

JUDICIAL REQUIREMENTS
AND
APPOINTMENT PROCESS
IN
THE FLAGSTAFF
MUNICIPAL COURT

Guiding Documents

- ▣ Arizona State Constitution
 - No requirements listed for municipal court judges.
- ▣ City of Flagstaff Charter
 - No requirements listed for municipal court judges.
- ▣ City of Flagstaff Ordinances
 - No requirements listed for municipal court judges.

Other Municipal Courts

- ▣ Requirements
 - None set out requirements in their charter.
 - Very few set forth requirements in ordinance.
 - ▣ (i.e. Tempe ordinance requires a law degree and 5 yrs. Experience.)
 - Most set forth requirements in job descriptions and postings and the discretion of the council.
 - ▣ (This has been the practice in Flagstaff.)

Other Municipal Courts

- ▣ Selection Process
 - Use of a Judicial Selection Advisory Panel
 - ▣ (mainly used in Maricopa County Municipal Courts and is set forth in ordinance by various cities)
 - Work out their own process on a local basis
 - ▣ (Outside of Maricopa County the generally accepted practice)
 - Elect their judges
 - ▣ (Yuma Municipal Court)

What have we done?

▣ Requirements

- Prior to 1995 we had a mix of law trained and non-law trained individuals serving in the court.
- In 1995 a preference was established in the magistrate job description, as directed by City Council, to hire law trained judges who had 5 years of experience practicing law in Arizona.
 - ▣ This was stated as desired experience not required.
 - ▣ Only two general exceptions to this have been made,
 - those non-attorneys who were appointed as magistrates prior to 1995 were grandfathered in, and
 - those who were non-attorneys appointed as a Justice of the Peace Pro Tem and who serve at our joint initial appearance hearings.

Required and
Desired
Experience
For Magistrate

From job
description,
last revision on
8/97

Ability to analyze evidence and data presented in court and apply existing law.

REQUIRED EXPERIENCE AND TRAINING:

Graduation from an accredited college or university with a bachelor's degree in a social science, criminal justice, or related field.

Considerable experience with the criminal justice system and a thorough knowledge of Arizona criminal law and related laws and regulations applicable to a city court.

Familiarity and awareness of Arizona and U.S. constitutional law and issues, especially with respect to due process, right to counsel, and search and seizure.

Combination of experience and training predicting success in this position.

DESIRED EXPERIENCE & TRAINING:

Graduation from an accredited law school.

Member of the Arizona State Bar.

Five years of practice as an attorney, including experience in the courtroom.

ADDITIONAL REQUIREMENTS:

Must live, or relocate within a reasonable length of time, within the City of Flagstaff city limits.

What have we done?

▣ Selection Process

- There are not enough ongoing judicial appointments in the area to justify a standing Judicial Selection Advisory Board.
- An ad hoc board to interview candidates is called whenever there is the need. Members included were:
 - Presiding Municipal Court Judge
 - Superior Court Judge or Presiding Superior Court Judge
 - A Justice of the Peace
 - Members of the local Bar Association
 - Members of the public
 - Members of Court Administration and staff
- Finalist(s) are referred to the City Council for possible interview and an appointment decision.

Options

- ▣ Selection Process
 - Maintain current appointment process.
 - ▣ Keep current process with ad hoc appointment committee.
 - ▣ The current process could be canonized by resolution or ordinance.
 - Establish alternative appointment process by:
 - ▣ Modifying City Charter to allow pro tem appointments by Presiding Judge.
 - ▣ Establishing a standing appointment committee.
 - ▣ Outlining alternative process that meets current law.

Options

▣ Requirements

- Maintain current preference for appointing law trained judges with 5 yrs. experience.
- Remove, strengthen or modify preference for law trained judges.
- Add or change qualifications as Council sees fit within current law.
- Set forth judicial requirements in resolution, ordinance, or by Charter amendment.