

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

IN THE MATTER OF THE)	ADMINISTRATIVE ORDER
JUDGE PRO TEMPORE PROGRAM)	NO. 2012-136
FOR THE SUPERIOR COURT)	
_____)	

WHEREAS, the Superior Court in Maricopa County has recently implemented a number of changes to its Judge *Pro Tempore* program designed to increase compliance with the Code of Judicial Conduct, as well as to facilitate the use of Judges *Pro Tempore* across all court departments,

IT IS ORDERED, in the administration of this program, adopting the following guidelines:

1. Each Superior Court department will be responsible for assigning its own Judges *Pro Tempore* and reporting such usage to a Judge *Pro Tempore* Coordinator, as authorized by that department's Presiding Judge.
2. Judges *Pro Tempore* shall only take assignments through Court Administration and shall report their time to Court Administration on a court form. Judges *Pro Tempore* who take assignments directly from judges or fail to report their time shall be removed from the Judge *Pro Tempore* lists.
3. Judges *Pro Tempore* have different judicial restrictions on them regarding their practice of law in courts dependent on whether they are acting as a Judge *Pro Tempore* on a repeated and continuous scheduled basis, or on a sporadic basis. The ethics rules do not lend themselves to a bright line rule. In general, Judges *Pro Tempore* shall be allowed to serve up to 40 hours per appointment year in each department, at each court location, provided that the service is irregular; that is, not scheduled in a repeating and regular pattern. Furthermore, any time served in preparation for a proceeding or issuing a ruling following a proceeding will not be counted towards any annual limit.
4. A Judge *Pro Tempore* who serves as a judicial officer on a repeating and continuous scheduled basis in a Superior Court department (civil, criminal, tax, probate, juvenile, family court), cannot practice as a lawyer in that department.
5. When a Judge *Pro Tempore* has served in a Superior Court department, like the Family Court department, on a sporadic basis, up to 40 hours of judicial calendar coverage service, Court Administration shall not schedule the Judge *Pro Tempore* for any more judicial calendar coverage service during the appointment year (July 1 to June 30) except as noted below.
 - a. A Judge *Pro Tempore* may notify Court Administration that they wish to serve more than 40 hours during an appointment year or otherwise serve on a

continuing regular basis if they do not practice law in the department in which they serve as a Judge *Pro Tempore*.

- b. A Judge *Pro Tempore* who is an active member of State Bar of Arizona but retired from the practice of law is automatically exempted from the 40-hour annual appointment limit, provided they notify the Superior Court of such status. Notification may be done during the annual Judge *Pro Tempore* application process or via letter to the Judge *Pro Tempore* Coordinator.
 - c. A Judge *Pro Tempore* may participate as a settlement conference judge in proceedings that take place outside the courtroom of the judge assigned to the case, on a regular and continuing basis. These are separate non-appealable proceedings that the Superior Court will not count towards the 40 hours of maximum judicial calendar coverage service for a Judge *Pro Tempore* who intends to practice in the division of court in which they are serving as a Judge *Pro Tempore*.
 - d. A Judge *Pro Tempore* may also preside over civil short trials scheduled through the Superior Court's Alternative Dispute Resolution Office on a regular and continuing basis. All such proceedings are non-appealable and do not count towards the 40 hours of maximum judicial calendar coverage service.
6. A departmental Presiding Judge, who faces an emergency situation to cover a calendar, may waive the 40-hour restriction, as long as the service is not repeating and continuing on a scheduled basis.

IT IS FURTHER ORDERED that this Administrative Order expires automatically without further Order on a date ten (10) years from the date of issuance in accordance with Arizona Code of Judicial Administration, Section 3-402(C), unless sooner modified, amended or replaced.

IT IS FURTHER ORDERED terminating Administrative Orders No. 2004-061 and 2004-062.

Dated this 27th day of September, 2012.

/s/ Norman J. Davis

Norman J. Davis
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Eddward P. Ballinger, Jr., Associate Presiding Judge
Superior Court Judges and Commissioners
Raymond Billotte, Judicial Branch Administrator
Richard Woods, Deputy Court Administrator
Danna Quinn, Regional Court Administrator
Nicole Zoe Garcia, Judge *Pro Tempore* Coordinator
Judicial Administrators and Management Staff