

ADMINISTRATIVE ORDERS FOR 2010

No.	DESCRIPTION OF ADMINISTRATIVE ORDER
2010-01	IN RE: Rescinding Administrative Order No. 2009-24
2010-02	IN RE: Appointment of Superior Court Judges Pro Tempore
2010-03	IN RE: Designation of Election Division
2010-04	IN RE: Regular and Special Assignments of Judges
2010-05	IN RE: Revisions to the Judicial Merit System Rules
2010-06	IN RE: The Appointment of Presiding Juvenile Court Judge
2010-07	----- No Administrative Order Issued -----
2010-08	IN RE: Adoption of Continuity of Operations Plan in the Event of an Influenza Pandemic for the Judicial System in Cochise County
2010-09	IN RE: Appointment of Superior Court Judges Pro Tempore, Juvenile Court Commissioners and Justices of the Peace Pro Tempore
2010-10	IN RE: Regular and Special Assignments of Judges
2010-11	IN RE: The Appointment of Justice of the Peace Pro Tempore for the Purpose of conducting a Wedding Ceremony
2010-12	IN RE: Changes in Law and Motion Calendars
2010-13	IN RE: Restrictions on the Use of Security Surveillance Recordings
2010-14	IN RE: Designation of Holiday
2010-15	IN RE: Guidelines for Compensation and Associated Expenses of Court Appointed Counsel, Paralegals, Investigators, Court Reporters, Interpreters and Physicians
2009-16	IN RE: Fees for Copies Charged by Constables
2010-17	IN RE: Amending Administrative Order No. 2004-10
2010-18	IN RE: Adoption of Cochise County Limited Jurisdiction Courts Restitution Disbursement Policy & Procedure
2010-19	IN RE: Adoption of Cochise County Limited Jurisdiction Courts Deleting Purged Records Policy & Procedure
2010-20	IN RE: Regular and Special Assignments of Judges

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE**

FILED

2010 JAN -8 PM 4: 12

ADMINISTRATIVE ORDER NO. 2010-01

**DENISE I. LUNDIN
CLERK OF SUPERIOR COURT**

BY _____

IN RE: RESCINDING ADMINISTRATIVE ORDER 2009-024

GOOD CAUSE APPEARING, it is hereby ORDERED that Superior Court, Cochise County Administrative Order No. 2009-024, dated December 04, 2009, entitled "In Re: Response Fee in Non-Appearance Family Law Matters", is RESCINDED, effective immediately.

DATED at Bisbee, Arizona, this 08th day of January, 2010.



**WALLACE R. HOGGATT
Presiding Judge**

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

FILED

10 FEB -1 AM 8:59

ADMINISTRATIVE ORDER NO. 2010-02

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
DEPUTY

IN RE: APPOINTMENT OF SUPERIOR COURT JUDGES PRO TEMPORE

Good cause appearing and with the approval of the Arizona Supreme Court and the Cochise County Board of Supervisors, it is **ORDERED**:

John F. Kelliher
Margaret Macartney
Ann Battaglia Roberts

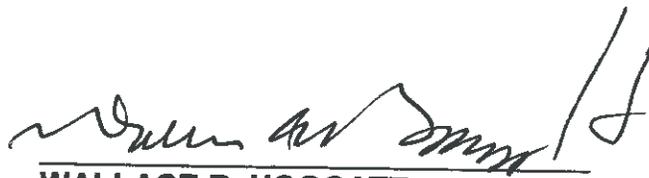
are hereby appointed as Juvenile Court Commissioners and are dually assigned as Superior Court Judges Pro Tempore under the following terms and conditions:

- A. As assigned to the Juvenile Drug Court Program;
- B. Other assignments in the juvenile court as determined by the presiding judge of the juvenile court and contingent upon available funding.

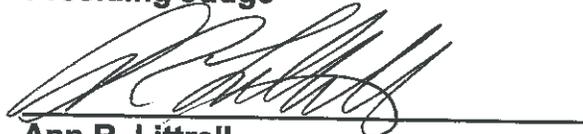
Said Superior Court Judges Pro Tempore shall submit time records in the performance of the above stated duties for hourly pay calculations and payment to the Office of the Court Administrator of this court.

The term of these appointments is January 6, 2010, to and including June 30, 2010.

DATED at Bisbee, Arizona, this 29th day of January, 2010.



WALLACE R. HOGGATT
Presiding Judge



Ann R. Littrell
Presiding Juvenile Court Judge

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
APPOINTMENT OF COURT) PRO TEMPORE ORDER
COMMISSIONERS TO SERVE AS) No. 2010 - 01
JUDGES PRO TEMPORE IN THE)
SUPERIOR COURT OF THE STATE)
OF ARIZONA IN AND FOR THE)
COUNTY OF COCHISE)
_____)

The presiding judge of the Superior Court of Arizona in Cochise County has requested the appointment of court commissioners to serve as judges pro tempore in that court for the purpose of enhancing the court's ability to process cases. Therefore, pursuant to A.R.S. § 12-141,

IT IS ORDERED that the following individuals are appointed judges pro tempore to serve the Superior Court in Cochise County for terms beginning upon entry of this Order, and ending June 30, 2010, in accordance with A.R.S. §§ 12-141 et. seq., and will serve as assigned by the presiding judge.

John F. Kelliher	State Bar #007316
Margaret MaCartney	State Bar #013312
Ann Battaglia Roberts	State Bar #018233

IT IS FURTHER ORDERED that these appointments are conditioned upon the approval of the Cochise County Board of Supervisors pursuant to A.R.S. § 12-141, and upon the agreement by the appointees to serve for no additional compensation or benefits, fiscal or otherwise, other than that to which they are entitled as Superior Court Commissioners, as provided in A.R.S. § 12-142(C) and A.R.S. § 12-143 for services as judges pro tempore.

DATED this 6th day of January, 2010.

REBECCA WHITE BERCH
Chief Justice

Coakley, Faye

From: board@co.cochise.az.us
Sent: Thursday, January 28, 2010 12:55 PM
To: Coakley, Faye
Subject: Agenda Number CAD100001

This message is to let you know that the status of the agenda number CAD100001 after the BOS meeting is: **APPROVED**

Agenda Number: **CAD100001**

For Board Meeting of: **1/26/10**

Agenda Description: **Approve the appointment of Superior Court Judges Pro Tempore, John F. Kelliher, Margaret MaCartney and Ann Battaglia Roberts, pursuant to A.R.S. 12-141 for the period beginning January 26, 2010 and ending June 30, 2010.**

COMMENTS FROM BOS:
BOS signature not required.

1/29/2010

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

FILED

2010 MAR 16 PM 12:14

ADMINISTRATIVE ORDER NO. 2010-03

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT

BY _____

IN RE: DESIGNATION OF ELECTION DIVISION

Pursuant to Memorandum dated March 09, 2010, from the Honorable Rebecca White Berch, Chief Justice of the Arizona Supreme Court, a copy of which is attached hereto, it is hereby **ORDERED**:

The Election Division of the Superior Court, Cochise County, for calendar year 2010 is Division Two.

DATED at Bisbee, Arizona, this 16th day of March, 2010.


WALLACE R. HOGGATT
Presiding Judge

To: Superior Court Presiding Judges
From: Rebecca Berch, Chief Justice
Subject: Election Cases
Date: March 9, 2010

MEMORANDUM

This is an election year for local and state offices. Experience has taught us that you can expect to see a number of election contests filed in your courts in the coming months. These cases are usually filed at the last minute and must be resolved in very short time frames so that ballots may be printed in time to have them ready for early voting. Statutes in Titles 16 and 19, A.R.S., contain a litany of deadlines keyed to election dates, filing dates, or certification dates. I have noted links below to the Secretary of State's website to assist you.¹

For nominating petition contests, litigants appeal directly from the superior court to the Arizona Supreme Court. Referendum and initiative contests generally proceed to the Court of Appeals, which has concurrent jurisdiction with this court. Because of the short time frames involved, it is imperative that you hear these cases and assemble the record for transmittal on appeal promptly. Appellate deadlines for deciding these matters typically parallel those in the superior court. Anticipating the time frames and actively managing election matters helps greatly.

Please help the system function properly by adopting, if you have not already done so, the following measures that might make things easier should an election contest be filed in your court.

1. Please designate an "election division" if you have more than one judge on your bench as the division (or divisions, if necessary) to which election contests will be assigned, absent peremptory challenges or recusals. The judge(s) should become familiar with the applicable statutes and procedures and be ready when cases are filed. For example, an election judge will know that under A.R.S. § 16-351, a challenge to a nomination petition must be heard and decided within ten days. Election cases take precedence on court calendars. This Court has promulgated Rule 8.1, Ariz. R. Civ. App. P., which covers expedited appeals. The judge(s) of your election division(s) should read the appended copy of the rule.

Early voting is set to begin July 29, 2010 for the primary election and October 7 for the general election. The primary itself is set for August 24 and the general election will be held November 2. Please keep these dates in mind to help us move these cases along. Failure to act promptly – for example, by waiting five days to entertain objections to a form of judgment – can result in removal of qualified candidates from a ballot or incursion of extra costs for expedited printing of ballots. The courts' delay or failure to act should not hold up or add expense to public elections.

2. Designate a responsible court reporter to handle election cases. This

¹ The Secretary of State's website is a useful election resource: <http://www.azsos.gov/>. Important dates appear at this link: <http://www.azsos.gov/election/2010/info/ImportantDates.htm>.

reporter should already have taken vacation by mid-June or agree not to take a vacation until after election season has ended. Some years ago, a court reporter took the notes for an election contest hearing and then left for vacation. Because we could not get a transcript, we had to affirm. The courts' inability to manage a case should not deprive litigants of their appeal rights.

3. The judge hearing an election contest should ensure that the judge's staff, the clerk's office, and the court reporter all work together to see that the case is promptly heard and decided, all orders and judgments are promptly signed, and the record on appeal is prepared for transmittal as quickly as possible.

4. Please make every effort to *avoid* assigning election cases to a judge pro tem. If you must use a pro tem, please find a responsible one who works full time and will become familiar with the statutes before these cases begin, and who can and will promptly hear and decide these cases.

The duty justice at this Court will supervise election appeals during the summer. Our staff attorneys assigned to election cases are Judy Schaffert (602-452-3384, jschaffert@courts.az.gov) and Mark Armstrong (602-452-3387, marmstrong@courts.az.gov). Either of these attorneys will be happy to answer any procedural questions you might have. If you cannot reach them, please call the duty justice or my judicial assistant, Jodi Rogers (602-452-3535, jrogers@courts.az.gov). She will always know how to find me.

Thank you for giving this your consideration.

attachment

cc Justices
Rachelle Resnick
Judy Schaffert
Mark Armstrong
David Byers

Arizona Revised Statutes Annotated
Rules of Civil Appellate Procedure
Rule 8.1. Appeals in Expedited Election Matters

(a) Scope. This rule governs appeals in election matters designated by statute for expedited appellate review. Other provisions of these rules apply to expedited election appeals to the extent they are not inconsistent with or expressly varied by this rule.

(b) Time for Filing Notice of Appeal. The notice of appeal in an expedited election matter shall be filed within the accelerated time period provided for by the applicable statute. A final order shall be in writing and signed by the judge before an appeal can be taken.

(c) Copy of Notice of Appeal, Statement Identifying Case, and Listing of Counsel to Be Filed with Appellate Court. Not later than the next business day after filing the notice of appeal in the superior court, the appellant shall file with the clerk of the appellate court: (1) a conformed copy of the notice of appeal, reflecting the date of filing in the superior court; (2) a statement designating the case as an "Expedited Election Matter" and providing the names and contact information, including e-mail addresses, of counsel for each party and of any litigants appearing pro se; and (3) a copy of the superior court's final order from which the appeal is taken. Appellants in cases originating outside the county in which the appellate clerk's office is located may satisfy this requirement by sending these materials by facsimile or electronic mail to the appellate clerk and transmitting a paper copy for receipt by the appellate clerk not later than the second business day after filing the notice of appeal.

(d) Payment of Fees. The appellant shall pay the docketing fee to the clerk of the appellate court simultaneously with the filing of a copy of the notice of appeal with the clerk of the appellate court. For cases originating outside the county in which the appellate clerk's office is located, the docketing fee may be paid along with the paper copy transmitted pursuant to subsection (c). An appellee shall pay any required fees when the appellee first appears in the case.

(e) Preparation of Record on Appeal. The clerk of the superior court shall prepare the record and transmit it to the appellate court within five business days after the filing of the notice of appeal. In the notice of appeal, the appellant shall identify the appellate court in which the appellant has filed the appeal. The appellant shall request the reporter to expedite the preparation of any transcripts necessary for determination of the appeal. Not later than one business day after filing the notice of appeal, the appellant shall notify the appellee of the parts of the transcript that appellant intends to include in the record. If the appellee deems a transcript of other parts of the proceedings to be necessary, appellee shall notify the appellant and the reporter within one business day of the additional portions of the transcripts to be included. If necessary, the appellant may request the appellate court to order expedited preparation of the record. In lieu of the foregoing, the parties may agree upon a stipulated record and submit copies of the stipulated record to the appellate court.

(f) Scheduling Conference. Simultaneously with filing the copy of the notice of appeal required by subsection (c) of this rule, the appellant shall file a written request that the appellate court set an initial scheduling conference to determine the schedule for the expedited proceedings. The parties shall be prepared to address the following topics at the initial scheduling conference: (1) any pending deadlines, such as the date that the ballots or publicity pamphlet will be printed or the date of the election, that might affect the schedule for briefing and disposition of the appeal; (2) any request for a court order to facilitate the timely preparation of the record on appeal; (3) any request to transfer the case to the Court of Appeals or to the Supreme Court; (4) the nature and number of issues on appeal; (5) deadlines for the submission of briefs by the parties; (6) the format of pleadings to be filed, including proposed word limits and whether briefing should be in the form prescribed by Rule 13; and (7) whether oral argument should be scheduled.

(g) Requirement of Electronic or Facsimile Service. Any papers served by mail pursuant to Rule 4(b) shall also be served at the same time by electronic means, including e-mail or facsimile, or as agreed to by the parties. If the party on whom service is to be made does not have access to electronic mail or facsimile, then service shall be personal service as defined by Rule 4(b).

(h) Filing in the Supreme Court. Expedited election appeals involving candidate nomination petitions shall be filed directly in the Supreme Court. Expedited election appeals involving initiatives and referenda may be filed

directly in the Supreme Court if the issue on appeal is of substantial statewide importance and would become moot before Supreme Court review unless the appeal is filed directly in the Supreme Court. Expedited election appeals involving recalls; county, city, or town initiatives or referenda; and those involving statewide initiatives and referenda that do not meet the criteria for filing directly in the Supreme Court shall be filed in the Court of Appeals.

(i) Motion for Reconsideration; Petition for Review. A motion for reconsideration in election matters governed by this rule shall be filed within five calendar days after the filing of a decision. A petition for review in election matters governed by this rule shall be filed with the clerk of the Supreme Court within ten calendar days after the filing of a decision or the date of a notice of determination of a motion for reconsideration. A cross-petition for review may be filed with the clerk of the Supreme Court within ten calendar days after service of a petition for review. The petitioner or cross-petitioner shall serve a copy of the petition or cross-petition and any appendices on all parties who have appeared in the Court of Appeals. Any party wishing to oppose the petition or cross-petition shall file a response within ten calendar days of service. The form and content of the petition, cross-petition, and responses shall comply with Rule 23(c). If the Supreme Court grants review but does not provide for supplementation of briefs or for oral argument, any request to do so must be filed within five calendar days from the date of the order granting review. The Supreme Court may extend or contract these time limits for good cause.

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

FILED

2010 JUN -2 PM 2:14

ADMINISTRATIVE ORDER NO. 2010-04

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT

IN RE: REGULAR AND SPECIAL ASSIGNMENTS OF JUDGES

Good cause appearing, it is **ORDERED**:

1. Effective June 3, 2010, all newly filed Criminal cases shall be assigned as follows:
 - a. One-third to Division Three
 - b. One-third to Division Four
 - c. One-third to Division Five
2. All other case assignments set forth in Administrative Order 2008-13 remain in full force and effect.

DATED at Bisbee, Arizona, this 02nd day of June, 2010.



WALLACE R. HOGGATT
Presiding Judge

FILED

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

2010 JUN -8 PM 12: 55

ADMINISTRATIVE ORDER NO. 2010-05

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT

IN RE: REVISIONS TO THE JUDICIAL MERIT SYSTEM RULES

Pursuant to Rule 26 of the Judicial Merit System of the Superior Court in Cochise County, with the approval of the judges of said court, and otherwise good cause appearing, it is **ORDERED**:

Rule 17, Section Four, pertaining to Layoff and Reinstatement Procedures is hereby rescinded and replaced by revised procedures, a copy of which is attached hereto.

It is further **ORDERED**, Rule 2, Definitions, pertaining to Department Directors, for the purposes of the Judicial Merit System shall be amended, as follows:

"For purposes of the Judicial Merit System, department directors include the Judges of the Superior Court, the Clerk of the Court, the Justices of the Peace, the Court Administrator, the Director of Juvenile Court Services and the Chief Adult Probation Officer."

It is further **ORDERED**, Rule 5, which identifies personnel exempt from the Judicial Merit Rules, except as otherwise noted within those Rules, is reaffirmed.

The revisions to Rule 17, Section Four, and to Rule 2, shall be in full effect upon the date of signing and shall remain in effect until further order of this court.

Dated at Bisbee, Arizona, this 08th day of June, 2010.



Wallace R. Hoggatt
Presiding Judge



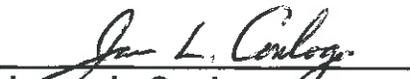
Ann R. Littrell
Presiding Juvenile Court Judge



Stephen M. Desens
Superior Court Judge



Charles A. Irwin
Superior Court Judge



James L. Conlogue
Superior Court Judge



Donna M. Beumler
Superior Court Judge

LAYOFF

1. A layoff is the unavoidable termination of employment as a result of a shortage of work or funds, reorganization, elimination of a position, or change in the duties of a position.
2. Employees who are relieved from their position due to the elimination of grant funding, either partially or entirely, may be eligible for layoff provisions under these Merit System Rules.
3. If there are any temporary or initial probationary employees serving in the department on the date of layoff in the same, equal, or lower positions, an employee with regular status must be offered opportunity for appointment to such positions, if the employee meets the minimum qualifications for the position, prior to layoff. The temporary or initial probationary employee shall be relieved.
4. If a funded vacancy exists within the Judicial Branch that the Department intends to fill, and if the employee meets the minimum qualifications of the position, a reasonable attempt will be made to place the employee in the existing vacancy in the same department or, failing that, elsewhere in the Judicial Branch.

The following process will be followed for competitive reassignment in lieu of layoff:

- a. The Judicial Human Resources Department establishes a list of vacant positions which are funded and intended to be filled.
- b. The Judicial Human Resources Department notifies the employee of vacant positions for which the employee may qualify.
- c. The employee may submit a completed judicial application form that demonstrates their minimum qualifications for the position to the Judicial Human Resources Director.
- d. The Judicial Human Resources Director will determine if the employee meets the minimum qualifications for the position. This information is forwarded to the Department Director to effect the transition.
- e. The salary will be set at the salary range for the vacant position.
- f. The accrual rates for annual and sick leave will be based on the employee's years of service.
- g. The reassignment effective date will be prior to the effective layoff date.
- h. An employee will be paid all accrued compensatory time, if time has not been used, prior to the effective date of the reassignment.
- i. An employee reassigned to a different classified position will serve the standard probationary period for the new position with the concurrence of the Department Director and the Judicial Human Resources Director.
- j. An employee will retain accrued annual and sick leave balances.

5. Prior to the effective date of a layoff, an employee may be appointed non-competitively by the Appointing Authority or Department Director in consultation with the Court Administrator or Judicial Human Resources Director into a vacant position in which the employee meets the minimum qualifications or, with approval by the Court Administrator or Judicial Human Resources Director, can be placed in the position as an underfill (i.e., meets minimum qualifications within one (1) year).

6. Before a layoff action is taken, the Department Director shall consult with the Court Administrator or Judicial Human Resources Director.

7. In the event of a layoff, the reduction of employees shall be in the order of:

- a. temporary employees;
- b. probationary employees (initial probationary period only);
- c. permanent employees.

8. The Department Director will provide a list of employees to the Judicial Human Resources Director and together they shall establish the order in which employees shall be laid off. In determining regular status employees' order of the layoff, the Judicial Human Resources Director and the Department Director shall consider such factors which may include but are not limited to the following:

- a. funding source;
- b. criticality of the position;
- c. employee qualifications, skill sets;
- d. seniority;
- e. performance ratings (may include work performance, conduct, attendance, customer service feedback, adherence to Judicial Merit Rules and Code of Conduct for Judicial Employees);
- f. the needs of the organization.

The above factors may be given more or less weight depending on the situation.

9. The employee shall be notified in writing of the layoff as soon as possible, but no later than ten (10) working days prior to the effective date of layoff. An employee does not have the right to appeal a layoff.

10. The notice to the employee shall contain information regarding: 1) the amount of compensatory leave to be paid out, if compensatory leave has not already been used; 2) the amount of annual leave to be paid out; 3) the termination date for benefits; and 4) the right to continue certain benefits under COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985) provisions.

11. If an employee returns to employment within a Judicial Department prior to the expiration of 365 calendar days from the date of layoff it is considered a reinstatement. However if an employee is reemployed after the expiration of 365 calendar days after a layoff it is considered a rehire and not subject to reinstatement provisions.

LAYOFF REINSTATEMENT

Reinstatement occurs when the appointment of a laid off employee to a position within the Judicial Branch results in the: 1) appointment to the same position in the same department from which laid off, or 2) appointment to a position in a different classification or judicial department. Note: Employees that are relieved of employment due to a lack of grant funds may be eligible to be placed on a reinstatement list.

A. The Reinstatement List contains the names of regular status employees that have been laid off and requested placement on a reinstatement list. A reinstatement list shall be used prior to the to the recruitment process.

The Reinstatement List criteria that the Judicial Human Resources Director maintains shall be a listing of employees who are laid off and their date of termination. This listing shall be used to determine eligibility for Reinstatement. Employees who have been laid off are subject to reinstatement rights, as indicated below, within 365 days of the effective date of the layoff. The following criteria shall be used when reinstating employees after layoff:

- Should a vacancy occur, employees on the Reinstatement List shall be contacted before a recruitment is opened, to inquire about their interest, availability and qualifications.
- It shall be the responsibility of the employee to keep the Judicial Human Resources Director advised of his/her current mailing address throughout the period during which the employee remains eligible for reinstatement.
- Any former employee who is interested in reinstatement to that position shall submit an updated application or resume within five (5) working days to the Judicial Human Resources Director that demonstrates his/her qualifications for the position.
- The Judicial Human Resources Director will determine which employees are qualified for reinstatement in the vacant position and will coordinate placement with the hiring department.
-

B. If the employee is reinstated, the employee:

- Shall receive credit for prior service to determine leave accrual rates.
- Who is eligible for benefits may enroll after the normal waiting period.
- May or may not receive the same rate of pay upon reinstatement as at the time of layoff.
- Shall not be required to serve a new probationary period unless they are hired into a different judicial department or classification than the position from which they were laid off. Employees being reinstated into a different judicial department or classification shall serve the standard probationary period for that classification.
- May be subject to a criminal history background check and fingerprinting upon return.

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

FILED

2010 JUN 16 AM 10:35

ADMINISTRATIVE ORDER NO. 2010-06

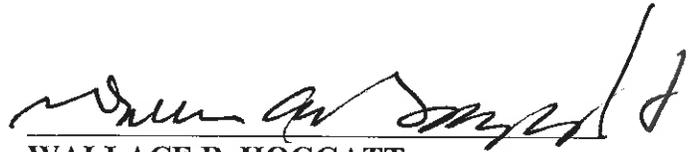
DENISE T. LUNDIN
CLERK OF SUPERIOR COURT
BY _____
DEPUTY

IN RE: THE APPOINTMENT OF PRESIDING JUVENILE COURT JUDGE

Good cause appearing and pursuant to Arizona Supreme Court Administrative Order No. 2005-32 on the authority of presiding judges, it is hereby **ORDERED**:

The Honorable Donna M. Beumler, Judge (pro tempore) of the Superior Court, is hereby appointed as Presiding Judge of the Juvenile Court for Cochise County, effective August 02, 2010.

DATED at Bisbee, Arizona, this 16th day of June, 2010.



WALLACE R. HOGGATT
Presiding Judge

FILED

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

2010 JUN 30 PM 6:10

ADMINISTRATIVE ORDER NO. 2010-08

DENISE J. LUNDIN
CLERK OF SUPERIOR COURT

BY _____

IN RE: ADOPTION OF A CONTINUITY OF OPERATIONS PLAN IN THE EVENT OF
AN INFLUENZA PANDEMIC FOR THE JUDICIAL SYSTEM IN COCHISE COUNTY

Good cause appearing, it is **ORDERED**:

The attached Continuity of Operations Plan, along with appendices, pertaining to an influenza pandemic, is hereby adopted and is applicable to courts and court departments in Cochise County.

DATED at Bisbee, Arizona, this 30th day of June, 2010.



WALLACE R. HOGGATT
Presiding Judge

I. Purpose and Strategic Goals

The purpose of this Cochise County Courts continuity of operations plan (COOP) is to ensure the courts have a viable capability to continue to meet the strategic goals for emergency preparedness during an influenza pandemic.

The strategic goals are:

1. The courts must deal with crises in a manner that protects the health and safety of everyone working in or attending court facilities; and
2. The courts must remain open and accessible to the public to ensure the administration of justice and to provide vital court services.

II. Tactical Objectives

Given the extent and duration of the impact of an influenza pandemic, court operations in Cochise County may be impacted for an extended period of time. Therefore, in addition to mission essential functions for the Cochise County Courts, a broader set of tactical objectives are required. These objectives are designed to address the unique situation brought about by an influenza pandemic and may or may not apply to other emergency situations.

In the activation of COOP due to the onset of an influenza pandemic, the tactical objectives for the Cochise County Courts are to:

1. Have the capacity to perform all mission essential functions of the courts, and,
2. Have the capacity to address all emergency matters and cases filed in the Cochise County Courts that may be associated with the quarantine and isolation of individuals and other public health related cases.

These objectives for the courts may need to be performed in a situation where no, or only limited, face-to-face contact is possible or could present significant impact to judges, attorneys, parties, administrative staff, court clerks and other court staff, law enforcement, detention officers, state and local public health officials, jurors etc., due to illness.

II. Tactical Objectives, Continued

Limitations on face-to-face contact may require a specified number of days under which operations are limited to mission essential functions and other public health emergency matters.

Transition to full operations will be initiated as soon as possible. However, if full operations cannot be initiated within 30 days, efforts will begin to increase operations in order to perform the long term tactical objectives described below.

In the case of an extended period of COOP activation (in excess of 30 days) due to the onset of an influenza pandemic, the tactical objective for the Cochise County Courts is to have the capacity to perform:

1. Time sensitive criminal matters, including the capacity to conduct jury trials;
2. Emergency civil matters (Orders of Protection, Injunctions Against Harassment, Mental Health Petitions, etc); and
3. Matters pertaining to election challenges;
4. Time sensitive delinquency and dependency matters;
5. Urgent matters in guardianship and conservatorship cases;
6. Receiving returns from the Grand Jury;
7. Any other mission essential functions.

Again, these long-term objectives may need to be performed under a situation where no, or only limited, face-to-face contact is possible or could present significant impact to judges, attorneys, parties, administrative staff, court clerks, and other staff, law enforcement, detention officers, state and local public health officials, jurors etc., due to illness.

III. Planning Assumptions

The following are planning assumptions used in the Cochise County Courts. These assumptions were utilized to develop the information that follows.

The planning assumptions are:

- An increase in cases in the Cochise County Courts with individuals seeking relief and other matters may occur;
- Court operations in Cochise County may be detrimentally impacted by the pandemic for an extended period of time;
- Response and recovery will be bottom-up with local court officials in the Cochise County Courts being primarily responsible for the response and recovery efforts in the courts with only limited support from federal and state government officials.

- Of the judges, attorneys, parties, administrative staff, court clerks and other staff, law enforcement, detention officers, state and local public health officials, jurors etc., in Cochise County necessary to perform the mission essential functions and other tactical objectives, up to forty percent will not be available due to illness;
- Face-to-face contact between judges, attorneys, parties, administrative staff, court clerks and other staff, state and local public health officials, jurors etc., in Cochise County necessary to perform the mission essential functions and other tactical objectives may be dramatically curtailed;
- The court facilities, court infrastructure, public utilities and services associated with the Cochise County Courts will be physically intact during the response and recovery from the pandemic but services necessary to maintain operations in the courts may be limited due to isolation, quarantine, or illness with the impacted communities.
- The Superior Court and the Justice Courts in Cochise County will coordinate among specific regions in the county and provide cooperative sharing of staff and other court resources as may be needed in isolated incidents.

IV. Local Public Health Contacts

In order to ensure the planning efforts in the Cochise County Courts are integrated with other local emergency planning efforts, the Cochise County Courts will schedule and hold meetings with local public health and/or emergency management officials.

The primary contact within the local public health and/or emergency management community for Cochise County is:

Name:	<i>Vaira Harik</i>
Title:	Cochise County Health Director
Work Phone:	(520) 432-9404
Mobile Phone:	(520) 508-1053
Home Phone:	(520)
Other:	<u>vharik@cochise.az.gov</u>

The secondary contact within the local public health and/or emergency management community for Cochise County is:

Name: ***Mike Evans***
Title: Emergency Services Coordinator
Work Phone: (520) 432-9220
Mobile Phone: (520) 559-2147
Home Phone: (520) 459-8503
Other: mevans@cochise.az.gov

The Cochise County Courts will follow-up with local public health and/or emergency management officials so the courts are kept informed regarding current local preparedness and planning efforts. The Cochise County Courts will follow through on any additional local preparedness efforts to ensure the courts are prepared to do their part to successfully respond and recover from a pandemic.

V. Legal Issues

A. Habeas Corpus Proceedings (relating to quarantine or isolation matters)

1. Necessary forms have been created (see Appendices) and are also available with the Clerk of the Superior Court.
2. Alternative means for conducting remote hearings (by telephone or videoconferencing) will be viable options.
3. Consideration will be given to the following, depending on the circumstances, and alternative means of distributing documents and notifying parties will be implemented:
 - a. How will petitions be filed?
 - b. How will judges be notified of petitions?
 - c. How will parties and counsel be notified of hearings?
 - d. Who should/must be present at a hearing?
 - e. Counsel: Who will appear for the petitioner (if indigent) and for the State?

4. Similar considerations will be given in the event an Order needs to be transmitted to the Court of Appeals.

B. The court will be prepared for the following emergency categories:

Warrants

1. Requests from executive branch agencies to enter property in public health emergencies.
2. Requests from law enforcement for arrests or search warrants related to public health emergencies.
3. Seizure of bodily fluids.
4. Seizure of a person or persons for quarantine purposes

Arrests of Persons Disobeying Quarantines

1. Nature of the offense/entitlement to bond.
2. First Appearance.
3. Habeus Corpus

Civil Proceedings to Enforce Administrative Orders Quarantine/Isolation/Other Related Matters

1. Court enforcement of administrative orders.
2. Injunctive relief.

Mandatory Vaccinations

Enforcement of Curfew Orders

VI. Technology Plans – Keeping Courts Open with No or Limited Face-to-Face Contact

An influenza pandemic will likely place extraordinary limits on face-to-face court interactions. The Cochise County Courts will work with the Administrative Office of the Courts and the Cochise County Information and Technology Department to ensure that the Automation infrastructure components for the Cochise County Courts are sufficient to be prepared to perform the tactical objectives listed above by videoconference, video arraignment, telephone/teleconference, or other methods under conditions in which no or limited face-to-face contact is available.

As a matter of policy, the Cochise County Courts agree that many court proceedings can be held via video conference. There may be some legal limitations to some specific court proceedings being held via videoconference or telephone, but for planning purposes, the courts will use these alternative methods to the maximum extent allowed by law, in conducting business included within the tactical objectives for the Cochise County Courts listed above.

VII. Infection Control Precautions

The Cochise County Courts have established a working relationship with local public health and emergency management officials. Cochise County Courts will heed the information from public health and emergency management officials as well as information coming from the federal and state level.

The nature of an influenza pandemic will likely place extraordinary limits on face-to-face interactions in the Cochise County Courts. Therefore this pandemic plan will enable the courts to remain open by conducting hearings and performing the tactical objectives by video conference, telephone/teleconference, or other methods under conditions in which no or limited face-to-face is available. (See item VI above). By using technology to hold court via videoconference, telephone/teleconference, or other methods, the courts will be prepared to minimize the need for face-to-face contact while still ensuring the capacity to keep the courts open. This reduction in face-to-face contact will serve as the primary infection control precaution for the Cochise County Courts.

Additionally, the Cochise County Courts will implement additional infection control precautions including:

- Providing education regarding the importance of proper hand hygiene (regular and thorough hand washing with soap and water or alcohol based hand rub);
- Providing education regarding the importance of proper cough etiquette (cover mouth and nose with a tissue or shirt sleeve, dispose of tissue immediately, and perform hand hygiene); and

- Planning for adequate social distancing at the work place (keeping three (3) feet distance from other persons), if conditions require.

Following the Arizona Department of Health Services (ADHS) Recommended Employer Responses (non-healthcare for the Influenza Season) (see Appendices)

The use of personal protective equipment (PPE) will also be a part of the infection control precautions for the Cochise County Courts. Guidelines given from public health will be followed.

VIII. Employee Education

The Cochise County Courts will initiate an education effort to inform all court personnel on the threat posed by a pandemic. All court employees will be provided information to help them prepare themselves and their families for a possible influenza pandemic. Coordination with public health will assist the courts in completing this effort.

IX. Improve Communications

In the event of an influenza pandemic, communication between the Cochise County Courts internally and externally with judges, attorneys, parties, administrative staff, court clerks and other staff, law enforcement, detention officers, state and local public health officials, jurors and general public will be crucial. Exchange of cell and home phone numbers between all of the courts' designated emergency contact members will be completed. A list of contact information for agencies that frequently conduct business with the courts will also be maintained.

In coordination with the emergency and health departments as well as the Board of Supervisors in Cochise County, utilization of local media outlets and the Cochise County website will provide information to the public. Designating an information call in number for the public is essential.

X. Personnel Issues

While it is not possible to know how many staff members would be affected, federal studies indicate as much as 40% of the work force being unavailable during a pandemic. Contingencies for scheduling, overtime etc., must be addressed. In the operations plan, courts must build in redundancy to each position due to the possibility of illness striking a team member.

XI. Jury Management

Coordination between Judges and the Clerk of the Court will guide the issues pertaining to jury management. Messages to prospective jurors will be regularly maintained both by the telephonic check-in service as well as postings to the jury duty link on the Cochise County website.

In the event that insufficient numbers of prospective jurors report for service, and there are multiple trials scheduled, all affected judges will jointly determine whether trials must be vacated and rescheduled and will work directly with the Clerk of the Court in such circumstances.

APPENDIX A

Cochise County Attorney

Affidavit of Service of Petition

Deputy County Attorney

State Bar No. _____

150 Quality Hill Rd

Bisbee, AZ 85603

Tel: (520) 432-8700

Fax: (520) 432-4208

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

In the Matter of:

(name of person(s))

)
)
)
)
)
)

Case No.

**AFFIDAVIT OF SERVICE OF PETITION
FOR ISOLATION OR QUARANTINE**

County of Cochise)

)ss.

State of Arizona)

I, _____, being duly sworn, upon oath deposes
and says as follows:

1. I am over twenty-one years of age and neither the Petitioner, the party named above, or an attorney in the above-entitled action. I have been specially appointed by the Court, pursuant to an Order dated _____, to serve process in all actions related to the isolation and quarantine of persons under A.R.S. §36-624 and §36-787 through §36-789.

2. I personally served a copy of the Petition and the Notice of Hearing on the Petition by delivering and leaving a copy at (address:)

_____, the dwelling house or usual abode of (name:)
, with (name:)

_____ a person of suitable age and discretion then residing therein.

DATED this ____ day of _____, 20__.

By: _____

(Signature)

Printed name: _____

Title: _____

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public

My commission expires:

APPENDIX B

Cochise County Attorney

Notice of Hearing on Petition

Deputy County Attorney

State Bar No. _____

150 Quality Hill Rd

Bisbee, AZ 85603

Tel: (520) 432-8700

Fax: (520) 432-4208

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

In the Matter of:

(name of person(s))

)
)
)
)
)

Case No.

**NOTICE OF HEARING ON PETITION
FOR ISOLATION OR QUARANTINE**

_____)

NOTICE IS HEREBY GIVEN that the Petitioner, the Director of the Cochise County Health Department, has filed with this Court a Petition for Isolation and Quarantine in order to protect the public health.

A hearing has been set to consider the Petition on the ____ day of _____, 20__, at _____ o'clock __.m., before the Honorable _____, Judge of the Superior Court for Cochise County, Division _____, located in the Cochise County Courthouse at 100 Quality Hill, Bisbee, Az 85603. You may appear telephonically by calling the Division ____ office at the time set for the hearing. The telephone number is: (520)_____

Please notify the Court if you are not represented by legal counsel and the Court will appoint a lawyer for you.

DATED this ____ day of _____, 20__.

Director
Cochise County Health Department
1415 Melody Lane Bldg. A
Bisbee, AZ 85603
(520) 432-9400

By: _____

APPENDIX C

Cochise County Attorney

Order Appointing Atty

Deputy County Attorney

State Bar No. _____

150 Quality Hill Rd

Bisbee, AZ 85603

Tel: (520) 432-8700

Fax: (520) 432-4208

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

In the Matter of: _____)

Case No. _____)

(name of person(s)) _____)

**ORDER APPOINTING ATTORNEY ON
PETITION FOR ISOLATION OR
QUARANTINE**

The Petition of the Cochise County Health Department Director for the Isolation and Quarantine of the above-named persons having been brought before this court, and the Court being required to appoint an attorney for the person or persons who are the subject of the Isolation and Quarantine Order,

IT IS HEREBY ORDERED THAT:

_____The Cochise County Public Defender's office is appointed to represent the above-named person or persons in this matter; or,

_____, attorney at law, is appointed to represent the above-named person or persons in this matter.

IT IS FURTHER ORDERED THAT:

The attorney assigned to the case shall attend the hearing on the ___ day of _____, 20____, at the hour of _____ o'clock __.m. in Division _____ of the Cochise County Superior Court.

Given the urgency of this matter, no continuances will be granted without the stipulated, voluntary compliance of the above-named persons with the terms and conditions of the Isolation and Quarantine issued by the Petitioner, Cochise County Health Department Director.

DATED this ____ day of _____, 20__.

Judge of the Superior Court
Cochise County

APPENDIX D

Cochise County Attorney

Gov-Declared Emergency Order

Deputy County Attorney
State Bar No. _____
150 Quality Hill Rd
Bisbee, AZ 85603
Tel: (520) 432-8700
Fax: (520) 432-4208

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE**

In the Matter of:

(name of person(s))

)
)
)

Case No.
**ORDER FOR ISOLATION OR
QUARANTINE**

The Petition of the Director of the Cochise County Health Department for an Order for Isolation or Quarantine filed pursuant to A.R.S. §36-624, having come before this Court, the Court finds:

1. The identity of the person or persons who are the subject of this petition for isolation or quarantine is/are:

(Name) (Address)

(Name) (Address)

2. Persons with shared or similar characteristics or circumstances, as identified by the Petitioner, are: _____

3. Petitioner has conducted an investigation and found that a suspected highly contagious and fatal disease, namely _____, exists in Cochise County.

4. The Governor of the State of Arizona has declared an emergency pursuant to A.R.S. §36-787.

5. Petitioner has identified the above-named person or persons, and those having shared or similar characteristics or circumstances, as having contracted or having been exposed to the disease.

6. Notice to the above-named persons has been given as provided by law.

7. By a preponderance of the evidence, isolation or quarantine has been shown to be reasonably necessary to protect the public health.

8. It is necessary to continue the Director's quarantine order beyond the ten days allowed by A.R.S. §36-789B

IT IS THEREFORE ORDERED:

1. That the above-named person (s) and all persons with shared or similar characteristics or circumstances be isolated or quarantined for a period not to exceed thirty (30) days in accordance with the following terms and conditions of isolation or quarantine:

2. Cochise County shall serve a conformed copy of this Order on the affected person or group of persons in accordance with the Arizona Rules of Civil Procedure.

3. The Petitioner may, before this Order expires, move to continue the isolation or quarantine for an additional period not to exceed thirty days.

4. Non-compliance with this Order may result in criminal charges and/or an Order of detention in a facility designated by this Court.

DATED this _____ day of _____, 20__.

Judge of the Superior Court
Cochise County

6. By a preponderance of the evidence, isolation or quarantine has been shown to be reasonably necessary to protect the public health.

7. It is necessary to continue the Director's quarantine order beyond the ten days allowed by A.R.S. §36-789B

IT IS THEREFORE ORDERED:

1. That the above-named person (s) and all persons with shared or similar characteristics or circumstances be isolated or quarantined for a period not to exceed thirty (30) days in accordance with the following terms and conditions of isolation or quarantine:

2. Cochise County shall serve a conformed copy of this Order on the affected person or group of persons in accordance with the Arizona Rules of Civil Procedure.

3. The Petitioner may, before this Order expires, move to continue the isolation or quarantine for an additional period not to exceed thirty days.

4. Non-compliance with this Order may result in criminal charges and/or an order for detention in a facility designated by the Court.

DATED this ____ day of _____, 20__.

Judge of the Superior Court
Cochise County

APPENDIX F

Cochise County Attorney

Gov-Declared Emergency Petition

Deputy County Attorney
State Bar No. _____
150 Quality Hill Rd
Bisbee, AZ 85603
Tel: (520) 432-8700
Fax: (520) 432-4208

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE**

<p>In the Matter of: _____) (name of person(s))) _____)</p>))))	<p>Case No. _____ PETITION FOR ISOLATION OR QUARANTINE</p>
--	------------------	---

Comes Now the Petitioner, the Director of the Cochise County Health Department, pursuant to A.R.S. §36-788 and -789, and states as follows:

1. The person or persons who are the subject of this petition for isolation or quarantine is/are:

<p>_____ (Name)</p>	<p>_____ (Address)</p>
-------------------------	----------------------------

<p>_____ (Name)</p>	<p>_____ (Address)</p>
-------------------------	----------------------------

2. The premises subject to isolation or quarantine are:

3. The date and time at which isolation and quarantine and other control measures began is _____.

4. Petitioner has conducted an investigation and found that a suspected highly contagious and fatal disease, namely _____, exists in Cochise County.

5. Petitioner issued a Quarantine Order, a copy of which is attached hereto as Exhibit A, to the above named person(s) on _____ at o'clock ____m. by (personally serving the above named persons) posting a copy of the Quarantine Order in a conspicuous place, namely, _____.

6. It is necessary to continue to quarantine order beyond the ten days allowed by A.R.S. §36-789B.

7. Petitioner has delivered a copy of the sanitation measures and quarantine conditions, a copy of which is attached hereto as Exhibit B, to the above-named persons with the Quarantine Order.

8. Petitioner will serve the above-named person(s) within twenty-four hours of filing this petition in accordance with the Arizona Rules of Civil Procedure.

9. Petitioner has complied with and intends to comply with the conditions and principles for isolation and quarantine set forth in Arizona statute and the Arizona Administrative Code.

10. The basis on which isolation or quarantine is justified pursuant to A.R.S. Title 36, Article 9 is: _____.

11. The following form of isolation or quarantine is the least restrictive means necessary to protect the public health: _____.

WHEREFORE, Petitioner requests that the Court:

1. Set this matter for hearing within five days of the filing date of this petition pursuant to A.R.S. §36-789E.

2. Issue an Order requiring the person or group of persons to remain in isolation or quarantine in the manner stated above and authorizing law enforcement to assist if necessary to enforce the terms of the Order.

DATED this _____ day of _____, 20__.

_____, Director
Cochise County Health Department
1415 Melody Lane Bldg. A
Bisbee, AZ 85603
(520) 432-9400

AFFIDAVIT

State of Arizona)
) ss.
County of Cochise)

_____, being duly sworn, states that she is the duly appointed Director of the Cochise County Health Department and is the Petitioner in the foregoing Petition, and that the statements made in the Petition are accurate and complete to the best of her knowledge.

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public

My commission expires:

Copies of the foregoing were mailed/delivered on the ____ day of _____, 20__.

To:

5. Petitioner issued a Quarantine Order, a copy of which is attached hereto as Exhibit A, to the above named persons on _____ at _____ o'clock ____m. by (personally serving the above named persons) (posting a copy of the Quarantine Order in a conspicuous place, namely, _____)

6. It is necessary to continue to quarantine order beyond the ten days allowed by A.R.S. §36-789B

7. Petitioner has delivered a copy of the sanitation measures and quarantine conditions, a copy of which is attached hereto as Exhibit B, to the above-named persons with the Quarantine Order.

8. Petitioner will serve the above-named person(s) within twenty-four hours of filing this petition in accordance with the Arizona Rules of Civil Procedure.

9. Petitioner has complied with and intends to comply with the conditions and principles for isolation and quarantine set forth in Arizona statute and the Arizona Administrative Code.

10. The basis on which isolation or quarantine is justified pursuant to A.R.S. Title 36, Article 9 is: _____

11. The following form of isolation or quarantine is the least restrictive means necessary to protect the public health: _____

WHEREFORE, Petitioner requests that the Court:

1. Set this matter for hearing within five days of the filing date of this petition pursuant to A.R.S. §36-789E.
2. After hearing, issue an Order requiring the person or group of persons to remain in isolation or quarantine in the manner state above and authorizing law enforcement to assist if necessary to enforce the terms of the Order.

DATED this ____ day of _____, 20__.

_____, Director
Cochise County Health Department
1415 Melody Lane Bldg. A
Bisbee, AZ 85603
(520) 432-9400

FILED

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

2010 JUN 30 PM 6:10

ADMINISTRATIVE ORDER NO. 2010-09

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT

IN RE: APPOINTMENT OF SUPERIOR COURT JUDGES PRO TEMPORE,
JUVENILE COURT COMMISSIONERS AND JUSTICES OF THE PEACE PRO
TEMPORE

Good cause appearing and with the approval of the Arizona Supreme Court and the Cochise County Board of Supervisors, it is **ORDERED**:

Donna M. Beumler

Is hereby reappointed as Superior Court Judge Pro Tempore under the following terms and conditions:

For specialized assignments as determined by the presiding judge necessary to assist the court in the orderly administration of justice and contingent upon available funding.

Gerald F. Till

Is hereby reappointed as Juvenile Court Commissioner and is dually assigned as a Superior Court Judge Pro Tempore under the following terms and conditions:

- A. As assigned to the Juvenile Drug Court Program;
- B. Other assignments in the juvenile court as determined by the presiding judge of the juvenile court;
- C. Other judicial assignments as assigned by the presiding judge and weekend or holiday initial appearance calendars as assigned by the presiding justice of the peace, all of such assignments contingent upon available funding.

John F. Kelliher
Margaret Macartney
Ann Battaglia Roberts

Are hereby reappointed as juvenile Court Commissioners and are dually assigned as Superior Court Judges Pro Tempore under the following terms and conditions:

- A. As assigned to the Juvenile Drug Court Program;
- B. Other assignments in the juvenile court as determined by the presiding judge of the juvenile court and contingent upon available funding.

Leslie Sansone

Is hereby reappointed as Justice of the Peace Pro Tempore for Justice Court Precinct Five under the following terms and conditions:

- A. As assigned by the Precinct Five Justice of the Peace for coverage of the court's calendar and for emergencies;
- B. Not to exceed the number of weekly hours as provided in the adopted budget for this service.

Ann S. Lund

Is hereby reappointed as Justice of the Peace Pro Tempore on a county-wide basis under the following terms and conditions:

On an emergency basis where no other elected justices of the peace are available or otherwise able to conduct a necessary hearing.

Said Superior Court Judges Pro Tempore, Juvenile Court Commissioners and Justices of the Peace Pro Tempore shall submit time records in the performance of the above stated duties for hourly pay calculations and payment to the Office of the Court Administrator of this court.

The term of these appointments is July 1, 2010, to and including June 30, 2011.

DATED at Bisbee, Arizona, this 30th day of June, 2010.



WALLACE R. HOGGATT
Presiding Judge

FILED
JUN 09 2010
RACHELLE M. RESNICK
CLERK SUPREME COURT
BY

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
APPOINTMENT OF COURT)
COMMISSIONERS TO SERVE AS)
JUDGES PRO TEMPORE IN THE)
SUPERIOR COURT OF THE STATE)
OF ARIZONA IN AND FOR THE)
COUNTY OF COCHISE)
_____)

PRO TEMPORE ORDER
No. 2010 - 13

The presiding judge of the Superior Court of Arizona in Cochise County has requested the appointment of court commissioners to serve as judges pro tempore in that court for the purpose of enhancing the court's ability to process cases. Therefore, pursuant to A.R.S. § 12-141,

IT IS ORDERED that the following individuals are appointed judges pro tempore to serve the Superior Court in Cochise County for terms beginning July 1, 2010, and ending June 30, 2011, in accordance with A.R.S. §§ 12-141 et. seq., and will serve as assigned by the presiding judge.

John F. Kelliher	State Bar #007316
Margaret McCartney	State Bar #013312
Ann Battaglia Roberts	State Bar #018233
Gerald F. Till	State Bar #004028

IT IS FURTHER ORDERED that these appointments are conditioned upon the approval of the Cochise County Board of Supervisors pursuant to A.R.S. § 12-141, and upon the agreement by the appointees to serve for no additional compensation or benefits, fiscal or otherwise, other than that to which they are entitled as Superior Court Commissioners, as provided in A.R.S. § 12-142(C) and A.R.S. § 12-143 for service as judges pro tempore.

DATED this 9th day of June, 2010.



REBECCA WHITE BERCH
Chief Justice

FILED
JUN 09 2010
RACHELLE M. RESNICK
CLERK SUPREME COURT
BY

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:

APPOINTMENT OF JUDGES PRO
TEMPORE TO THE SUPERIOR COURT
OF THE STATE OF ARIZONA IN AND
FOR THE COUNTY OF COCHISE

PRO TEMPORE ORDER
No. 2010 - 12

The presiding judge of the Superior Court of Arizona in Cochise County has requested the appointment of judges pro tempore to serve in that court for the purpose of enhancing the court's ability to process cases. Therefore, pursuant to A.R.S. § 12-141,

IT IS ORDERED that the following individuals are appointed judges pro tempore to serve the Superior Court in Cochise County for terms beginning on July 1, 2010 and ending June 30, 2011, in accordance with A.R.S. §§ 12-141 et. seq., and will serve as assigned by the presiding judge.

Donna M. Beumler State Bar #014117
Kimberly A. Corsaro State Bar #014875

IT IS FURTHER ORDERED that these appointments are conditioned upon the approval of the Cochise County Board of Supervisors pursuant to A.R.S. § 12-141, and upon the Superior Court in Cochise County obtaining appropriate funding from whatever source for the compensation due to said appointees pursuant to A.R.S. § 12-142(C) and A.R.S. § 12-143 for service as judges pro tempore.

DATED this 9th day of June, 2010.


REBECCA WHITE BERCH
Chief Justice

Coakley, Faye

From: board@co.cochise.az.us
Sent: Wednesday, May 26, 2010 11:29 AM
To: Coakley, Faye
Subject: Agenda Number CAD100003

This message is to let you know that the status of the agenda number CAD100003 after the BOS meeting is: **APPROVED**

Agenda Number: **CAD100003**

For Board Meeting of: **5/25/10**

Agenda Description: **Approve reappointments of Superior Court Judge Pro Tempore, Donna M. Beumler, pursuant to A.R.S. §12-141; Juvenile Court Commissioners/Judges Pro Tempore John F. Kelliher, Margaret Macartney, Ann Battaglia-Roberts and Gerald F. Till, pursuant to A.R.S. §8-231 and 12-141; and approve authorization to call upon an appropriately appointed Superior Court Judge Pro Tempore from another county in extenuating circumstances (Judge Kimberly Corsaro of the Superior Court in Santa Cruz County), pursuant to A.R.S. §12-144 for the period beginning July 1, 2010 to and including June 30, 2011.**

COMMENTS FROM BOS:

n/a

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

FILED

~~2010 JUL -1 PM 1:14~~

ADMINISTRATIVE ORDER NO. 2010-10

DENISE L. LUNDIN
CLERK OF SUPERIOR COURT

IN RE: REGULAR AND SPECIAL ASSIGNMENTS OF JUDGES

BY _____
DEPUTY

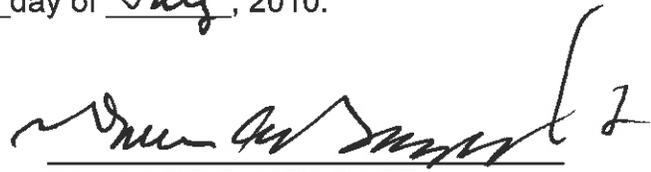
Pursuant to the provisions of Rule 92(a)(1), Rules of the Supreme Court of Arizona, and Rules (1)(b) and (c), Local Rules of Practice of the Superior Court, Cochise County, pertaining to regular and special assignments of all judges in this court, and otherwise good cause appearing, it is

ORDERED as follows:

1. Division Six is the designation for the Superior Court Judge *Pro Tempore* division.
2. Division Six shall hear such matters, in such locations, as assigned by the Presiding Judge.
3. Division Seven is the designation for any and all visiting judges.
4. Effective June 3, 2010, *nunc pro tunc*, all newly-filed adult criminal cases each week shall be divided equally among Divisions Three, Four and Five. Separate files involving co-defendants charged in the same indictment or information shall, to the extent practicable, be assigned to the same division.
5. All newly-filed domestic relations cases shall be assigned as follows: 40% to Division One, 20% each to Divisions Three, Four and Five.
6. All newly-filed civil cases shall be divided equally between Divisions One, Two and Four.
7. All newly-filed private severance cases and newly-filed adoption cases shall be assigned to Division Six.
8. All sexually violent persons cases, all mental health cases and all appeals from the limited jurisdiction courts shall be assigned to Division Three.
9. Extraditions, interstate compact cases and intrastate transfer of jurisdiction cases shall be assigned to Division Five.
10. All newly-filed guardianship, conservatorship, and probate cases shall be assigned to Division Two.

11. All IV-D matters, whether newly-filed cases or filed in existing domestic relations cases, shall be assigned to Division Four.
12. Effective June 21, 2010, *nunc pro tunc*, all newly-filed delinquency cases shall be assigned to Division Six.
13. Effective July 28, 2010, all newly-filed dependency cases shall be assigned to Division Six.
14. Except as stated otherwise in this order, all assignments enumerated in this order are effective upon the date of this order. This order shall thereafter supersede and supplant all previous administrative orders making regular and special assignments of judges in this court, specifically Administrative Orders 2010-04, 2008-13, 2008-03 and 2007-27.
15. Pending cases may be reassigned by court administration, in working with the divisions of this court, at the direction of the Presiding Judge, so as to ensure that all court divisions have caseloads that are substantially as contemplated by this order.

DATED at Bisbee, Arizona, this 01st day of July, 2010.


WALLACE R. HOGGATT
Presiding Judge

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

FILED

2010 JUL 15 PM 4:15

ADMINISTRATIVE ORDER NO. 2010-11

DENISE L. LUNDIN
CLERK OF SUPERIOR COURT

IN RE: THE APPOINTMENT OF JUSTICE OF THE PEACE ~~PRO TEMPORE~~
FOR THE PURPOSE OF CONDUCTING A WEDDING CEREMONY

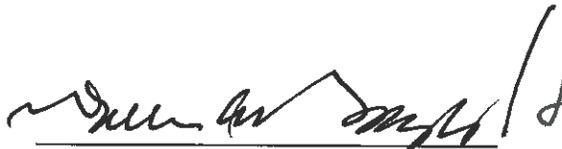
Good cause appearing, it is **ORDERED**

The Honorable George Kirmse, retired justice of the peace in Sierra Vista, Arizona, is appointed as a Justice of the Peace Pro Tempore under the following terms and conditions:

- A. For the purpose of conducting a wedding ceremony on August 14, 2010.
- B. Not for any other official judicial act or decision.

It is further **ORDERED** this appointment be effective for the date of August 14, 2010, only and shall thereafter be null and void.

DATED at Bisbee, Arizona this 15th day of July, 2010.



WALLACE R. HOGGATT
Presiding Judge

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

FILED

2010 JUL 28 PM 4:31

ADMINISTRATIVE ORDER NO. 2010-12

DENISE J. LUNDIN
CLERK OF SUPERIOR COURT

IN RE: CHANGES IN LAW AND MOTION CALENDARS

BY _____

Pursuant to Rules 2 and 3 of the Local Rules of Practice of the Superior Court, Cochise County, it is

ORDERED as follows:

1. Division One shall conduct Civil Law and Motion Day on Monday of each week; provided, however, when Monday is a legal holiday, Tuesday shall be Civil Law and Motion Day.
2. Divisions Two and Five shall conduct Law and Motion Day on Monday of each week; provided, however, when Monday is a legal holiday, Tuesday shall be Law and Motion Day.
3. Division Three shall conduct Civil Law and Motion Day on Monday of each week; provided, however, when Monday is a legal holiday, Tuesday shall be Civil Law and Motion Day.
4. Division Three shall conduct Criminal Law and Motion Day on Friday of each week; provided, however, when Friday is a legal holiday, Thursday shall be Criminal Law and Motion Day.
5. Division Four shall conduct Criminal Law and Motion on Friday of each week; provided, however, when Friday is a legal holiday, Thursday shall be Criminal Law and Motion Day.
6. Division Four shall conduct Civil Law and Motion on Friday; provided, however, when Friday is a legal holiday, Thursday shall be civil Law and Motion Day. Civil default matters will be held on Thursday.
7. Division Five shall conduct criminal arraignments on Monday of each week; provided, however, when Monday is a legal holiday, Tuesday shall be the day for criminal arraignments.
8. Unless otherwise directed, the scheduled hours for each Division's Law and Motion Calendar are as follows:

Division One:	Civil Matters	9:30 a.m. to Noon
Division Two:	Civil Matters	1:30 p.m. to 5:00 p.m.
	Criminal Matters	9:00 a.m. in-custody matters
		10:00 a.m. out-of-custody matters
Division Three:	Civil Matters	9:30 a.m. to Noon
	Criminal Matters	9:00 a.m. in-custody matters
		2:00 p.m. out-of custody matters
Division Four:	Civil Matters	9:00 a.m.
	Criminal Matters	1:30 p.m.
Division Five:	Civil Matters	9:00 a.m.
	Criminal Matters	1:30 p.m.
	Arraignments	1:30 p.m.

9. This administrative order shall be effective August 2, 2010, and shall thereafter supersede and supplant all previous administrative orders setting the Law and Motion Calendars.

DATED at Bisbee, Arizona, this 28th day of July, 2010.



WALLACE R. HOGGATT

Presiding Judge

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

FILED

2010 JUL 28 PM 12:32

ADMINISTRATIVE ORDER NO. 2010-13

IN RE: RESTRICTIONS ON THE USE OF SECURITY SURVEILLANCE RECORDINGS

DENISE L. LOMAX
CLERK OF SUPERIOR COURT
DEPUTY

To provide for the safety, security and protection of judges, employees, the public, and court facilities, court security staff has installed a surveillance camera system that monitors activities throughout court facilities in Cochise County. The system also records and temporarily maintains the images it receives, for the purpose of later review in the event of a security breach.

Rule 123 of the Arizona Rules of Court governs public access to court records. It constitutes the Supreme Court's open records policy and establishes a presumption that court records will be open and accessible to the public. However, under section (e)(4) of that rule, "all security plans, codes and other records that provide for the security of information, individuals or property...are closed." Thus, the digital recordings made by the security surveillance cameras are excluded from public access under Rule 123.

Practical concerns underscoring the need to retain such recordings exclusively for the court's security use include, without limitation:

1. The recordings could be used to capture threatening acts or attacks on participants in court proceedings or theft and damage to court property.
2. It is not possible to exclude from the security recordings jurors, minor victims and other participants in court proceedings whose images may be protected by law.
3. The recordings may capture protected communications between attorneys and their clients.

For the reasons cited above, it is hereby **ORDERED**:

- (1) The digital recordings made by the court's security surveillance camera system are to be used only for the purpose of ensuring the safety and security of judges, employees, the public and the integrity of court facilities.
- (2) Such digital recordings are to be retained only for the minimum time dictated by the characteristics of the installed surveillance system, unless otherwise directed by the presiding judge.
- (3) Only court personnel and designated law enforcement officers with court security responsibilities are permitted access to these recordings without the written authorization of the presiding judge, or designee, upon a finding of exceptional need.

If a request is received to view such a recording other than as stated in (3) above, court security staff shall be directed to retain the requested portion of the recording until such time as the presiding judge, or designee, has determined whether to authorize the release of the recording. If the presiding judge so authorizes, court staff shall make a copy of the requested recording and shall provide it to the requestor.

DATED at Bisbee, Arizona, this 28th day of July, 2010.

A handwritten signature in black ink, appearing to read "Wallace R. Hoggatt", with a vertical line to the right of the signature.

WALLACE R. HOGGATT

Presiding Judge

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

FILED

2010 JUL 29 AM 11:13

ADMINISTRATIVE ORDER NO. 2010-14

DENISE J. LONEN
CLERK OF SUPERIOR COURT

IN RE: DESIGNATION OF HOLIDAY

BY _____

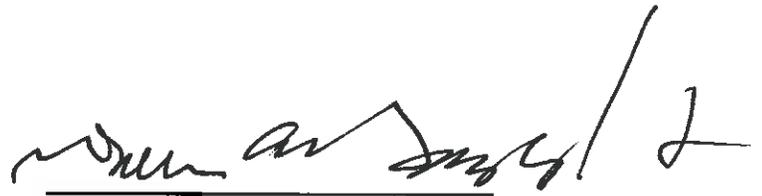
The Cochise County Board of Supervisors having designated, by Resolution No. 2009-50, approved on September 1, 2009, the fourth Friday in November of each year as a legal holiday in place of the second Monday in October of each year, pursuant to the authority granted by Arizona Revised Statutes §11-413, and

The Arizona State Legislature having this year amended Arizona Revised Statutes §12-127 to allow the Presiding Judge of a county in which the Board of Supervisors has made such a designation to apply it to the Superior Court within that county,

It is hereby **ORDERED**:

- A. The Superior Court in and for Cochise County, including each division thereof and the office of the Clerk of Superior Court, shall be open for the transaction of business on the second Monday in October of each year.
- B. The Superior Court in and for Cochise County, including each division thereof and the office of the Clerk of Superior Court, shall be closed and shall not be open for the transaction of business on the fourth Friday in November of each year.
- C. This order shall remain in effect for so long as Cochise County Resolution No. 2009-50 remains in effect.

DATED at Bisbee, Arizona, this 29th day of July, 2010.



WALLACE R. HOGGATT

Presiding Judge

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

SEP 10 2010

ADMINISTRATIVE ORDER NO. 2010-15 (Amending and Replacing ~~2008-26~~)DENISE G. LUNDIN
CLERK SUPERIOR COURT DEPUTYIN RE: GUIDELINES FOR COMPENSATION AND ASSOCIATED EXPENSES OF
COURT APPOINTED COUNSEL, PARALEGALS, INVESTIGATORS, COURT
REPORTERS, INTERPRETERS AND PHYSICIANS

It appearing to the court that guidelines previously set by Administrative Order 2000-10 regarding compensation and reimbursement to be paid to persons appointed by the superior court and justice courts to the extent such appointments are made, are in need of modification and revision, it is therefore

ORDERED compensation shall be made for the following services or activities where the appointment has been approved by the court, at the rates set forth:

1. **COURT-APPOINTED COUNSEL FOR INDIGENT DEFENDANTS
(excluding court appointed counsel in the offices of the public and legal
defender):**

Fifty dollars (\$50.00) per hour for legal services provided by counsel for indigent persons in cases assigned by the Indigent Defense Coordinator. Counsel shall not be compensated for any work performed by counsel of a non-legal nature that would ordinarily be performed by support personnel, including secretarial and clerical support work involved in preparing and transmitting documents, copying, organizing, filing or similar functions.

2. **COURT-APPOINTED COUNSEL FOR INDIGENT DEFENDANTS IN
CAPITAL CASES:**

Seventy-five dollars (\$75.00) per hour for legal services provided by counsel for indigent persons in cases assigned by the Indigent Defense Coordinator. Counsel shall not be compensated for any work performed by counsel of a non-legal nature that would ordinarily be performed by support personnel, including secretarial and clerical support work involved in preparing and transmitting documents, copying, organizing, filing or similar functions.

3. **CO-COUNSEL FOR INDIGENT DEFENDANTS IN CAPITAL CASES:**

Fifty dollars (\$50.00) per hour for legal services provided by counsel for indigent persons in cases assigned by the Indigent Defense Coordinator. Counsel shall not be compensated for any work performed by counsel of a non-legal nature that would ordinarily be performed by support personnel, including secretarial and clerical support work involved in preparing and transmitting documents, copying, organizing, filing or similar functions.

4. SPANISH-SPEAKING COURT-APPOINTED COUNSEL FOR INDIGENT SPANISH-ONLY SPEAKING DEFENDANTS:

Fifty-five dollars (\$55.00) per hour for legal services provided by Spanish-speaking counsel for indigent persons in cases assigned by the Indigent Defense Coordinator. Counsel shall not be compensated for any work performed by counsel of a non-legal nature that would ordinarily be performed by support personnel, including secretarial and clerical support work involved in preparing and transmitting documents, copying, organizing, filing or similar functions.

5. PARALEGALS ASSISTING COURT-APPOINTED COUNSEL:

Twenty dollars (\$20.00) per hour for legal services provided at the request of counsel assigned by the Indigent Defense Coordinator to represent indigent persons. Paralegal shall not be compensated for any work performed of a non-legal nature that would ordinarily be performed by support personnel, including secretarial and clerical support work involved in preparing and transmitting documents, copying, organizing, filing or similar functions.

6. INVESTIGATORS PROVIDING SERVICES TO COURT-APPOINTED COUNSEL FOR INDIGENT DEFENDANTS:

Twenty-five dollars (\$25.00) per hour for work performed prior to or during trial; fifteen dollars (\$15.00) per hour for assistance in court. Before obtaining the services of an investigator, prior approval from the court is required. A copy of the motion and order approving the use of an investigator and setting forth the specific number of hours so approved shall accompany any billing statements submitted for payment.

7. COURT-APPOINTED INVESTIGATORS IN PROBATE, GUARDIANSHIP OR CONSERVATORSHIP CASES:

One hundred dollars (\$100.00) per investigation conducted and Report to Court submitted; reimbursement for mileage at the then-current county rate, and actual and reasonable out-of-pocket expenses incurred in the course of conducting the investigation.

8. COURT REPORTERS:

Two hundred fifty dollars (\$250.00) per day for non-employee court reporters. Travel and other expenses are included in the daily rate.

9. INTERPRETERS:

Interpreters employed by the court may impose reasonable charges for their translation services in pending civil and criminal cases upon all persons including the offices of the public and legal defender and the county attorney, but shall translate forms for the court and offices of the public defender, legal defender, contract and appointed counsel and the county attorney without charge. Forms desired to be translated shall be processed through the office of the court administrator.

Non-employee interpreter services shall be reimbursed as follows: one hundred ninety dollars (\$190.00) per day for work of more than three (3) hours begun in the morning and continuing after a noon recess; one hundred twenty-five dollars (\$125.00) for work of three hours or less whether begun in the morning or afternoon or through the noon recess period; twenty dollars (\$20.00) per hour for work performed after 5:00 p.m. Travel and other expenses are included in the rates.

10. PHYSICIANS:

Not to exceed five hundred dollars (\$500.00) for Rule 11 examinations and reports, which shall be submitted with itemized billing; the usual charges in the community for physicians in the particular specialty of the witness for forensic services.

11. EXPENSES (except where included in the above rates):

Transcription of interview tapes of English-speaking persons will be reimbursed at a rate of not more than two dollars (\$2.00) per page. Transcriptions of interview tapes of Spanish-speaking persons will be reimbursed at a rate of not more than four dollars and fifty cents (\$4.50) per page. Copying charges will be reimbursed at a rate of not more than ten cents (\$.10) per page. Reimbursement will not be made for facsimile expenses.

Travel shall be reimbursed at the then-current county rate for travel necessary to accomplish the work assigned or to the courthouse for a scheduled court appearance. Lodging and other charges necessarily incurred will be paid at the then current rate for out-of-county services only.

IT IS FURTHER ORDERED that the court may order payment in excess of any of the hourly rates or payment caps, either on motion of a party or on the court's own initiative, if it appears that the relevant service is not reasonably available within the limits stated in this Order. If a party may be subject to an order to reimburse the court or otherwise to bear the cost of any service, the party's financial obligation is limited to the amounts stated in this Order, unless the party is given notice that the court is contemplating exceeding the limits stated in this Order and is further given an opportunity to be heard and to suggest alternatives. A party who has been given notice and an opportunity to be heard and to suggest alternatives may be ordered to reimburse the court or otherwise to bear the cost of any service at the hourly rate or with the payment cap set by the court. Prior court approval shall be required, which requirement may be waived only upon a showing of dire need or emergency.

IT IS FURTHER ORDERED that the rates set forth above shall be effective for all court appointed services as of August 30, 2010. Thereafter, all previous administrative orders pertaining to compensation and reimbursement are hereby void and of no further effect.

DATED at Bisbee, Arizona, this 10th day of September, 2010.



WALLACE R. HOGGATT
Presiding Judge

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

FILED
Time 3:30 P.M.

OCT 19 2010

ADMINISTRATIVE ORDER NO. 2010-16

DENISE I. LUNDIN
CLERK SUPERIOR COURT

BY _____ DEPUTY

IN RE: FEES FOR COPIES CHARGED BY CONSTABLES

WHEREAS, there is uncertainty as to whether Constables of the Justice Courts in Cochise County should charge for copies made by them, and if so, at what rate; and

WHEREAS, Arizona Revised Statutes Section 22-281, which specifies the rate of fifty cents per page for copies, applies by its terms only to Justices of the Peace and not to Constables; and

WHEREAS, Cochise County Ordinance 038-09, adopted March 24, 2009, specifies the rate of thirty cents per page for black and white copies, and other rates for other formats, but is specifically addressed to public records request; and

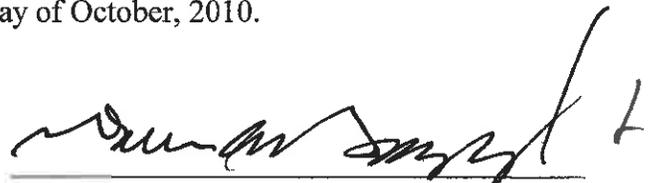
WHEREAS, to the extent possible, the rates charged by Constables in this county should be the same as those charged by other county offices, and

WHEREAS, the rates set forth in Cochise County Ordinance 038-09 are reasonable,

It is hereby **ORDERED**:

All Constables in Cochise County shall charge for copies in accordance with Cochise County Ordinance 038-09, a copy of which is attached hereto.

DATED at Bisbee, Arizona, this 19th day of October, 2010.



WALLACE R. HOGGATT
Presiding Judge

ORDINANCE 038-09

ADOPTING AN ORDINANCE AMENDING FEE SCHEDULES TO PROVIDE FOR A STANDARDIZED COST OF COPYING AND ELECTRONIC MEDIA FOR PURPOSES OF PUBLIC RECORDS REQUESTS

WHEREAS, ARS § 11-251.08 gives the Cochise County Board of Supervisors the authority to charge fees for services sufficient to cover costs and ARS § 39-121 et. seq. gives the Board authority to charge costs of providing copies and electronic media in response to public records requests (such copies and electronic media are hereinafter referred to as "documents"; and

WHEREAS, County Departments and Offices charge varying rates for providing documents in response to public records; and

WHEREAS, some County Departments and Offices have put the costs charged to the public for documents in Board-approved fee schedules and County ordinances enacted pursuant to ARS § 11-251.05; and

WHEREAS, the Board desires to standardize the costs charged for providing documents to the public; and

WHEREAS, the County Auditor has calculated an average cost of making copies and electronic media, as set forth on Exhibit A attached hereto; and

WHEREAS, based on said calculations, the Board believes that it is fair and equitable to charge \$0.30 per page for black and white copies, \$0.30 per page for each hard copy page that is scanned or converted into electronic format, \$0.35 per page for color copies, and \$6.00 per disk, and \$10.00 for a disk of the County's budget;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA THAT

A. Departments and Offices shall charge \$0.30 per page for black and white copies, \$0.30 per page for each hard copy page that is scanned or converted into electronic format, \$0.35 per page for color copies, and \$6.00 per disk, and \$10.00 for a disk of the County's budget;

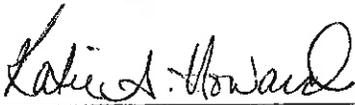
B. This Ordinance shall be deemed to amend any other fee schedule or ordinance that is inconsistent with the charges set forth herein.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY,
ARIZONA, THIS 24th DAY OF MARCH, 2009.



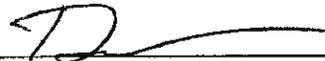
Ann English, Chairman
Cochise County Board of Supervisors

ATTEST:



Katie Howard
Clerk of the Board

APPROVED AS TO FORM:



Britt Hanson
Chief Civil Deputy Attorney

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA **FILED**
IN AND FOR THE COUNTY OF COCHISE

2010 OCT 29 PM 3: 29

ADMINISTRATIVE ORDER NO. 2010-17

IN RE: AMENDING ADMINISTRATIVE ORDER NO. 2004-10

DENISE L. LUNDIN
CLERK OF SUPERIOR COURT
BY
DEPUTY

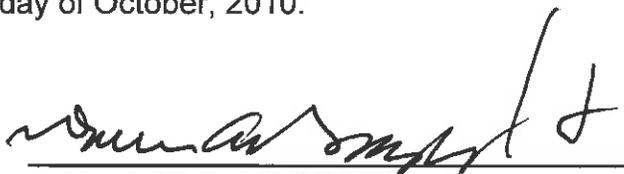
Good cause appearing, it is **ORDERED**:

Administrative Order No. 2004-10, pertaining to Uniform Standards for Indigence and Guidelines for Assessment of Attorney Fees, specifically Paragraph Four, is amended, as follows:

4. The Defendant's Financial Statement, submitted as part of the request for appointment of an attorney, shall be kept confidential and the Clerk shall file the original Financial Statement in a separate envelope, in the court file, which shall be marked "Confidential". Access to this confidential information shall be granted to officials employed by the court or the county, in their official capacity, as it pertains to the management of indigent defense services. The confidential Financial Statements shall not be made available for public dissemination.

This Administrative Order shall be effective this date and shall remain in effect until further Order of this Court.

DATED at Bisbee, Arizona, this 29th day of October, 2010.



WALLACE R. HOGGATT
Presiding Judge

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

FILED

2010 DEC 21 PM 12:01

ADMINISTRATIVE ORDER NO. 2010-18

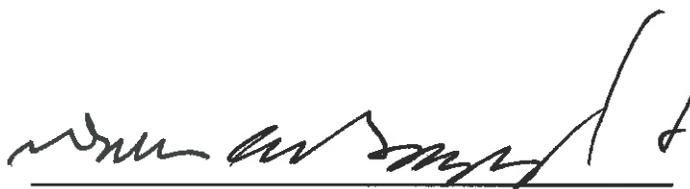
DEBORAH L. LUNDIN
CLERK OF SUPERIOR COURT

IN RE: ADOPTION OF COCHISE COUNTY LIMITED JURISDICTION COURTS
RESTITUTION DISBURSEMENT POLICY & PROCEDURE

Good cause appearing and with the approval of the Cochise County Justices of the Peace at the quarterly Justice of the Peace meeting held in Benson, Arizona, on November 16, 2010,

IT IS HEREBY ORDERED, that the attached "Restitution Disbursement Policy & Procedure" is hereby adopted and is applicable to the justice and magistrate courts of Cochise County.

Dated at Bisbee, Arizona, this 21st day of December, 2010.



WALLACE R. HOGGATT
Presiding Judge

**COCHISE COUNTY LIMITED JURISDICTION COURTS
RESTITUTION DISBURSEMENT POLICY & PROCEDURE**

PURPOSE:

To establish guidelines for disbursing restitution monies.

DISCUSSION:

In accordance with ARS 13-804A, upon a defendant's conviction for an offense causing economic loss to any person, the court may order that restitution be paid by the defendant to any person who suffered an economic loss caused by the defendant's conduct. Restitution payments shall be made to the court unless the court directs otherwise. The court shall, as promptly as practicable, forward restitution payments to the victim (Rule 26.12b of the Arizona Rules of Criminal Procedure.) The risk of the court having a check returned after the restitution check has been issued is minimal.

It is the court's responsibility to ensure that victims' losses are repaid in a reasonable amount of time. The following procedure will ensure that restitution monies received from the defendant are promptly paid to the victim.

PROCEDURE:

1. The court shall accept the following methods of payment for restitution: cash, money order, cashier's check, credit card.
2. Upon receipt of court-ordered restitution, the court shall post the payment into the appropriate case file no later than the next business day.
3. The court shall deposit the restitution monies into the court's bond/restitution bank account.
4. The court shall issue a check to the victim within 10 days of receipt of the restitution payment from the defendant.
5. All restitution payments received through FARE or credit card shall be posted into the appropriate case file. A demand for payment either directly to the victim or as reimbursement to the court's bond/restitution account shall be submitted to the Finance Department no later than the next business day after receipt.

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

FILED

2010 DEC 21 PM 12: 01

ADMINISTRATIVE ORDER NO. 2010-19

DEMISE J. LUNDIN
CLERK OF SUPERIOR COURT

IN RE: ADOPTION OF COCHISE COUNTY LIMITED JURISDICTION COURTS
DELETING PURGED RECORDS POLICY & PROCEDURE

DEPUTY

Good cause appearing and with the approval of the Cochise County Justices of the Peace at the quarterly Justice of the Peace meeting held in Benson, Arizona, on November 16, 2010,

IT IS HEREBY ORDERED, that the attached "Deleting Purged Records Policy & Procedure" is hereby adopted and is applicable to the justice and magistrate courts of Cochise County.

Dated at Bisbee, Arizona, this 21st day of December, 2010.



WALLACE R. HOGGATT
Presiding Judge

**COCHISE COUNTY LIMITED JURISDICTION COURTS
DELETING PURGED RECORDS
POLICY & PROCEDURE**

INTRODUCTION

In accordance with Section 4-302 of the Arizona Code of Judicial Administration, Limited Jurisdiction Courts Records Retention and Disposition, the municipal and justice courts are authorized to maintain and destroy records pursuant to rules established by the Supreme Court. It is recommended that courts follow the retention periods set in the Records Retention and Disposition Schedule and destroy records after retention periods expire.

Court records are available to the general public through the Public Access to Information website. Although the courts destroy the case file, case information remains on Public Access. This can cause confusion and possible harm to parties seeking to clarify or dispute online case information without success when the case file has been destroyed. The Advisory Committee on Supreme Court Rule 123 believes there should be consistency among electronic case information and the actual case file and recommends that the electronic case information be deleted when case files are destroyed. In order to remove access to the electronic record of files that have been destroyed at the expiration of the retention period, the following policy and procedure has been established to purge and delete those records.

POLICY/PROCEDURE

1. The courts shall follow the Records Retention and Disposition Schedule and establish a routine to destroy records after retention periods expire. In order to protect the privacy of individuals and purge all case information from public access, once it has been determined that there are no outstanding receivables in the case file, the courts shall enter into the Case Management System Event Code 5199 – Record Purged and Sealed – and enter a "Y" in the "Sealed/Expunged" field in the Case Master. This event code shall be used only for those cases that have been determined to be eligible for destruction.
2. A supervisor or designated clerk shall run the "Event Index" for Code 5199 for a specified time period – weekly, monthly, quarterly.
3. A supervisor or designated clerk shall delete the electronic record in the case management system:

Utilities >
Case Delete >
Delete All Records for a Case >
Case Number >

"Dispositioned charges exist on this case. Future dispositions for this case will require manual reporting. Are you sure you want to delete this record?" Y >

The actual case file should be destroyed using appropriate destruction methods that will ensure the protection of individuals' privacy. The electronic case file will be deleted from the access to public information within 24 hours.

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

FILED

2010 DEC -2 AM 11:38

ADMINISTRATIVE ORDER NO. 2010-20

DENISE L. LINDEN
CLERK OF SUPERIOR COURT
BY

IN RE: REGULAR AND SPECIAL ASSIGNMENTS OF JUDGES

Pursuant to the provisions of Rule 92(a)(1) of the Supreme Court of Arizona, and Rules (1)(b) and (c), Local Rules of Practice of the Superior Court, Cochise County, pertaining to regular and special assignments of all judges in this court, and otherwise good cause appearing, it is

ORDERED as follows:

1. Division Six is the designation for the Superior Court Judge Pro Tempore division.
2. Division Six shall hear such matters, in such locations, as assigned by the Presiding Judge.
3. Division Seven is the designation for any and all visiting judges.
4. All newly-filed adult criminal cases each week shall be divided equally among Divisions Two, Three, Four and Five. Separate files involving co-defendants charged in the same indictment or information shall, to the extent practicable, be assigned to the same division.
5. All newly-filed domestic relations cases shall be assigned as follows: 40% to Division One, 20% each to Divisions Two, Four and Five.
6. All newly-filed civil cases shall be divided equally between Divisions One, Two, Three and Four.
7. All newly-filed private severance cases and newly-filed adoption cases shall be assigned to Division Six.
8. All sexually violent persons cases, all mental health cases and all appeals from the limited jurisdiction courts shall be assigned to Division Three.
9. Extraditions, interstate compact cases and intrastate transfer of jurisdiction cases shall be assigned to Division Five.
10. All newly-filed guardianship, conservatorship, and probate cases shall be assigned to Division Two.

11. All IV-D matters, whether newly-filed cases or filed in existing domestic relations cases, shall be assigned to Division Four.
12. All newly-filed delinquency cases shall be assigned to Division Six.
13. All newly-filed dependency cases shall be assigned to Division Six.
14. Pending cases may be reassigned by the office of court administration, in working with the divisions of this court, at the direction of the Presiding Judge, so as to ensure that all court divisions have caseloads that are substantially as contemplated by this order.
15. All assignments enumerated in this order shall be effective January 3, 2011. Thereafter, this order shall supersede and supplant all previous administrative orders making regular and special assignments of judges in this court, specifically Administrative Order 2010-10.

DATED at Bisbee, Arizona, this 02nd day of December, 2010.



WALLACE R. HOGGATT
Presiding Judge