



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

FILED

ADMINISTRATIVE ORDER NO. 2014-001

2014 MAR 12 AM 10:23

IN RE: ASSIGNMENT OF RETIRED JUDGE

MARY ELLEN DUNLAP  
CLERK OF SUPERIOR COURT

BY \_\_\_\_\_

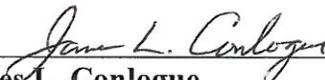
Pursuant to Article VI, Section 20, of the Arizona Constitution, A.R.S. §38-813, and Arizona Supreme Court Administrative Order No. 2001-62, and good cause appearing, it is

ORDERED the Honorable Stephen M. Desens, retired judge of the superior court, be and is hereby assigned to preside over matters pertaining to the following case in the Superior Court of Cochise County:

CV20100395 – Stagecoach Trails MCH, LLC v City of Benson, et al.

It is further ORDERED that Judge Desens shall be compensated pursuant to Article VI, Section 20 , of the Arizona Constitution.

DATED at Bisbee, Arizona, this 12th day of March, 2014.

  
\_\_\_\_\_  
James L. Conlogue  
Presiding Judge

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

FILED

2014 MAY 30 AM 8:03

**ADMINISTRATIVE ORDER NO. 2014-002**

MARY ELLEN DUNN, J.P.  
CLERK OF SUPERIOR COURT

**IN RE: ELECTRONIC RECORDING OF PRELIMINARY HEARINGS**

Rule 5.2, Arizona Rules of Criminal Procedure, provides that a verbatim transcript of a preliminary hearing may be produced from an electronic recording. Rule 5.2 further provides that a party's request for a court reporter shall be honored unless the court is in a geographic location where certified court reporters are not reasonably available.

Two full-time court reporters departed from Cochise County within the last six months. The County now has only two full-time court reporters and two part-time court reporters to cover six Superior Court divisions.

The County has an on-going recruitment for court reporters but has not received a single employment application from a qualified court reporter. Many other courts in Arizona are also recruiting for court reporters and it is becoming increasingly difficult for Cochise County to compete for qualified applicants. Because of the demand for court reporters in more populous counties it has become more difficult, and more expensive, to hire *per diem* court reporters.

Rule 30, Rules of the Supreme Court of Arizona, requires that all Superior Court proceedings shall be recorded by a certified court reporter upon timely request by a party. In addition, even without a request, certain enumerated proceedings must be recorded by a certified court reporter unless a waiver by all parties is approved by the court.

Each Justice Court in Cochise County is equipped with a digital recording system designed to maximize the accuracy of the record of all court proceedings including preliminary hearings.

Based upon the foregoing, the Presiding Judge for Cochise County now finds that all Justice Courts in Cochise County are situated in a geographic location where certified court reporters are not reasonably available to record preliminary hearings.

**IT IS ORDERED** that the Justice Courts of Cochise County shall utilize the digital recording system equipped in each courtroom to produce the verbatim record of all preliminary hearings.

**DATED** at Bisbee, Arizona this 30th day of May, 2014.

  
\_\_\_\_\_  
James L. Conlogue, Presiding Judge

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

FILED

ADMINISTRATIVE ORDER NO. 2014-003  
SUPERSEDES ADMINISTRATIVE ORDER 2012-009

2014 JUL -9 AM 8:06

MARY ELLEN DUNLAP  
CLERK OF SUPERIOR COURT

BY \_\_\_\_\_  
DEPUTY

IN RE: RULES AND PROCEDURES GOVERNING THE SELECTION AND APPOINTMENT OF  
JUDGES AND JUSTICES OF THE PEACE PRO TEMPORE (PRO TEM) FOR COCHISE COUNTY

**RULE 1. OVERVIEW AND PURPOSE**

This administrative order is entered to comply with the requirements of the Arizona Code of Judicial Administration (ACJA) Section 1-305 Selection of Special Judicial Officers to establish procedures governing the selection of Special Judicial Officers (Superior Court Judges Pro Tem and Justices of the Peace Pro Tem).

The goal of the judicial nomination process is to select judges and justices of the peace pro tem who have demonstrated a high degree of professional competence, who are highly respected by their peers, who are sensitive to the needs of and held in high regard by the communities they serve, who bring a diversity of background and experience to the bench, and, to the extent possible, who reflect the ethnic, racial and gender diversity of those communities. However, the primary consideration shall be merit.

For purposes of this order, the term Presiding Judge shall mean the Superior Court Presiding Judge unless specifically indicated otherwise.

**RULE 2. COMMITTEE CHAIR AND MEMBERSHIP**

When the need to initiate a judicial recruitment arises, the Presiding Judge shall appoint a sitting superior court judge or justice of the peace to chair a Judicial Selection Committee, and the chair shall preside at all meetings of the Committee. This will not be a Standing Committee, although this Committee may be tasked to select more than one judicial officer. To the extent deemed necessary, the chair will enlist the assistance of the Judicial Branch Human Resources Director to assist in any of the Committee's work.

The Committee shall consist of no fewer than seven members including the chair. In addition to the chair, the members will include, at a minimum, two judges, two attorneys and two non-lawyer members of the community. The members will be selected by the Presiding Judge upon a vacancy occurring for a position as superior court judge pro tem or justice of the peace pro tem.

**RULE 3. COMMITTEE MEMBER IMPARTIALITY**

Committee members shall consider each applicant for a judicial office in an impartial, objective manner. Committee members shall disclose to the Committee any relationship with an applicant (business, person, attorney-client) or any other possible cause for conflict of interest, bias or prejudice. A Committee member is disqualified from voting on the application of a family member within the third degree of consanguinity or

present co-worker in the same company or firm as the Committee member. A Committee member shall disqualify himself or herself from voting on an application if voting on that application would present a conflict of interest.

A Committee member shall not individually communicate verbally or in writing with an applicant, from the time of the application deadline until the Committee conducts its final vote on the nominations and is dismissed, about the application, the contents of the application, the judicial position, the Committee, the nomination process or any application. Nothing in this rule prohibits the Chair of the Committee from contacting an applicant if he or she determines that it is in the best interest of the public, the Committee, and the applicant, to make such contact. A quorum shall be four (4) Committee members.

#### **RULE 4. COMMITTEE MEETINGS**

Meetings of the Committee may be called by the Chair by notice to the other members specifying the time and place of meeting. Such notice shall be given at least seven (7) days before the time specified, unless the Chair determines that it is essential to hold an emergency meeting with less than seven days notice. The committee may meet by electronic media concerning any matters.

At a minimum, there will be two meetings required to select candidates for appointment by the Presiding Judge, a screening meeting and an interview meeting.

#### **RULE 5. RECRUITMENT OF APPLICANTS**

Committee members may actively seek out and encourage applicants from qualified individuals who will reflect the diversity of the community they will serve, provided, however, that no Committee member shall pledge or promise to advance or support any particular candidate. Committee members may enlist the aid of community groups and organizations in this effort.

The Judicial Branch Human Resources Director shall insure that notice and outreach of the position is extensive including wide public notice by press releases and by mailing designed to encourage all those interested to submit an application. When feasible, such notice shall be given thirty (30) days or more before the deadline for applications, and it shall state how the application is to be obtained.

The Presiding Judge may waive the requirement of a formal recruitment process for an individual to serve as Justice of the Peace Pro Tempore who has served as a judicial officer as long as the applicant left the office in good standing. However, the prospective judicial officer will need to satisfactorily fulfill all pre-employment background checks and verifications required of all other candidates prior to appointment and reappointment.

#### **RULE 6. APPLICATION PROCESS**

Every applicant shall complete and file with Judicial Human Resources an application as specified in the public announcement of judicial vacancy. If selected to serve, each nominee will be subject to a background check, prior to appointment.

#### **RULE 7. ROLE OF COMMITTEE MEMBERS**

As soon as the application deadline has closed, copies of all applications received shall be provided to each Committee member for a review. The role of the Committee is to screen the applications to produce a list of finalists to be given an opportunity to interview for the position; investigate the qualifications of those selected

for an interview and share this information with the Committee consistent with the following guidance; and recommend a list of nominees for consideration of the Presiding Judge.

### **Screening Meeting**

The Committee shall meet for the purpose of deciding which applicants are to be interviewed. The Committee shall discuss and evaluate the qualifications of each applicant.

Each Committee member shall disclose any information outside of the application relied upon by that member in evaluating an applicant. If confidentiality has been promised to a source, Committee members shall consider whether less weight should be given to the information.

Selection of Applicants for Interviews: Each Committee member shall have five (5) ballots to cast in secret as to which applicants should be interviewed. If multiple positions are to be filled, the number of ballots shall be increased to seven (7). Members may not cast more than one vote for any one applicant. The Committee shall decide the number of applicants to be interviewed, and that number of applicants who have received the highest number of votes cast shall be placed on the list of applicants to be interviewed.

### **Pre-Interview Investigation**

Committee members shall further evaluate selected applicants by contacting as many individuals, community groups, and other sources as deemed reasonable to obtain information on the applicants' life experiences, community activities and background. Committee members shall encourage sources to allow their names to be disclosed to the Committee and to the applicant, but may accept comments about an applicant from a source that requests confidentiality as to the Committee and/or to the applicant.

When a comment given to a Committee member concerning an applicant contains an opinion as to the applicant's character, fitness or competency, the committee member shall inquire as to the factual basis, circumstances and examples that support the opinion and as to names of other whom the source of the opinion believes might have knowledge about the opinion.

Opinion comments relied upon by a Committee member may be disclosed to the Committee and considered in evaluating an applicant if they are supported by a factual basis or circumstance, which is also disclosed to the Committee.

No information from an anonymous source shall be considered by any Committee member or shared with any other Committee member or the committee at any point in the screening process.

### **Interview Meeting**

The Committee shall meet for the purpose of interviewing the finalists in order to compile a list of nominees to be forwarded to the Presiding Judge. The Committee shall schedule sufficient time prior to the interview of each applicant to discuss the results of Committee members' investigation and to determine whether any matters that were disclosed in the course of the investigation should be discussed with the applicant at the interview.

The Committee shall interview selected applicants. Committee members will endeavor to treat all candidates in the uniform manner by, for instance, asking the same core questions of each. Individualized questions and discussions are expected in order to develop information relative to the specific background of the individual

candidate. A Committee member may question an applicant about comments made about the applicant for which confidentiality has been requested so long as the source of comment is not identified.

After a full and complete discussion of each finalist, the Chair shall conduct a vote by Committee members as to which applicants interviewed should be nominated for referral to the Presiding Judge for appointment. Each finalist who receives a vote of the majority of Committee members present and voting shall be listed for consideration for referral to the Presiding Judge. The Committee by majority vote of members present and voting shall nominate as many applicants as it wishes for referral to the Presiding Judge.

The Chair may designate a member or members to notify those applicants not submitted as nominees to the Presiding Judge. If a Committee member receives new written information about a nominee submitted to the Presiding Judge after the interview meeting has adjourned, the Committee member shall forward the information to the Chair of the Committee and the Chair shall forward the information to the Presiding Judge, with a cover memorandum explaining that the nominee had neither been questioned about nor responded to the information. If the information is verbal, the Committee member shall advise the source about his or her right to contact the Presiding Judge.

#### **RULE 8. TRANSMITTAL TO THE PRESIDING JUDGE**

The Chair shall deliver the names of the nominees, listed in alphabetical order, to the Presiding Judge. In order to facilitate the Presiding Judge's selection of the appointee, the Committee file concerning each nominee shall be provided to the Presiding Judge along with the nominee list.

All judicial officers must comply with the Code of Judicial Conduct. Prior to appointment as a Pro Tem Judicial Officer, each nominee must certify that they have read the Code, have no current conflict with the Code's requirements and will comply with its provisions.

#### **RULE 9. OTHER PROVISIONS**

These procedures are the minimum standards governing recruitment, selection and appointment. The Presiding Judge may impose additional procedural requirements to comply with the Arizona Code of Judicial Administration and to ensure a successful selection.

Pro tem appointments may not exceed a term of one year. Pro tem judicial officers may be subject to reappointment.

#### **RULE 10. TRAINING**

The Presiding Justice of the Peace or the Presiding Judge of the Superior Court Division in which the pro tem judicial officer serves shall submit a proposed plan of training and instruction to be completed by the pro tem judicial officer to the Superior Court Presiding Judge for approval. The training shall be completed prior to assuming the duties of the position. The Superior Court Presiding Judge shall be notified when the training has been completed.

#### **RULE 11. EVALUATION**

The Presiding Judge shall at least annually receive input from the judicial officers, attorneys and the public regarding the performance of each judge pro tem.

**RULE 12. TEMPORARY APPOINTMENT**

In the event an existing full time pro tem position becomes vacant, the Presiding Judge may suspend these rules and procedures and appoint an acting full time pro tem judicial officer to service on an interim basis until the selection process outlined in this order can be concluded. The selection process must commence within thirty days of the appointment. The length of this appointment shall be no longer than six (6) months.

**DATED** at Bisbee, Arizona, this 8th day of July, 2014.

A handwritten signature in cursive script, reading "James L. Conlogue", is positioned above a horizontal line.

JAMES L. CONLOGUE  
Presiding Judge

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

FILED

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ADMINISTRATIVE ORDER NO. 2014-004

2014 MAY -1 PM 2:33

MARY ELLEN DUNLAP  
CLERK OF SUPERIOR COURT

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IN RE: APPOINTMENT OF SUPERIOR COURT JUDGES PRO TEMPORE AND  
JUVENILE COURT COMMISSIONERS

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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.

**Margaret Macartney**  
**Ann Battaglia Roberts**

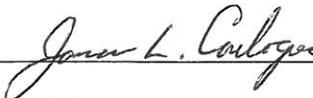
Are hereby reappointed as Juvenile Court Commissioners and are dually assigned as Superior Court Judges Pro Tempore under the following terms and conditions:

- 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.

Said Superior Court Judges Pro Tempore, Juvenile Court Commissioners 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, 2014, to and including June 30, 2015.

**DATED** at Bisbee, Arizona, this 1<sup>st</sup> day of May, 2014.



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**JAMES L. CONLOGUE**  
Presiding Judge

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

FILED

2014 AUG -7 PM 3:16

ADMINISTRATIVE ORDER NO. 2014-005

MARY ELLEN DUNLAP  
CLERK OF SUPERIOR COURT

IN RE: APPOINTMENT OF PRESIDING JUVENILE COURT JUDGE

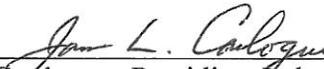
DEPUTY

The current Presiding Juvenile Court Judge, Donna Beumler, tendered her resignation and she is hereby relieved of her position as Presiding Juvenile Court Judge.

Pursuant to Arizona Supreme Court Order No. 2005-32, **IT IS ORDERED:**

The Honorable Karl D. Elledge, Judge of the Superior Court, is hereby appointed as Presiding Judge of the Juvenile Court for Cochise County effective immediately.

**DATED** at Bisbee, Arizona this 7th day of August, 2014.

  
James L. Cenlogue, Presiding Judge

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

FILED

2014 MAY 29 AM 8:06

MARY ELLEN DUNLAP  
CLERK OF SUPERIOR COURT

BY \_\_\_\_\_ DEPUTY

ADMINISTRATIVE ORDER NO. 2014-006

IN RE: APPOINTMENT OF JUSTICES OF THE PEACE PRO TEMPORE

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

**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**  
**William Lakosil**  
**Paul Julien**  
**Frederick Thompson**  
**David Howe**  
**Gerald Till**

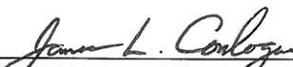
Are hereby reappointed as Justices of the Peace Pro Tempore on a county-wide basis under the following terms and conditions:

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

Said 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, 2014, to and including June 30, 2015

**DATED** at Bisbee, Arizona, this 28<sup>th</sup> day of May, 2014.

  
\_\_\_\_\_  
**JAMES L. CONLOGUE**  
Presiding Judge

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

FILED

2014 MAY 29 PM 12:15

**ADMINISTRATIVE ORDER NO. 2014-007**

MARY ELLEN DUNLAP  
CLERK OF SUPERIOR COURT

**IN RE: REGULAR AND SPECIAL ASSIGNMENTS OF JUDGES**

BY \_\_\_\_\_  
DEPUTY

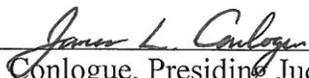
Pursuant to the provisions of Rule 92(a)(1) of the Supreme Court of Arizona, and Rules 1(b), (c) and (d), Local Rules of Practice of the Superior Court, Cochise County;

**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 criminal cases shall be assigned equally among Divisions Two, Three 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 family law 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 assigned equally among Divisions One, Two, Three and Four.
7. All newly-filed private severance cases shall be assigned to Division Four.
8. All newly-filed adoption cases shall be assigned to Division Six.
9. All sexually violent persons cases, all mental health cases and all appeals from the limited jurisdiction courts shall be assigned to Division Three.
10. Extraditions, interstate compact cases and intrastate probation transfer of jurisdiction cases shall be assigned to Division Five.
11. All newly-filed guardianship, conservatorship and probate cases shall be assigned to Division Two.
12. All IV-D matters, whether a newly-filed case or filed in another existing case, shall be assigned to Division Six.
13. All newly-filed delinquency cases shall be assigned to Division Four.

14. All newly-filed dependency cases shall be assigned to Division Six.
15. Pending cases may be reassigned by the Office of Court Administration, at the direction of the Presiding Judge, to ensure that all divisions have caseloads substantially in conformity with this order.
16. The assignment of criminal cases, as set forth in paragraph 4 above, shall be effective immediately. All remaining assignments shall be effective on July 1, 2014. Thereafter, this administrative order supersedes and supplants all previous administrative orders making regular and special assignments of judges in this court, specifically Administrative Order 2010-20.

**DATED** at Bisbee, Arizona this 29th day of May, 2014.

  
\_\_\_\_\_  
James L. Conlogue, Presiding Judge

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

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**ADMINISTRATIVE ORDER NO. 2014-008**

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**IN RE: ELECTIONS CASES**

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FILED

2014 MAY 29 PM 12:15

MARY ELLEN DUNLAP  
CLERK OF SUPERIOR COURT

BY \_\_\_\_\_  
DEPUTY

Pursuant to the memorandum of the Honorable Rebecca White Berch, Chief Justice of the Arizona Supreme Court, dated February 12, 2014, regarding elections cases,

**IT IS ORDERED** as follows:

- A. Division Five of the Superior Court in Cochise County is designated as the division to which election contests shall be assigned.
- B. Division Four of the Superior Court in Cochise County is designated as the alternate division to which election cases shall be referred in the absence or disqualification of Division Five.
- C. Aaron Schlesinger is designated as the court reporter to report election cases.
- D. Penny Nyander is designated the alternate court reporter to report election cases in the absence of Aaron Schlesinger.
- E. A copy of Chief Justice Berch's memorandum of February 12, 2014 is attached hereto.

**DATED** at Bisbee, Arizona this 29th day of May, 2014.

  
\_\_\_\_\_  
James L. Conlogue, Presiding Judge

To: Superior Court Presiding Judges  
From: Rebecca White Berch, Chief Justice  
Subject: Election Cases  
Date: February 12, 2014

**MEMORANDUM**

This is an election year for local, state, and congressional 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 overseas, military, and 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.<sup>1</sup>

In nominating petition contests, litigants appeal directly from the superior court to the Arizona Supreme Court. A.R.S. § 16-351(c). 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 to the extent necessary assemble the record promptly for transmittal on appeal. 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 be familiar with that rule.

Early voting is set to begin July 31, 2014 for the primary election and October 9 for the general election. The primary itself is set for August 26 and the general election will be held November 4. 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 court's delay or failure to

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<sup>1</sup> 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/2014/Info/ImportantDates.htm>

act should not hold up or add expense to public elections.

2. Designate a responsible court reporter to handle election cases. This 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 court's 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 full time pro tem judge who will become familiar with the statutes before these cases are filed, 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](mailto:jschaffert@courts.az.gov)) and Mark Armstrong (602-452-3387, [marmstrong@courts.az.gov](mailto: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](mailto:jrogers@courts.az.gov)). She will always know how to find me.

Thank you for giving this your consideration.

attachment

cc Justices  
Janet Johnson  
Judy Schaffert  
Mark Armstrong  
David Byers

**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

ADMINISTRATIVE ORDER NO. 2014-009

2014 AUG 20 PM 1:05

MARY ELLEN GUM  
CLERK OF SUPERIOR COURT

IN RE: APPOINTMENT OF THE SUPERIOR COURT JUDGE PRO TEMPORE  
SELECTION COMMITTEE

DEPUTY

**IT IS HEREBY ORDERED** that the following persons are appointed to serve on the Superior Court Judge Pro Tempore Selection Committee:

Ann Roberts, Attorney Member  
Ruben Teran, Attorney Member  
Jane Strain, Public Member  
Gwen Calhoun, Public Member  
Judge Karl D. Elledge, Judicial Member  
Judge Charles A. Irwin, Judicial Member  
Judge John F. Kelliher, Judicial Member

**IT IS FURTHER ORDERED** that Judge Wallace R. Hoggatt is appointed and shall serve as Chair of the Committee.

**IT IS FURTHER ORDERED** that the Committee shall have the powers and duties set out in Section 1-305 of the Arizona Code of Judicial Administration and Cochise County Administrative Order No. 2012-009.

**DATED** at Bisbee, Arizona, this 20th day of August, 2014.

  
\_\_\_\_\_  
**JAMES L. CONLOGUE**  
Presiding Judge

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

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ADMINISTRATIVE ORDER NO. 2014-011

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IN RE: ASSIGNMENT OF RETIRED JUDGE

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FILED

2014 SEP -5 AM 11:05

MARY ELLEN DUNLAP  
CLERK OF SUPERIOR COURT

BY \_\_\_\_\_  
DEPUTY

Pursuant to Article VI, Section 20, of the Arizona Constitution, ARS §38-813 and Arizona Supreme Court Administrative Order No. 2012-104 and good cause appearing, it is ORDERED:

Honorable Ann Littrell, retired judge of the Superior Court, is hereby assigned to preside over all matters assigned to Division VI for a period commencing on September 15, 2014 with the vacancy in that judicial division caused by the resignation of Judge Donna M. Beumler. This assignment shall remain in force until Judge Beumler's successor is appointed and assumes the office.

DATED at Bisbee, Arizona, this 5th day of September, 2014.

  
\_\_\_\_\_  
JAMES L. CONLOGUE  
Presiding Judge

FILED

2014 AUG 27 AM 11:24

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

MARY ELLEN DUNLAP  
CLERK OF SUPERIOR COURT

BY \_\_\_\_\_  
DEPUTY

ADMINISTRATIVE ORDER NO. 2014-012

IN RE: APPOINTMENT OF PROBATE REGISTRAR AND DESIGNEES

Pursuant to the provisions of A.R.S. § 14-1307 pertaining to the appointment of Probate Registrar and other designees, it is

**ORDERED** as follows:

- 1) Mary Ellen Dunlap, Clerk of the Superior Court is designated as Probate Registrar for Cochise County.
- 2) Kathryn Chavez, Tanya Loya, Maria Valdivia, Frances Ranacelli, Vicki Barton, Jennifer McIntyre, Alva Durazo and Stephanie Delk, are designated as Assistant Probate Registrars.
- 3) This administrative order supersedes administrative order No. 2013-009 and shall be effective upon the date of signing.

DATED at Bisbee, Arizona, this 27th day of August, 2014.

  
\_\_\_\_\_  
JAMES L. CONLOGUE  
Presiding Judge

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

FILED

ADMINISTRATIVE ORDER NO. 2014-013

2014 OCT 14 PM 2:01

IN RE: REVISION TO MERIT RULE 18

MARY ELLEN DUNLAP  
CLERK OF SUPERIOR COURT

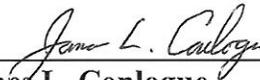
BY \_\_\_\_\_  
DEPUTY

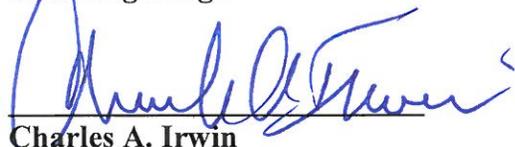
Pursuant to Rule 26 of the Judicial Merit System of the Superior Court in Cochise County, with the approval of the judges of said court, and otherwise good cause appearing, it is ORDERED:

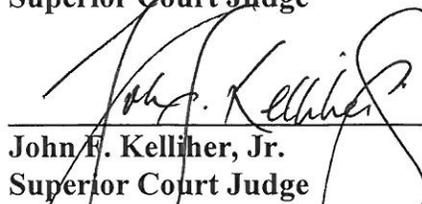
Sections of Rule 18, pertaining to Disciplinary Appeals are amended and attached hereto. Sections of the Rule pertaining to grievances remain in effect until further order of this court

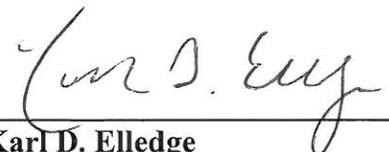
The revisions shall take effect as of November 1, 2014 and shall apply to all appeals from discipline imposed on or after November 1, 2014.

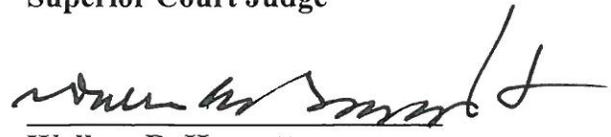
DATED at Bisbee, Arizona, this 13<sup>th</sup> day of October, 2014.

  
James L. Conlogue  
Presiding Judge

  
Charles A. Irwin  
Superior Court Judge

  
John F. Kelliher, Jr.  
Superior Court Judge

  
Karl D. Elledge  
Superior Court Judge

  
Wallace R. Hoggatt  
Superior Court Judge

**Rule18- Appeal and Grievance Procedure**  
**Revision Effective 11/01/2014**

RULE 18. APPEAL AND GRIEVANCE PROCEDURE

I. Appeal.

An employee who has passed an initial probationary period and who for cause pursuant to Rule 16 is demoted, suspended without pay or with reduced pay, or dismissed, may within ten (10) working days of imposition of discipline appeal the disciplinary decision.

II. Process to Initiate/File an Appeal

An employee may initiate an appeal by submitting written notice, signed by the employee, to the Superior Court Administrator. The notice of appeal shall state the specific reason(s) why the disciplinary action should not have been taken, including the alleged misinterpretation or misapplication of these rules, personnel policies or administrative procedures and the remedy requested. A copy of the notice and all relevant materials shall be provided to the Presiding Judge, the Department Director and the Judicial Human Resources Director. An appeal that is not submitted in a timely manner shall be dismissed unless good cause is shown for the delay in submission.

The Judicial Human Resources Director shall provide the Presiding Judge with all documentation and other information used to support court management's decision to discipline. The Presiding Judge shall refer the matter to a Hearing Officer for a hearing and transmit all documents received from the parties to the Hearing Officer. The Hearing Officer shall be an individual who has appropriate experience in employment matters or a Superior Court Judge.

All subsequent pleadings and documents shall be filed with the Judicial Human Resources Director.

III. Hearing Officer and Hearings

The Hearing Officer shall schedule a hearing to occur within thirty days of receipt of the referral (unless a longer time is stipulated to by the parties and accepted by the Hearing Officer) and promptly shall send notice of the hearing date, time, and place to both the employee and the supervisor initiating the discipline (the initiating supervisor), with a copy to all supervisory personnel to whom the decision has been appealed.

The employee may request a change of Hearing Officer only on a showing to the Presiding Judge that a fair and impartial hearing cannot be obtained due to the prejudice of the assigned hearing officer

The Hearing Officer shall hold a hearing, hear the evidence, prepare a record, and issue a recommendation to the Presiding Judge for final decision. The Hearing Officer shall also have the authority to issue subpoenas pursuant to Section 12-2212 of the Arizona Revised Statutes upon a showing that the witness testimony will be relevant.

**A. Pre Hearing Procedures:**

1. If requested by the employee, the Judicial Human Resources Director will provide the employee with a copy of his/her personnel file no later than five business days after the employee makes such request.
2. Within ten business days after management's receipt of a written request from the employee, accompanied by a copy of the filed notice of appeal, management shall provide the employee with a copy of the investigative file, if any, as well as the names and contact information of all persons interviewed within the course of any such investigation, after redacting any confidential information contained in those materials. The investigative file may include any/all of the following: a final report by the investigator reporting their findings, any written statements received in the investigation, any audio tape recordings that were made during the investigation, summaries of the investigator's steps in processing the investigation, and any documents that the investigator used in preparing the investigation report.
3. Prior to the hearing, the Hearing Officer will receive all documents received by the Presiding Judge described in Section II of this rule, all documents filed by the parties, and a copy of management's' investigative file, if such a file exists and any other information described in this rule.
4. Not less than ten days before the hearing, the employee and management shall provide each other and the Hearing Officer with a list of witnesses who may be called at the hearing and any documents they plan to admit into evidence, together with their contact information and a brief description of their expected testimony.
5. All exhibits shall be submitted no later than three business days prior to the hearing. Parties shall file a joint statement indicating which exhibits have been stipulated and objection(s), if any, to the remaining exhibits and the basis for the objection(s).
6. The Hearing Officer, in his/her discretion, may order additional disclosure by either party and may in his/her discretion require the attendance of witnesses. Any evidence or witness not properly disclosed may be excluded.
7. Both the employee and management may be represented at the hearing by an attorney licensed to practice in the State of Arizona and shall provide the Hearing Officer with the names, addresses, and telephone numbers of their attorneys, if any, no less than ten days before the hearing. The employee shall be responsible for payment of his/her own attorney's fees and costs and shall not be entitled to an award of attorney's fees/costs at any time.

## **B. Hearing Procedures:**

1. The employee and management representative(s) shall appear personally at the hearing, unless physically unable to do so or unless otherwise excused by the hearing officer for good cause. The hearing shall be closed to the public unless the employee requests that it be open. At the request of either party, non-party witnesses, other than the employee and any management-designated representative(s), may be excluded from the hearing except when testifying. The hearing shall be recorded by digital recording equipment. The Hearing Officer is not bound by rules of evidence or procedure but may use the Arizona Rules of Evidence as guidance, in his or her discretion, to maintain order during the hearing. If either party fails to appear at the hearing, the Hearing Officer may recommend a decision in favor of opposing party.

The Hearing Officer will limit the scope of the review to such information which is relevant to consider whether the discipline imposed by management was arbitrary or without reasonable cause.

2. The hearing will be conducted in the sequence described below to give each party a reasonable opportunity to present their position.
  - a. The Hearing Officer will call the hearing to order, introduce all parties and outline the hearing sequence.
  - b. Management or management's attorney may make an opening statement.
  - c. The employee or the employee's attorney may make an opening statement.
  - d. Management or management's attorney may present documentary and any other evidence and may present witnesses. Each witness shall be sworn and, following questioning by management or management's attorney, may be questioned by both the hearing officer and the employee or his/her attorney.
  - e. The employee or his/her attorney may present documentary and any other evidence and may present witnesses. Each witness shall be sworn and, following questioning by the employee or his/her representative, may be questioned by both the Hearing Officer and management or management's attorney.
  - f. Management or management's attorney may present any rebuttal evidence.
  - g. Management or management's attorney may make closing remarks.
  - h. The employee or his/her attorney may then make closing remarks.
  - i. The burden of proof shall be on management to prove by preponderance of the evidence that the disciplinary action was not arbitrary or without reasonable cause.

## **IV. Report of Hearing Officer**

The Hearing Officer shall file a written report with the Presiding Judge, based upon the preponderance of the evidence that includes the following:

Findings of fact, referring to and based upon the evidence presented at the hearing, and

a recommended decision to uphold or set aside the discipline imposed.

The Hearing Officer shall recommend that the discipline be upheld if he/she finds, by preponderance of the evidence, that the discipline was not arbitrary or not without reasonable cause.

The Hearing Officer shall send a copy of the written report and recommendation to the Presiding Judge within ten business days after the hearing.

All time limits referred to in this section, including the time limits imposed on the Hearing Officer, may be modified by stipulation of the parties accepted by the Hearing Officer or by order of the Hearing Officer.

#### V. Presiding Judge's Decision

The Presiding Judge to whom the report and recommendation is made may accept the factual findings of the Hearing Officer and may:

1. Implement the Hearing Officer's recommendations as to discipline; or,
2. Reject or modify the Hearing Officer's recommendations as to discipline; or,
3. Return the matter to the Hearing Officer for such additional, specific inquiry or proceedings as the Presiding Judge deems necessary. If the matter is returned to the hearing officer for additional specific inquiry or proceedings, the Hearing Officer will provide the Presiding Judge with a written report on such additional inquiry or proceedings within fifteen business days of their completion.
4. Following receipt of the hearing officer's original report and the report of such supplemental proceedings, if any, as the Presiding Judge may have ordered, the Presiding Judge shall render a written decision. If the Presiding Judge amends, modifies, or rejects the decision of the hearing officer, the Presiding Judge shall state his or her reasons for the amendment, modification or rejection. If possible, such written decision will shall be sent to the employee and management within fifteen business days of the receipt of the Hearing Officer's final report.
5. If the Presiding Judge determines that procedural error occurred during the appeal process, the judge may: 1) find that the error was not sufficient to warrant overturning the disciplinary action; or 2) find that the procedural error requires overturning the disciplinary action and state whether or not a new disciplinary action may be initiated for the same cause.
6. The Presiding Judge shall uphold the discipline if he/she finds, by a preponderance of evidence, that the discipline was not arbitrary or without reasonable cause. The decision of the Presiding Judge shall be final, and not subject to further appeal.

## VI. Withdrawal of Appeal

Any employee may submit a written notice to withdraw his/her appeal at any time prior to the final decision of the Presiding Judge.

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

FILED

ADMINISTRATIVE ORDER NO. 2014-014

2014 OCT 14 PM 1:40

IN RE: APPOINTMENT OF SUPERIOR COURT JUDGE PRO TEMPORE

MARY ELLEN DUNLAP  
CLERK OF SUPERIOR COURT  
BY \_\_\_\_\_  
DEPUTY

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

**Terry Bannon**

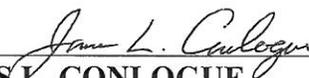
Is hereby appointed as a Superior Court Judge Pro Tempore under the following terms and conditions:

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

Said Superior Court Judge 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 this appointment is October 26, 2014 to and including June 30, 2015.

**DATED** at Bisbee, Arizona, this 14th day of October, 2014.

  
\_\_\_\_\_  
**JAMES L. CONLOGUE**  
**Presiding Judge**