

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

IN THE MATTER OF SPECIAL
COMMISSIONERS AND DEFERRAL OF
FEES AND COSTS

}
} ADMINISTRATIVE ORDER
} No. 2020-047

Arizona law (A.R.S. §12-302) authorizes the court to grant a deferral or waiver of fees under specific circumstances. To assist in this process, Administrative Order 2017-046 authorizes the appointment of Clerk of Court employees as Special Commissioners for the limited purpose of signing orders of deferral or waivers of court fees and other fees. Furthermore, Administrative Order 2010-038 adopts protocols for the use of these Special Commissioners in determining when to grant deferrals and waivers in accordance with the Arizona Code of Judicial Administration §5-206.

These protocols include limitations on when a Special Commissioner can grant a deferral. The protocols also provide an applicant a review of the Special Commissioner's order by a Judicial Officer. If such a review is requested, the requestor is immediately sent to a judicial division for the review. If upon review the judicial officer modifies the Special Commissioner's order, and grants a full or partial deferral, the applicant returns to the Clerk of Court filing counter with the modified order to file their documents.

In response to the current public health emergency declared by the Governor regarding the COVID-19 pandemic, the Chief Justice of the Supreme Court of the State of Arizona has issued Administrative Order No. 2020-48 addressing measures to be taken by the Judicial Branch to conduct business in a manner that reduces the risk associated with this public health emergency. In response to the Supreme Court Administrative Order, the Superior Court has issued Administrative Order No. 2020-043 limiting physical access by the public to court facilities from March 25, 2020 to April 8, 2020.

A.R.S. §12-302(A) states "the court or any judge may for good cause shown extend the time for paying any court fees and costs required by law." The need to limit traffic by the public inside court facilities requires a temporary suspension of the protocols for applications for deferrals to prevent applicants seeking judicial officer review from having to move throughout the court buildings. The most practical way to accomplish this is to grant all deferral applications (subject to the applicant consenting to a judgment at the time of filing per A.R.S. §12-302(F)) and allow judicial officers to review and modify the deferrals and judgments at a later date.

IT IS THEREFORE ORDERED that the protocols regarding the processing of requests for deferrals set forth in Administrative Order 2010-038 are suspended from March 25, 2020 to April 8, 2020.

IT IS FURTHER ORDERED that due to the necessity to limit public traffic in court facilities, good cause exists under A.R.S. §12-302(A) to extend the time for paying court fees and costs required by law.

IT IS FURTHER ORDERED directing Special Commissioners to grant applications for deferrals between the dates of March 25, 2020 and April 8, 2020, with the understanding that those deferrals will be reviewed and may be modified at a later date by the judicial officer assigned to the litigant's case.

Dated this 26th day of March, 2020

/s/ Joseph C. Welty
Hon. Joseph C. Welty
Presiding Judge

Original: Clerk of the Superior Court

Copies: All Superior Court Judges and Commissioners
Hon. Jeff Fine, Clerk of Superior Court
Dave Byers, Administrative Office of the Courts
Raymond Billotte, Judicial Branch Administrator
Shawn Friend, Deputy Court Administrator
Bob James, Deputy Court Administrator
All Department Administrators