

2010 DEC 27 AM 9: 03

BY  DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PINAL

IN THE MATTER OF)
JUDICIAL ASSIGNMENTS)
IN THE SUPERIOR COURT)
_____)

ADMINISTRATIVE ORDER
No. 2010- 92

WHEREAS the Presiding Judge of the Superior Court of Arizona in and for Pinal County is the chief judicial officer of the county and has administrative authority over all courts in Pinal County, pursuant to Article VI of the Arizona Constitution and Arizona Supreme Court Administrative Order No. 2005-32 (revised May 16, 2005); and

WHEREAS the Superior Court is modifying certain caseload management practices in an ongoing effort to enhance the efficiency of the Judicial Branch of Government in Pinal County, and the resources and demands placed on the Superior Court have changed since prior Administrative Orders that allocated caseloads, which require modification of the current allocation of resources.

NOW, THEREFORE, it is ordered affirming and continuing all current duties and assignments of all full-time and regular part-time judicial officers of the Superior Court, including all current case assignments, except as expressly modified by this Administrative Order. This order is effective the first Monday in January 2011.

CIVIL-CRIMINAL BENCH (CV, CR & PB):

IT IS ORDERED assigning the following Divisional judges to the Civil-Criminal Bench: the Hon. Boyd Johnson (BTJ), Hon. Gilberto Figueroa (GVF), Hon. Janna Vanderpool (JLV), Hon. J. Rudy Georgini (JRG), and Hon. Robert Carter Olson (RCO). Each Divisional judge shall receive twenty (20%) of all newly filed or reopened Civil (CV), Criminal (CR) and Probate (PB) cases of the Superior Court, as set forth in the attached *Appendix*, except:

- Forcible entry and detainer, petitions for change of name, and civil forfeiture actions **are** assigned to Judge *Pro Tem* Bradley M. Soos (note: the Clerk of the Court shall set the initial hearing for these matters, consistent with current practices.);

- Any other civil case, if the plaintiff is in the custody of a correctional facility or jail, including *Habeas Corpus* and civil rights litigation, **may** be reassigned to Judge *Pro Tem* Soos, as a matter of discretion by the regularly assigned Divisional judge or the Presiding Criminal Judge;
- This Administrative Order shall not apply to matters that are regularly assigned to specialty courts, such as *Early Disposition Court* (EDC) and *Probation & Restoration Court* (PRC), nor shall it apply to cases that are not regularly assigned to judges, such as matters handled by a probate registrar;
- Criminal cases shall be assigned to a trial division by the arraignment judge on a rotating basis, not based on the terminal digits of the case file;
- Emergency matters are assigned as set forth below; and,
- Such other matters as the Presiding Judge may assign.

IT IS FURTHER ORDERED that Divisional Judges may continue to delegate the following Civil proceedings to Judge *Pro Tem* Soos, as a matter of judicial economy, without reassigning the underlying case:

- Default judgment by motion or hearing;
- Garnishment;
- Supplemental proceedings;
- Provisional remedy in replevin;
- Requests related to service of process; and,
- Other matters with the consent of the Presiding Judge.

In any such delegation, Judge *Pro Tem* Soos shall also preside over any related subsequent hearing or follow-up internal review, thereby completing the delegated Civil proceeding; the assigned Divisional judge's staff shall provide support to Judge *Pro Tem* Soos, consistent with current practice.

IT IS FURTHER ORDERED that open Civil cases that are currently assigned to the retiring Hon. William J. O'Neil shall be equally divided between the Divisional Judges-Elect, the Hon. Steven J. Fuller (SJF) and Hon. Daniel A. Washburn (DAW), according to a reassignment plan approved by the Presiding Judge.

Staff judges who are currently assigned to Civil or Criminal cases shall continue to preside over their pending cases, as well as continue with all current assignments, but shall not at this time receive any new case assignments. Staff assignments and judicial workloads shall be reviewed as this transition progresses.

IT IS FURTHER ORDERED that Judge *Pro Tem* Soos may be assigned to such matters and preside over such calendars as the Presiding Civil Judge shall from time-to-time designate, and Criminal Commissioners may be assigned to such matters and

preside over such calendars as the Presiding Criminal Judge shall from time-to-time designate.

JUVENILE BENCH (JV, JD, SV, AD & GC):

IT IS ORDERED assigning the following Divisional judges to the Juvenile Bench: the Hon. Kevin D. White (KDW) and Hon. Brenda E. Oldham (BEO). Each Divisional judge shall receive fifty (50%) of all newly filed or reopened Juvenile Delinquency (JV), Juvenile Dependency (JD), Severance (SV), Adoption (AD) and Guardianship-Conservatorship (GC) cases of the Superior Court, as set forth in the attached *Appendix*, except:

- Emergency matters are assigned as set forth below; and,
- Such other matters as the Presiding Judge may assign.

IT IS FURTHER ORDERED that Commissioner/JPT Craig Raymond may be assigned to such matters and preside over such calendars as the Presiding Juvenile Judge shall from time-to-time designate.

IT IS FURTHER ORDERED that open Severance cases that were previously assigned to the Hon. J. Rudy Georgini shall be reassigned to Commissioner/JPT Craig Raymond. Any additional but limited reassignment of pending JV, JD, SV, AD or GC cases shall be according to a reassignment plan approved in advance by the Presiding Judge.

DOMESTIC RELATIONS BENCH (DO):

IT IS ORDERED assigning the following Divisional judges to the Domestic Relations Bench: the Hon. Stephen F. McCarville (SFM) and the Divisional Judges-Elect, the Hon. Steven J. Fuller (SJF) and Hon. Daniel A. Washburn (DAW). Each Divisional judge shall receive approximately one-third (33%) of all newly filed or reopened Domestic Relations (DO) cases of the Superior Court, as set forth in the attached *Appendix*, except:

- Emergency matters are assigned as set forth below; and,
- Such other matters as the Presiding Judge may assign.

IT IS FURTHER ORDERED that Commissioner/JPT Teresa Ratliff shall be assigned to preside over all IV-D matters and may be assigned to such matters and preside over such calendars as the Presiding Family Law Judge shall from time-to-time designate.

IT IS FURTHER ORDERED that any limited reassignment of pending DO cases shall be according to a reassignment plan approved in advance by the Presiding Judge.

CASE REASSIGNMENTS:

IT IS HEREBY ORDERED that currently active cases shall not be reassigned but shall be retained by the currently assigned judge¹, as long as that judge is regularly assigned to that case-type or, if no longer assigned to that case-type, until it reaches the following milestone:

- **DO** Cases shall be retained until a final decree is entered, plus any post-judgment proceeding filed within ninety days of the decree or last proceeding;
- **CR** Cases shall be retained until sentencing, plus any post-sentence proceeding that was filed within six months of the sentencing, except PCR's of trial cases shall not be reassigned as long as the trial judge remains on the Bench. (This milestone does not preclude the handling of a petition to revoke by the Probation & Revocation Court (PRC) or any matter in a therapeutic court.);
- **CV** Cases shall be retained until a final judgment is entered, plus any post-judgment proceeding filed within sixty days of the judgment, except for a garnishment proceeding;
- **JV** Cases shall be retained until any pending Petitions are concluded, plus any new Petitions that are filed while that earlier Petition is still pending;
- **JD** Cases shall be retained until the dependency case is concluded, except if replaced by a Title 8 Guardianship (in which case, the JD shall be closed and a new GC file shall be opened, which shall be supervised as a GC file, by a GC judge) or if the case plan is not for reunification, the annual review of long-term foster care may be reassigned to a judge who currently handles such matters;
- **AD** and **SV** Cases shall be retained until a final Order is filed;
- **PB** Cases shall not be reassigned, except cases commenced by a Probate Registrar shall be assigned to a judge that currently handles probate cases;
- **GC** Cases shall be retained through the next Annual Review hearing; and if the Guardianship or Conservatorship is approved to continue, the following Annual Review shall be assigned to a GC Judge;
- **MH** Cases shall be retained until closed; and,
- **SVP** (Sexually Violent Predator) Cases shall not be reassigned during the tenure of the Judge.

If a case thereafter becomes active, it shall be deemed "reopened" and shall be reassigned to a judge that currently receives cases of that type, according to the *Appendix*, unless the currently assigned judge elects to retain the case.

--
--

¹ Certain cases that were filed on or after September 1, 2010 are subject to a limited reassignment, if a reassignment plan is approved in advance by the Presiding Judge.

EMERGENCY HEARINGS:

IT IS HEREBY ORDERED that routine coverage of same-day or walk-in matters, commonly referred to as emergency hearings, shall be a regular responsibility of staff judges. This includes but is not limited to Orders of Protections, Injunctions against Harassment, Temporary Child Custody Orders, Temporary Orders in Guardianship or Conservatorship matters, and any other emergency orders.

IT IS FURTHER ORDERED that Judge *Pro Tem* Soos shall continue to prepare and publish to the Clerk of the Court and judicial staff, in consultation and collaboration with all regular Commissioners/JPT, a monthly emergency coverage list. All regularly scheduled Commissioners/JPT shall participate in covering emergency hearings, although part-time staff judges shall have a reduced coverage schedule.

The coverage judge shall be sufficiently available to handle an emergency request within a reasonably prompt period of time, and the coverage judge's judicial assistant shall be readily available to receive and coordinate an emergency request. If the coverage judge is unavailable to handle an emergency, the responsibility shall be covered by another staff judge, if possible; but if no staff judge is available, an available Divisional judge shall cover the emergency. As a general rule, the monthly emergency coverage list will not change following publication.²

IT IS FURTHER ORDERED that the judge who hears or reviews an Order of Protection or Injunction against Harassment may self-assign and retain the matter, or the judge shall assign it to the designated coverage judge, except for an Order of Protection on a pending DO shall remain with the currently assigned judge. All other emergency hearings on new cases shall be assigned in accordance with the *Appendix*.

LAW & MOTION CALENDARS:

IT IS HEREBY ORDERED that judges shall not establish or modify a standing law & motion calendar without prior approval by the Presiding Judge of their bench, who shall coordinate such changes with the Clerk of the Court and the Presiding Judge. This change is necessitated by the strain on government resources, both within the judiciary and for county departments, which requires enhanced coordination between judges. Presiding Judges of each Bench shall monitor whether reserved blocks of time remain necessary, particularly as legacy caseloads are concluded.

² The assigned coverage judge may make alternate coverage arrangements with a colleague, as needed, even on short notice, but the judicial assistant to the designated coverage judge shall receive and coordinate the emergency request, so the Clerk of the Court may rely on the posted monthly coverage calendar list.

VACATION COVERAGE:

IT IS HEREBY ORDERED that staff judges shall hereafter have their vacation schedules pre-approved by the Presiding Judge AND the Presiding Judge for their Bench. The Presiding Judge shall not approve more than two of the four full-time staff judges to take a vacation at the same time, nor more than one of the two regular part-time staff judges at the same time. The Presiding Judge for each Bench shall not approve a vacation for a staff judge if the proposed vacation will leave the Bench without an assigned Divisional or staff judge.

IT IS FURTHER ORDERED that Divisional judges shall coordinate their vacation schedule in advance with the Presiding Judge for their assigned Bench³, and Divisional judges shall not schedule a vacation that will leave their Bench without an assigned judge. The Presiding Judge for the Bench shall give preference to Divisional judges in scheduling vacations, including providing a reasonable opportunity for Divisional judges to first submit their vacation schedule, but vacation approval for a staff judge shall not be revoked after it is approved, absent an emergency situation.

IT IS FURTHER ORDERED that Presiding Judges for each Bench shall provide information on vacation schedules for their Bench to the Presiding Judge or his designee, who shall maintain a master vacation calendar, and the master vacation schedule shall be utilized by Divisional judges prior to scheduling any vacation.

IT IS FURTHER ORDERED that Divisional judges shall manage and coordinate the vacation schedule of their judicial assistant to coincide with the judge's vacation schedule, to the maximum extent practicable. Temporary or part-time staff may not be scheduled to cover vacation schedules without the prior approval of the Presiding Judge.

SUPPORT STAFF:

IT IS FURTHER ORDERED, since the Superior Court has a serious shortage of support staff, which is not expected to change in the foreseeable future, Divisional and staff judges shall continue to share their support staff, including judicial assistants and bailiffs. Judges with assigned bailiffs shall give priority to assigning their bailiffs to cover Criminal, Juvenile and Family Court calendars and hearings.

--
--
--

³ Divisional Judges assigned to the Civil-Criminal Bench shall coordinate their vacations in advance with the Presiding Criminal Judge.

DIVISION NUMBERS:

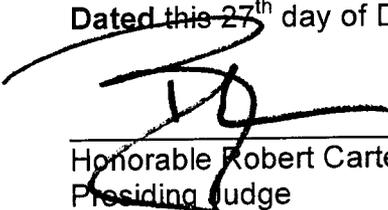
IT IS HEREBY ORDERED that Division Numbers shall no longer be reproduced on signs or printed material, or used in minute entries, so costs and confusion are reduced when Division Numbers are periodically renumbered, as will occur in January 2011.

IT IS FURTHER ORDERED that minute entries prepared by the Clerk of the Court shall, as soon as practicable, replace the field previously utilized for the Division Number with an identification of the physical courtroom, thereby enhancing the ability of court staff to retrieve any electronic recording of a court proceeding.

PRESIDING JUDGES OF EACH BENCH AND SPECIAL ASSIGNMENTS:

IT IS HEREBY ORDERED that Judges shall continue their current secondary assignments, including the current assignments of the Presiding Judges of each Bench, until the Presiding Judge issues a separate Administrative Order on these matters.

Dated this 27th day of December, 2010



Honorable Robert Carter Olson
Presiding Judge

Original: Clerk of the Superior Court
Copies: Judges, Pinal County
Pinal County Attorney
Public Defender
Kristi Youstey Ruiz, Clerk of the Court
Chad Roche, Clerk of the Court - Elect
Diane McGinnis, Juvenile Court Services
Todd Zweig, Adult Probation Department
Court Administration
Richard Platt, Chief Criminal Deputy County Attorney
Mary Jane Damron, Victims' Assistance Program
Odette Apodaca, Director, Clerk of the Court
Monica Rios, Administrator, Customer Service COSC