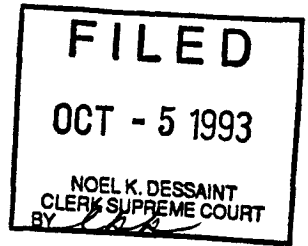


IN THE SUPREME COURT OF THE STATE OF ARIZONA



ARIZONA JUDICIAL COUNCIL
COMMITTEE TO STUDY THE CRIMINAL JUSTICE SYSTEM
IN SUPERIOR COURT

Administrative Order No. 93-55

WHEREAS:

In the past few years, the criminal justice system has come under increasing scrutiny, study, and criticism. Recent reports from respected legal organizations document problems and recommend solutions. With a view to strengthening the portions of the criminal justice system that are within the control of the judicial branch of government, it is deemed necessary and important to establish a statewide committee whose members shall include, among others, trial and appellate judges, the bar, professors of law and the social sciences, and court personnel.

In accordance with Administrative Order No. 90-13, which provides that the Chief Justice may establish advisory committees to the Arizona Judicial Council to assist the Council in carrying out its responsibilities, and the Arizona Judicial Council having approved the formation of a committee to study the criminal justice system in the Superior Court of Arizona; now, therefore,

IT IS ORDERED that an advisory committee to study the criminal justice system in the Superior Court of Arizona is hereby established and shall be known as the Committee to Study the Criminal Justice System in Superior Court.

PURPOSES: The Committee to Study the Criminal Justice System in Superior Court shall address the following questions:

1. Have the trial courts lost control over judicial affairs and over the lawyers practicing in the courts? In addressing this question, the committee should consider:
 - a. Judicial policy regarding grant or denial of continuances.
 - b. Lack of judicial participation in plea bargaining processes.
 - c. Lack of judicial discretion in sentencing.

d. Problems in enforcing the rules regarding violations by both prosecutors and defense counsel in areas such as disclosure obligations, lack of preparation for trial, and the like.

e. Problems of civility and professionalism.

f. Whether courts are dispensing "assembly-line, robot" justice, and, if so, what should be done about it.

2. Is there a need to reschedule and restructure the calendars of the criminal courts so as not to create a pool of defenders and prosecutors with conflicts that turn into systemic calendar delay? Are there other calendar problems that could be addressed by changes in calendar calls and procedures?

3. Do Rules 10.2 and 17.4(g), Arizona Rules of Criminal Procedure, create problems regarding efficient operation of the criminal courts? If so, is there some rule modification that could be made that would preserve the safety-valve that these rules represent while at the same time minimizing any negative effects on the judiciary and court procedures?

4. Should Rule 17.4, Arizona Rules of Criminal Procedure, be amended to prohibit stipulated sentences and to allow judges to participate in settlement conferences?

5. Is Rule 8, Arizona Rules of Criminal Procedure, being abused or violated to a significant extent? If so, what alternatives are there to afford the community and defendants speedy disposition? In addressing this question, the committee should consider:

a. Should cases be assigned to private lawyers in the community?

b. Should standards of competency be set for public defenders and contract lawyers, and, if so, what should those standards be?

c. Are criminal justice agencies, courts, and defense agencies underfunded? If so, what if anything can the judicial system do about it?

6. Is there intentional abuse of the ineffective assistance of counsel rule? If so, what can be done about it?

RECOMMENDATIONS: The Committee shall submit its recommendations to the Arizona Supreme Court and the Arizona Judicial Council by September 1, 1993.

ORGANIZATION: Committee membership and leadership shall be appointed by the Chief Justice. The Committee chair may appoint subcommittees to assist the Committee in carrying out its responsibilities.

MEETINGS: All meetings shall comply with Administrative Order No. 90-41 regarding public meeting requirements.

STAFF: Under the direction of the Chief Justice, the Administrative Office of the Courts shall provide staff for the Committee and may conduct or coordinate research as recommended by the Committee.

FUNDING: The Committee, with the assistance of the Arizona Judicial Council, may seek grant funding from local, state, and national organizations for its expenses of operation, including expert advice and consultations. Supreme Court funds may also be used to partially or fully fund the Committee's expenses.

Due to clerical error, this order was not signed when drafted and approved. Therefore,

DATED AND ENTERED, *nunc pro tunc*, this 5th day of October, 1993, effective as of January 6, 1993.

STANLEY G. FELDMAN
Chief Justice