

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
APPOINTMENT OF SPECIAL MASTER) Administrative Order
TO ADMINISTER CASES IN THE) No. 2009 - 124
SUPERIOR COURT IN MARICOPA)
COUNTY)

The primary responsibility of the justice system is to ensure that cases are fairly and promptly adjudicated and that the rights of all who come before the courts are fully protected. It is the responsibility of the Chief Justice to ensure the effective administration of the courts and to resolve matters that may impair the efficient operation of the justice system, the public perception of the system, or the rights of affected persons. This Court also has responsibility for ensuring that the public trust and confidence in the justice system is not diminished and that justice is administered in an orderly manner.

During the last several months, the Maricopa County Attorney has filed civil and criminal legal actions naming various current and retired superior court judges as defendants. In addition, the Maricopa County Sheriff's Office has taken control of a criminal justice computer system used to process thousands of court transactions each month, an action that is now the subject of litigation. Other cases have been filed as well and, according to public statements by the County Attorney, more are to come. In connection with these pending and impending cases, members of the Maricopa County Sheriff's Office have conducted several interviews of superior court employees, both at work and at their homes.

Because of allegations of conflict of interest contained in some of the lawsuits, the Presiding Judge of the Superior Court and the Chief Justice of the Supreme Court have assigned several of the cases to judges from counties other than Maricopa County. Such allegations have also motivated counsel in unrelated criminal cases to file motions alleging that the Maricopa County Attorney has an ongoing conflict in prosecuting criminal cases in the Superior Court in Maricopa County. These motions are pending.

The Superior Court in Maricopa County is the fifth largest court in the United States and handles more than 28,000 criminal felony matters each year. These investigations, cases, motions, and allegations, particularly the allegations of conflicts of interest and a conspiracy among the members of the Board of Supervisors and certain judges, including the Presiding Judge, have the potential to impair that court's ability to carry out its responsibilities and threaten the perception of impartial justice. More significantly, if a true conflict is found to exist requiring the transfer of all criminal cases prosecuted by the Maricopa County Attorney's Office to out-of-county judges, a public safety emergency would arise.

In an attempt to ensure that the lawsuits and investigations do not further affect the administration of justice in the Superior Court in Maricopa County or diminish public trust and

confidence in the justice system, I am appointing a Special Master with power to administer cases stemming from the various actions or investigations by the Maricopa County Attorney or the Maricopa County Sheriff against any judge of the Superior Court in Maricopa County or the Maricopa County Board of Supervisors or any of its members.

For those reasons, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that until further order, retired Arizona Chief Justice Ruth V. McGregor shall serve as a Special Master to oversee the administration of cases between or among the Office of the Maricopa County Attorney, the Maricopa County Sheriff's Office, the Maricopa County Board of Supervisors, and the Superior Court in Maricopa County, or any members of the mentioned offices. The Special Master shall have the power to appoint judges to hear cases, motions, and preliminary matters, and to assign, reassign, expedite, or consolidate cases, or take such other actions as may be necessary or appropriate in these matters to ensure the swift, fair, and impartial administration of justice.

IT IS FURTHER ORDERED that the Special Master shall have access to all records and information necessary to carry out her duties and, if needed, may issue subpoenas and hold hearings.

IT IS FURTHER ORDERED that the Administrator of the Superior Court in Maricopa County and the Clerk of the Court shall provide the Special Master such assistance and support as she requires to perform the duties set forth in this Order.

Dated this 23rd day of December, 2009.

REBECCA WHITE BERCH
Chief Justice