

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

IN THE MATTER OF APPOINTMENT OF)
CAPITAL CASE MITIGATION DISCOVERY) ADMINISTRATIVE ORDER
MASTERS) No. 2007-050
_____))
_____)

It appearing that obtaining mitigation evidence in capital cases could be expedited by the assistance of judicial officers in issuing ex parte orders to produce records and orders relating to other mitigation discovery issues, and that delays in preparation of mitigation in capital cases could be reduced by active involvement of a superior court judge,

IT IS ORDERED that the presiding criminal judge shall establish a list of superior court judges to serve as capital case mitigation discovery masters. At the First Scheduling Conference required by Administrative Order 2007-023, the assigned trial judge for a capital case shall appoint a judge selected from the list to serve as the capital case mitigation discovery master in the assigned case.

The capital case mitigation discovery master shall:

For capital cases filed on or after the date of this Administrative Order, schedule a meeting with defense counsel and the mitigation specialist within 30 days of the First Scheduling Conference.

For pending capital cases, schedule a meeting with defense counsel and the mitigation specialist within the next 30 days.

If a mitigation specialist has not yet been appointed, enter an order appointing a mitigation specialist.

Meet with defense counsel, the mitigation specialist and others as directed, as frequently as needed after the initial meeting to ensure mitigation preparation stays on track to avoid unnecessary delay.

At all meetings, discuss progress of mitigation preparation and all steps taken to obtain mitigation.

Conduct all meetings on the record, which shall be kept under seal until further order of the court.

Issue ex parte orders to produce records to persons and agencies holding records relevant to mitigation.

Review all bills related to mitigation expenditures, subject to final review by the trial judge.

Issue any orders to facilitate the production of mitigation evidence.

Make periodic reports via minute entry to the trial judge stating whether mitigation preparation is progressing in a timely manner, without revealing specific discussions between defense counsel, mitigation specialists and others, and the capital case mitigation discovery master.

Dated this 18th day of April 2007.

Barbara Rodriguez Mundell
Presiding Judge

Original Clerk of the Superior Court

Copies: Honorable Anna M. Baca, Presiding Judge, Criminal Department
Honorable Timothy J. Ryan, Associate Presiding Judge, Criminal Department
Marcus Reinkensmeyer, Judicial Branch Administrator