



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

~~ADMINISTRATIVE ORDER NO. 2023-004~~

~~IN RE: RULES AND PROCEDURES GOVERNING THE SELECTION &
APPOINTMENT OF JUSTICE OF THE PEACE VACANCY JUDICIAL
OFFICERS FOR COCHISE COUNTY (Superseding AO 2014-003)~~

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.~~

The goal of the judicial ~~nomination~~ selection process is to recommend ~~select~~ judicial officers, including commissioners, judges and justices of the peace pro tem, who have has demonstrated demonstrate 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~~ a justice of the peace vacancy 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 Clerk of the Board and 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 Term or justice of the peace pro tem.

The Committee is and “Advisory Committee” to the Board of Supervisors. Therefore, Open Meeting Law requirements apply, per ARS 38-431 (1). See Rule 4, Committee Meetings, for more details.

RULE 3. COMMITTEE MEMBER IMPARTIALITY

Committee members shall consider each applicant for ~~a judicial office~~justice of the peace 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 to members shall be given at least seven (7) days before the time specified, unless the Chair determines that it is essential to hold ~~an emergency a~~ meeting with less than seven ~~days notice~~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~~Board of Supervisors, a screening meeting and an interview meeting.

All Committee meetings are subject to Open Meeting Law requirements and must be publicly posted at least 24 hours in advance. Meetings must have an agenda and the minutes, or a video recording, must be posted within 24 hours of meetings. All public postings will be coordinated through the Clerk of the Board.

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 ~~County 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~~ submitted.

~~The Superior Court Presiding Judge may waive the requirement of a formal recruitment process for an individual who has served as a superior court judge or justice of the peace and may directly appoint the former judicial officer to serve as a part time Justice of the Peace Pro Tempore or as a part time Superior Court Judicial Officer, if the applicant left office in good standing and meets all legal requirements. The prospective judicial officer will need to satisfactorily fulfill all pre-employment background checks and verifications.~~

RULE 6. APPLICATION PROCESS

Every applicant shall complete and file with ~~Judicial Human Resources~~ the Clerk of the Board an application as specified in the public announcement of judicial vacancy. If selected to advance to the Board of Supervisors for final consideration, 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~~ Board of Supervisors.

The discussion or consideration of appointment of an appointee of a public body may take place in an executive session per A.R.S. § 38-431.03(A)(1). This provision

permits discussion in executive session of applicants for appointment even though the applicants may not be currently employed by the public body. See Arizona Attorney General Opinion I83-050. However, the final recommendation and vote must take place in open public session. Agendas for interviews will be posted with selected applicants names for the public.

Note: Any Committee members written notes throughout the screening, selection, pre-interview investigation, or interview could be subject to Open Records Requests. Written materials do not become confidential merely because they are discussed in executive session.

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 to compile a list of nominees to be forwarded to the ~~Presiding Judge~~[Clerk of the Board](#). 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 [convene in public session to](#) conduct a vote by Committee members as to which applicants interviewed should be nominated for referral to the ~~Presiding Judge~~[Board of Supervisors](#) 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~~[Board of Supervisors](#). The Committee by majority vote of members present and voting shall nominate as many applicants as it wishes for referral to the ~~Board of Supervisors~~[Presiding Judge](#).

The Chair may designate a member or members to notify those applicants not submitted as nominees to the ~~Board of Supervisors~~[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~~Clerk of the Board, 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 ~~Clerk of the Board, Presiding Judge~~.

RULE 8. TRANSMITTAL TO THE PRESIDING JUDGE

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

All judicial officers must comply with the Code of Judicial Conduct. Prior to appointment as a 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 of ~~judicial officers~~a justice of the peace. The ~~Presiding Judge~~Board of Supervisors may impose additional procedural requirements ~~to comply with the Arizona Code of Judicial Administration and~~ to ensure a successful selection.

Appointments are ~~subject to approval~~determined by the Board of Supervisors. The length of duration for the ~~Appointments may not exceed a term of one year, subject to reappointment.~~shall follow requirements established in Arizona Revised Statute 16-230.

RULE 10. TRAINING

The Presiding Justice of the Peace or the Presiding Judge of the Superior Court Division in which the ~~pro Term judicial officer~~justice of the peace serves shall submit a proposed plan of training and instruction to be completed by ~~the pro Term judicial officer~~the justice of the peace 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 Term.~~

~~RULE 12. TEMPORARY APPOINTMENT~~

~~In the event an existing full time pro Term position becomes vacant, the Presiding Judge may suspend these rules and procedures and appoint an acting full time pro Term 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.~~

~~This order is effective immediately and supersedes Administrative Order 2014-003.~~

Dated this ____ day of ~~March 2023~~August 2024.

Chair
Board of Supervisors
Timothy B. Dickerson

~~Presiding Judge, Cochise County~~