SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

IN THE MATTER OF IMPLEMENTATION OF LIMITED JURISDICTION MENTAL COMPETENCY PROCEEDINGS PILOT PROJECT	ADMINISTRATIVE ORDER No. 2015-125

Some limited jurisdiction courts have expressed interest in retaining control and handling the competency proceedings for the cases that originate in their courts. However, A.R.S. § 13-4503 provides that the Superior Court has jurisdiction over competency hearings in criminal cases, including misdemeanors originating in limited jurisdiction courts. As a result, the Arizona Supreme Court created a workgroup to explore the concept of limited jurisdiction judges conducting mental competency ("Rule 11") proceedings for cases that originated in their courts, and if determined to have merit, providing recommendations for a pilot project.

The workgroup considered the merits, developed plans for a pilot project, and requested the Supreme Court authorize a limited pilot project, allowing the Presiding Judge of the Superior Court in Maricopa County ("Presiding Judge") to adopt any necessary policies, practices, and procedures. This order provides the specifics of how the pilot will be implemented in Maricopa County and the Presiding Judge may modify the procedures as necessary during the term of the pilot project.

IT IS ORDERED implementing a two-year pilot project to begin January 1, 2016. The pilot project will include Glendale City Court and Mesa Municipal Court. The Glendale City Court and Mesa Municipal Court shall be responsible for providing a draft evaluation of the pilot project to the Presiding Judge for review before submission to the Supreme Court.

IT IS FURTHER ORDERED as follows:

1. Beginning January 1, 2016, the Rule 11 proceedings originating from the Glendale City Court and Mesa Municipal Court shall be heard in those courts by municipal court judges appointed as judges pro tempore of the Superior Court subject to the procedures in this administrative order.

2. The Rule 11 proceedings held at the Glendale City Court and Mesa Municipal Court will be Superior Court proceedings. Their city courthouses are designated as satellite Superior Court facilities for these proceedings pursuant to Maricopa County Superior Court Local Rule 1.4. All pleadings filed in the Rule 11 proceedings will continue to have Superior Court captions.

3. The Glendale City Court and Mesa Municipal Court will be responsible for any costs associated with holding these proceedings at their court, including the salaries of judges and staff, cost of evaluations, cost of transmitting the record, and cost of interpreters.

4. The Glendale City Court and Mesa Municipal Court shall each submit the names of municipal court judges from each court to the Presiding Judge to be considered for appointment as judges pro tempore of the Superior Court for purposes of conducting Rule 11 proceedings in their respective courts. The Presiding Judge may limit the number to be appointed from each court.

5. The judges selected to be appointed as judges pro tempore to conduct these Rule 11 proceedings shall complete at least 6 hours of Rule 11 and related training prior to conducting Rule 11 proceedings, as directed by the Presiding Judge or designee, including at least three hours of courtroom observation of municipal court Rule 11 proceedings.

6. The Glendale City Court and Mesa Municipal Court shall work with the Clerk of the Superior Court to assure that a Superior Court courtroom clerk is present in each Rule 11 proceeding, an accurate record is made of each proceeding, minute entries and orders are properly issued, and all records from the Rule 11 proceedings are promptly filed and kept by the Clerk of the Superior Court. The designated courtroom clerks for these proceedings shall be responsible for distribution of the minute entries to everyone endorsed on the minute entries.

7. The designated courtroom clerk for these proceedings shall endorse the Rule 11 Forensics staff on all minute entries that make a finding of incompetency. The Rule 11 Forensics staff of the Superior Court will be responsible for transmitting the necessary findings to the Administrative Office of the Courts for the Arizona Department of Public Safety to use for firearm background check purposes.

8. The Glendale City Court and Mesa Municipal Court shall ensure that the electronic recordings from the Rule 11 proceedings are promptly provided to the Court Technology Services (CTS) Department of the Superior Court. The transmission of these records shall be secure and CTS shall provide each court with an appropriate naming system for the files.

9. The Glendale City Court and Mesa Municipal Court shall appoint mental health experts to conduct any necessary prescreens and evaluations and shall pay the costs of those experts. The Glendale City Court and Mesa Municipal Court may use mental health experts under contract with Superior Court or may develop their own contracts with any mental health experts that meet the statutory and rule requirements.

10. The Superior Court and the Clerk of the Superior Court shall ensure that the judge pro tempore appointed to hear Rule 11 proceedings at the Glendale City Court and Mesa Municipal Court have access to any records necessary to conduct the Rule 11 proceedings, including access to past Rule 11 evaluations and related mental health court cases, including Court Ordered Treatment cases, in the Superior Court.

11. The Superior Court shall provide access to Glendale City Court and Mesa Municipal Court to the iCIS case management system. The Clerk of the Superior Court shall provide access to Glendale City Court and Mesa Municipal Court to the eFiling Online portal. The employees at each court who are given access to e-filing and iCIS shall provide confirmation of ACJIS criminal training and certification to view criminal history record information. In addition, the employees at each court who are given access to e-filing and iCIS shall comply with all policies, procedures, and rules relating to such access, including all confidential requirements as set forth by the Superior Court and the Clerk of Superior Court.

12. The judges pro tempore shall have the authority to order the unsealing of past Rule 11 evaluations and related mental health court cases for the limited purposes of the Rule 11 proceedings to be held in their courts. The judges pro tempore shall take all steps necessary to ensure the confidentiality of past Rule 11 evaluations and related mental health court cases and that those records are handled by all who have access, including attorneys, as confidential records.

13. Staff from Glendale City Court and Mesa Municipal Court shall be responsible to research past Rule 11 evaluations and related mental health court cases and provide this information to the judges pro tempore as necessary.

DATED this 6th day of November, 2015

/s/ Janet E. Barton

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Honorable Janet E. Barton
Presiding Judge

Original: Clerk of the Superior Court

Copies: Joseph Welty, Associate Presiding Judge
Sam Myers, Criminal Presiding Judge
Andrew Klein, Probate Presiding Judge
Elizabeth Finn, Glendale City Court Presiding Judge
Matias Tafoya, Mesa Municipal Court Presiding Judge
Raymond Billotte, Judicial Branch Administrator
Phil Knox, Deputy Court Administrator
Richard Woods, Deputy Court Administrator
Karen Westover, Deputy Court Administrator
Bob James, Criminal Court Administrator
Elaina Cano, Probate Court Administrator
Patricia Schuler, Judge Pro Tempore Coordinator
Michael Jeanes, Clerk of Court
Christine Kelly, Chief Deputy, Clerk of Court