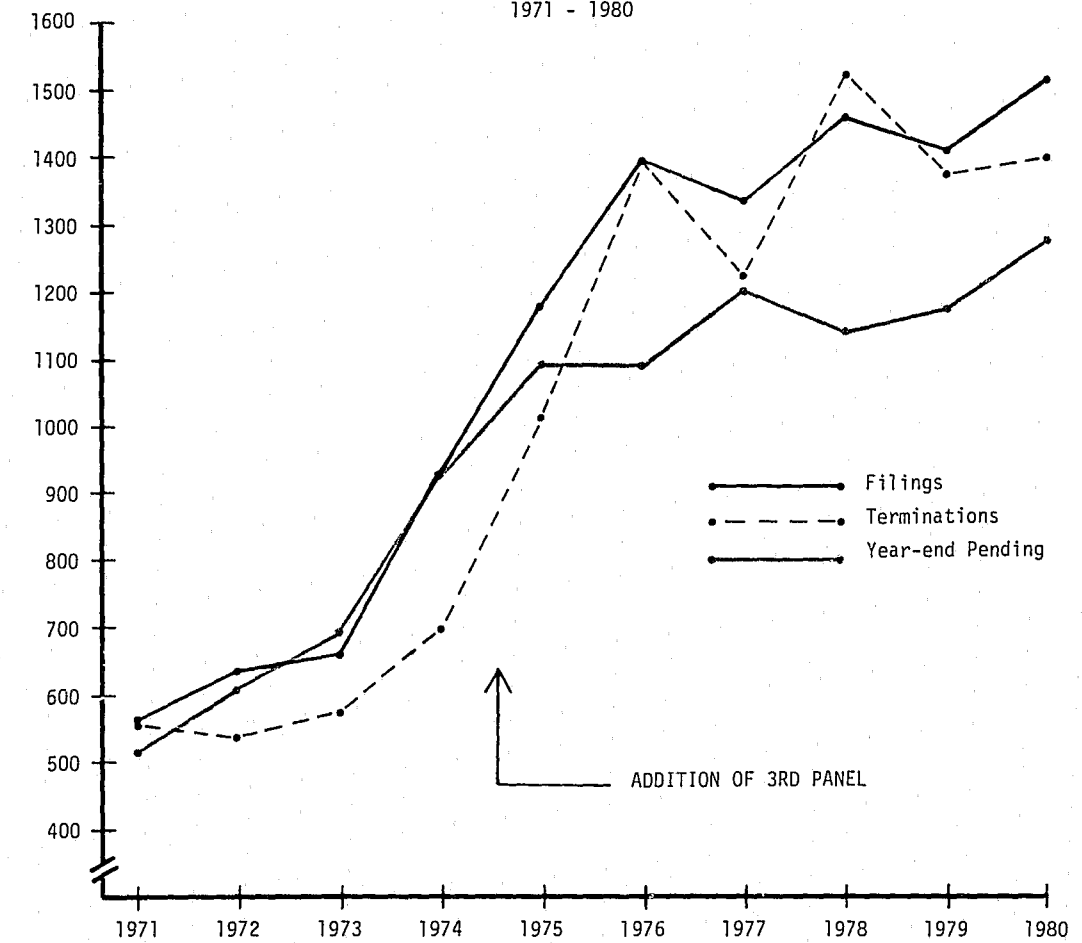
COURT OF APPEALS - DIVISION 1
TOTAL FILING AND TERMINATION ACTIVITY
1971-1980

	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
FILINGS	557	628	661	929	1,185	1,397	1,337	1,467	1,411	1,510
TRANSFER IN	2	1	1	0	0	0	0	0	0	0
TOTAL	559	629	662	929	1,185	1,397	1,337	1,467	1,411	1,510

TERMINATION	541	517	571	647	902	1,239	1,137	1,368	1,296	1,311
TRANSFER OUT	12	19	6	52	112	158	87	159	85	91
TOTAL	553	536	577	699	1,014	1,397	1,224	1,527	1,381	1,402

YEAR END PENDING	519	612	697	927	1,098	1,098	1,211	1,151	1,181	1,289
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FILING AND TERMINATION ACTIVITY
1971 - 1980



TREND ANALYSIS

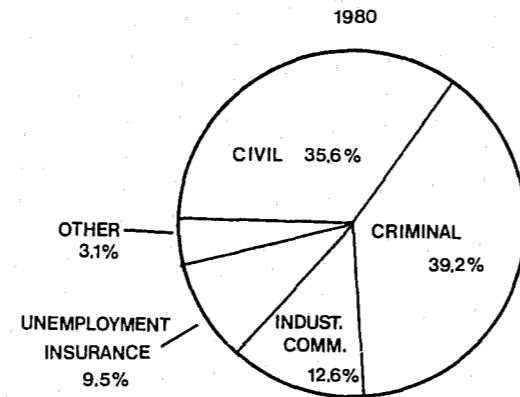
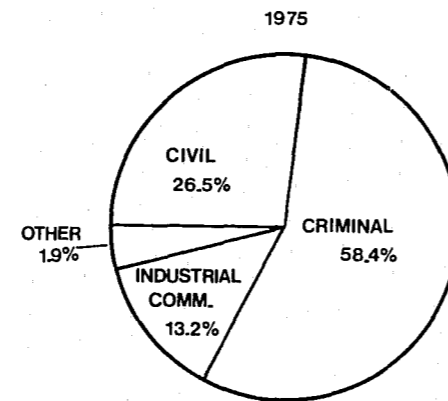
Two significant trends have been experienced by the Court of Appeals, Division One. First, since 1975, the court has seen a change in the type of caseload which it must handle. Second, the growth in overall case filings has continued virtually every year since the court's formation in 1965.

As shown in the pie charts to the right, the percentage of civil cases in the total caseload has increased from 26.5% in 1975 to 35.6% in 1980. This percentage increase results from 314 civil cases having been filed in 1975 versus 537 civil cases filed in 1980. During the same period, the number of criminal cases filed each year has decreased (692 criminal cases filed in 1975 versus 537 filed in 1980). Therefore, while other types of case filings have increased, the percentage of criminal cases in the total court caseload has decreased from 58.4% to 39.2%.

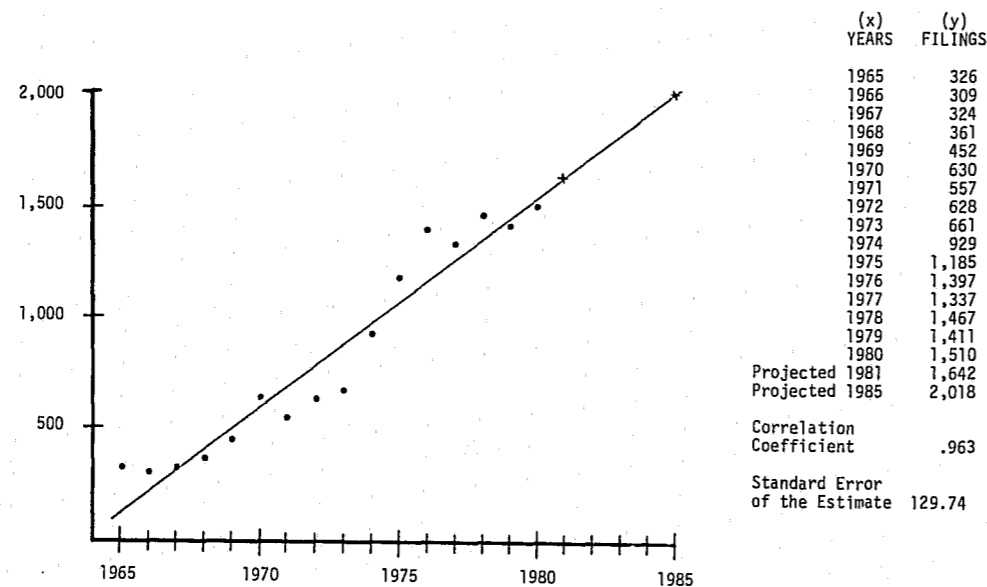
Last year, a linear regression "trend" analysis was included in this report for the first time. Using that statistical test, it was projected that the court would receive 1,568 filings in 1980. The court actually received 1,510 filings, which translates into an error of only 3.7% for the estimate.

The table and graph shown below represent the current trend analysis which tests the strength of the relationship or "correlation" between "years" and the number of "filings" received by the court.

The strong correlation coefficient .963 (a perfect correlation is 1.0) indicates that it is likely that filings will increase to 1,642 filings in 1981 and 2,018 filings per year by 1985.



TREND ANALYSIS
COURT OF APPEALS, DIVISION 1
CORRELATION OF TIME TO FILINGS 1965-1980



Court of Appeals—Division Two

CASE ACTIVITY

The total number of case filings in Division Two of the Court of Appeals rebounded to near-record levels during 1980. After a one-year decline to 588 filings in 1979, the court received 702 new matters in 1980, a 19.4% increase. However, for only the third time in the past ten years, the total number of cases terminated by the court decreased from the previous year. During 1979, the court terminated 701 matters while in 1980 the court closed 632 matters. As a result, the court's year-end pending caseload increased from 218 cases in 1979 to 288 cases in 1980. This pending total is still below the court's highest pending count of 331 cases reached at the close of 1978.

Increases in filings occurred in all case categories with-

in the court during 1980. For example, criminal matters increased 22% from 230 filed in 1979 to 280 filed in 1980. Similarly, special actions grew from 141 cases filed in 1979 to 166 cases in 1980.

The termination of special actions increased by 25% in 1980 compared to the previous year. Similarly, post-conviction relief closures increased from 14 cases terminated in 1979 to 23 cases terminated in 1980. Civil terminations declined slightly in 1980 from 213 cases in 1979 to 188 cases in 1980. The court also had a decrease in the termination of criminal cases from 325 cases disposed in 1979 to 231 cases disposed in 1980. The year-end pending total in 1980 increased approximately 3% over the 1979 level. However, the 1980 year-end pending count of 288 cases remains below the previous four-year average of 295 matters pending at year end.

COURT OF APPEALS - DIVISION 2
1980 CASE ACTIVITY

TYPE OF ACTION	PENDING AS OF JAN. 1, 1980	FILINGS	SUB-TOTAL	TERMINATIONS BY:					PENDING AS OF DEC. 31, 1980
				TRANS. TO SUPREME COURT	WRITTEN OPINION	MEMO DECISION	OTHER	TOTAL	
CIVIL	86	208*	294	1	92	42	53	188	106
CRIMINAL	112	280	392	3	57	94	77	231	161
POST CONVICTION RELIEF	2	25	27				23	23	4
SPECIAL ACTIONS	16	166	182		12	1	159	172	10
DELAYED APPEALS	0	1	1						1
JUVENILE APPEALS	2	22	24		4	4	10	18	6
TOTAL	218	702*	920	4	165	141	322	632	288

*Includes two matters which were previously dismissed by the court but were later reinstated for decision.

FINANCIAL INFORMATION

CATEGORIES	1979-80 EXPENDITURES	1980-81 BUDGET
I. DIRECT:		
Salaries	\$ 398,932	\$ 442,900
Direct Fringe Benefits	40,195	56,000
Operating Expenses	43,494	59,000
Travel & Transportation	7,759	9,400
Professional Services	0	500
Capital Expenses	25,865	34,100
TOTAL	\$ 516,245	\$ 601,900

PERSONNEL INFORMATION

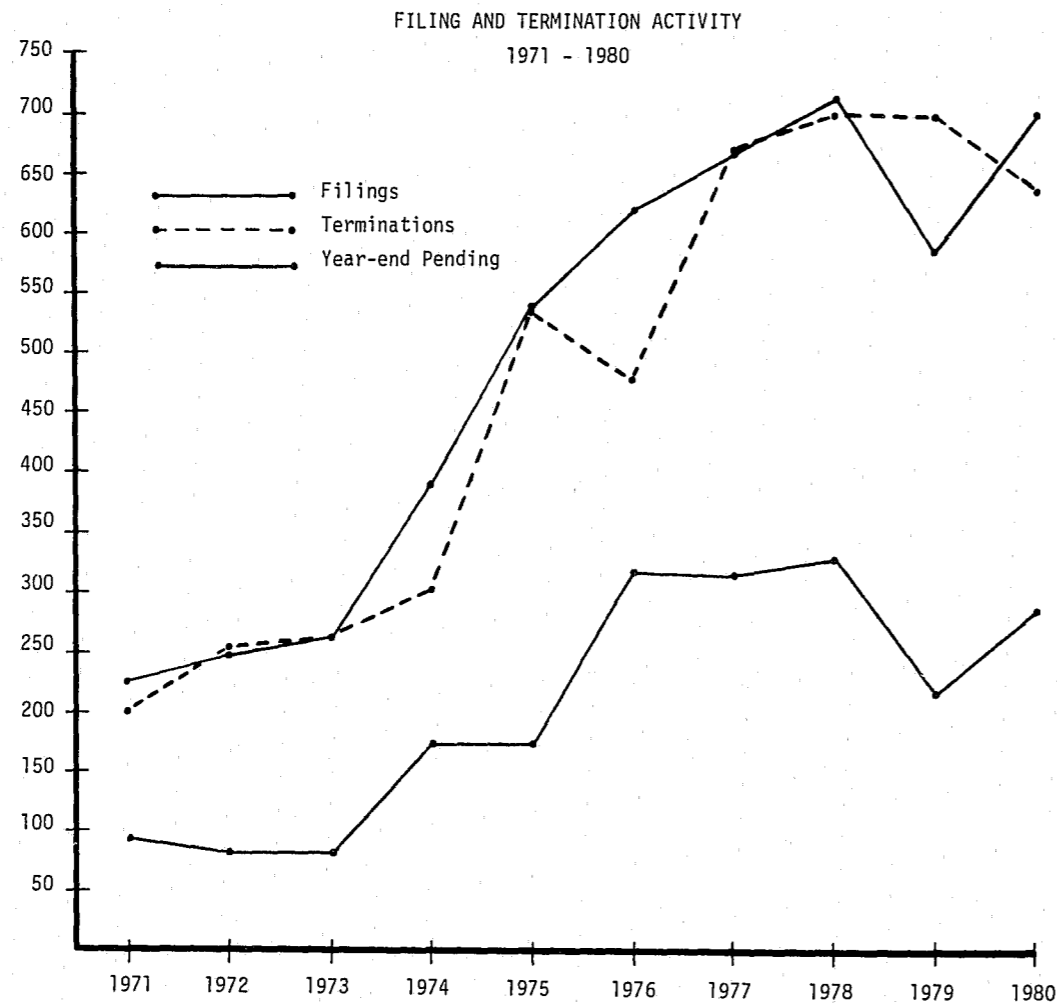
OFFICES AND POSITIONS	FULL-TIME
Judge	3
Secretary	3
Law Clerk	3
Clerk of the Court	1
Chief Deputy Clerk	1
Deputy Clerk	3
Chief Staff Attorney	1
Staff Attorney	1
TOTAL	16

COURT OF APPEALS - DIVISION 2
TOTAL FILING AND TERMINATION ACTIVITY
1971-1980

	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
FILINGS	226	247	260	392	540	620	668	716	588	702
TRANSFER IN	1	2	2	0	0	0	0	0	0	0
TOTAL	227	249	262	392	540	620	668	716	588	702

TERMINATIONS	197	250	260	297	537	476	669	698	687	628
TRANSFER OUT	4	5	2	6	1	3	1	4	14	4
TOTAL	201	255	262	303	538	479	670	702	701	632

YEAR END PENDING	92	86	86	175	177	318	317	331	218	288
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Superior Court

CASELOAD STATISTICS

Introduction

The caseload statistics contained on the following pages are based on the case activity data reported monthly by each superior court to the Arizona Supreme Court. The statistics are presented on both an individual county basis and a statewide summary basis—by county and by case type. Although most court caseload statistics reported herein are complete, some statistical information was not available for reporting purposes. Such omissions are footnoted on the applicable tables.

This 1980 report represents the third year in which the current statistical reporting forms have been used by the Supreme Court for the superior court. The use of these forms has resulted in more uniform and detailed caseload data. This consistency in the data makes it possible in the following section on caseload activity to analyze the recent trends of caseloads in the superior court.

The Supreme Court instituted the reporting of probation department statistics during 1980 by the 14 counties in Arizona. This caseload information is presented in a separate superior court probation section. Both superior court and superior court probation have reported statistics on the disposition of criminal defendants who were found guilty. Differences exist between these two reports because superior court probation statistics are based upon offenders who were referred to probation departments for pre-sentence investigations. Since all offenders are not referred for pre-sentence investigations, court dispositions reflect a greater number of defendants sentenced.

The case activity tables on the following pages contain categories entitled "transferred in" and "transferred out". Although these categories are included primarily to report the actual transfer of cases or defendants between counties, the categories may also be employed to accomplish statistical adjustments of discovered reporting inaccuracies. These inaccuracies are usually detected during physical inventories of pending caseloads by court personnel. In instances where physical inventory adjustments are made, the adjustments have been published as reported and appropriately footnoted.

The only major omissions in the 1980 caseload statistics are the adoption and juvenile dependency statistics from Maricopa County. Due to the size of Maricopa County's caseload, these omissions have a significant impact upon these statistical categories.

1980 Caseload Activity

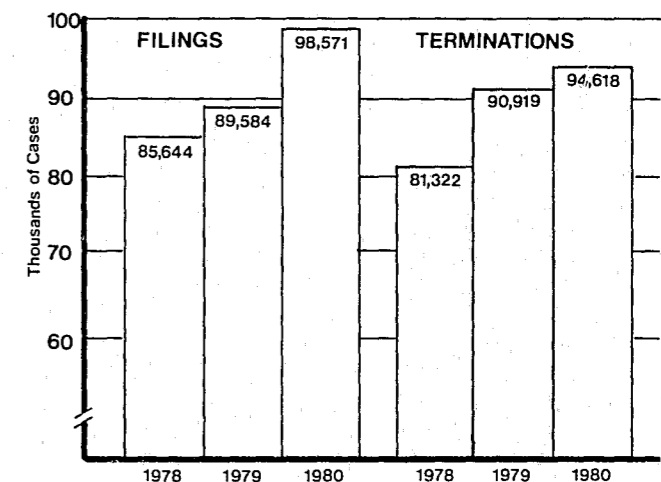
The superior court reported sizeable growth in filings in 1980. Total filings throughout the state increased 10% from 89,584 filings in 1979 to 98,571 filings in 1980. Concurrently, the superior court was able to increase the

total number of terminations of matters by only 4% from 90,919 cases in 1979 to 94,618 cases in 1980. Therefore, due to the substantial rise in filings, the court's year-end pending caseload increased from 88,145 matters in 1979 to 94,596 matters in 1980 for a percentage increase of 7.3%. These figures do not even take into account the various pre- and post-judgment matters that are also processed by the superior court which are reported on page 39.

As mentioned previously, 1980 is the third year in which superior court caseload statistics have been collected in their current form. Therefore, short-term trends, such as those illustrated in the bar graphs can be shown. Filings have increased greatly during the three-year period. The 1980 total filing figure of 98,571 cases represents a 15% growth in filing activity in three years. Moreover, there has been a 16.3% rise in the overall number of terminations in three years from 81,322 terminations in 1978 to 94,618 terminations in 1980. It should be noted that during this time period, only five new judgeships were created in the state for an increase of 6.6% in the available judicial workforce.

Statewide statistics reflect a 22% surge in criminal filings during 1980 compared with 1979 (13,002 filings in 1979 versus 15,865 filings in 1980). Concurrently, the court was able to expand the number of terminations from 12,711 cases in 1979 to 14,490 cases in 1980, an increase of 14%. The rapid increase in filings, therefore, resulted in a 24% rise in pending matters at year end.

SUPERIOR COURT FILINGS AND TERMINATIONS FROM 1978 TO 1980

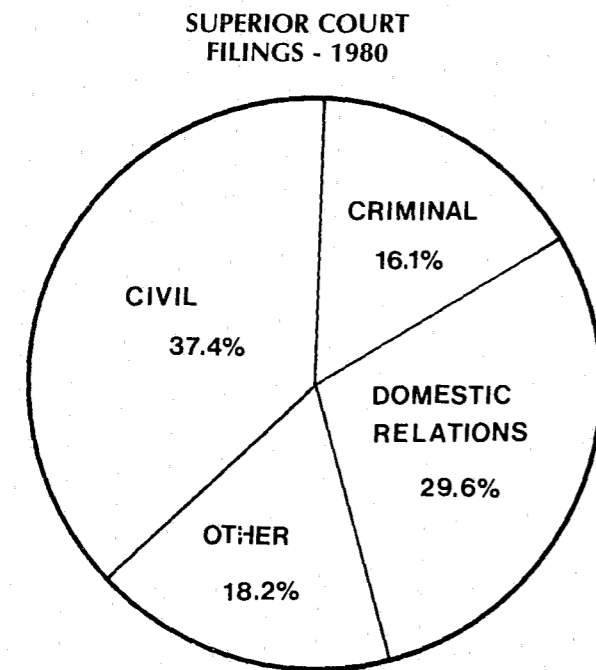


Even more significant in terms of case volume was the 13.6% growth of civil filings from 32,417 matters in 1979 to 36,830 matters in 1980. The court terminated a total of 34,452 cases in 1980 which was a 12% increase over the 30,758 cases closed in 1979. The year-end pending caseload, therefore, increased 9.3% to 35,237 cases in 1980. Even at the 1980 record level of civil case terminations, pending cases continued to grow at a significant rate.

In 1980, domestic relations case filings rose at a rate of 5% from the previous year (26,551 filings in 1979 versus 27,899 filings in 1980). Terminations, however, decreased marginally from 27,049 matters in 1979 to 26,794 matters in 1980. This resulted in an increase in year-end pending of 11.8% from the previous year.

During 1980, a major inventory adjustment of 1,211 matters was made regarding reciprocal support filing activity primarily by Pima County. This inventory adjustment, as reflected in the cases transferred in category, was the result of a clarification in the manner in which Pima County recorded these statistics. Overall, however, reciprocal support activity remained largely unchanged from the previous year.

Due to the inherent length of their processing time, probate matters continued to increase in the year-end pending category from 25,489 matters in 1979 to 26,820 matters in 1980. Total terminations accounted for only 6,950 matters during the year. Therefore, there were nearly four probate cases pending for every case terminated during the year.



In total, the superior court in Arizona handled a growing but widely diverse caseload during 1980. As shown in the pie chart, the largest category of cases filed with the court are civil matters which represent over one-third of all cases filed with the court. Domestic relations matters constitute the second largest case category with 29.6% of the total caseload. Criminal matters comprised 16.1% of the filings, while the remaining types of cases represent the final 18.2% of case filings in the court.

Caseload Statistical Definitions

The following definitions are included to afford the reader a better understanding of what the statistical data reported represents. Civil, domestic relations and all

other non-criminal statistics reflect the number of cases. Criminal statistics reflect the number of defendants named in complaints, informations and/or indictments.

Case Categories

CIVIL—Tort Motor Vehicle, Tort Non-Motor, Medical Malpractice, Contract, Eminent Domain, Lower Court Civil Appeals and Non-Classified Civil cases.

DOMESTIC RELATIONS—Paternity, Maternity, Dissolution, Annulment, Legal Separation, County Attorney Petitions to Establish Support, and Other Custody Proceedings.

PROBATE—Estate Probate, Trust Administration, Guardianship and Conservatorship cases.

ADOPTION—Petitions for the adoption of a minor.

JUVENILE DEPENDENCY—Petitions to declare a juvenile to be a dependent or neglected child.

FELONY—Defendants in criminal cases who are charged with a felony. Criminal statistics in this report represent numbers of defendants, not cases.

MISDEMEANOR—Defendants in criminal cases who are charged with a misdemeanor offense.

UNCLASSIFIED—Defendants in criminal cases that are charged with an offense which does not come under any of the other criminal case categories listed, e.g., peace bond complaints.

LOWER COURT APPEAL—The number of civil cases appealed, or defendants in criminal cases who appeal a decision rendered in a city court or a justice of the peace court.

TRIAL DE NOVO—A new trial as a result of a lower court appeal in which the entire case is retried.

ON THE RECORD—An appeal of a lower court decision, in which legal issues are reviewed by inspection and examination of the record of the lower court proceedings.

Case Activity

CASES TRANSFERRED IN—The number of cases, or defendants in criminal cases, transferred in from superior courts of other counties. Cases in which a motion for a new trial has been granted or a remand from an appellate court has been ordered are also included in this category, as well as statistical adjustments to correct discovered inaccuracies.

WITH PLEA—The number of defendants in criminal cases who enter a plea of guilty or *nolo contendere* prior to the commencement of a trial.

TRIAL IN PROCESS—The number of cases (defendants in criminal cases) terminated during, but prior to the completion of, a trial. For purposes of this report, a trial commences when the first witness is sworn.

COURT TRIAL—The number of cases (defendants in criminal cases) terminated following the completion of a trial without a jury.

JURY TRIAL—The number of cases (defendants in criminal cases) terminated following the completion of a jury trial.

AFFIRMED—Superior court ruling on a lower court appeal on the record in which the decision of the lower court is upheld.

REVERSED—Superior court ruling on a lower court appeal on the record in which the decision of the lower court is reversed.

ARBITRATION—The number of civil cases terminated by arbitration, pursuant to Arizona Revised Statutes §12-133. Arbitration cases that are appealed to the court are not included in this termination category.

MEDICAL MALPRACTICE PANELS—The number of civil medical malpractice cases concluded by medical liability review panels. Cases in which the parties proceed with court litigation are not included in this category.

FINANCIAL INFORMATION

The financial information contained in this section of the report is based upon a detailed survey solicited from the 14 county finance officers and, in some cases, from the superior courts themselves. Statewide superior court summary information is contained in two tables in the following section, which separates actual expenditures made during fiscal year 1979-80 from the budgeted

amounts appropriated for courts for fiscal year 1980-81. An effort was made to present fiscal information on the superior court itself, and the clerk of the court, adult probation, and juvenile probation departments as separate financial units. However, Apache County appropriates monies for the court and probation departments as a single unit which cannot accurately be separated. Further, in those counties which do not have separate adult and juvenile probation departments, the figures for the combined probation departments have been included under the adult probation heading.

Included in the General Introduction to this section on caseload, financial and personnel information on page 18 is a brief explanation regarding the overall financial information contained in the report and definitions as to what the financial categories presented include. Particular attention should be paid to footnotes applicable to the financial information presented herein.

PERSONNEL INFORMATION

The personnel information presented herein is based on responses received to a personnel survey conducted by the Arizona Supreme Court.

As a result of the variety and number of job titles encountered in compiling this information, general position groupings were developed. Explanation of these groupings can be found in the *1980 Caseload, Financial and Personnel Report*.

SUPERIOR COURT
1980 STATEWIDE CASE ACTIVITY BY COUNTY

	APACHE	COCHISE	COCONINO	GILA	GRAHAM	GREENLEE	MARICOPA	MOHAVE	NAVAJO	PIMA	PINAL	SANTA CRUZ	YAVAPAT	YUMA	TOTAL
BEGINNING PENDING	655	2,476	1,771	1,338	693	172	48,770	2,004	1,479	19,840	2,683	1,021	2,041	3,226	88,169
FILINGS	427	2,528	2,002	1,375	758	228	58,214	2,425	1,510	19,662	3,055	687	2,523	3,177	98,571
TRANSFERRED IN		54	39		21	1	599	4	1	1,610	95		41	9	2,474
SUB-TOTAL	1,082	5,058	3,812	2,713	1,472	401	107,583	4,433	2,990	41,112	5,833	1,708	4,605	6,412	189,214
TRANSFER OUT	5	177	105	5	9	4	521	3	16	180	54	13	24	17	1,133
DEFAULT HEARING	71	622	497	343	152	67	14,743	555	275	3,521	582	51	593	744	22,816
ARBITRATION		6					444			307					757
MED. MALPRAC. PANELS				1											1
DISMISSED MOT. PROS.	4	96	60	105	11		818	99	24	660	152	7	44	198	2,278
OTHER DISMISSALS	13	9	43	19	3		411	31	118	50	32	1	45	18	793
OTHERWISE REMOVED	182	978	858	404	309	96	23,930	773	245	10,355	1,239	138	846	1,026	41,379
WITH PLEA	43	190	176	110	100	38	5,101	278	296	1,758	306	48	166	295	8,905
DISMISSED NON-PROS.	91	183	231	130	3	36	5,615	248	329	1,715	198		145	218	9,142
CT. TRIAL-IN PROCESS				16	2		898	1	8	13	1				939
COURT TRIAL	66	295	182	71	44	6	1,308	69	88	1,813	389	210	273	146	4,960
JURY TRIAL-IN PROCESS		2		1	3	1	52			26	3		8	9	105
JURY TRIAL	1	27	22	20	12		556	29	17	321	54	4	41	71	1,175
AFFIRMED	1						169			4	8	11			193
REVERSED							35			4	2	1			42
TOTAL TERMINATIONS	477	2,585	2,174	1,225	648	248	54,601	2,086	1,416	20,727	3,020	484	2,185	2,742	94,618
ENDING PENDING	605	2,473	1,638	1,488	824	153	52,982	2,347	1,574	20,385	2,813	1,224	2,420	3,670	94,596

STATEWIDE
PERSONNEL SUMMARY

POSITIONS	COURT		CLERK'S OFFICE		ADULT* PROBATION		JUVENILE PROBATION		TOTAL	
	F.T.	P.T.	F.T.	P.T.	F.T.	P.T.	F.T.	P.T.	F.T.	P.T.
Judge	81								81	
Court Commissioner/Referee	10						9	2	19	2
Clerk of Court			14						14	
Bailiff	70	6					2		72	6
Court Reporter	91								91	
Probation Officer					174		41	7	415	7
Probation Admin. Staff					21		12		33	
Probation Services Support					48	7	137	56	185	63
Court Admin. & Clerk Admin.	32		22		1		4		59	
Court Support & Clerk Support	36	14	77	5			4		117	19
Secretary/Clerical	146	4	335	45	76	7	87	1	644	57
Library Staff	12	4							12	4
Custodial Support		1			5	13	26		31	14
TOTAL	478	29	448	50	325	27	522	66	1,773	172

NOTE: F.T. designates full-time positions and P.T. designates part-time positions.
*Includes Juvenile Probation Personnel for Apache, Gila, Graham, Greenlee, Mohave, Navajo and Santa Cruz Counties.

STATEWIDE SUPERIOR COURT SUMMARY

FINANCIAL INFORMATION
1979-80 EXPENDITURES

CATEGORIES	COURT ^a	CLERK'S OFFICE	JUVENILE PROBATION	ADULT PROBATION ^b	TOTAL
DIRECT:					
Salaries	\$ 8,235,580	\$ 4,813,191	\$ 8,382,138	\$ 4,305,208	\$ 25,736,117
Fringe Benefits	1,001,987	749,187	1,313,720	673,596	3,738,490
Operating Expenses	765,057	781,211	1,380,832	326,196	3,253,296
Travel & Transportation	88,130	18,515	191,409	105,999	404,053
Professional Services	5,397,582		173,319	51,138	5,622,039
Capital Expenses	14,946	88,958	32,777	17,345	154,026
SUB-TOTAL I	\$ 15,503,282	\$ 6,451,062	\$ 11,474,195	\$ 5,479,482	\$ 38,908,021
INDIRECT:					
Fringe Benefits	\$ 145,050	\$ 149,772	\$ 114,768	\$ 83,613	\$ 493,203
Support Services	\$ 1,117,780	\$ 71,218	\$ 339,322	\$ 22,336	\$ 1,550,656
Federal Funds	\$ 551,865	\$ 177,871	\$ 1,557,794	\$ 354,793	\$ 2,642,323
State Funds			\$ 1,833,995	\$ 500	\$ 1,834,495
SUB-TOTAL II	\$ 1,814,695	\$ 398,861	\$ 3,845,879	\$ 461,242	\$ 6,520,677
TOTAL*	\$ 17,317,977	\$ 6,849,923	\$ 15,320,074	\$ 5,940,724	\$ 45,428,698

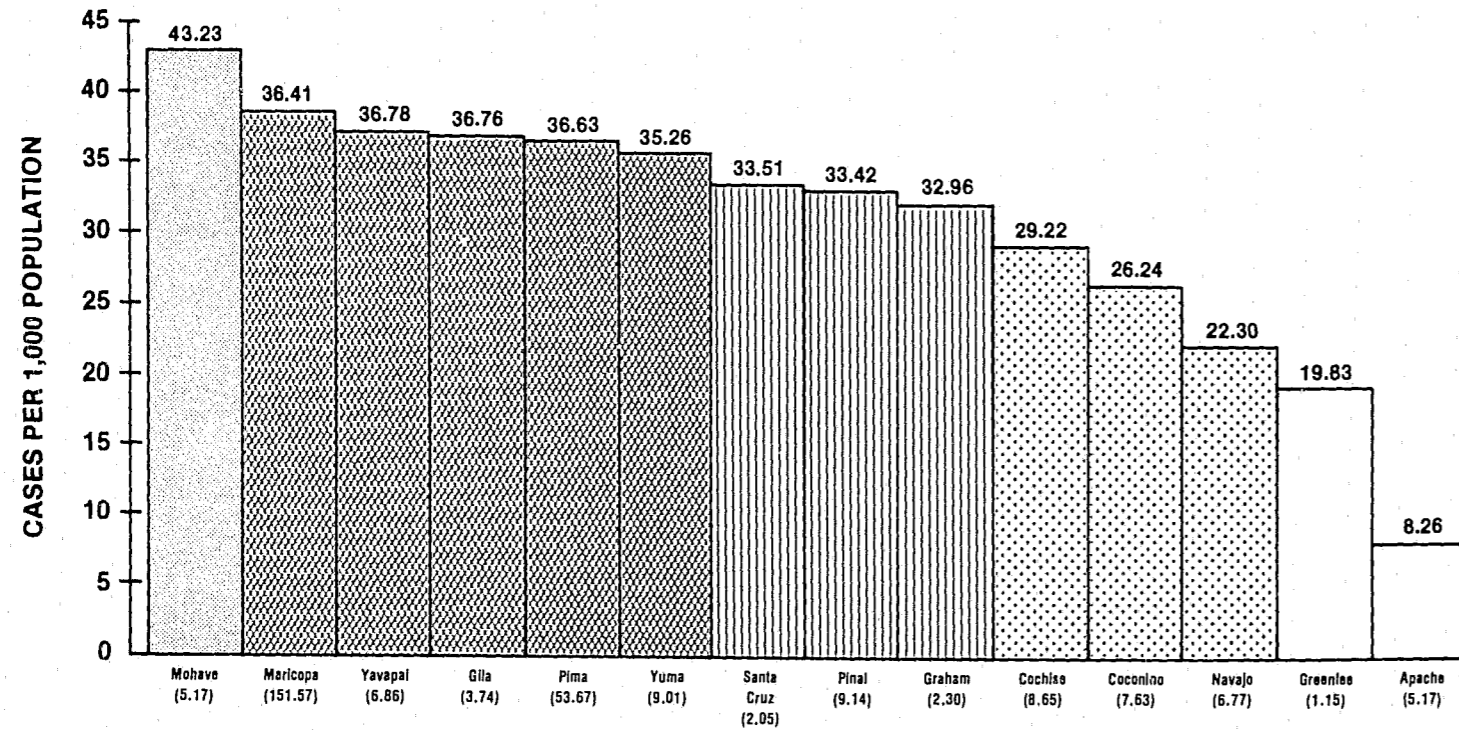
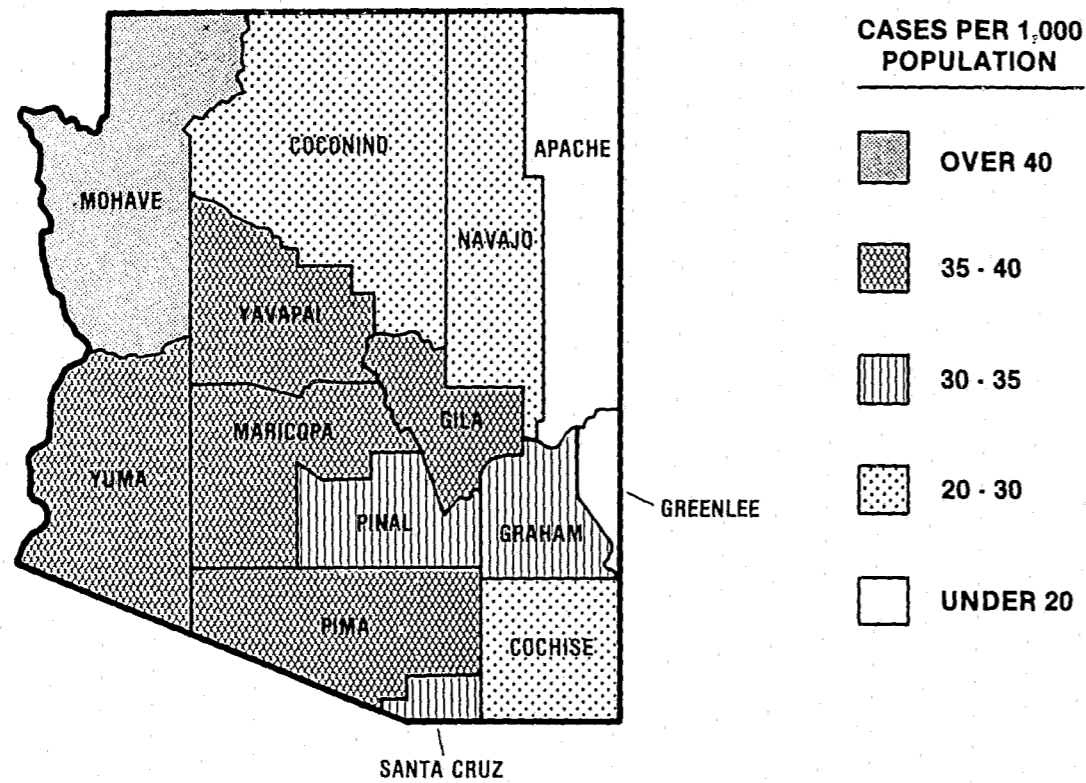
*The Financial Department also reported \$408,900 for Non-Budgeted Support.
^aIncludes Apache County Adult and Juvenile Probation.
^bIncludes Gila, Graham, Greenlee, Mohave, Navajo and Santa Cruz counties Juvenile Probation.

1980-81 BUDGET

CATEGORIES	COURT ^a	CLERK'S OFFICE	JUVENILE PROBATION	ADULT PROBATION ^b	TOTAL
DIRECT:					
Salaries	\$ 9,467,687	\$ 5,314,188	\$ 9,313,723	\$ 4,902,963	\$ 28,998,561
Fringe Benefits	1,386,292	835,593	1,562,717	843,601	4,628,203
Operating Expenses	878,744	888,573	1,799,687	414,684	3,981,688
Travel & Transportation	152,111	36,780	200,508	142,945	532,344
Professional Services	5,259,436	14,962	253,097	112,885	5,640,380
Capital Expenses	82,548	196,361	59,290	26,379	364,578
SUB-TOTAL I	\$ 17,226,818	\$ 7,286,457	\$ 13,189,022	\$ 6,443,457	\$ 44,145,754
INDIRECT:					
Fringe Benefits	\$ 147,863	\$ 171,008	\$ 128,404	\$ 108,413	\$ 555,688
Support Services	\$ 1,292,865	\$ 77,391	\$ 348,689	\$ 24,637	\$ 1,743,582
Federal Funds	\$ 3,998,039	\$ 677,338	\$ 1,501,013	\$ 307,838	\$ 6,484,228
State Funds	\$ 220,000		\$ 1,992,000		\$ 2,212,000
SUB-TOTAL II	\$ 5,658,767	\$ 925,737	\$ 3,970,106	\$ 440,888	\$ 10,995,498
TOTAL*	\$ 22,885,585	\$ 8,212,194	\$ 17,159,128	\$ 6,884,345	\$ 55,141,252

*The Financial Department also reported \$5,600 for Non-Budgeted Support.
^aIncludes Apache County Adult and Juvenile Probation.
^bIncludes Gila, Graham, Greenlee, Mohave, Navajo and Santa Cruz counties Juvenile Probation.

1980 SUPERIOR COURT FILINGS PER 1,000 POPULATION



COUNTIES and POPULATION* x 10,000

*POPULATION FIGURES BASED UPON 1980 STATISTICS FROM THE DEPARTMENT OF ECONOMIC SECURITY

SUPERIOR COURT 1980 BY COUNTY - FILINGS PER 1,000 POPULATION

() = POPULATION	FELONY	NON-FELONY CRIMINAL	CIVIL	DOMESTIC RELATIONS	RECIP-ROCAL SUPPORT	PROBATE	ADOPTION	JUV. DEPENDENCY	TOTAL
APACHE (51,700)									
Filings	57	16	110	99	71	41	12	21	427
Filings/1,000 Pop.	1.10	0.31	2.13	1.91	1.37	0.79	0.23	0.41	8.26
COCHISE (86,500)									
Filings	294	83	609	863	257	279	101	42	2,528
Filings/1,000 Pop.	3.40	0.96	7.04	9.98	2.97	3.22	1.17	0.48	29.22
COCONINO (76,300)									
Filings	345	69	583	592	183	165	49	16	2,002
Filings/1,000 Pop.	4.52	0.90	7.64	7.76	2.40	2.16	0.64	0.21	26.24
GILA (37,400)									
Filings	303	66	228	399	164	134	30	51	1,375
Filings/1,000 Pop.	8.10	1.76	6.10	10.67	4.38	3.58	0.80	1.36	36.76
GRAHAM (23,000)									
Filings	153	11	112	240	96	55	28	63	758
Filings/1,000 Pop.	6.65	0.48	4.87	10.43	4.17	2.39	1.22	2.74	32.96
GREENLEE (11,500)									
Filings	36	1	29	78	21	30	22	11	228
Filings/1,000 Pop.	3.13	0.09	2.52	6.78	1.83	2.61	1.91	0.96	19.83
MARICOPA (1,515,700)									
Filings	7,450	913	25,302	16,337	3,975	4,237	N/R	N/R	58,214
Filings/1,000 Pop.	4.91	0.60	16.69	10.78	2.62	2.79	-	-	38.41
MOHAVE (56,100)									
Filings	463	72	547	644	272	351	57	19	2,425
Filings/1,000 Pop.	8.25	1.28	9.75	11.48	4.85	6.26	1.02	0.34	43.23
NAVAJO (67,700)									
Filings	509	60	305	302	129	122	68	15	1,510
Filings/1,000 Pop.	7.52	0.89	4.51	4.46	1.91	1.80	1.00	0.22	22.30
PIMA (536,700)									
Filings	2,796	365	6,794	5,573	1,244	1,822	439	629	19,662
Filings/1,000 Pop.	5.21	0.68	12.66	10.38	2.32	3.39	0.82	1.17	36.63
PINAL (91,400)									
Filings	501	173	615	815	516	287	83	65	3,055
Filings/1,000 Pop.	5.48	1.89	6.73	8.92	5.64	3.14	0.91	0.71	33.42
SANTA CRUZ (20,500)									
Filings	71	17	209	247	47	63	21	12	687
Filings/1,000 Pop.	3.46	0.83	10.19	12.05	2.29	3.07	1.02	0.58	33.51
YAVAPAI (68,600)									
Filings	254	146	683	676	235	364	84	81	2,523
Filings/1,000 Pop.	3.70	2.13	9.96	9.85	3.43	5.31	1.22	1.18	36.78
YUMA (90,100)									
Filings	574	67	704	1,034	327	331	69	71	3,177
Filings/1,000 Pop.	6.37	0.74	7.81	11.48	3.63	3.67	0.77	0.79	35.26
TOTAL (2,733,200)									
Filings	13,806	2,059	36,830	27,899	7,537	8,281	1,063	1,096	98,571
Filings/1,000 Pop.	5.05	0.75	13.47	10.21	2.76	3.03	0.39	0.40	36.06
% OF TOTAL FILINGS	14.0%	2.1%	37.4%	28.3%	7.6%	8.4%	1.1%	1.1%	100.0%

Population figures obtained from the Department of Economic Security Population Statistics Unit.

STATEWIDE SUMMARY

1980 SUPERIOR COURT CASE ACTIVITY BY CASE TYPE

1980 CRIMINAL STATISTICS				LOWER COURT APPEALS				TOTAL
STATISTICS REPRESENT NO. OF DEFENDANTS	FELONY	MISDEMEANOR	UNCLASSIFIED	TRIAL DE NOVO		ON THE RECORD		
				JUSTICE COURT	CITY COURT	JUSTICE COURT	CITY COURT	
BEGINNING PENDING	6,038*	115*	22*	191	105	36	142	6,649
FILINGS	13,806	71	144	753	426	93	572	15,865
CASES TRANSFERRED IN	164 ^a	13		23 ^b	14	7	5	226
SUB-TOTAL	20,008	199	166	967	545	136	719	22,740
TERMINATIONS BY:								
TRANSFER OUT	107	5	26	63	102	8	9	320
DISMISSED MOT. PROS.	1,943	16	45	150	59	12	53	2,278
OTHER DISMISSALS	477	67	15	96	90	16	32	793
OTHERWISE REMOVED	207	10	45	203	78	28	294	865
WITH PLEA	8,874	26	5					8,905
COURT TRIAL IN PROCESS	PLEA 16							16
	OTHER			1				1
COURT TRIAL	50	2	5	239	98			394
JURY TRIAL IN PROCESS	PLEA 34							34
	OTHER 20							20
JURY TRIAL	615	4		10				629
AFFIRMED						27	166	193
REVERSED						6	36	42
TOTAL TERMINATIONS	12,343	130	141	762	427	97	590	14,490
ENDING PENDING	7,665**	69**	25**	205	118	39	129	8,250

	*BEGINNING PENDING:		**ENDING PENDING:	
	Less than 150 days	150 days & over	Less than 150 days	150 days & over
Felony	3,674	2,364	4,655	3,010
Misdemeanor	31	84	24	45
Unclassified	19	3	20	5

**Includes 3,603 Felony, Misdemeanor and/or Unclassified Defendants with Warrants Issued.
^aIncludes inventory adjustment of 29 defendants added in.
^bIncludes inventory adjustment of 17 defendants added in.

COURT SENTENCING STATISTICS	SENTENCED TO:		PROBATION:		FINE IMPOSED ONLY	OTHER DISPOSITIONS	TOTAL
	ARIZONA STATE PRISON	COUNTY JAIL	WITH CONFINEMENT	WITHOUT CONFINEMENT			
FELONY	2,115	85	1,867	3,658	63	105	7,893
MISDEMEANOR		292	165	763	220	21	1,461
UNCLASSIFIED			3	15			18
REVOKED PROBATION	544	183					727
TOTAL	2,659	560	2,035	4,436	283	126	10,099

STATEWIDE SUMMARY

1980 SUPERIOR COURT CASE ACTIVITY BY CASE TYPE

1980 NON-CRIMINAL STATISTICS	CIVIL	DOMESTIC RELATIONS	RECIP-ROCAL SUPPORT	PROBATE	ADOPTION ^c	JUVENILE DEPENDENCY ^d	TOTAL
BEGINNING PENDING	32,226*	12,467	8,937	25,489	1,884	517	81,520
FILINGS	36,830	27,899	7,537	8,281	1,063	1,096	82,706
CASES TRANSFERRED IN	633	363 ^a	1,252 ^b				2,248
SUB-TOTAL	69,689	40,729	17,726	33,770	2,947	1,613	166,474
TERMINATIONS BY:							
TRANSFER OUT	343	91	352			27 ^e	813
DEFAULT HEARING	6,697	16,119					22,816
ARBITRATION	757						757
MEDICAL MALPRACTICE PANELS	1						1
OTHERWISE REMOVED	18,720	3,291	9,552	6,950	993	1,008	40,514
DISMISSED NON-PROSECUTION	5,375	3,767					9,142
COURT TRIAL-IN PROCESS	7	915					922
COURT TRIAL	1,966	2,600					4,566
JURY TRIAL-IN PROCESS	49	2					51
JURY TRIAL	537	9					546
TOTAL TERMINATIONS	34,452	26,794	9,904	6,950	993	1,035	80,128
ENDING PENDING	35,237**	13,935	7,822	26,820	1,954	578	86,346

CIVIL	*BEGINNING PENDING: ^f	**ENDING PENDING: ^f
Under 18 months	20,935	22,796
18 months & over	4,620	5,179

^aIncludes inventory adjustment of 200 cases added in.
^bIncludes inventory adjustment of 1,211 petitions added in.
^cDoes not include adoption statistics for Maricopa County.
^dDoes not include Juvenile Dependency statistics for Maricopa County.
^eIncludes inventory adjustment of 27 petitions removed.
^fDoes not include aging statistics for Pima County.

PETITIONS AND ORDERS TO SHOW CAUSE	BEGIN. PENDING	FILED	TRANS. IN	SUB-TOTAL	TRANS. OUT	TERMINATED	TOTAL TERM.	ENDING PENDING
PRE-JUDGMENT:								
TEMPORARY ORDERS	196	3,887	-	4,083	-	3,806	3,806	277
CONTEMPT ONLY	105	215	-	320	-	151	151	169
OTHER	13	75	-	88	-	79	79	9
POST JUDGMENT:								
POST CONVICTION RELIEF	91	318	2	411	2	342	344	67
MODIFY DECREE	349	1,750	3	2,102	71	1,570	1,641	461
FOREIGN DECREE	149	225	3	377	1	166	167	210
CONTEMPT ONLY	437	5,653	70	6,160	1	5,521	5,522	638
TOTAL	1,340	12,123	78	13,541	75	11,635	11,710	1,831

Mental Health Hearings: Criminal: 619 Civil: 390

Superior Court Probation

The information contained in this section of the Annual Report is based on monthly reports submitted by the superior court probation departments throughout the state to the Arizona Supreme Court. Adult probation activity and disposition statistics along with juvenile referral, probation, and disposition statistics are provided on an individual county superior court basis in the 1980 Caseload, Financial and Personnel Report.

PROBATION ACTIVITY, 1980

Juvenile

During 1980 the juvenile probation departments received a total of 34,489 referrals on juveniles alleged to be delinquent. An additional 4,534 referrals were received on juveniles alleged to be incorrigible. Statewide 2,532 juveniles were admitted to probation; 600 juveniles were admitted to probation with a condition that they provide restitution; 782 juveniles were continued on an existing grant of probation; 565 juveniles were committed to the State Department of Corrections; and 1,270 juveniles were not placed by the juvenile court but were required to provide public work service, pay restitution, or pay a penalty.

On December 31, 1980, the juvenile probation departments in the state were supervising 3,504 juveniles who had been adjudicated by the juvenile court for either delinquent or incorrigible acts.

During 1980, 9,142 juveniles were admitted to detention facilities in the state. Of this total, 13% (1,194) were held for more than 11 days prior to their adjudication. Juveniles supervised by probation departments during 1980 contributed \$196,562 in restitution and penalties as well as 18,825 hours in public work service.

Adult

In 1980, 8,219 adult offenders were referred to probation departments for pre-sentence contact. The superior court placed 72.4% (5,953) of these offenders on supervised probation. This figure includes 65 offenders who were already on probation and received an additional grant of probation. Over half (54.7%) of all offenders admitted to probation were required to spend time in the county jail while nearly three-fourths (74.4%) of all offenders admitted to probation in 1980 were required to provide restitution and to pay fines.

In addition to those offenders placed on probation by the superior court, 1,715 were committed to the State Department of Corrections; 213 were sentenced to county jails; 183 were sentenced to county jail and ordered to pay restitution and fines; 99 were required to pay restitution and fines only; and 20 were placed on unsupervised probation.

During 1980 a total of 16,782 adults were supervised by probation departments. This group provided in excess of \$1.5 million in restitution and fines to the community and 38,612 hours of public work service. Within this group, 1,082 adults who received services from the State Aid to Probation Programs in 10 counties paid \$67,236 in fines, reimbursement, and restitution during 1980 and contributed 6,765 hours of public work service. Only 3.5% (588) of the total probationers supervised during the year had all grants of probation revoked.

Adult probation departments experienced a 9.9% increase in their caseloads between December 31, 1979 (10,894) and December 31, 1980 (11,969).

In addition to the adult offender statistics supplied to the Supreme Court by the probation departments, the superior court provides sentencing information to the Supreme Court. Since not all offenders sentenced by the superior court are referred to probation departments prior to sentencing, the number of offenders actually sentenced to state prison or county jail and not placed on probation may be greater than the number reported by the probation departments.

The Pima County Adult Probation Department provides probation services on a contractual basis to the Tucson Municipal Court and limited services to the county justice courts. On December 31, 1980, this lower court probation caseload consisted of 1,070 persons. This probation unit provided 260 pre-sentence reports to the municipal and justice courts during 1980. Since the Pima County Adult Probation Department is the only department in the state which reports probation statistical information for the municipal and justice courts, this information has not been included in the statistical tables.

State Aid Programs

During 1980, 10 counties participated in the State Aid to Probation Program provided for in A.R.S. §§12-261 through 12-265. The following state aid table provides a breakdown by county of the number of offenders, both adult and juvenile, who received services through these programs and the number revoked from probation while in the program.

STATE AID PROBATION PROGRAMS*

County	Probationers Receiving Services		Revocations	
	Adult	Juv.	Adult	Juv.
Cochise	59	5		
Gila	68	3		
Graham	66	27	2	
Greenlee	26	3		
Maricopa	442	N/A	21	N/A
Mohave	72	9		
Pima	93	20	3	
Pinal	162	N/A	10	N/A
Santa Cruz	61	56		2
Yavapai	33	8	1	
Total	1082	131	37	2

*Apache, Coconino, Navajo, and Yuma Counties do not participate in the state aid program.

EXPLANATION OF CHARTS

Juvenile

The *Juvenile Referrals Report* shows the number of referrals that were pending at the beginning of 1980, those filed during 1980, and the disposition of referrals during the year. The referrals shown transferred to another jurisdiction during the year were transferred to another county for actual disposition or termination. The information is subdivided into three categories: sex, age, and most serious offense.

The *Juvenile Detention Report* indicates the total number of juveniles that were admitted to detention facilities within the state during 1980, and held according to provisions of Rule 3 of the Supreme Court Rules and Procedures for the Juvenile Court. It also indicates the total number of juveniles that were held in detention facilities 11 days or more while in pre-adjudication status.

Actual dispositions of juveniles adjudicated for either a delinquent or an incorrigible offense are reflected in two charts, *Disposition of Adjudicated Juveniles by Offense* and *Disposition of Adjudicated Juveniles by Sex and Age*.

The *Juvenile Delinquency Petition Report* gives a county-by-county account of the number of juveniles with delinquency petitions pending, filed, or terminated during the year.

The juvenile caseload flow for each county is reflected in the *Juvenile Probation Activity Report by County*. This

chart shows the number of juveniles who were being supervised at the first of the year and those added to the caseload during the year. It then indicates those removed from the caseload and concludes with number of youths on probation at year's end.

The *Individual County Juvenile Pre-disposition Reports and Collections* chart indicates the number of juvenile pre-disposition reports filed in each county as well as the total amount of restitution, reimbursement, and penalties collected and the number of public service work hours completed.

Adult

The *Adult Probation Activity Report* includes statewide statistical information showing the caseload flow and offense category of probationers assigned to the superior court adult probation departments. A portion of this report deals with the number of pre-sentence reports prepared. Pre-sentence reports done on recidivists (those offenders already on probation and awaiting sentencing on a new charge) are not included in this figure.

Sentencing information for adult offenders referred to probation departments for pre-sentence contact during 1980 is shown in the *Disposition of Adult Offenders Referred to Probation Departments* chart. It includes the age of the offenders at the time of sentencing, the type of crime for which they were sentenced, and whether the offense was a felony or a misdemeanor. Offenders convicted on multiple charges are reported under the most severe sentence that was imposed, and the offender is counted only once.

The *Offense and Age Characteristics of Probationers Revoked from Probation and Sentenced to State Prison or County Jail* chart provides information on offenders who were revoked from probation and sentenced either to state prison or the county jail during 1980. Information is provided as to the age of the offender at the time the revocation took place and the nature of the offense for which the offender was originally placed on probation. There are 17 more offenders reported revoked on this report than on the *Adult Probation Activity Report*. This may mean that these 17 offenders had more than one probation case pending and not all these cases were terminated when the offenders were sentenced to county jail or prison.

Also included is a chart which indicates the total amount of money collected from probationers in each county for fines, reimbursement, and restitution, and the total number of hours provided in public work service.

STATEWIDE SUMMARY

JUVENILE REFERRALS REPORT

	Sex		Age				Most Serious Offense Alleged in Referral				
	Male	Female	8-11	12-15	16	17	Against	Against	Illegal	Public	Incor-
							Person	Property	Goods or Services ^a	Peace ^b	rigible ^c
Referrals Pending January 1, 1980	2,942	688	156	1,850	836	788	334	1,992	404	772	128
Referrals Filed This Year	30,370	8,653	2,032	17,031	9,744	10,216	3,513	17,096	2,874	11,006	4,534
Subtotal I	33,312	9,341	2,188	18,881	10,580	11,004	3,847	19,088	3,278	11,778	4,662
Referrals Ending in Adjustment	17,296	6,148	1,634	10,914	5,432	5,464	1,436	10,604	1,938	6,262	3,204
Referrals Ending in a Petition Being Filed	9,875	1,772	234	4,851	3,329	3,233	1,711	5,078	608	3,462	788
Referrals Transferred to Another Jurisdiction	1,486	465	30	514	412	995	142	813	160	420	416
Subtotal II	28,657	8,385	1,898	16,279	9,173	9,692	3,289	16,495	2,706	10,144	4,408
Referrals Pending December 31, 1980	4,655	956	290	2,602	1,407	1,312	558	2,593	572	1,634	254

^a Includes referrals for minor alcohol violations for period from January 1, 1980, to July 1, 1980.
^b Includes some traffic referrals for period from January 1, 1980, to July 1, 1980.
^c Includes referrals for minor alcohol violations for period from July 1, 1980, to December 31, 1980.

JUVENILE DETENTION REPORT

County	Total Admitted to Detention		Held 11 Days or More Preadjudication	
	Delinquent	Incorrigible	Delinquent	Incorrigible
APACHE	169	14	2	
COCHISE	208	73	121	22
COCONINO	385	171	32	2
GILA	181	85	24	6
GRAHAM	164	53		
GREENLEE	9			
MARICOPA	2,653	243	388	16
MOHAVE	241	48	27	
NAVAJO	296	183	21	9
PIMA	1,644	422	291	32
PINAL	256	95	51	3
SANTA CRUZ	250	12	62	2
YAVAPAI	186	114	24	6
YUMA	631	356	41	12
TOTAL	7,273	1,869	1,084	110

DISPOSITION OF ADJUDICATED JUVENILES BY OFFENSE

	Against Person	Against Property	Involves Illegal Goods and Services	Incorrigible	Public Peace*
Probation	458	1,442	207	193	232
Probation with Restitution	76	493	9	3	19
Continued on Probation	87	334	83	53	225
Committed to State Department of Corrections	158	300	17	9	81
No Probation -- Provide Work Service, Restitution, or Penalty	30	146	54	46	994
TOTAL	809	2,715	370	304	1,551

*Includes some traffic offenders.

DISPOSITION OF ADJUDICATED JUVENILES BY SEX AND AGE

	Sex		Age						
	Male	Female	8-11	12	13	14	15	16	17
Probation	2,119	413	72	92	237	447	600	672	412
Probation With Restitution	545	55	11	19	40	61	136	202	131
Continued on Probation	676	106	4	23	46	118	198	225	168
Committed to State Department of Corrections	526	39	2	9	31	83	153	172	115
Provide Public Service Work, Restitution, or Penalty, No Probation	1,037	233		11	18	46	150	414	631
TOTAL	4,903	846	89	154	372	755	1,237	1,685	1,457

JUVENILE DELINQUENCY PETITION REPORT

County	Petitions Pending January 1, 1980	Filed This Year	Subtotal	Petitions Terminated	Petitions Pending December 31, 1980
APACHE	0	134	134	132	2
COCHISE	18	216	234	182	52
COCONINO*	27	350	377	360	17
GILA*	90	169	259	211	48
GRAHAM	9	200	209	194	15
GREENLEE*	0	105	105	105	0
MARICOPA**	692	3,647	4,339	3,033	1,306
MOHAVE	234	806	1,040	1,003	37
NAVAJO	13	222	235	198	37
PIMA	228	1,632	1,860	1,567	293
PINAL	63	311	374	331	43
SANTA CRUZ*	103	427	530	470	60
YAVAPAI*	13	424	437	409	28
YUMA*	25	822	847	829	18
TOTAL	1,515	9,465	10,980	9,024	1,956

*Includes some traffic offenses for period from January 1, 1980 to July 1, 1980.
 **Includes minor alcohol offenses for entire year.

JUVENILE PROBATION ACTIVITY REPORT BY COUNTY

	APACHE	COCHISE	COCONINO	GILA	GRAHAM	GREENLEE	MARICOPA
On Probation, January 1, 1980	66	158	104	88	32	10	1,512
Placed on Probation	93	125	159	88	65	24	1,383
Sub-Total I	159	283	263	176	97	34	2,895
Terminated from Probation	94	157	155	46	49	23	1,014
Revoked, Committed to SDOC*	6	6	5	1			172
Sub-Total II	100	163	160	47	49	23	1,186
On Probation, December 31, 1980	59	120	103	129	48	11	1,709

*SDOC refers to State Department of Corrections.

	MOHAVE	NAVAJO	PIMA	PINAL	SANTA CRUZ	YAVAPAI	YUMA	TOTAL
On Probation, January 1, 1980	109	169	590	112	222	13	185	3,370
Placed on Probation	88	124	638	95	83	34	135	3,134
Sub-Total I	197	293	1,228	207	305	47	320	6,504
Terminated from Probation	64	123	626	110	55	15	158	2,689
Revoked, Committed to SDOC*	3	6	79	13	11		9	311
Sub-Total II	67	129	705	123	66	15	167	3,000
On Probation, December 31, 1980	130	164	523	84	239	32	153	3,504

*SDOC refers to State Department of Corrections.

INDIVIDUAL COUNTY JUVENILE PREDISPOSITION REPORTS AND COLLECTIONS

	APACHE	COCHISE	COCONINO	GILA	GRAHAM	GREENLEE	MARICOPA
Predisposition Reports	0	207	28	74	9	9	2,742
Restitution, Reimbursement, or Penalty Collected (\$)	131	4,035	10,918	4,480	5,048	191	25,533
Public Service Work Hours Completed	46	0	1,166	0	0	0	0

	MOHAVE	NAVAJO	PIMA	PINAL	SANTA CRUZ	YAVAPAI	YUMA	TOTAL
Predisposition Reports	91	51	852	154	11	21	21	4,270
Restitution, Reimbursement, or Penalty Collected (\$)	18,235	12,905	68,948	5,714	5,624	8,499	26,301	196,562
Public Service Work Hours Completed	0	0	17,491	0	0	122	0	18,825

STATEWIDE SUMMARY

ADULT PROBATION ACTIVITY REPORT

	Offense		
	Felony	Misde-meanor	Total
Offenders Supervised by Probation Departments on January 1, 1980	9,344	1,550	10,894
New Offenders Placed on Probation	4,844	1,044	5,888
Subtotal I	14,188	2,594	16,782
Offenders Terminated from Probation in Calendar Year 1980 by:			
Completing Full Term	1,196	564	1,760
Early Termination	2,046	419	2,465
Revoked w/o Reinstatement	525	63	588
Subtotal II	3,767	1,046	4,813
Offenders Supervised by Probation Departments on December 31, 1980	10,421	1,548	11,969

Offender's Residence	Offenders Supervised By Probation Depts. On . . .	
	Jan. 1, 1980	Dec. 31, 1980
In County	7,986	9,121
Out of County	1,042	1,019
Out of State	1,866	1,829
Total	10,894	11,969

Offenders Supervised In County as a Courtesy to Another County Probation Department on December 31, 1980	345
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Presentence Reports Completed and Filed During Year	7,827
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DISPOSITION OF ADULT OFFENDERS REFERRED TO PROBATION DEPARTMENTS

	Age		Type of Offense				Level of Offense		TOTAL
	25 or Under	26 or Over	Person	Prop-erty	Illegal Goods	Public Peace	Felony	Misde-meanor	
Probation Only	566	484	302	449	233	66	813	237	1,050
Probation Including Restitution, Fines, Reimbursement, or Public Work Service	893	756	314	829	384	122	1,244	405	1,649
Probation Including County Jail	258	218	122	222	86	46	413	63	476
Probation Including County Jail Restitution, Fines, Reimbursement, or Public Work Service Hours	1,670	1,108	664	1,510	501	103	2,427	351	2,778
Unsupervised Probation	10	10	5	7	5	3	5	15	20
County Jail	105	108	42	118	29	24	57	156	213
Pay Fine, Restitution, Reimbursement, or Complete Public Work Service Hours	49	50	17	38	27	17	29	70	99
County Jail Combined With Fine, Restitution, Reimbursement, or Public Work Service	106	77	44	74	47	18	39	144	183
Prison	859	887	664	830	167	85	1,746		1,746
Death		5	5				5		5
TOTAL	4,516	3,703	2,179	4,077	1,479	484	6,778	1,441	8,219

OFFENSE AND AGE CHARACTERISTICS OF PROBATIONERS REVOKED FROM PROBATION AND SENTENCED TO STATE PRISON OR COUNTY JAIL

	Age		Offense for Which the Offender Was Placed on Probation					
	25 or Under	26 or Over	Felony	Misde-meanor	Person Crime	Property Crime	Illegal Goods	Public Peace Crime
Probationers Revoked, Sentenced to Prison	290	195	473	12	94	309	70	12
Probationers Revoked, Sentenced to County Jail	66	54	78	42	21	71	19	9

FINES, REIMBURSEMENT, RESTITUTION, AND PUBLIC WORK SERVICE HOURS COLLECTED FROM OFFENDERS RECEIVING PROBATION SERVICES BY COUNTY

County	Monies Collected			Public Work Service Hours		
	State Aid Probationers	All Other Offenders	Total	State Aid Probationers	All Other Offenders	Total
APACHE		\$ 15,152	\$ 15,152		569	569
COCHISE	4,999	85,257	90,256	1,537	51	1,588
COCONINO		55,582	55,582			
GILA	2,060	68,953	71,013	9	122	131
GRAHAM	1,739	7,858	9,597			
GREENLEE	2,358	2,600	4,958	8		8
MARICOPA	35,009	712,819	747,828	4,908	30,513	35,421
MOHAVE	6,951	113,221	120,172			
NAVAJO		117,617	117,617		20	20
PIMA	2,540	145,416	147,956			
PINAL	8,679	30,652	39,331	252	381	633
SANTA CRUZ	1,490	7,355	8,845	51		51
YAVAPAI	1,411	56,339	57,750		75	75
YUMA		76,391	76,391		116	116
TOTAL	\$ 67,236	\$ 1,495,212	\$ 1,562,448	6,765	31,847	38,612

Justice of the Peace Courts

CASELOAD STATISTICS

General

The caseload statistics contained in this section are based on the monthly statistical reports submitted to the Supreme Court by the justice courts. As with the superior court caseload statistics, this is the third year in which justice court statistics have been reported in the current format. However, there was a change in the traffic reports for the justice courts. Beginning in 1980, failure to appear complaint filings and dispositions were collected.

During 1980, three courts did not report complete or adequate statistics for the year, and thus the statewide totals reported hereafter do not include figures for Snowflake, St. Johns, and Quartzsite precincts. Quartzsite precinct performed an inventory of their caseload during October, 1980, and as a result of that action, it is possible to report year-end pending numbers for that court.

The monthly statistical report forms and caseload statistical tables in this report include categories entitled "transferred in" and "transferred out". Although these categories are included primarily to report the actual transfer of cases or defendants between courts, the categories may also be employed to make statistical adjustments of discovered reporting inaccuracies. Such inaccuracies are usually detected either during physical inventories of pending caseloads by court personnel or by staff of the Administrative Director's office during routine monitoring of the monthly reports.

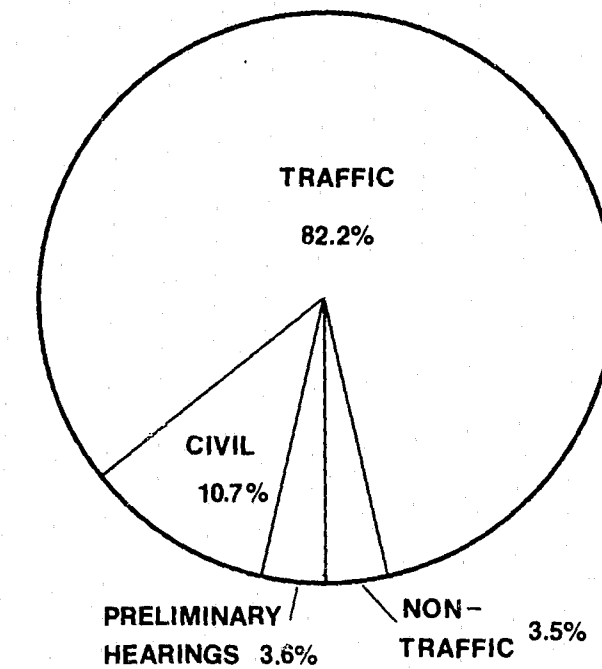
In most instances where physical inventory adjustments have been made, the adjustments have been published in the same form in which they were reported to this office and footnoted appropriately. For some courts, physical inventories of pending caseloads resulted in statistical adjustments being made in both the transferred in and transferred out categories within the same case category. Where possible, such adjustments have been offset against each other, with the offsetting difference reported either as transferred in or transferred out.

1980 Caseload Activity

During 1980, overall case filings grew at a rate of 33.6% from a total of 371,515 filings in 1979 to 496,528 filings in the recently completed year. Terminations similarly increased from 348,663 closures in 1979 to 455,993 closures in 1980, a 30.8% increase. As a result of the considerable growth of filings, the total number of defendants in cases pending at the end of the year increased 58.2% from 119,981 cases pending in 1979 to 189,852 cases pending in 1980. One reason for the large increase in filings and cases pending is that the Supreme Court required the justice courts to report failure to appear citations for the first time during 1980. Therefore, the majority of the 32,504 cases transferred in are a result of courts adding the failure to appear matters which were previously not counted.

As shown in the pie chart, the great majority of filings (82.2%) in justice courts relate to defendants in misdemeanor traffic complaints. Civil cases comprise 10.7% of the filings in the court while preliminary hearings (3.6%) and non-traffic misdemeanor cases (3.5%) constitute the remainder of the filings.

JUSTICE OF THE PEACE COURT FILINGS - 1980



Traffic matters (due in part to the addition of failure to appear complaints) showed the largest increase of all case categories in 1980. Traffic filings increased 42% from 287,292 filings in 1979 to 407,987 filings in 1980. Terminations statewide also increased in 1980 to 370,615 dispositions which was an increase of 39% over the 266,595 dispositions reported in 1979. Year-end pending statistics were greatly affected by the addition of failure to appear complaints. Year-end pending statistics rose 79% from 81,109 cases in 1979 to 145,184 in 1980. Of the total number of traffic defendants pending at the end of 1980, 45,457 were reported to be pending with warrants issued.

Justice court civil filings statewide in 1980 totaled 52,979, an increase of 17.7% over the 1979 reported filing level of 45,003. Civil dispositions changed slightly from the previous year rising from 46,988 terminations in 1979 to 47,750 terminations in 1980, or a change of 1.6%. The pending civil caseload at the end of 1980 reflected an increase of 27.5% over the previous year (24,345 pending in 1979 to 31,050 pending at the end of 1980).

Non-traffic misdemeanor filings declined 28.3% during the two years. However, terminations decreased only 2.8% from 21,081 closures in 1979 to 20,491 closures in 1980. As a result, the year-end pending backlog of cases

decreased 19.1% from 10,693 matters in 1979 to 8,646 matters, in 1980. Of the 8,646 non-traffic misdemeanor defendants reported pending at the end of 1980, 3,311 were reported as pending with warrants issued.

The number of defendants with felony complaints filed statewide in 1980 increased 21.8% from 14,865 filings in 1979 to 18,098 filings in 1980. Terminations increased from 13,999 closures in 1979 to 17,137 closures in 1980, or an increase of 22.4%. However, not all closures were the result of a preliminary hearing. A total of 3,251 matters were transferred to a grand jury for hearing during the year and 3,694 defendants waived their preliminary hearing.

Caseload Statistical Definitions

The following definitions are included to provide the reader with a better understanding of what the caseload statistical data represents. Civil statistics reflect the number of cases, while traffic and non-traffic misdemeanor, and preliminary hearing data represent the number of defendants named in complaints.

Case Categories

CIVIL—Prior to April 22, 1980, a lawsuit in which the claim was less than \$1,000; after April 22, 1980, a lawsuit in which the claim is less than \$2,500. Also included are forcible entry and detainer actions (recovery of leased or rented property), providing the rental value does not exceed \$500 per month and damages sought are less than \$1,000 (this portion of the jurisdiction was unchanged in 1980).

MISDEMEANOR—TRAFFIC—Includes traffic violations contained in Title 28 of the Arizona Revised Statutes including driving while intoxicated, reckless driving, and other moving violations. Traffic statistics also include all violations of Arizona Corporation Commission Motor Carrier Rules and Regulations.

MISDEMEANOR—NON-TRAFFIC—All other misdemeanors where the law provides for punishment that does not exceed six months incarceration and/or a fine up to \$1,000.

PRELIMINARY HEARINGS—A hearing to determine whether or not the defendant should be held for trial in the superior court on a felony complaint.

Case Activity

TRANSFERRED IN—The number of defendants, or cases, transferred in from other justice of the peace precincts. Also includes statistical adjustments to correct discovered inaccuracies and inventory adjustments.

TRANSFERRED OUT—The number of defendants, or cases, transferred out to other precincts. Also includes statistical adjustments to correct discovered inaccuracies and inventory adjustments.

WITHOUT TRIAL—The number of cases terminated without a trial, including: dismissals by the judge, sum-

mary judgments, and dismissals by the plaintiff or by stipulation of the parties involved.

PLEA AND/OR BOND FORFEITURE—The number of defendants in cases terminated after the acceptance of a guilty or no contest plea to the original charge, and the number of defendants who forfeit a posted bond.

OUT OF JURISDICTION—For statistical reporting purposes only, includes the number of defendants believed to be physically outside the court's jurisdiction and no arrest warrant has been issued.

GRAND JURY—The number of defendants in felony indictments issued by a grand jury prior to the preliminary examination after the filing of a complaint in justice court.

EXAM WAIVED—The number of defendants who waive their right to a preliminary hearing and as a result are held for trial in the superior court.

HELD FOR SUPERIOR COURT—The number of defendants bound over to superior court for trial as a result of a preliminary hearing.

DEFENDANT DISCHARGED—The number of felony defendants dismissed either upon motion of the prosecution or as the result of a preliminary hearing.

FINANCIAL INFORMATION

The financial information contained in this section of the report is based upon a detailed financial survey solicited from the 14 county finance officers and, in some cases, from the justice courts themselves. Statewide justice court summary information is contained in the financial table in the following section, which separates actual expenditures made during fiscal year 1979-80 from the budgets appropriated for the courts for fiscal year 1980-81.

Included in the General Introduction to this section on caseload, financial and personnel information on page 18 is a brief explanation relative to the overall financial information contained in the report and definitions as to what the financial categories presented include. Particular attention should be paid to footnotes applicable to the financial information presented herein.

PERSONNEL INFORMATION

The personnel information presented herein is based on responses received to a personnel survey conducted by the Arizona Supreme Court.

As a result of the variety and number of job titles encountered in compiling this information, general position groupings were developed. Explanation of these groupings can be found in the 1980 Caseload, Financial and Personnel Report.

STATEWIDE SUMMARY

JUSTICE OF THE PEACE COURTS 1980 CASELOAD STATISTICS***

CIVIL		MISDEMEANOR	TRAFFIC	NON-TRAFFIC	PRELIMINARY HEARINGS		TOTAL
BEGINNING PENDING: UNDER 1 YEAR	19,191	BEGINNING PENDING: UNDER 150 DAYS	47,290	4,997	BEGINNING PENDING: UNDER 20 DAYS	621	
1 YEAR & OVER	5,119	150 DAYS & OVER	31,481	4,929	20 DAYS & OVER	3,185	
TOTAL PENDING	24,310	TOTAL PENDING	78,771	9,926	TOTAL PENDING	3,806	116,813
FILINGS	52,979	FILINGS	407,987	17,464	FILINGS	18,098	496,528
TRANSFERRED IN	1,511	TRANSFERRED IN	29,041	1,747	TRANSFERRED IN	205	32,504
TOTAL ON FILE	78,800	TOTAL ON FILE	515,799	29,137	TOTAL ON FILE	22,109	645,845
TRANSFERRED OUT	1,461	TRANSFERRED OUT	5,960	5,513	GRAND JURY	3,251	
DEFAULT HEARING	12,971	PLEA &/OR BOND FORFEITURE	298,151	9,995	EXAM WAIVED	3,694	
WITHOUT TRIAL	21,960	PLEA TO LESSER CHARGE	6,886	-	HELD FOR SUPERIOR COURT	2,502	
COURT TRIAL	11,342	DISMISSALS	21,294	3,513	PLEA AGREEMENT	3,101	
JURY TRIAL	16	OUT OF JURIS.	27,079	316	DEF. DISCHARGED	3,372	
		COURT TRIAL	11,051	1,131	DEFERRED PROSECUTION	611	
		JURY TRIAL	194	23	TRANSFERRED OUT	606	
TOTAL TERMINATIONS	47,750	TOTAL TERMINATIONS	370,615	20,491	TOTAL TERMINATIONS	17,137	455,993
ENDING PENDING: UNDER 1 YEAR	24,310 ^a	ENDING PENDING: UNDER 150 DAYS	77,466	3,349 ^a	ENDING PENDING: UNDER 20 DAYS	854 ^a	
1 YEAR & OVER	6,711 ^a	150 DAYS & OVER	67,718	5,296 ^a	20 DAYS & OVER	4,110 ^a	
TOTAL PENDING	31,050	TOTAL PENDING*	145,184	8,646	TOTAL PENDING**	4,972	189,852

*Includes 45,457 traffic and 3,311 non-traffic defendants with warrants issued.

**Includes 3,008 defendants with warrants issued.

***Figures do not include caseload statistics for St. Johns, Snowflake and Quartzsite Precincts.

^aFigures do not include aging statistics for Bisbee Precinct.

FINANCIAL INFORMATION

CATEGORIES	1979-80 EXPENDITURES	1980-81 BUDGET
I. DIRECT:		
Salaries	\$ 3,471,176	\$ 3,832,640
Direct Fringe Benefits	424,739	475,028
Operating Expenses	567,387	654,280
Travel & Transportation	71,925	92,445
Professional Services	311,148	361,408
Capital Expenses	24,094	46,398
SUB-TOTAL I	\$ 4,870,469	\$ 5,462,199
II. INDIRECT:		
Indirect Fringe Benefits	\$ 225,895	\$ 249,665
Support Services	410,581	448,128
Federal Funds	128,295	109,624
State Funds	-	-
SUB-TOTAL II	\$ 764,771	\$ 807,417
TOTAL*	\$ 5,635,240	\$ 6,269,616

*The Financial Department also reported \$312,029 for Non-Budgeted Support.

PERSONNEL INFORMATION

POSITIONS	FULL-TIME	PART-TIME
Judge	84	-
Constable	15	-
Administrative Staff	7	-
Support Staff	8	4
Secretarial/Clerical	204	40
TOTAL	318	44

Municipal Courts

CASELOAD STATISTICS

General

The caseload statistics contained on the following pages are based on the monthly statistical reports submitted to the Supreme Court by the municipal courts. 1980 represents the third year that municipal court statistics have been available on a statewide basis to the Supreme Court. During the year two courts, St. Johns and Florence, did not submit complete statistics to the Supreme Court and, therefore, are not included in the caseload statistics.

In 1980 the Supreme Court required the municipal courts to begin counting "failure to appear" complaints issued against traffic offenders who did not appear for their assigned court date. A defendant with both a traffic complaint and a failure to appear complaint is counted in each of the respective categories.

The monthly statistical report forms and caseload statistical tables in this report include categories entitled "transferred in" and "transferred out." Although these categories are included primarily to report the actual transfer of cases or defendants between courts, the categories may also be employed to make statistical adjustments of discovered reporting inaccuracies. Such inaccuracies are usually detected either during physical inventories of pending caseloads by court personnel or by staff of the Administrative Director's office during routine monitoring of the monthly reports.

In most instances where physical inventory adjustments have been made, the adjustments have been reported to this office and footnoted appropriately. For some courts, physical inventories of pending caseloads resulted in statistical adjustments being made in both the transferred in and transferred out categories within the same case category. Where possible, such adjustments have been offset against each other, with the offsetting difference reported either as transferred in or transferred out.

1980 Caseload Activity

Statewide in calendar year 1980, there were 737,722 reported filings in municipal courts. This figure represents an increase of 27% over the 580,917 filings made in 1979. Municipal court terminations also increased during 1980 rising 8.4% from 606,484 closings in 1979 to 657,362 closings. At the end of 1980, there were 318,801 cases pending statewide in the municipal courts which represents an increase of 76% from the 181,243 cases pending at the end of 1979. The sizable increases in both filings and pending cases can be partially attributed to the addition of failure to appear complaints to the statistical reports. An example of this impact was shown in the number of cases transferred in, which increased from 523 matters in 1979 to 57,533 matters in 1980.

Traffic filings grew from 518,388 filings in 1979 to 657,866 filings in 1980 for an increase of 26.9%. Statewide traffic terminations also increased at a rate of 7.7% rising from 550,388 terminations in 1979 to 592,769 terminations in 1980. The number of traffic cases pending was greatly affected by the addition of failure to appear matters, increasing 75.5% between the two years (148,156 cases pending in 1979 to 259,954 cases pending in 1980). In 1980, of the 259,954 cases reported pending at the end of the year, 74,197 were reported as pending with warrants issued.

Case filings in non-traffic misdemeanors reflected similar increases. Statewide, non-traffic misdemeanors increased by 27.7% from 62,529 filed in 1979 to 79,856 filed in 1980. Terminations grew at a rate of 15.1% to 64,593 closures in 1980 compared to 56,096 terminations the previous year. The number of defendants in these cases pending at year end grew 77.9% from 33,087 in 1979 to 58,847 in 1980. There are 19,268 non-traffic misdemeanor defendants with warrants issued included in the 58,847 defendants pending at the end of 1980.

Caseload Statistical Definitions

The following statistical definitions are included to provide a better understanding of what the caseload data reported represents. The statistical data reflects the number of defendants named in complaints.

Case Categories

MISDEMEANOR—TRAFFIC—Includes traffic violations contained in Title 28 of the Arizona Revised Statutes, including driving while intoxicated, reckless driving while intoxicated, reckless driving, and other moving violations. (Traffic statistics for calendar year 1980 also include violations of Arizona Corporation Commission Motor Carrier Rules and Regulations.)

MISDEMEANOR—NON-TRAFFIC—All other misdemeanors where the law provides for punishment that does not exceed six months incarceration and/or a fine up to \$1,000.

Case Activity

TRANSFERRED IN—The number of defendants transferred in from other municipal courts. Also includes statistical adjustments to correct discovered inaccuracies and inventory adjustment.

PLEA AND/OR BOND FORFEITURE—The number of defendants in cases terminated after the acceptance of a guilty or a no contest plea to original charge, and the number of defendants who forfeit a posted bond.

OUT OF JURISDICTION—For statistical reporting purposes only, includes the number of defendants believed to be physically outside the court's jurisdiction and no warrant has been issued for their arrest.

FINANCIAL INFORMATION

The municipal courts' financial information presented herein is based primarily on responses received from the municipal courts to a financial survey conducted by the Arizona Supreme Court. In some instances, the information was obtained from various city/town finance offices and budget documents obtained from the Arizona League of Cities and Towns. Where only total budget information was available, the figure was assigned to the salaries category due to the fact that the majority of expenditures by municipal courts are made for that item.

The General Introduction to this report on page 18 contains a brief section regarding the financial information presented in this report and definitions as to what the

financial categories represent. Particular attention should be paid to the footnotes applicable to the financial data presented.

PERSONNEL INFORMATION

The personnel information presented herein is based on responses received to a personnel survey conducted by the Arizona Supreme Court.

As a result of the variety and number of job titles encountered in compiling this information, general position groupings were developed. Explanation of these groupings can be found in the *1980 Caseload, Financial and Personnel Report*.

STATEWIDE MUNICIPAL COURTS SUMMARY

1980 CASELOAD STATISTICS**

MISDEMEANOR		TRAFFIC	NON-TRAFFIC	TOTAL
BEGINNING PENDING	UNDER 150 DAYS	42,316 ^a	15,070 ^b	57,386 ^a
	150 DAYS AND OVER	12,202 ^a	2,519 ^b	14,721 ^a
TOTAL PENDING		147,842	33,066	180,908
FILINGS		657,866	79,856	737,722
TRANSFERRED IN		47,015	10,518	57,533
TOTAL ON FILE		852,723	123,440	976,163
TERMINATIONS:				
TRANSFERRED OUT		21,853	890	22,743
PLEA &/OR BOND FORFEITURE		434,688	45,032	479,720
PLEA TO LESSER CHARGE		9,965	-	9,965
DISMISSED		102,325	12,557	114,882
OUT OF JURISDICTION		3,361	281	3,642
COURT TRIAL		19,629	5,735	25,364
JURY TRIAL		948	98	1,046
TOTAL TERMINATIONS		592,769	64,593	657,362
ENDING PENDING	UNDER 150 DAYS	69,880 ^a	25,495 ^b	95,375 ^a
	150 DAYS AND OVER	23,227 ^a	6,263 ^b	29,490 ^a
TOTAL PENDING*		259,954	58,847	318,801

*Includes 74,197 traffic and 19,268 non-traffic defendants with warrants issued.
 **Figures do not include St. Johns, Snowflake or Florence Municipal Courts' case statistics.
^aFigures do not include aging statistics for Bisbee, Phoenix, or Marana Municipal Courts.
^bFigures do not include aging statistics for Phoenix Municipal Court.

FINANCIAL INFORMATION

CATEGORIES	1979-80 * EXPENDITURES	1980-81 BUDGET
I. DIRECT:		
Salaries	\$ 4,762,885	\$ 5,394,910
Direct Fringe Benefits	564,788	803,204
Operating Expenses	1,254,272	1,702,535
Travel & Transportation	24,322	43,701
Professional Services	1,225,338	1,495,685
Capital Expenses	46,940	101,055
SUB-TOTAL I	\$ 7,878,545	\$ 9,541,090
II. INDIRECT:		
Indirect Fringe Benefits	\$ 11,213	\$ 18,246
Support Services	16,590	20,938
Federal Funds	28,182	62,730
State Funds	-	-
SUB-TOTAL II	\$ 55,985	\$ 101,914
TOTAL**	\$ 7,934,530	\$ 9,643,004

*Figures not available for El Mirage Municipal Court.
 **The Financial Department also reported \$694,810 for Non-Budgeted Support.

PERSONNEL INFORMATION

POSITIONS	FULL-TIME	PART-TIME
Judge	64	53
Administrative Staff	14	9
Support Staff	58	6
Secretarial/Clerical	184	31
TOTAL	320	99

Superior Court Statistical Retrieval Project

INTRODUCTION

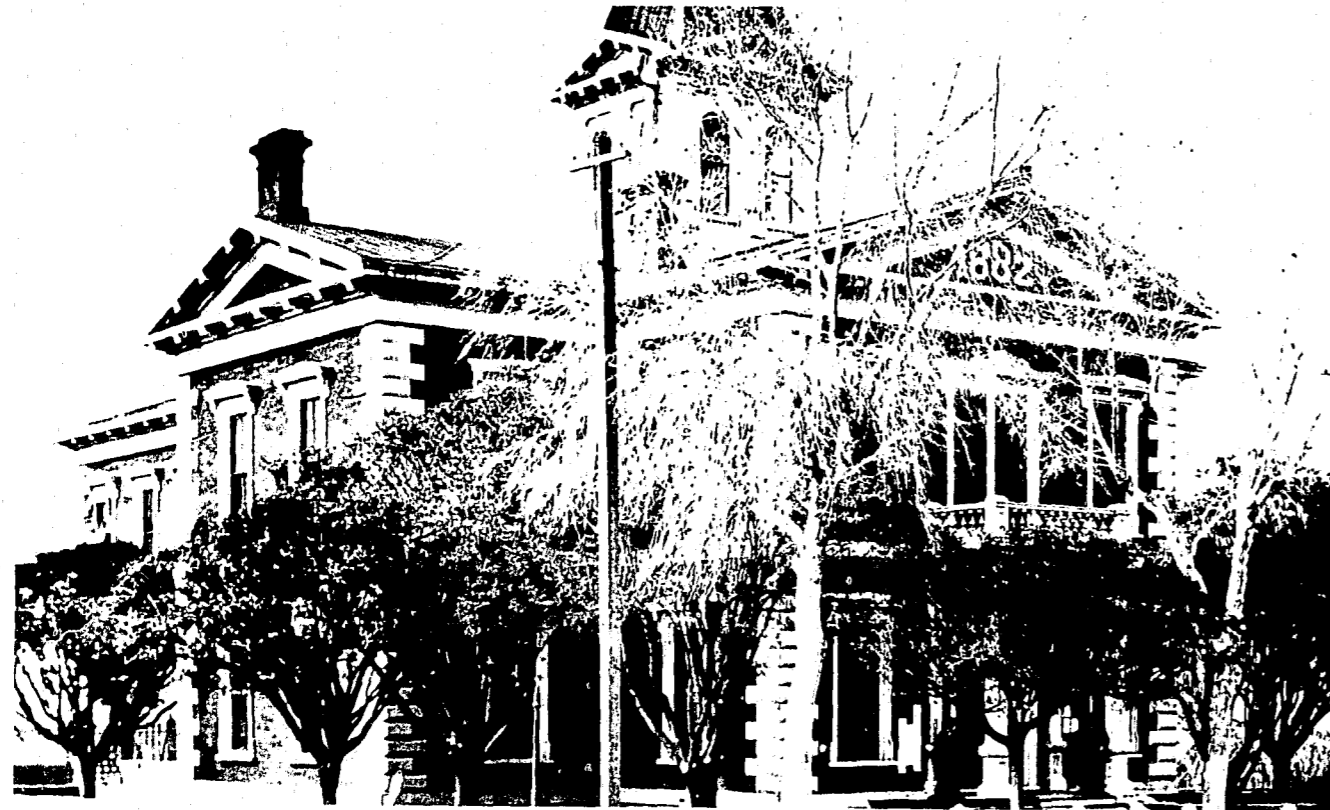
Under Justice Cameron's tenure as Chief Justice, the Supreme Court resumed publication of an annual judicial report. One of the goals set for these annual reports is the inclusion of caseload statistics since Statehood for each superior court. The purpose of this statistical retrieval project is to preserve the historical workload and development of the courts for future access, planning, and projection.

The project commenced in 1977 with the Coconino Superior Court. Since then, the superior courts in Graham, Greenlee, Yavapai, Gila, and Mohave Counties have appeared. This year, the Cochise County Superior Court and the Santa Cruz County Superior Court are featured.

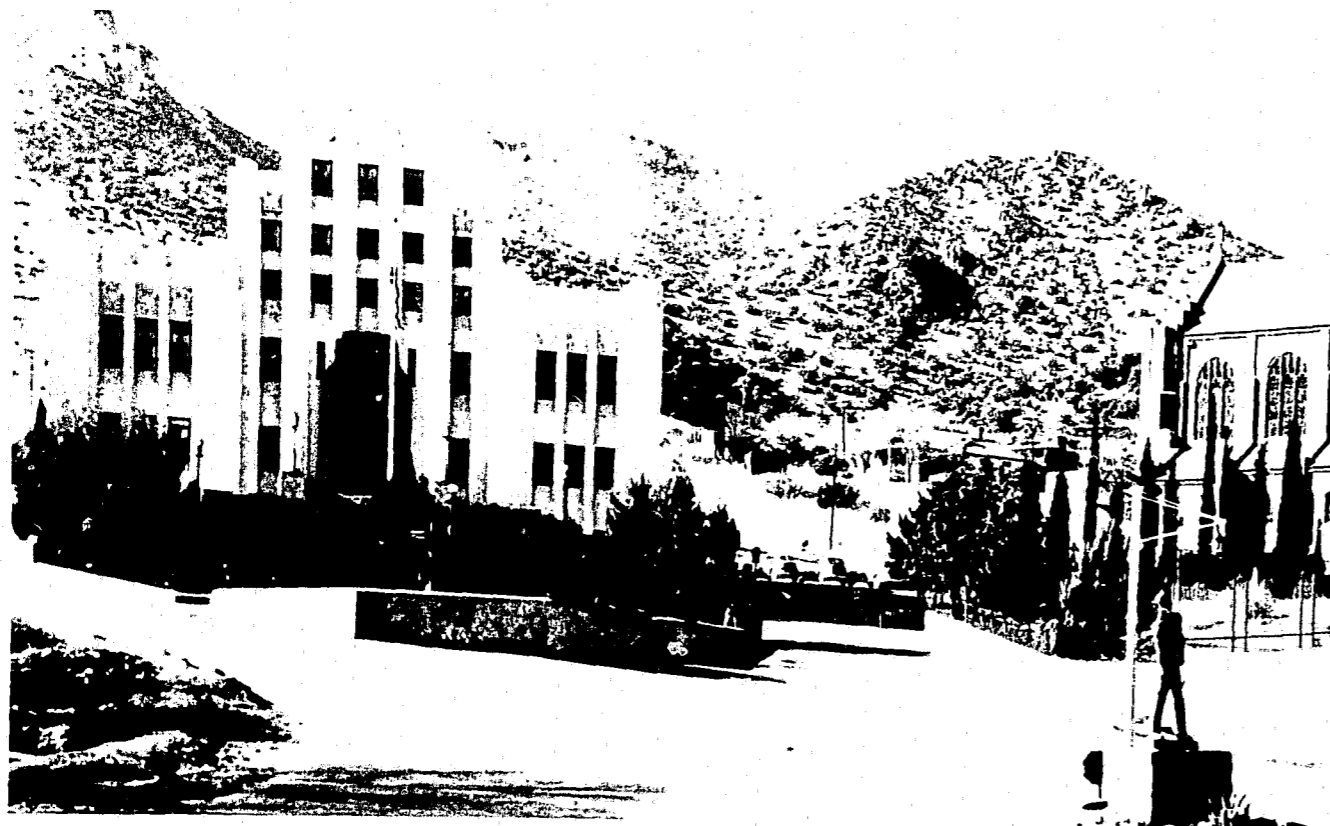
In Cochise County, Ellen M. Young, Clerk of the Superior Court, coordinated the various work efforts related to this project. Gloria Wilson and Lynn Mauzy assisted Ms. Young by retrieving the statistical information found in dockets dating back to the days of Statehood. Ms. Young, with the assistance of Marge Rodriguez, City Librarian in Bisbee, compiled historical information on the court and its judges.

The information for Santa Cruz County was prepared under the direction of Superior Court Clerk Delfina Bauch. The statistical information was compiled by Rosa Bolz, who graduated from the University of Arizona in December, 1980. Much of the information for the historical narrative was supplied by Alma Ready of the Pimeria Alta Historical Society of Nogales.

SUPERIOR COURT IN COCHISE COUNTY



Tombstone Courthouse, 1882



Bisbee Courthouse, 1931

Photographs courtesy of Bisbee Mining and Historical Museum



*Lloyd C. Helm
Presiding Judge*



*Richard J. Riley
Judge*



*Matthew M. Borowiec
Judge*



*Ellen M. Young
Clerk*

SUPERIOR COURT IN COCHISE COUNTY

On February 1, 1881, the 11th Territorial Assembly formed a new county from the eastern portion of Pima County and named it Cochise, after the famous chief of the Chiricahuas.

The silver bonanza town of Tombstone was designated the first county seat. Tombstone's original courthouse was a two-story adobe building, but an imposing brick building surrounded by shade trees was soon erected. The Tombstone courthouse served the county well and officials reluctantly abandoned it in 1929 when, due to Tombstone's decline, the county seat was moved to Bisbee. The old courthouse has been restored and is in use as a museum.

On August 3, 1931, Governor George W. P. Hunt dedicated the new courthouse constructed on Quality Hill in Bisbee. Two large copper-sheathed doors give entry to the lobby which is paneled with Tennessee pink marble and trimmed with Belgian black marble. The building has terrazzo floors and staircases, mahogany trim, and brass stair railings throughout. This structure continues to serve the county today, housing all three divisions of the superior court, the office of the Clerk of the Superior Court, the Adult Probation Officer, and the Sheriff's Department.

1912-1913

The first Cochise County superior court judge to serve in the Tombstone courthouse after statehood was Frederick A. Sutter. Born in Marshall, Michigan, on November 10, 1874, Sutter came to Arizona when he was 20. He worked in various mines to save enough money to complete his secondary education and then again to attend the University of Nebraska. He graduated from law school in 1902 and returned to Bisbee in 1903 to practice law. Sutter was Bisbee City Attorney for five years, beginning in 1905, and was a member of the last territorial legislature. Judge Sutter served in the superior court until 1913 when he resigned to return to private practice. Judge Sutter was later elected to the Arizona Senate for four terms. He was an unsuccessful candidate for the gubernatorial nomination in 1918 and 1932. Judge Sutter died in 1941, at the age of 67.

1913-1925

In July, 1913, Governor George W. P. Hunt appointed Alfred C. Lockwood to succeed Judge Sutter. Born in Ottawa, Illinois, in 1875, Lockwood arrived in Arizona in the early 1890's. He farmed in the Glendale area and was a teacher. Self-taught in law, Lockwood was admitted to practice in Arizona in 1902. He served as City Attorney of Douglas from 1905 to 1910 and was engaged in private practice until appointed judge of the superior court. He served in this capacity until he became a Supreme Court Justice in January, 1925. While on the superior court bench, he was especially interested in juvenile matters. He also promulgated the "Lockwood Decree" which adjudicated disputed water rights of appropriators in Pinal County. During his 18 years on the Supreme Court bench, he was one of the Court's most prolific opinion writers. Justice Lockwood's daughter,

Lorna, was the first woman to serve on the Arizona Supreme Court and the first woman Chief Justice in the nation. Justice Alfred Lockwood died in October, 1951; he was 76 years old.

1921-1931

Governor Tom Campbell appointed Alfred M. Sames to the bench in 1921 as a second judge* for Cochise County. Born in Rockford, Illinois, on February 7, 1873, Sames received his law degree from the University of Wisconsin in 1894. Around 1900, Sames came to Arizona and settled in Solomonville; later he moved to Douglas where he served as an Assistant District Attorney in 1904. Sames, an active political leader, was chairman of the Republican Territorial Committee, 1910-1912, and chairman of the Arizona delegation to the Republican National Convention in Chicago, 1920. Following his appointment as Cochise County Superior Court judge in 1921, he was elected to that position for three terms. During his second term of office, the county seat was moved from Tombstone to Bisbee and construction of the new court building began. In 1931, President Hoover appointed Judge Sames as the U.S. District Court Judge for Arizona, a position he held until retiring in 1945. Judge Sames died in March, 1958, at the age of 85.

*According to available records, Cochise County experienced a dramatic population increase which apparently precipitated creation of a second superior court division in 1921, but population decreased thereafter. When Judge Lockwood began his service on the Supreme Court in 1925, Cochise County returned to a single division court.

1931-1943

John Wilson Ross was appointed by Governor George W. P. Hunt to succeed Judge Sames and was the first judge to sit in the new Cochise County courthouse. Ross was born in Arkansas in 1863 and received his education in that state. He taught school in both Arkansas and Arizona, moving to this state around 1888. He was admitted to the practice of law in Arizona in 1903 and eventually settled in Bisbee. In 1918, the governor asked Ross to sit with the Supreme Court to complete an unexpired term. John's brother, Henry, served on the Supreme Court from statehood until his death in 1945. John returned to the private practice of law in Bisbee and was a member of the Arizona House of Representatives from 1929 to 1931. After his superior court appointment in 1931, Judge Ross held the office until 1943. Judge Ross died in 1945; he was 82 years old.

1943-1960

Succeeding Judge Ross was Judge Frank E. Thomas, Cochise County's first native Arizonan judge. Born in Florence, November 1, 1889, his family later moved to Globe. His father, Judge Hinson Thomas, was U.S. Commissioner in Gila and Pinal Counties. Frank Thomas received his degree from the State Normal School at Tempe in 1911. After graduation, Thomas worked in various mines and, at the start of World War I, he enlisted in the

military service. Following his military discharge, he served as a court reporter in Bisbee and became interested in law. He proceeded to study law by correspondence and in 1920 was admitted to the State Bar of Arizona. He served as Deputy County Attorney for Cochise County under Judge Ross and was elected to the office of County Attorney in 1931. In 1943, he was elected judge of the superior court. On occasion, he sat on the Arizona Supreme Court. Judge Thomas died during his term of office in 1960.

1960-1961

On February 24, 1960, Governor Paul Fannin appointed William E. Kimble to complete the unexpired term of Judge Thomas. Kimble was born in Colorado and received his law degree from the University of Arizona Law School in 1951. In 1952, he moved to Bisbee and established a law practice. Judge Kimble served as a visiting trial judge in many Arizona counties. He resigned from the bench in 1961 to return to private practice in Tucson.

1961-1979

Following Judge Kimble's resignation, Governor Fannin appointed Anthony J. Deddens to the superior court, effective September 1, 1961. A native of Cincinnati, Ohio, Deddens received his law degree from the University of Cincinnati College of Law in 1932. He came to Arizona in 1935, passed the Bar examination the following year, and began practicing law in Maricopa County. From 1939 until 1942, he served as deputy county attorney in Maricopa County. In 1942, he moved to Bisbee where he went into private practice. In 1953, he accepted a short-term appointment as Assistant Attorney General and then re-entered private practice, first in Phoenix and then in Bisbee, until his appointment to the superior court bench in 1961. Judge Deddens retired in 1978 at the age of 72. He indicated that his toughest case had come just that year; it was the first death sentence he had handed down. The judge died in November, 1980, at the age of 74.

—CURRENT JUDGES—

In 1965, following the creation of a second division of the Cochise Superior Court, Governor Sam Goddard appointed Lloyd C. Helm as judge in Division II. Judge Helm was born in New Mexico, and was raised in Douglas, Arizona. He received his law degree from the University of Arizona in 1937, having been admitted to the Arizona State Bar the previous year. Judge Helm served as Deputy County Attorney for ten years and was elected Cochise County Attorney in 1956, serving in that capacity until 1962. Judge Helm was appointed presiding judge of the superior court in 1979, a position he presently holds.

In 1977, upon formation of a third division of the superior court, Governor Raul Castro appointed Richard J. Riley as judge. Born in Manhattan, New York, Riley attended Bucknell University of New York and the University of Arizona. He entered the U.S. Army during the Korean War and after his military service returned to law school. He graduated from the University of Arizona Law School in 1958 and was admitted to practice that same year. In 1962, he was elected to the office of County Attorney and served in that capacity for 14 years. Judge Riley served for eight years as a member of the Board of Governors of the State Bar of Arizona and was one of the founders, and later president, of the Cochise County Family Guidance Center.

Matthew W. Borowiec was elected to fill the vacancy created by Judge Deddens' retirement and assumed the superior court bench in January, 1979. Borowiec was born in Walkerville, Ontario, Canada, and became a naturalized citizen in 1956. He graduated from the University of Windsor in 1956 and received his Juris Doctor Degree from the University of Arizona College of Law in 1962. Moving to Bisbee, Borowiec practiced law for 17 years prior to running for election as superior court judge. He was a ten-year member of the Cochise College Governing Board and served on the State Bar of Arizona Board of Governors. Judge Borowiec also served on the Board of Cochise County United Legal Aid, Inc., and the Four-County Legal Service Board.

COCHISE COUNTY SUPERIOR COURT - 1912-1980

YEAR	CIVIL		DOMESTIC RELATIONS		PROBATE		ADOPTION	
	FILINGS	TERMINATIONS	FILINGS	TERMINATIONS	FILINGS	TERMINATIONS	FILINGS	TERMINATIONS
1912	203	200	115	115	93	10	7	6
1913	211	209	131	129	129	33	1	1
1914	232	231	127	127	96	55	8	8
1915	200	198	153	151	116	52	3	3
1916	183	177	200	197	117	41	9	8
1917	227	223	225	223	153	78	4	2
1918	521	510	182	182	176	98	15	18
1919	474	471	266	264	181	94	10	10
1920	187	184	230	229	132	117	13	11
1921	272	270	165	165	134	111	16	16
1922	208	207	126	125	120	85	11	7
1923	237	232	149	149	137	85	14	13
1924	215	214	154	154	116	68	12	13
1925	612	606	173	172	121	76	5	4
1926	195	194	182	182	150	71	11	7
1927	173	171	168	169	131	111	12	12
1928	144	141	185	184	103	98	17	18
1929	158	157	171	171	147	104	13	13
1930	158	158	161	160	182	127	6	5
1931	174	108	180	158	136	136	16	13
1932	129	87	96	76	111	101	12	13
1933	137	125	123	109	100	88	20	15
1934	76	85	135	117	120	104	18	8
1935	98	107	115	135	137	112	10	12
1936	101	91	167	133	157	135	7	12
1937	87	93	177	142	178	151	19	6
1938	87	108	149	172	143	163	15	15
1939	107	85	140	163	166	117	10	7
1940	79	92	165	150	154	155	9	10
1941	95	73	215	183	152	128	20	5
1942	71	71	247	189	171	161	19	12
1943	93	85	277	227	154	143	18	15
1944	84	76	290	258	187	156	32	18
1945	99	92	337	254	203	167	21	25
1946	178	127	314	271	224	199	18	20
1947	194	179	248	208	207	169	19	18
1948	222	165	207	167	230	179	15	16
1949	213	153	188	164	177	165	12	10
1950	184	124	171	135	222	166	13	14
1951	158	128	175	112	197	169	24	9
1952	195	132	218	159	211	145	37	15
1953	240	159	213	158	192	179	47	17
1954	269	211	238	166	205	165	42	34
1955	260	192	266	192	220	190	39	32
1956	235	164	236	197	210	180	42	44
1957	314	218	287	197	122	185	67	43
1958	298	193	311	230	262	181	54	50
1959	312	200	308	244	224	190	53	56
1960	322	198	309	211	277	203	55	44
1961	341	232	300	240	265	196	58	60
1962	335	346	385	350	242	178	73	50
1963	326	364	358	396	257	185	84	69
1964	312	301	391	299	269	154	92	62
1965	396	392	306	339	248	154	98	73
1966	418	582	326	373	396	263	110	88
1967	372	364	347	342	554	432	198	136
1968	291	343	363	408	275	247	128	79
1969	294	275	383	328	296	300	122	165
1970	283	259	411	398	310	308	129	109
1971	382	312	427	444	317	331	130	132
1972	364	299	536	473	273	325	127	111
1973	422	383	614	553	287	157	118	105
1974	493	498	793	756	229	121	121	112
1975	583	524	814	807	246	141	142	126
1976	515	442	850	869	206	118	111	107
1977	633	629	986	833	302	130	130	185
1978	577	573	957	889	276	246	112	98
1979	616	646	903	978	284	148	87	89
1980	645	571	867	917	279	350	101	106

COCHISE COUNTY SUPERIOR COURT - 1912-1980

YEAR	MENTAL HEALTH		CRIMINAL		TOTAL	
	FILINGS	TERMINATIONS	FILINGS	TERMINATIONS	FILINGS	TERMINATIONS
1912	23	4	137	133	578	468
1913	27	6	258	250	757	628
1914	29	8	152	141	644	570
1915	25	4	258	250	755	658
1916	24	11	807	793	1,340	1,227
1917	37	7	534	520	1,180	1,053
1918	31	9	301	294	1,226	1,111
1919	32	5	318	310	1,291	1,154
1920	19	1	155	139	736	681
1921	31	4	146	142	764	708
1922	23	8	130	126	618	558
1923	21	1	105	101	663	581
1924	14	0	98	97	609	546
1925	14	5	159	152	1,084	1,015
1926	22	13	132	131	692	598
1927	11	3	112	112	607	576
1928	12	5	91	91	552	537
1929	9	5	131	131	629	581
1930	27	20	145	143	679	613
1931	19	13	93	93	618	521
1932	21	6	91	91	460	374
1933	20	17	87	85	487	439
1934	18	33	89	89	456	436
1935	20	23	104	100	484	489
1936	19	20	98	84	549	475
1937	22	17	101	84	584	493
1938	15	8	76	56	485	522
1939	12	17	79	64	514	453
1940	11	10	61	55	479	472
1941	18	12	72	65	572	466
1942	13	25	115	100	636	558
1943	17	13	164	158	723	641
1944	19	17	95	93	707	618
1945	16	14	63	61	739	613
1946	18	12	68	66	820	695
1947	19	8	55	51	742	633
1948	22	16	55	55	751	598
1949	23	19	73	69	686	580
1950	18	12	48	44	656	495
1951	20	16	35	34	609	468
1952	21	19	52	47	734	517
1953	24	16	59	58	775	587
1954	25	20	43	41	822	637
1955	32	31	48	47	865	684
1956	33	30	35	31	791	646
1957	20	19	72	69	882	731
1958	20	22	99	91	1,039	767
1959	25	28	90	90	1,012	808
1960	22	20	96	95	1,081	771
1961	27	28	114	110	1,105	866
1962	38	36	125	123	1,198	1,083
1963	52	43	139	138	1,216	1,195
1964	44	28	114	111	1,222	955
1965	54	41	100	115	1,202	1,114
1966	79	69	119	111	1,448	1,486
1967	89	93	118	113	1,678	1,480
1968	44	43	159	169	1,260	1,289
1969	61	59	217	200	1,373	1,327
1970	50	49	324	299	1,507	1,422
1971	50	52	446	442	1,752	1,713
1972	38	29	409	399	1,747	1,636
1973	39	38	561	497	2,041	1,733
1974	38	37	399	434	2,073	1,958
1975	35	32	368	383	2,013	2,013
1976	42	39	331	276	2,055	1,851
1977	43	42	400	432	2,494	2,251
1978	37	-	318	364	2,277	2,170
1979	39	-	325	268	2,254	2,129
1980	41	-	387	375	2,320	2,319

SUPERIOR COURT IN SANTA CRUZ COUNTY



Santa Cruz County Courthouse



Roberto C. Montiel, Judge

On March 15, 1899, the 20th Territorial Assembly voted to create Santa Cruz County; it is Arizona's smallest county, 1,246 square miles. The vote to create the county was unanimous in the House of Representatives; among those supporting it in the Council (Senate) were J. H. Carpenter, Morris Goldwater, George W. P. Hunt, J. M. Murphy, D. K. Udall, George A. Wolff, and A. C. Wright. This group includes relatives of U.S. Senator Barry Goldwater and U.S. Representative Morris K. Udall. Councilman Hunt later became the first governor of the State of Arizona.

Some ten days after the creation of the county, space

for county offices and a jail was leased in Nogales, which had been named as the county seat. The sessions of the district court were held in a local theatre building. In January, 1902, the county was authorized to issue \$35,000 in bonds to construct a courthouse and jail. The cornerstone of the facility was laid in February, 1903, and the building was completed in November of that year.

The Santa Cruz County courthouse is constructed of rough surface native limestone in a neoclassical style with a covered portico. Astraea, Goddess of Justice, stands atop the silvery dome.



Delfina Bauch, Clerk

1912-1913

The first superior court judge to serve in Santa Cruz County after Statehood was Frank J. Duffy. Born in Wadlington, New York (1866), he moved to Arizona after graduating from St. Lawrence University in 1888. He taught school in Phoenix, Tempe, and Globe before moving to Nogales in 1893. He was elected Justice of the Peace for Santa Cruz County in 1897. Admitted to the bar in 1899, he became Santa Cruz County's first District Attorney (1901-1904). He was a member of the 25th Territorial Legislature in 1909. Saying he did not enjoy the position of superior court judge, Duffy resigned in 1913 to resume private practice. In 1934, he was appointed by President Theodore Roosevelt to serve as U.S. Collector of Customs for the District of Arizona. Judge Duffy was serving in this capacity when he died in 1943.

1913-1923/1925-1933

Judge W. A. O'Connor was appointed by Governor W. P. Hunt to succeed Judge Duffy on the bench. Born and educated in California, O'Connor moved to Nogales in the late 1890's and taught school there. He was appointed probate judge in 1900 and served until 1906, when he was elected Santa Cruz County Attorney. In 1912, he left that position and returned to private practice. Following Judge Marsteller's death in January, 1925, Governor Hunt appointed Judge O'Connor to complete Marsteller's unexpired term. Judge O'Connor was subsequently elected to the superior court bench for a term beginning in 1927. He died in office in 1933 at the age of 70.

1924-25

Massilon H. Marsteller began serving an elected term as superior court judge in January, 1924. Marsteller was born in Virginia in 1853, then moved with his family to California. In 1874, he graduated from the law department of Georgetown College. He served as a superior court judge in Lassen County, California from 1884 until 1890, when he moved to Nogales and entered private practice. In the fall of 1924, Judge Marsteller was stricken with a serious illness, and on several occasions outside judges had to be called in to hear cases. He died January 25, 1925.

1933-35

Governor B. B. Moeur appointed Charles L. Hardy to fill the unexpired term of Judge O'Connor in 1933. Judge Hardy was subsequently elected to a four-year term in 1934, but ill health caused him to leave the bench in 1935. Judge Hardy was a Nogales resident for some 20 years. He was active in the Democratic Party and had served as Nogales City Attorney and Santa Cruz County Attorney. Judge Hardy's son, Charles, served on the superior court bench in Maricopa County from 1966 until May, 1980, when he was appointed to the bench of the U.S. District Court for Arizona.

1936-39

Elbert R. Thurman was appointed by Governor Moeur to complete Judge Hardy's term. Born and educated in California, Thurman came to Arizona in 1913 as a hydroelectric power plant operator. After serving in the Army, Thurman, age 30, entered the University of Arizona as a freshman. Thurman was an avid baseball enthusiast. In 1919, he played second base for the University of Arizona team and hit two home runs to help Arizona beat the University of Southern California in a 10-inning, championship game. He graduated from law school in 1923.

Prior to his appointment to the superior court bench, Thurman served as Santa Cruz County Attorney. While in this position, he prosecuted the 17-year-old "Shaughnessy Kid" who brutally murdered a motorist and eventually died in the gas chamber. He was also Nogales City Magistrate for a time. After his term of service at the superior court, Judge Thurman moved to Phoenix. In 1942, he was appointed Assistant U.S. District Attorney and held that position for 11 years. In 1958, Judge Thurman was appointed to the superior court bench in Maricopa County, thus making him one of only two judges to have served as a superior court judge in two different Arizona counties. Judge Thurman served on the superior court bench in Maricopa County until 1966, when he was 78 years old.

1939-79

Judge Gordon Farley was elected to the superior court for a term beginning in January, 1939, and held that position for 40 years, the longest tenure for any judge in the state. Farley was born in Michigan in 1908 and lived in the Chicago area before moving to Patagonia around 1917. After graduating from law school at the University of Arizona in 1934, Farley moved to Nogales and began practicing law in association with Nasib Karam. He served one term as Nogales City Attorney and one term in the Arizona House of Representatives before his election as superior court judge. After retiring from the bench at the end of 1978, Judge Farley resumed private practice in Nogales.

1979-

Roberto C. Montiel succeeded Judge Farley as superior court judge in Santa Cruz County and holds that position at this time. Montiel was born and raised in Nogales. He obtained his bachelor's degree in Business Administration from the University of Arizona in 1969. Later he received his law degree from the same school and was admitted to the State Bar of Arizona in September, 1972. After graduation from law school, Montiel spent a year as a law clerk for Judge James D. Hathaway in the Arizona Court of Appeals. From 1973 until running for election as judge in 1978, Judge Montiel was engaged in private practice and also served as a deputy county attorney for Santa Cruz County.

SANTA CRUZ COUNTY SUPERIOR COURT - 1912-1980

YEAR	CIVIL		DOMESTIC RELATIONS		PROBATE		ADOPTION	
	FILINGS	TERMINATIONS	FILINGS	TERMINATIONS	FILINGS	TERMINATIONS	FILINGS	TERMINATIONS
1912	239	75	9	7	20	13	3	3
1913	101	118	14	13	12	14	1	1
1914	60	72	7	8	6	5	2	1
1915	64	73	10	9	21	9	1	4
1916	110	86	26	18	21	26	2	1
1917	132	94	20	21	27	19	3	4
1918	202	117	46	6	26	28	4	3
1919	101	108	21	14	36	31	5	2
1920	191	141	57	40	48	59	*	*
1921	232	138	67	49	31	59		
1922	140	141	20	29	18	22		
1923	136	152	43	25	48	51		
1924	104	103	16	18	42	47		
1925	107	123	19	21	49	55		
1926	79	29	10	12	53	60		
1927	96	45	7	12	42	37		
1928	124	82	50	57	31	25		
1929	175	177	44	50	44	42		
1930	162	117	60	47	38	19		
1931	157	104	49	46	17	12		
1932	110	106	24	66	25	22	3	3
1933	129	103	37	16	31	16	1	1
1934	97	62	44	22	50	30	2	1
1935	82	76	40	45	41	30	1	4
1936	72	79	20	18	29	16	2	1
1937	67	79	19	23	31	25	3	4
1938	71	72	18	12	41	36	4	3
1939	52	130	15	25	94	48	5	2
1940	52	97	26	58	34	42	4	3
1941	52	73	23	20	39	35	2	6
1942	42	56	23	24	36	28	10	2
1943	28	35	23	21	45	31	2	5
1944	34	54	34	28	59	30	3	6
1945	46	40	35	33	43	34	2	2
1946	68	66	49	45	43	42	3	1
1947	67	59	49	44	35	54	5	
1948	81	64	21	31	62	47	1	8
1949	96	98	21	19	37	20	4	1
1950	112	87	33	31	58	45	2	2
1951	48	61	16	18	46	39	2	2
1952	83	34	26	16	43	28	1	3
1953	48	48	14	17	53	54	3	1
1954	64	56	13	7	56	36	2	4
1955	49	68	28	21	37	46	2	3
1956	61	56	14	16	32	49	2	4
1957	88	69	24	11	80	70	4	4
1958	80	74	16	24	99	45	1	2
1959	107	107	20	17	49	38	5	4
1960	106	83	28	26	63	71	5	4
1961	109	77	16	41	53	66	3	2
1962	100	81	42	66	69	76	3	7
1963	125	116	25	32	67	41	5	6
1964	78	80	30	23	61	35	5	4
1965	124	174	33	21	72	42	6	10
1966	107	88	24	30	79	60	13	4
1967	116	96	32	22	61	55	8	8
1968	144	117	43	39	44	54	6	7
1969	90	95	27	22	48	23	6	5
1970	81	63	41	21	60	36	7	7
1971	125	75	60	41	35	22	4	9
1972	130	73	79	52	66	23	9	8
1973	176	114	80	64	84	18	7	6
1974	199	131	127	101	45	14	12	4
1975	183	145	110	81	55	15	10	7
1976	308	186	107	104	67	5	22	5
1977	232	264	121	134	62	20	28	32
1978	159	122	221	121	66	8	19	6
1979	212	209	277	281	94	22	19	22
1980	209	117	247	187	63	34	21	24

*Docket books not available.

SANTA CRUZ COUNTY SUPERIOR COURT - 1912-1980

YEAR	MENTAL HEALTH		CRIMINAL		TOTAL	
	FILINGS	TERMINATIONS	FILINGS	TERMINATIONS	FILINGS	TERMINATIONS
1912	*	*	15	15	286	113
1913			29	29	157	175
1914			93	93	168	179
1915			86	86	182	181
1916			74	69	233	200
1917			24	30	206	168
1918			51	51	329	205
1919			50	50	213	205
1920			64	51	360	291
1921			70	72	400	318
1922			44	49	222	241
1923			31	34	258	262
1924			35	33	197	201
1925			27	31	202	230
1926			36	36	178	137
1927			29	29	174	123
1928					205	164
1929			28	28	291	297
1930			25	20	285	203
1931			21	26	244	188
1932			23	27	185	224
1933			35	37	233	173
1934			29	31	222	146
1935			19	19	183	174
1936			23	23	146	137
1937			31	33	151	164
1938			33	27	167	150
1939			37	36	203	241
1940			41	50	157	250
1941			25	19	141	153
1942			20	24	131	134
1943			36	30	134	122
1944			15	26	145	144
1945	10	6	32	30	168	145
1946	9	13	39	22	211	189
1947	12	5	40	42	208	204
1948	10	8	31	40	206	198
1949	9	11	31	25	198	174
1950	5	12	31	36	241	213
1951	13	14	19	19	144	153
1952	17	13	27	29	197	123
1953	13	17	31	29	162	166
1954	8	12	41	30	184	145
1955	12	9	29	35	157	182
1956	10	12	39	29	158	166
1957	15	15	48	41	259	210
1958	14	9	43	56	253	210
1959	19	15	38	36	238	217
1960	13	11	44	38	259	233
1961	4	7	40	37	225	230
1962	10	10	43	51	267	291
1963	5	9	41	36	268	240
1964	11	7	22	26	207	175
1965	8	10	40	34	283	291
1966	6	6	31	32	260	220
1967	7	6	109	96	333	283
1968	7	8	72	83	316	308
1969	5	3	56	25	232	173
1970	6	1	119	96	314	224
1971	11	6	94	49	329	202
1972	9	2	73	39	366	197
1973	8	2	143	88	498	292
1974	16	6	64	82	463	338
1975	3	2	124	73	485	323
1976	3	35	132	92	639	427
1977	1	1	111	106	555	557
1978	2	-	116	126	583	383
1979	0	-	82	66	684	600
1980	0	-	88	75	628	437

*Docket books not available.

**APPENDIX I
December 31, 1980**

ARIZONA SUPREME COURT

Fred C. Struckmeyer, Jr., Chief Justice
William A. Holohan, Vice Chief Justice
Jack D. H. Hays, Associate Justice
James Duke Cameron, Associate Justice
Frank X. Gordon, Jr., Associate Justice

Noel K. Dessaint, Administrative Director
Maryann Hopkins-Young, Clerk
Gary K. Nelson, Chief Staff Attorney

COURT OF APPEALS

DIVISION 1

Jack L. Ogg, Chief Judge
Laurance T. Wren, Vice Chief Judge
L. Ray Haire
William E. Eubank
Donald L. Froeb
Eino M. Jacobson
Francis J. Donofrio
Joe E. Contreras
Sandra D. O'Connor

Glen D. Clark, Clerk
Richard Davis, Chief Staff Attorney

DIVISION 2

James D. Hathaway, Chief Judge
James L. Richmond
Lawrence Howard

Elizabeth U. Fritz, Clerk
Doris Mindell, Chief Staff Attorney

SUPERIOR COURT JUDGES

APACHE COUNTY
D. L. Greer*

COCHISE COUNTY
Matthew W. Borowicz
Lloyd C. Helm*
Richard J. Riley

COCONINO COUNTY
J. Thomas Brooks*
John H. Grace
Richard K. Mangum

GILA COUNTY
Edward L. Dawson
Barry DeRose*

GRAHAM COUNTY
Ruskin Lines*

GREENLEE COUNTY
Lloyd Fernandez*

MARICOPA COUNTY
Robert C. Broomfield*
I. Sylvan Brown
Irwin Cantor

*Presiding Judge

Dorothy Carson
Jeffrey S. Cates
Robert J. Corcoran
Rufus C. Coulter, Jr.
B. Michael Dann
David G. Derickson
William P. French
Rudolph J. Gerber
Stanley Z. Goodfarb
Robert L. Gottsfield
Sarah D. Grant
David L. Grounds
Robert A. Hertzberg
Ed W. Hughes
Thomas Kleinschmidt
Paul W. LaPrade
Philip W. Marquardt
Harold D. Martin
Warren L. McCarthy
A. Melvin McDonald, Jr.
James Moeller
William T. Moroney
Robert L. Myers
David M. Ochoa
Cecil B. Patterson, Jr.
David J. Perry
Howard V. Peterson

Robert W. Pickrell
Edward C. Rapp
Marilyn A. Riddell
C. Kimball Rose
Morris Rozar
Stephen H. Scott
John H. Seidel
Elizabeth A. Stover
Roger G. Strand
Gerald J. Strick
Howard F. Thompson

MOHAVE COUNTY
Leonard C. Langford*
Gary R. Pope

NAVAJO COUNTY
Jay M. Abbey
Melvyn T. Shelley*

PIMA COUNTY
Jack T. Arnold
Ben C. Birdsall
Robert B. Buchanan
James C. Carruth
William E. Druke*
Ruben Philip Fahringer

Norman S. Fenton
Lillian S. Fisher
Harry Gin
J. Richard Hannah
Robert J. Hooker
Thomas Meehan
Richard N. Royston
Robert O. Royston
Alice Truman
Gilbert Veliz, Jr.

PINAL COUNTY
Robert R. Bean
James E. Don
E. D. McBryde*

SANTA CRUZ COUNTY
Roberto C. Montiel*

YAVAPAI COUNTY
James Hancock
Paul G. Rosenblatt*

YUMA COUNTY
B. L. Helm
Douglas W. Keddle
William W. Nabours*

CLERKS OF THE SUPERIOR COURT

Apache County John T. Crosby
Cochise County Ellen M. Young
Coconino County Jo Wycoff
Gila County Margaret Toot
Graham County Amelia Sainz
Greenlee County Elsie F. Simms
Maricopa County W. Don Palmer

Mohave County Mary Jane Wienke
Navajo County Ed J. Ferguson
Pima County James N. Corbett
Pinal County Alma Jennings Haught
Santa Cruz County Delfina Bauch
Yavapai County Barbara Boyle
Yuma County C. "Pat" Newman

**ARIZONA JUSTICES OF THE PEACE
December 31, 1980**

APACHE COUNTY

Round Valley Precinct
Judge: *Leo W. Gibbons

Puerco Precinct
Judge: Mrs. Lavine M. Porter

St. Johns Precinct
Judge: Herman Mineer

Teec Nos Pos Precinct
Judge: Glenn E. Stoner

COCHISE COUNTY

Precinct No. 1
Judge: *John S. Sharpe

Precinct No. 2
Judge: Ronald J. Borane

Precinct No. 3
Judge: *Alexander Radovanovich

Precinct No. 4
Judge: *Howard F. Atwood

Precinct No. 5
Judge: *Arnold V. Anderson

Precinct No. 6
Judge: Raymond C. Weber

COCONINO COUNTY

Flagstaff Precinct
Judge: Richard M. Ortiz

Williams Precinct
Judge: *W. B. Sutton

Sedona Precinct
Judge: Russell A. Petit

Fredonia Precinct
Judge: Erma Sue Jensen

Page Precinct
Judge: Marsha Newburn

GILA COUNTY

Globe Precinct
Judge: *Don Haines

Harlem Precinct
Judge: Helen Reece

Miami Precinct
Judge: *Martin Henderson

Payson Precinct
Judge: Ezra Peace

Pine Precinct
Judge: Robert B. Wilson

GRAHAM COUNTY

Precinct No. 1
Judge: Ruth N. Barnes

Precinct No. 2
Judge: Mrs. Jacque Felshaw

GREENLEE COUNTY

Clifton No. 1 Precinct
Judge: *Henry Marquez

Morenci No. 2 Precinct
Judge: A. M. (Tony) Lizarraga

Duncan No. 3 Precinct
Judge: B. Kenneth Lunt

MARICOPA COUNTY

Buckeye Precinct
Judge: *Lorraine Vose

Central Phoenix Precinct
Judge: Patricia Lamson

Chandler Precinct
Judge: David Lee Phares

East Mesa Precinct
Judge: Robert C. Fassett

East Phoenix No. 1 Precinct
Judge: Tim Weeks

East Phoenix No. 2 Precinct
Judge: John W. Melvin

Gila Bend Precinct
Judge: *Mulford Winsor, IV

Glendale Precinct
Judge: Robert V. Ware

Northeast Phoenix Precinct
Judge: Harold Lee

Northwest Phoenix Precinct
Judge: John R. Barclay

Peoria Precinct
Judge: Don G. Galloway

Scottsdale Precinct
Judge: Nancy R. Conner

South Phoenix Precinct
Judge: Ronald D. Johnson

Tempe Precinct
Judge: Fred S. Ackel

Tolleson Precinct
Judge: Alfred Stump

West Mesa Precinct
Judge: John L. Merrill

West Phoenix Precinct
Judge: Nellie A. Soto

Wickenburg Precinct
Judge: *Les Skrubellos

MOHAVE COUNTY

Kingman Precinct
Judge: Clyde A. McCune

Bullhead City Precinct
Judge: Harold D. Pershall

Colorado J.P. Precinct
Judge: I. McKay Heaton

Lake Havasu City Precinct
Judge: *Bertram L. Scott

NAVAJO COUNTY

Precinct No. 1
Judge: Vonda Y. McKinney

Precinct No. 2
Judge: M. L. Culbertson

Precinct No. 3
Judge: *Rex J. Hunt

Precinct No. 5
Judge: *Ray F. Dahm

Precinct No. 7
Judge: Ryan Reinhold

PIMA COUNTY

Precinct No. 1
Judge: Thomas Rallis

Precinct No. 2
Judge: Stephanie Gabroy

Precinct No. 3
Judge: James E. Douglass

Precinct No. 4
Judge: James R. West

Precinct No. 5
Judge: Robert Donfeld

PINAL COUNTY

Precinct No. 1
Judge: Roy Nowlin

Precinct No. 2
Judge: William Gastelum

Precinct No. 3
Judge: Mary Jo Dixon

Precinct No. 4
Judge: Mary E. Swink

Precinct No. 5
Judge: *Joe A. Ruiz

Precinct No. 6
Judge: Edna M. Hendrickson

Precinct No. 7
Judge: Kelly Haddad

Precinct No. 8
Judge: Benjamin Arnold

Precinct No. 9
Judge: Tomas M. Rodriguez

Precinct No. 10
Judge: Amparo (Ampy) Gomez

*Serves as both Justice of the Peace and City Magistrate.

Precinct No. 11
Judge: Percy S. Davis

Precinct No. 12
Judge: James R. Ross

SANTA CRUZ COUNTY

Precinct No. 1
Judge: Eduardo Saavedra

Precinct No. 2
Judge: *H. W. "Wally" Walker

YAVAPAI COUNTY

Bagdad Precinct
Judge: Edgar Kellis

Camp Verde Precinct
Judge: Ralph A. Lizotte

Congress-Yarnell Precinct
Judge: Bill Hanger

Mayer Precinct
Judge: Henry G. Hellman

Prescott Precinct
Judge: *Robert W. Kuebler, Jr.

Seligman Precinct
Judge: Leland I. Biggins

Upper Verde Precinct
Judge: *Jack Findlay

YUMA COUNTY

Precinct No. 1
Judge: Wm. R. (Bill) Steen

Precinct No. 2
Judge: *Herman Frauenfelder

Precinct No. 3
Judge: *James D. Huitt

Precinct No. 4
Judge: W. W. Rittel

Precinct No. 5
Judge: John C. McCaw

Precinct No. 6
Judge: Don L. Cox

ARIZONA MUNICIPAL JUDGES
December 31, 1980
(listed Alphabetically by Name of City)**

APACHE JUNCTION, Pinal County
Magistrate: Leo S. Coombs

AVONDALE, Maricopa County
Magistrate: Earl G. Rhodes

BENSON, Cochise County
Magistrate: *Alexander Radovanovich

BISBEE, Cochise County
Magistrate: *John S. Sharpe

BUCKEYE, Maricopa County
Magistrate: *Lorraine Vose

CASA GRANDE, Pinal County
Magistrate: Walter B. Davis

CHANDLER, Maricopa County
Magistrate: William A. Mundell

CHINO VALLEY, Yavapai County
Magistrate: *Robert W. Kuebler, Jr.

CLARKDALE, Yavapai County
Magistrate: Harley A. Thompson

CLIFTON, Greenlee County
Magistrate: *Henry G. Marquez

COOLIDGE, Pinal County
Magistrate: Carleton L. Moring

COTTONWOOD, Yavapai County
Magistrate: Charles Graham

DOUGLAS, Cochise County
Magistrate: R. A. Bradshaw

DUNCAN, Greenlee County
Magistrate: Ruben Farnsworth

EAGAR, Apache County
Magistrate: *Leo W. Gibbons

EL MIRAGE, Maricopa County
Magistrate: Howard Ahrenberg

ELOY, Pinal County
Magistrate: Wilburn Gates

FLAGSTAFF, Coconino County
Magistrate: William C. Brady
Magistrate: Helen A. Gonzales

FLORENCE, Pinal County
Magistrate: Cloria Tucker

FREDONIA, Coconino County
Magistrate: Barbara Kimball

GILA BEND, Maricopa County
Magistrate: *Mulford Winsor IV

GILBERT, Maricopa County
Magistrate: Don Skousen

GLENDALE, Maricopa County
Magistrate: L. R. Witter

GLOBE, Gila County
Magistrate: *Don Haines

GOODYEAR, Maricopa County
Magistrate: John E. Winter

GUADALUPE, Maricopa County
Magistrate: Lauro Garcia III

HAYDEN, Gila County
Magistrate: Florentino Pulido

HOLBROOK, Navajo County
Magistrate: Robert Harvey

HUACHUCA CITY, Cochise County
Magistrate: *Arnold V. Anderson

JEROME, Yavapai County
Magistrate: *Jack Findlay

KEARNY, Pinal County
Magistrate: Dale E. Collier

KINGMAN, Mohave County
Magistrate: C. D. Tyra

LAKE HAVASU CITY, Mohave County
Magistrate: *Bertram L. Scott

MAMMOTH, Pinal County
Magistrate: *Joe A. Ruiz

MARANA, Pima County
Magistrate: Harry A. Hansen

MESA, Maricopa County
Magistrate: Douglas Standage

MIAMI, Gila County
Magistrate: *Martin Henderson

NOGALES, Santa Cruz County
Magistrate: Robert L. Connor

ORO VALLEY, Pima County
Magistrate: Royal G. Bouschor II

PAGE, Coconino County
Magistrate: William A. Sturm

PARADISE VALLEY, Maricopa County
Magistrate: Philip von Ammon

Magistrate: John P. Grace

Magistrate: Richard B. Kelly
Magistrate: Edward F. Lowry, Jr.

Magistrate: Robert G. Mooreman
Magistrate: Lester L. Penterman

PARKER, Yuma County
Magistrate: John A. Clapp

PATAGONIA, Santa Cruz County
Magistrate: *H. W. "Wally" Walker

PAYSON, Gila County
Magistrate: Albert Hull

PEORIA, Maricopa County
Magistrate: Douglas L. Paterson

PHOENIX, Maricopa County
Magistrate: William Carter
Magistrate: Alan L. Hammond

Magistrate: Lyle R. Allen
Magistrate: William P. Dixon
Magistrate: Elizabeth R. Finn
Magistrate: Donald Holroyd
Magistrate: N. Pike Johnson, Jr.
Magistrate: Stephen R. Lea
Magistrate: Michael Lester
Magistrate: Eugene K. Mangum
Magistrate: John J. Murphy
Magistrate: Ralph G. Smith
Magistrate: Patricia Whitehead
Magistrate: Jean Williams
Magistrate: John T. Zastrow

PIMA, Graham County
Magistrate: Norlene Robinson

PRESCOTT, Yavapai County
Magistrate: *Robert W. Kuebler, Jr.

PRESCOTT VALLEY, Yavapai County
Magistrate: *Robert W. Kuebler, Jr.

SAFFORD, Graham County
Magistrate: John H. Alles

ST. JOHNS, Apache County
Magistrate: James H. Simmonds

SCOTTSDALE, Maricopa County
Magistrate: Dan Roth
Magistrate: Harry Schoolitz, Jr.

SHOW LOW, Navajo County
Magistrate: *Ray F. Dahm

SIERRA VISTA, Cochise County
Magistrate: *Arnold V. Anderson

SNOWFLAKE, Navajo County
Magistrate: *Rex J. Hunt

SOMERTON, Yuma County
Magistrate: *Herman Frauenfelder

SOUTH TUCSON, Pima County
Magistrate: J. James Murphy

SPRINGERVILLE, Apache County
Magistrate: *Leo W. Gibbons

SUPERIOR, Pinal County
Magistrate: Rebecca Lopez

SURPRISE, Maricopa County
Magistrate: Howard Ahrenberg

TAYLOR, Navajo County
Magistrate: Ellis Evers

TEMPE, Maricopa County
Magistrate: Stephen Mirretti
Magistrate: Robert Koch

THATCHER, Graham County
Magistrate: R. Grant Woods

TOLLESON, Maricopa County
Magistrate: Chales Ellis Gray

TOMBSTONE, Cochise County
Magistrate: Alfred Pickett

TUCSON, Pima County
Magistrate: Thomas D. Welch

Magistrate: Ann Bowen
Magistrate: William W. Brashear

Magistrate: Fred Dardis
Magistrate: Jesse Figueroa

Magistrate: Bram Goldman
Magistrate: Margaret Maxwell

WELLTON, Yuma County
Magistrate: *James D. Huitt

WICKENBURG, Maricopa County
Magistrate: *Les Skrubellos

WILLCOX, Cochise County
Magistrate: *Howard F. Atwood

WILLIAMS, Coconino County
Magistrate: *W. B. Sutton

WINKELMAN, Gila County
Magistrate: Harvey A. Tucker

WINSLOW, Navajo County
Magistrate: Milton Sema

YOUNGTOWN, Maricopa County
Magistrate: Douglas L. Paterson

YUMA, Yuma County
Magistrate: Jack C. Pollock

*Serves as both Justice of the Peace and City Magistrate.

*Serves as both Justice of the Peace and City Magistrate.

**Does not include all part-time judges assisting the regularly appointed municipal judges.

**APPENDIX II
1980**

**COMMISSION ON
JUDICIAL QUALIFICATIONS**

J. Thomas Brooks..... Flagstaff
Robert Ashe..... Tempe
Sherman R. Bendallin..... Phoenix
Martha Elias..... Tucson
L. Ray Haire..... Phoenix
James D. Hathaway..... Tucson
Thomas L. Hall..... Tucson
Alice Truman..... Tucson
Clyde A. McCine..... Kingman

**COMMISSION ON
APPELLATE COURT APPOINTMENTS***

James Boyle..... Prescott
Robert S. Tullar..... Tucson
Frank M. Florez..... Superior
John P. Frank..... Phoenix
Barbara L. Weymann..... Tucson
Jean Matthews..... Phoenix
Robert W. Kennerly..... Yuma
Gloria Slipher..... Flagstaff

**MARICOPA COUNTY COMMISSION ON
TRIAL COURT APPOINTMENTS***

David Brauer..... Phoenix
Jacqueline Gutwillig..... Phoenix
Lawrence Fleming..... Phoenix
Jean Hunnicutt..... Tempe
John J. Kelley..... Phoenix
George A. Peek, Jr..... Phoenix
Leonard Copple..... Tempe
Rose Marie Lopez..... Phoenix

**PIMA COUNTY COMMISSION ON
TRIAL COURT APPOINTMENTS***

Allan Beigel..... Tucson
Joseph R. Cesare..... Tucson
Dorothy S. Fannin..... Tucson
Gilbert Gonzales..... Tucson
Michael A. Lacagnina..... Tucson
David C. Bury..... Tucson
Alison Marshall Hughes..... Tucson
Thomas C. Weir..... Tucson

STATE FOSTER CARE REVIEW BOARD

Stuart J. Ghertner, Chairman..... Pima County
Lowell E. Andrews..... Maricopa County
Avalon Angle..... Graham County
Ralph W. Bare..... Mohave County
Tommy B. Bowra..... Pinal County
Rachel B. Burkholder..... Pima County
Richard J. Castellanos..... Pima County
Glendora O. Claborne..... Apache County
Ilene L. Dode..... Maricopa County
Donald F. Fausel..... Maricopa County
Carol Kamin..... Maricopa County
Terry J. Lehrling..... Pima County
Albert J. Levine..... Navajo County

JUDICIAL COORDINATING COMMITTEE

William A. Holohan
Chairman
Vice Chief Justice
Arizona Supreme Court

Noel K. Dessaint
Administrative Director
Arizona Supreme Court

Donald F. Froeb
Judge, Court of Appeals
Division 1

Lawrence Howard
Judge, Court of Appeals
Division 2

Robert C. Broomfield
Judge, Superior Court
Maricopa County

Harry Gin
Judge, Superior Court
Pima County

Lloyd Fernandez
Judge, Superior Court
Greenlee County

Ernesto Garcia
Director of Court Services
Maricopa County

Jo Wycoff
Clerk of the Superior Court
Coconino County

Nancy R. Conner
Judge
Scottsdale Justice of the Peace Court

Eugene Mangum
Judge
Phoenix Municipal Court

Ross P. Lee
Public Defender
Maricopa County

Beverly Jenney
County Attorney
Cochise County

David Babbitt
Citizen Representative
Mohave County

Mary F. Lewis..... Maricopa County
John W. Lines..... Greenlee County
Marilyn Manson..... Maricopa County
Mike B. Ochoa..... Maricopa County
Barbara J. Polk..... Yavapai County
Anita Rodriguez..... Cochise County
Otto Santa Anna..... Gila County
Harvey L. Self..... Yuma County
Alice W. Snell..... Maricopa County
Kathryn A. Stoops..... Coconino County
Mary A. Story..... Maricopa County
Marsha L. Usdane..... Maricopa County
Hamon Watson..... Santa Cruz County

*This Commission is chaired by Chief Justice Fred C. Struckmeyer, Jr.

**Appendix III
Arizona Constitution**

ARTICLE VI

JUDICIAL DEPARTMENT

Sec. 1. Judicial power; courts

The judicial power shall be vested in an integrated judicial department consisting of a Supreme Court, such intermediate appellate courts as may be provided by law, a superior court, such courts inferior to the superior court as may be provided by law, and justice courts.

Sec. 2. Supreme court; composition; divisions; decisions, transaction of business

The Supreme Court shall consist of not less than five justices. The number of justices may be increased or decreased by law, but the court shall at all times be constituted of at least five justices.

The Supreme Court shall sit in accordance with rules adopted by it, either in banc or in divisions of not less than three justices, but the court shall not declare any law unconstitutional except when sitting in banc. The decisions of the court shall be in writing and the grounds stated.

The court shall be open at all times, except on nonjudicial days, for the transaction of business.

Sec. 3. Supreme court; administrative supervision; chief justice

The Supreme Court shall have administrative supervision over all the courts of the state. The chief justice shall be elected by the justices of the Supreme Court from one of their number for a term of five years, and may be reelected for like terms. The vice chief justice shall be elected by the justices of the Supreme Court from one of their number for a term determined by the court. A member of the court may resign the office of chief justice or vice chief justice without resigning from the court.

The chief justice, or in his absence or incapacity, the vice chief justice, shall exercise the court's administrative supervision over all the courts of the state. He may assign judges of intermediate appellate courts, superior courts, or courts inferior to the superior court to serve in other courts or counties. Amendment initiated by the people; approved at regular election Nov. 5, 1974; effective Dec. 5, 1974.

Sec. 4. Supreme court; term of office

Justices of the Supreme Court shall hold office for a regular term of six years except as provided by this article. Amendment initiated by the people; approved at regular election Nov. 5, 1974; effective Dec. 5, 1974.

Sec. 5. Supreme court; jurisdiction; writ; rules; habeas corpus

The Supreme Court shall have:

1. Original jurisdiction of habeas corpus, and quo warranto, mandamus, injunction and other extraordinary writs to state officers.

2. Original and exclusive jurisdiction to hear and determine causes between counties concerning disputed boundaries and surveys thereof or concerning claims of one county against another.

3. Appellate jurisdiction in all actions and proceedings except civil and criminal actions originating in courts not of record, unless the action involves the validity of a tax, impost, assessment, toll, statute or municipal ordinance.

4. Power to issue injunctions and writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction.

5. Power to make rules relative to all procedural matters in any court.

6. Such other jurisdiction as may be provided by law.

Each justice of the Supreme Court may issue writs of habeas corpus to any part of the state upon petition by or on behalf of a person held in actual custody, and may make such writs returnable before himself, the Supreme Court, appellate court or superior court, or judge thereof.

Sec. 6. Supreme court; qualifications of justices

A justice of the Supreme Court shall be a person of good moral character and admitted to the practice of law in and a resident of the State of Arizona for ten years next preceding his taking office.

Sec. 7. Supreme court; clerk and assistants; administrative director and staff

The Supreme Court shall appoint a clerk of the court and assistants thereto who shall serve at its pleasure, and who shall receive such compensation as may be provided by law.

The Supreme Court shall appoint an administrative director and staff to serve at its pleasure to assist the chief justice in discharging his administrative duties. The director and staff shall receive such compensation as may be provided by law.

Sec. 8. Supreme court; publication of opinions

Provisions shall be made by law for the speedy publication of the opinions of the Supreme Court, and they shall be free for publication by any person.

Sec. 9. Intermediate appellate courts

The jurisdiction, powers, duties and composition of any intermediate appellate court shall be as provided by law.

Sec. 10. Superior court; number of judges

There shall be in each county at least one judge of the superior court. There shall be in each county such additional judges as may be provided by law, but not exceeding one judge for each thirty thousand inhabitants or majority fraction thereof. The number of inhabitants in a county for purposes of this section may be determined by census enumeration or by such other method as may be provided by law.

Sec. 11. Superior court; presiding judges; duties

There shall be in each county a presiding judge of the superior court. In each county in which there are two or more judges, the Supreme Court shall appoint one of such judges presiding judge. Presiding judges shall exercise administrative supervision over the superior court and judges thereof in their counties, and shall have such other duties as may be provided by law or by rules of the Supreme Court.

Sec. 12. Superior court; term of office

Judges of the superior court in counties having a population of less than one hundred fifty thousand persons according to the United States census shall be elected by the qualified electors of their counties at the general election. They shall hold office for a regular term of four years except as provided by this section from and after the first Monday in January next succeeding their election, and until their successors are elected and qualify. The names of all candidates for judge of the superior court in such counties shall be placed on the regular ballot without partisan or other designation except the division and title of the office.

The governor shall fill any vacancy in such counties by appointing a person to serve until the election and qualification of a successor. At the next succeeding general election following the appointment of a person to fill a vacancy, a judge shall be elected to serve for the remainder of the unexpired term.

Judges of the superior court in counties having a population of one hundred fifty thousand persons or more according to the United States census shall hold office for a regular term of four years except as provided by this article. Amendment initiated by the people; approved at regular election Nov. 5, 1974; effective Dec. 5, 1974.

Sec. 13. Superior court; composition; salaries; judgments and proceedings; process

The superior courts provided for in this article shall constitute a single court, composed of all the duly elected or appointed judges in each of the counties of the state. The legislature may classify counties for the purpose of fixing salaries of judges or officers of the court.

The judgments, decrees, orders and proceedings of any session of the superior court held by one or more judges shall have the same force and effect as if all the judges of the court had presided.

The process of the court shall extend to all parts of the state. Added, election Nov. 8, 1960.

Sec. 14. Superior court; original jurisdiction

The superior court shall have original jurisdiction of:

1. Cases and proceedings in which exclusive jurisdiction is not vested by law in another court.
2. Cases of equity and at law which involve the title to or possession of real property, or the legality of any tax, impost, assessment, toll or municipal ordinance.
3. Other cases in which the demand or value of property in controversy amounts to one thousand dollars or more, exclusive of interest and costs.
4. Criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for by law.
5. Actions of forcible entry and detainer.
6. Proceedings in insolvency.
7. Actions to prevent or abate nuisance.
8. Matters of probate.
9. Divorce and for annulment of marriage.
10. Naturalization and the issuance of papers therefor.

11. Special cases and proceedings not otherwise provided for, and such other jurisdiction as may be provided by law. Amendment referred by the Legislature; approved at regular election Nov. 7, 1972; effective Dec. 1, 1972.

Sec. 15. Superior court; proceedings affecting children

The superior court shall have exclusive original jurisdiction in all proceedings and matters affecting dependent, neglected, incorrigible or delinquent children, or children accused of crime, under the age of eighteen years. The judges shall hold examinations in chambers for all such children concerning whom proceedings are brought, in advance of any criminal prosecution of such children, and may, in their discretion, suspend criminal prosecution of such children. The powers of the judges to control such children shall be as provided by law.

Sec. 16. Superior court; appellate jurisdiction

The superior court shall have appellate jurisdiction in cases arising in justice and other courts inferior to the superior court as may be provided by law.

Sec. 17. Superior court; conduct of business; trial juries; jury trial; grand juries

The superior court shall be open at all times, except on nonjudicial days, for the determination of non-jury civil cases and the transaction of business. For the determination of civil causes and matters in which a jury demand has been entered, and for the trial of criminal causes, a trial jury shall be drawn and summoned from the body of the county, as provided by law. The right of jury trial as provided by this constitution shall remain inviolate, but trial by jury may be waived by the parties in any civil cause or by the parties with the consent of the court in any criminal cause. Grand juries shall be drawn and summoned only by order of the superior court.

Sec. 18. Superior court; writs

The superior court or any judge thereof may issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus on petition by or on behalf of a person held in actual custody within the county. Injunctions, attachments, and writs of prohibition and habeas corpus may be issued and served on legal holidays and non-judicial days.

Sec. 19. Superior court; service of judge in another county

A judge of the superior court shall serve in another county at the direction of the chief justice of the Supreme Court or may serve in another county at the request of the presiding judge of the superior court thereof.

Sec. 20. Retirement and service of retired justices and judges

The legislature shall prescribe by law a plan of retirement for justices and judges of courts of record, including the basis and amount of retirement pay, and requiring except as provided in section 35 of this article, that justices and judges of courts of record be retired upon reaching the age of seventy. Any retired justice or judge of any court of record who is drawing retirement pay may serve as a justice or judge of any court. When serving outside his county of residence, any such retired justice or judge shall receive his necessary traveling and subsistence expenses. A retired judge who is temporarily called back to the active duties of a judge is entitled to receive the same compensation and expenses as other like active judges less any amount received for such period in retirement benefits. Amendment initiated by the people; approved at regular election Nov. 5, 1974; effective Dec. 5, 1974.

Sec. 21. Superior court; speedy decisions

Every matter submitted to a judge of the superior court for his decision shall be decided within sixty days from

the date of submission thereof. The Supreme Court shall by rule provide for the speedy disposition of all matters not decided within such period.

Sec. 22. Superior and other courts; qualifications of judges

Judges of the superior court, intermediate appellate courts or courts inferior to the superior court having jurisdiction in civil cases of one thousand dollars or more, exclusive of interest and costs, established by law under the provisions of section 1 of this article, shall be at least thirty years of age, of good moral character and admitted to the practice of law in and a resident of the state for five years next preceding their taking office. Amendment referred by the Legislature; approved at regular election Nov. 7, 1972; effective Dec. 1, 1972.

Sec. 23. Superior court; clerk

There shall be in each county a clerk of the superior court. The clerk shall be elected by the qualified electors of his county at the general election and shall hold office for a term of four years from and after the first Monday in January next succeeding his election. The clerk shall have such powers and perform such duties as may be provided by law or by rule of the Supreme Court or superior court. He shall receive such compensation as may be provided by law.

Sec. 24. Superior court; court commissioners, masters and referees

Judges of the superior court may appoint court commissioners, masters and referees in their respective counties, who shall have such powers and perform such duties as may be provided by law or by rule of the Supreme Court. Court commissioners, masters and referees shall receive such compensation as may be provided by law.

Sec. 25. Style of process; conduct of prosecutions in name of state

The style of process shall be "The State of Arizona", and prosecutions shall be conducted in the name of the state and by its authority.

Sec. 26. Oath of office

Each justice, judge and justice of the peace shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of Arizona, and that he will faithfully and impartially discharge the duties of his office to the best of his ability.

The oath of all judges of courts inferior to the superior court and the oath of justices of the peace shall be filed in the office of the county recorder, and the oath of all other justices and judges shall be filed in the office of the Secretary of State.

Sec. 27. Charge to juries; reversal of causes for technical error

Judges shall not charge juries with respect to matters of

fact, nor comment thereon, but shall declare the law. No cause shall be reversed for technical error in pleadings or proceedings when upon the whole case it shall appear that substantial justice has been done.

Sec. 28. Justices and judges; dual office holdings; political activity; practice of law

Justices and judges of courts of record shall not be eligible for any other public office or for any other public employment during their term of office, except that they may assume another judicial office, and upon qualifying therefor, the office formerly held shall become vacant. No justice or judge of any court of record shall practice law during his continuance in office, nor shall he hold any office in a political party or actively take part in any political campaign other than his own for his reelection or retention in office. Any justice or judge who files nomination papers for an elective office, other than for judge of the superior court or a court of record inferior to the superior court in a county having a population of less than one hundred fifty thousand persons according to the United States census, forfeits his judicial office. Amendment initiated by the people; approved at regular election Nov. 5, 1974; effective Dec. 5, 1974.

Sec. 29. Repealed, election Nov. 3, 1970

Sec. 30. Courts of record

The Supreme Court, the Court of Appeals and the superior court shall be courts of record. Other courts of record may be established by law, but justice courts shall not be courts of record.

All justices and judges of courts of record, except for judges of the superior court and other courts of record inferior to the superior court in counties having a population of less than one hundred fifty thousand persons according to the United States census, shall be appointed in the manner provided in section 37 of this article. Amendment initiated by the people; approved at regular election Nov. 5, 1974; effective Dec. 5, 1974.

Sec. 31. Judges pro tempore

The legislature may provide for the appointment of members of the bar having the qualifications provided in section 22 of the article as judges pro tempore of courts inferior to the Supreme Court. When serving, any such person shall have all the judicial powers of a regular elected judge of the court to which he is appointed. A person so appointed shall receive such compensation as may be provided by law. The population limitation of section 10 of this article shall not apply to the appointment of judges pro tempore of the superior court.

Sec. 32. Justices of the peace and inferior courts; jurisdiction, powers and duties; terms of office; salaries

The number of justices of the peace to be elected in precincts shall be as provided by law. Justices of the peace may be police justices of incorporated cities and towns.

The jurisdiction, powers and duties of courts inferior to the superior court and of justice courts, and the terms of office of judges of such courts and justices of the peace shall be as provided by law. The legislature may classify counties and precincts for the purpose of fixing salaries of judges of courts inferior to the superior court and of justices of the peace.

The civil jurisdiction of courts inferior to the superior court and of justice courts shall not exceed the sum of two thousand five hundred dollars, exclusive of interest and costs. Criminal jurisdiction shall be limited to misdemeanors. The jurisdiction of such courts shall not encroach upon the jurisdiction of courts of record but may be made concurrent therewith, subject to the limitations provided in this section.

Sec. 33. Change by legislature in number of justices or judges; reduction of salary during term of office

No change made by the legislature in the number of justices or judges shall work the removal of any justice or judge from office. The salary of any justice or judge shall not be reduced during the term of office for which he was elected or appointed.

Sec. 34. Absence of judicial officer from state

Any judicial officer except a retired justice or judge who absents himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office, but the Governor may extend the leave of absence for such time as reasonable necessity therefor exists.

Sec. 35. Continuance in office; continued existence of officers; application of prior statute and rules

All justices, judges, justices of the peace and officers of any court who are holding office as such by election or appointment at the time of the adoption of this section shall serve or continue in office for the respective terms for which they are so elected or for their respective unexpired terms, and until their successors are elected or appointed and qualify or they are retained in office pursuant to section 38 of this article; provided, however, that any justice or judge elected at the general election at which this section is adopted shall serve for the term for which he is so elected. The continued existence of any office heretofore legally established or held shall not be abolished or repealed by the adoption of this article. The statutes and rules relating to the authority, jurisdiction, practice and procedure of courts, judicial officers and offices in force at the time of the adoption of this article and not inconsistent herewith, shall, so far as applicable, apply to and govern such courts, judicial officers and offices until amended or repealed. Amendment initiated by the people; approved at regular election Nov. 5, 1974; effective Dec. 5, 1974.

Sec. 36. Commissions on appellate and trial court appointments and terms, appointments and vacancies on such commissions

A. There shall be a nonpartisan commission on

appellate court appointments which shall be composed of the chief justice of the Supreme Court, who shall be chairman, three attorney members, who shall be nominated by the Board of Governors of the State Bar of Arizona and appointed by the governor with the advice and consent of the Senate in the manner prescribed by law, and five nonattorney members who shall be appointed by the governor with the advice and consent of the Senate in the manner prescribed by law. Amendment referred by the Legislature; approved at the regular election Nov. 2, 1976; effective Nov. 22, 1976.

Attorney members of the commission shall have resided in the state and shall have been admitted to practice before the Supreme Court for not less than five years. Not more than two attorney members shall be members of the same political party and not more than one attorney member shall be a resident of any one county. Nonattorney members shall have resided in the state for not less than five years and shall not be judges, retired judges or admitted to practice before the Supreme Court. Not more than three nonattorney members shall be members of the same political party. Not more than one nonattorney member shall be a resident of any one county. None of the attorney or nonattorney members of the commission shall hold any governmental office, elective or appointive, for profit, and no attorney member shall be eligible for appointment to any judicial office of the state until one year after he ceases to be a member. Attorney members of the commission shall serve staggered four-year terms, and nonattorney members shall serve staggered four-year terms, except that initial appointments for attorney members shall consist of one appointment for a two-year term, one appointment for a three-year term, and one appointment for a four-year term, and except that initial appointments for nonattorney members shall consist of two appointments for a one-year term, one appointment for a two-year term, one appointment for a three-year term and one appointment for a four-year term. Vacancies shall be filled for the unexpired terms in the same manner as the original appointments.

B. There shall be a nonpartisan commission on trial court appointments for each county having a population of one hundred fifty thousand persons or more according to the United States census which shall be composed of the chief justice of the Supreme Court, who shall be chairman, three attorney members, who shall be nominated by the Board of Governors of the State Bar of Arizona and appointed by the governor with the advice and consent of the Senate in the manner prescribed by law, and five nonattorney members, who shall be appointed by the governor and with the advice and consent of the Senate in the manner prescribed by law. Amendment referred by the Legislature; approved at the regular election Nov. 2, 1976; effective Nov. 22, 1976.

Attorney members of such commission shall have resided in the state and shall have been admitted to practice before the Supreme Court for not less than five years, and shall be residents of the county from which appointed. Nonattorney members shall have resided in the state for not less than five years and shall not be judges, retired judges or admitted to practice before the Supreme Court and shall be residents of the county from which

appointed. On each of such commissions not more than two attorney members and not more than three nonattorney members shall be members of the same political party. None of the attorney or nonattorney members of any such commission shall hold any governmental office, elective or appointive, for profit, and no attorney member shall be eligible for appointment to any judicial office of the state until one year after he ceases to be a member. Attorney members shall serve staggered four-year terms, and nonattorney members shall serve staggered four-year terms, except that initial appointments for attorney members shall consist of one appointment for a two-year term, one appointment for a three-year term, and one appointment for a four-year term, and except that initial appointments for nonattorney members shall consist of two appointments for a one-year term, one appointment for a two-year term, one appointment for a three-year term and one appointment for a four-year term. Vacancies shall be filled for the unexpired terms in the same manner as the original appointments.

C. No person other than the chief justice shall serve at the same time as a member of more than one of such commissions.

D. The chairman of such commissions shall cast votes only in the event of ties. In the event of the absence or incapacity of any such chairman the Supreme Court shall appoint a justice thereof to serve in his place and stead.

E. Prior to making recommendations to the governor as hereinafter provided, the one of such commissions having jurisdiction shall conduct such investigation and hold such hearings, either public or executive, as it deems advisable. Final decisions as to recommendations shall be made on the basis of merit alone without regard to political affiliation. Voting shall be by secret, written ballot. The expenses of meetings of such commissions and the attendance of members thereof for travel and subsistence shall be paid from the general fund of the state as state officers are paid, upon claims approved by the chairman. Amendment initiated by the people; approved at regular election Nov. 5, 1974; effective Dec. 5, 1974.

Sec. 37. Judicial vacancies and appointments; initial terms; residence; age

Within sixty days from the occurrence of a vacancy in the office of a justice or judge of any court of record, except for vacancies occurring in the office of a judge of the superior court or a judge of a court of record inferior to the superior court in a county having a population of less than one hundred fifty thousand persons according to the United States census, the commission on appellate court appointments, if the vacancy is in the Supreme Court or an intermediate appellate court of record, or the commission on trial court appointments for the county in which the vacancy occurs, if the vacancy is in the superior court or a court of record inferior to the superior court, shall submit to the governor the names of not less than three persons nominated by it to fill such vacancy, no more than two of whom shall be members of the same political party unless there are more than four such nominees, in

which event not more than sixty percentum of such nominees shall be members of the same political party.

A vacancy in the office of a justice or a judge of such court of record shall be filled by appointment by the governor on the basis of merit alone without regard to political affiliation from one of the nominees whose names shall be submitted to him as hereinabove provided. If the governor shall not appoint one of such nominees to fill such vacancy within sixty days after their names are submitted to the governor by such commission, the chief justice of the Supreme Court forthwith shall appoint on the basis of merit alone without regard to political affiliation one of such nominees to fill such vacancy. If such commission shall not, within sixty days after such vacancy occurs, submit the names of nominees as hereinabove provided, the governor shall have the power to appoint any qualified person to fill such vacancy at any time thereafter prior to the time the names of three or more nominees to fill such vacancy shall be submitted to the governor as hereinabove provided.

Each justice or judge so appointed shall initially hold office for a term ending sixty days following the next regular general election after the expiration of a term of two years in office. Thereafter, the terms of justices or judges of the Supreme Court and the superior court shall be as provided by this article.

A person appointed to fill a vacancy on an intermediate appellate court, a superior court, or another court of record now existing or hereafter established by law shall have been a resident of the counties or county in which that vacancy exists for at least one year prior to his appointment, in addition to possessing the other required qualifications. A nominee shall be under sixty-five years of age at the time his name is submitted to the governor. Amendment initiated by the people; approved at regular election Nov. 5, 1974; effective Dec. 5, 1974.

Sec. 38. Declaration of candidacy; form of judicial ballot, rejection and retention; failure to file declaration

A justice or judge of the Supreme Court or an intermediate appellate court shall file in the office of the secretary of state, and a judge of the superior court or other court of record including such justices or judges who are holding office as such by election or appointment at the time of the adoption of this section except for judges of the superior court and other courts of record inferior to the superior court in counties having a population of less than one hundred fifty thousand persons, according to the United States census, shall file in the office of the clerk of the board of supervisors of the county in which he regularly sits and resides, not less than sixty nor more than ninety days prior to the regular general election next preceding the expiration of his term of office, a declaration of his desire to be retained in office, and the secretary of state shall certify to the several boards of supervisors the appropriate names of the candidate or candidates appearing on such declarations filed in his office.

The name of any justice or judge whose declaration is filed as provided in this section shall be placed on the

appropriate official ballot at the next regular general election under a nonpartisan designation and in substantially the following form:

Shall , (Name of Justice or Judge) of the Court be retained in Office? Yes No (Mark X after one).

If a majority of those voting on the question vote "No," then, upon the expiration of the term for which such justice or judge was serving, a vacancy shall exist, which shall be filled as provided by this article. If a majority of those voting on the question vote "Yes," such justice or judge shall remain in office for another term, subject to removal as provided by this Constitution.

The votes shall be counted and canvassed and the result declared as in the case of state and county elections, whereupon a certificate of retention or rejection of the incumbent justice or judge shall be delivered to him by the secretary of state or the clerk of the board of supervisors, as the case may be.

If a justice or judge shall fail to file a declaration of his desire to be retained in office, as required by this section, then his office shall become vacant upon expiration of the term for which such justice or judge was serving. Amendment initiated by the people; approved at regular election Nov. 5, 1974; effective Dec. 5, 1974.

Sec. 39. Retirement of justices and judges; vacancies

On attaining the age of seventy years a justice or judge of a court of record shall retire and his judicial office shall be vacant, except as otherwise provided in section 35 of this article. In addition to becoming vacant as provided in this section, the office of a justice or judge of any court of record becomes vacant upon his death or his voluntary retirement pursuant to statute or his voluntary resignation, and also, as provided in section 38 of this article, upon the expiration of his term next following a general election at which a majority of those voting on the question of his retention vote in the negative or for which general election he is required, but fails, to file a declaration of his desire to be retained in office.

This section is alternative to and cumulative with the methods of removal of judges and justices provided in parts 1 and 2 of Article 8 and Article 6.1 of this Constitution. Amendment initiated by the people; approved at regular election Nov. 5, 1974; effective Dec. 5, 1974.

Sec. 40. Option for counties with less than one hundred fifty thousand persons

Notwithstanding any provision of this article to the contrary, any county having a population of less than one hundred fifty thousand persons, according to the United States census, may choose to select its judges of the superior court or of courts of record inferior to the superior court as if it had a population of one hundred fifty thousand or more persons. Such choice shall be determined by vote of the qualified electors of such county voting on the question at an election called for such purpose by resolution of the board of supervisors of such

county. If such qualified electors approve, the provisions of sections 12, 28, 30 and 35 through 39 shall apply as if such county had a population of one hundred fifty thousand persons or more. Amendment initiated by the people; approved at regular election Nov. 5, 1974; effective Dec. 5, 1974.

ARTICLE VI.I

COMMISSION ON JUDICIAL QUALIFICATIONS

Sec. 1. Composition; appointment; term; vacancies

A commission on judicial qualifications is created to be composed of nine persons consisting of two judges of the court of appeals, two judges of the superior court and one justice of the peace, who shall be appointed by the supreme court, two members of the state bar of Arizona, who shall be appointed by the governing body of such bar association, and two citizens who are not judges, retired judges nor members of the state bar of Arizona, who shall be appointed by the governor subject to confirmation by the senate in the manner prescribed by law.

Terms of members of the commission shall be four years, except that if a member ceases to hold the position that qualified him for appointment his membership on the commission terminates. An appointment to fill a vacancy for an unexpired term shall be made for the remainder of the term by the appointing power of the original appointment. Amendment referred by the Legislature; approved at the regular election Nov. 2, 1976; effective Nov. 22, 1976.

Sec. 2. Disqualification of judge

A judge is disqualified from acting as a judge, without loss of salary, while there is pending an indictment or an information charging him in the United States with a crime punishable as a felony under Arizona or federal law, or a recommendation to the supreme court by the commission on judicial qualifications for his removal or retirement.

Sec. 3. Suspension or removal of judge

On recommendation of the commission on judicial qualifications, or on its own motion, the supreme court may suspend a judge from office without salary when, in the United States, he pleads guilty or no contest or is found guilty of a crime punishable as a felony under Arizona or federal law or of any other crime that involves moral turpitude under such law. If his conviction is reversed the suspension terminates, and he shall be paid his salary for the period of suspension. If he is suspended and his conviction becomes final the supreme court shall remove him from office.

Sec. 4. Retirement of judge

On recommendation of the commission on judicial qualifications, the supreme court may retire a judge for disability that seriously interferes with the performance of his duties and is or is likely to become permanent, and may censure or remove a judge for action by him that constitutes wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

A judge retired by the supreme court shall be considered to have retired voluntarily. A judge removed by the supreme court is ineligible for judicial office in this state.

Sec. 5. Definitions and rules implementing article

The term "judge" as used in this constitutional amendment shall apply to all justices of the peace, judges of the superior court, judges of the court of appeals and justices of the supreme court. The supreme court shall make rules implementing this article and providing for confidentiality of proceedings. A judge who is a member of the commission or supreme court shall not participate as a member in any proceedings hereunder involving his own censure, removal or involuntary retirement.

Sec. 6. Article self-executing

The provisions of this article shall be self-executing.

END