Welcome to America and Arizona Government for Elementary Teachers. This is Presentation 12, Arizona Legislative and Judicial Branches. In this presentation, we examine the legislative and judicial branches of government in Arizona. There's often a tense relationship between these two branches. Let's first examine in detail the legislature.

This presentation will examine AEPA Objective 16, Understand State and Local Government in the United States; and 19, Understand State Government and Government of American Indian Nations in Arizona. We'll also look at some of the objectives under Concept 2, Structure of Government contained within the Arizona Social Studies Standard Strand 3, Civics and Government. You're encouraged to look at the document on the social studies standard articulated by grade level and look at some of the objectives listed under Concept 2 to ensure that you understand and are able to competently teach those principles and objectives to your future students.

In many ways the Arizona Legislature is similar to the federal legislature and most other state legislatures. It is bicameral. So it has a House and a Senate. And the process through which a bill becomes a law is almost the same. Consequently, this presentation, we'll focus on areas in which the Arizona Legislature differs from that of the legislative process described in the federal system in Presentation Seven.
Slide 4

Text: The Legislature

- Bicameral
- Part-time

[Photo of legislative chambers]

Audio: One difference from the outset between the Arizona legislature and other state legislatures is that our legislatures look much more like a citizen legislature then a professional legislature. There's a few reasons for this. First it's a part-time legislature. The annual session is only supposed to run from January to mid March, sometimes April. In practice though it usually goes through to the beginning of May and sometimes even into June if they can't get an agreement on budget issues. In addition, special sessions have been called more frequently bringing the legislature into session in the summers and fall. These combined with the various meetings and committee work that occurs between sessions means that these days the part-time legislature tends to be part-time in name only but while it may only be part-time in name for time commitment it is clearly part-time in pay. The legislative salary is not enough to live on. So the legislature remains a part-time job for people who are either already wealthy and don't need to work, or retirees, or from a spouse who has a job that can support a family. So that limits the professionalism of our legislature is that part-time pay for what is increasingly full-time work.

Slide 5

Text: The Legislature

- Bicameral
- Part-time
- 2 Year Terms

[Photo of Senate floor]

Audio: Another key difference is that unlike the federal senate and the senates in many other states our senators are only there for a two year term. That means that the entire legislature is up for reelection every single election. All seats are two year seats. Now this enables challengers to have a more frequent try to make it to the legislature, at least in theory. In practice the state legislature is reelected at about the same reelection rates that federal legislatures are in the 80's and 90 percents. Another key difference though is term limits which were added in 1992. Legislatures are limited to a few terms in the house and a few terms in the senate. And most of those serving in the legislature max out their terms by serving in both houses before retiring from the legislature. Now there's a debate over whether that's a good thing or a bad thing. Those who are in favor of these term limits and two year terms, argue that it guarantees a citizen legislature that we don't have professional legislatures and that we have a constant turnover so there's new
blood, new perspectives brought to the legislature all the time. Now the argument against these kinds of term limits are that by having an amateur legislature, by people who don't understand the process because they're constantly new people coming in. Having an absence of a leadership that has been through the process several times and understands what works and what doesn't and what has been done in the past and what has not been done in the past we end up with a legislature that frequently makes mistakes, writes legislation, that has to be rewritten, doesn't understand the process, is unable to use the process to bring legislation that the state needs through the process successfully. Another argument against term limits is that when you have a room full of amateurs passing laws in the legislature the only people who really know what they're doing are the staff for the legislature because they are there year in and year out as the legislatures move through that means that the elected officials will increasingly rely on the unelected staff positions to tell them what to do and direct legislation because they're the ones with the experience to do it. So those are some of the pros and the cons on whether or not to have term limits, but in Arizona we've had them since 1992 and as a result we do have much more of citizen legislature and much less of a professional legislature than other states do.

**Slide 6**

**Text:** State Districts

[Map of Final 2004 Legislative Map]

**Audio:** The members of the legislator are elected from their districts. These districts are determined, the boundaries for these districts are determined by a statewide redistricting commission. Now at the end of each census the populations change is taken into account and the districts are redrawn. So then current legislatives map was drawn in 2004, and was based on the 2000 census. The 2010 census will deliver new census numbers which will tell us where the people of Arizona are living. And the redistricting commission will begin its work to redraw the states electoral districts. Candidates who are running for office run from their district. We have a single member district system. Well, it's not a single member, we have a district system and each district elects two representatives and two senators. Now this commission looks quite different then it does in other states. Most states when they draw district boundaries the legislator draws those boundaries. And so the majority party draws the boundaries in a way that benefits the majority party. So here in Arizona the Republican party has controlled the legislator for several decades. It would stand to reason then that the district boundaries would be drawn by Republican legislators in a way that would privilege the Republican party and guarantee a Republican majority. This is the way it is done in most states. In Arizona, however, the redistricting commission is a bye part sen commission. A bipartisan commission. It has two members who are Republicans, two members who are Democrats, and one member who is an independent. And the independent is automatically the chair of the commission. The commission is required to use geographical boundaries, municipal boundaries, and road ways to draw the lines as much as possible for their districts. This reduces the incidents of gerrymandering. Gerrymandering is the
practice of drawing district lines with bazaar shapes in order to carve out electoral territories to protect a particular political party. In Arizona the closest thing we have to that is in the urban areas where the lines have to job through neighborhoods. And also state district two which the boundaries of which closely follow the location of the Navajo Indian tribe. Now one complication to Arizona's redistricting process is that after these maps have been drawn up they have to be sent to the Federal Justice Department to approve them. Now Arizona is one of the -- well, Arizona is the only nonsouthern state that is subject to Justice Department over site when it's drawing its electoral boundaries. And this is because the 1967 voting rights act named Arizona as a state with a history of racism and therefore could not be trusted to draw the boundaries in a way that would not produce a skewed outcome. The reason we ended up on that list is because Arizona was the only nonsouthern state to have a literacy test. We used that test to insure that Hispanics and native Americans were not able to register as readily as white Arizonan's were. So as a consequence Arizona is still under Justice Department over site. Even in the 2010. Which is when this presentation is being made.

**Slide 7**

**Text:** Legislative Process

- Leaders
- Standing Committees
- Majority Party

[Photo of Arizona State Capital]

**Audio:** The legislative process in the Arizona legislature relies heavily on three main actors. The first is the leadership of each chamber, the house and the senate. The second are the standing committees in each chamber. And the third is the majority party. We'll look at the role that each of those actors play in detail.

**Slide 8**

**Text:** Legislative Leadership

- Senate President
- Speaker of House
- Parliamentary Powers
- Administrative Powers
- Appointive Powers
- Referral Powers

[Photo of legislative leadership at a press conference]

**Audio:** The first group of actors is the legislative leadership. Now if you recall the presentation on the federal legislator we discussed how the Speaker of the House was one of the most
powerful positions in America. Likewise the Speaker of the House in Arizona as well as the Senate President both are very powerful and can use their leadership position to privilege bills that they approve and destroy bills that they don't approve of. The first tool at their disposal is their parliamentary powers. Now what this means is that they are the presiding officer of their given chambers. And that means that they get to set the agendas. They get to decide what the rules of debate are. If you recall the presentation on the federal legislator those rules on whether amendments are germane or not can make or break a piece of legislation. They also can determine times and who is recognize for speaking. So those parliamentary powers enable an effective leader to direct debate in a direction that they want it to go. And manage the flow of legislation through the body in a way that creates passage for bills that they like and stops bills that they do not like. Now another tool at their disposal is their administrative powers. That's because they are the presiding officer of the chamber, which means they hire and supervise legislative staff. As I indicated in the discussion on term limits, staff in the legislator can be quite powerful and their advice and how they manage themselves can directly impact policy formation. Also they determine the staff size so they can use their ability to control the buildings and the facilities and the staff has a way to reward or punish legislator who are either following or not following the lead of the president or the speaker. For example, if legislator behaves in a way that the speaker really dislikes then perhaps in the next session that legislator will have one less secretary or have to share a secretary with another legislator. Or maybe they get moved out of the choice office with a view and down into a basement. So that's an example of using an administrative power to affect behavior. Now the appoint of power is another useful tool for leadership. By appointive what that means is the leader of each body the speaker and the president determine who the chair of the committees are going to be. They appoint those chairs. Which means people who are following the lead of the leadership get those choice appointments. People who are continually going against the leadership don't get those appointments. House speaker Weirs a couple of sessions ago used that power effectively. He was engaged in complex budget negotiations with then govern Janet Napolitano. And Napolitano was gaining the upper hand in those negotiations and one thing Napolitano was able to do is get a group of Republican legislators to agree to a compromise budget proposal to break a budget impasse. Those legislators voted for the governors version of the bill and it passed and shut out the speakers version, which was, he wanted to have a show down and shut down the state government rather than pass a budget. The next year when the session began two of those individuals were chair committees. They announced the committee chairmanships and both of them lost their committee chairmanships. And the speaker simply said, I want people chairing committees who I can trust. And left it at that. There was no recourse because as the speaker he had the ability to decide who the chairs would be. Finally there are the referral powers. And what that's referring to is that the presiding officers assign bills to committees when they are first submitted. One way to use that power effectively is if there's a piece of legislation that the speaker doesn't want to survive the speaker can refer that bill to five or six different committees. That way even if one committee does hold hearings and marks up the bill, the bill still is stuck in several other
committees. And so that's one way to kill a bill without looking like your killing a bill. Similarly the speaker can give the bill to a committee chair and tell the committee chair what they want done with that bill. This was bills that the speaker doesn't like are buried by the chairs of the committees and so the speaker uses a combination of their referral power and their appointed power to make sure legislation they like gets out of committee and legislation they don't like is -- does not make it out of committee. So by using the combination of these powers the leadership can really set the direction for a given session of the legislator. And it really does matter who the Senate President and who the Speaker of the House is. And what style of leadership they're going bring to that office.

**Slide 9**

**Text:** Legislative Leadership

- Committee Structure
- Bill Assignment
- Amendments
  - Riders
  - Strike-alls
- [www.azleg.gov](http://www.azleg.gov)

[Photo of legislative leadership at a press conference]

**Audio:** The standing committees are the next key factors in the Arizona legislator process. The structure of the committees actually looks quite similar to the federal system that was already explained in presentation seven, meaning that there are standing committees and each committee has subcommittees. Now those committees receive the bills and will conduct hearings, schedule hearings, hearings are held where evidence is given on both sides, and then the committee holds a vote on whether or not to pass that bill along. Now again the chair of each committee can decide not to hold hearings or can decide not to schedule a vote in order to direct the flow of legislation in the way that the chair wants it to go. Now the bills are assigned they are given a number. And at the beginning of the Arizona legislator, all of the legislators give their pet project and their pet bills. And in addition they throw a dozen or so bills in that they have no intention of ever actually running threw the system. They just want a bill in the system with their name on it as the sponsor. You'll see why when we talk about amendments in a little bit. But there's a deadline where bills are not allowed to be submitted after a certain deadline. So at the beginning of the session legislators scramble to submit bills that they've written usually before the session begins. And those bills are then assigned. They're given an HB designation for the house and an SB designation if they originate in is senate. It's always a good idea to know what the number that a bill has so you can track it through the process. And Arizona legislator has a great on line tracking system. It's [www.azleg.gov](http://www.azleg.gov). The web site is there on the slide. You can go to that web site and track a bill through the whole process. You can type in the bill number, if you know it or the bill title. Or you can even type in the subject matter if you don't know what bills have been
submitted on a topic that you are interested in. So let's say you're wondering what gun bill's have gone into the legislator. You can go to that web site, type in guns, and then all the bills that are related to gun ownership or gun control or registration or whatever gun issue will show up. You can then select a particular bill and find out who the sponsors are, what committee it is assigned to, and where in the legislative process the bill is at the moment. It's actually a very good web site. So I refer you to that. Now one other issue with committees is the amendment process. It's typically in the committee that amendments are given. But amendments can also be submitted on the floor of both houses. The floor debate is actually referred to as the committee as a whole. And we will talk about that in just a little bit. But there's two kinds of amendments that we want to talk about. First is a writer amendment. Similar to the discussion in presentation seven on various amendments. A writer amendment is an amendment that is not germaned to the topic at hand. Meaning it's got nothing to do with the bill being considered. For example, there was a bill on energy production going through the last round of the legislator. And even though that bill had industry and environmentalists and both political parties and academia and busy. All of the main voices in energy policy were in consensus on this bill. That this was the bill to position Arizona for renewable energy in the future. That bill went to the committee as whole and had a writer amendment attached to it that dealt with abortion restrictions. That triggered a filibuster and the bill died. And so a writer amendment which had absolutely nothing to do with the subject of the bill killed that energy policy bill. So writer amendments are ways to kill bills. They're also ways to get legislation passed that wouldn't pass on an up or down vote. The last type of amendment to talk about which is as far as I can tell unique to Arizona is the strike all amendment. This is an amendment that is allowed at any point, typically it's done in the committee as a whole. But it can be done in one of the standing committees as well. But a member will stand up and offer a strike all amendment, meaning the amendment strikes everything in the bill except the number of the bill. And it replaces it with an entirely new bills wording. This is a way for the leadership and for members who maybe were defeated in committee to get a bill through the process quickly. So members will submit bills that they have no intention of actually running through the system just so that that bill can be assigned a number. Then late in the session after the committees have reported their work and the committee as a who she will debating, they'll offer a strike all amendment to introduce new legislation that does not have to go through the normal committee hearing process. It does not go through the normal budget process to find out what the impact will be on the state budget. It doesn't go through the constitutional vetting process to make sure that the wording is constitutional. It's an amendment placed by a member and as long as the legislators, the majority legislators vote for it, it passes. And so that that strike all legislation is a way to quickly get a piece of legislation through the process. The SB1070 bill was passed through a strike all. There was a bill that the community colleges were tracking through the system that was defeated in committee and then was reintroduced in the rules committee and defeated and then was brought back on the floor as a strike all amendment. And at that point was narrowly defeated because the members voted for it, most of them had no idea what it was. They were just following the lead of
the person who offered the strike all amendment. So because of that strike all provision a piece of legislation is never really dead in the Arizona legislator until the legislator actually ends it session. Because at any moment a piece of legislation that had been defeated in committee can be resurrected. Critics refer to them as zombi bills because they just can't seem to die. Another example of a strike all bill in the '90s was the alternatives fuel bill. That bill had gone through committees. It had gone through the constitutional process. It had gone through the budget process and then once it was on the floor the speaker of the house used the strike all amendment and replaced the legislation that had been discussed and debated with legislation that had been written by a lobbyist from the auto industry. An auto dealership. That bill then was passed and it resulted in a give away for SUV's that were paid for by the taxpayers for anybody who was willing to put a conversion kit on the -- an after market conversion kit on the SUV. And the govern had to use an executive order to stop the vouchers from being administered because it threatened to bankrupt the state as people rushed to go buy free SUV's under this alternative fuels bill. So the strike all has a checkered past. The reason it exists is because since there's a deadline and bills are not allowed to be submitted after that deadline it's a mechanism for the legislator to handle some emergency provision that comes up after the deadline. But that -- while that's the justification for it that's typically not how it's used.

Slide 10

Text: Party Caucus

[Photo of Arizona State Capital with text: “Arizona State Senate Democratic Caucus]

Audio: The next key player in the Arizona legislative process are the party caucuses. Now, a caucus is a meeting; a get together of people who belong to a group. And so in the legislature you have the Democratic caucus and the Republican caucus within each chamber, and these caucuses have a tremendous role in the way legislation is done in Arizona. Basically, the majority party, which again for about 30 years has been the Republican Party, will meet in their caucus. So all the Republicans get in a room together and they're in caucus. They determine what bills are going to be passed, and they set the timeframe for what bills will be considered when, they agree on the details of the bills that will be passed, what amendments will be offered, if any, and in recent history they even draft the budget for the state. There are no Democrats in the room, they're not invited; it's a Republican caucus. The Democrats hold their caucus where they meet and discuss things they would like to do if they were in power, but it's a very short meeting because there's not a whole lot for them do discuss because when the Republican caucus comes out of the room, the entire legislative agenda for the session is agreed upon, and as I said, in past years, the entire budget process is done not in open committee hearings with both parties having an input but in the Republican caucus meeting. It's a closed door meeting with only members of the Republican Party in the room. They draft the entire budget in that meeting. They then take that to the floor and vote, and because they are the majority party it passes, so the party caucus is hugely important. Now, on the slide here I have the logo for the Democratic caucus. I would
have preferred the Republican caucus because that's the one with the real power, but all of their images are copyrighted, so I was forced to use the Democratic caucus. But it is, just to be clear; it is the Republican Party caucus that dictates the flow and the content of the legislation in the Arizona legislature, so this is a hugely important meeting in the process.

**Slide 11**

**Text:** Committee of the Whole

- Floor debate on a bill
- Followed by formal, 2nd vote
- Conference Committee

[Photo of Senate floor, in session]

**Audio:** Once a bill has gone through the committee structure and it's been voted on and marked up, it then goes to the Committee of the Whole. And the Committee of the Whole is essentially the words to describe the floor debate on a bill in the Arizona legislature. It's where the entire meeting, I'm sorry, the entire legislature meets to discuss legislation. And so this is where amendments are offered, speeches are given, and debate occurs on a given bill. And once the bill has been amended and discussed, it's then voted upon. And when the Committee of the Whole passes a bill, then it actually hasn't passed because the Committee of the Whole actually functions as a committee not as the floor debate. It's a rather peculiar process and makes it distinct from the federal process that was described in presentation seven because after the Committee of the Whole votes on it, it then has to be voted again by the legislature in a formal vote. Now, in that second vote, there aren't amendments offered. It's simply approving the work of the Committee of the Whole. And so, again, it's an unusual arrangement, but it affords the leadership of the chamber a lot more leeway in how debate is functioned if that debate is handled as a committee meeting as opposed to handling that debate as a floor debate. Now, after the Senate passes a bill and it then goes to the House or vice versa, and once it goes through the process on the second chamber, then just as in the federal process, there is a conference committee necessary to iron out the differences between the House and the Senate version. And then that new conference report goes back to both houses for a formal vote, and only then after both houses pass it is it passed along to the governor for the governor's signature.

**Slide 12**

**Text:** Revenue Bills

[Graph of General Fund Ongoing Revenue & Expenditures before Solutions]
Audio: One type of legislation that has some unique properties, and so we need to discuss it, are bills having to do with revenue which is a polite way to say taxation. Americans in general and Arizonans in particular hate taxes and hate talking about taxation, so we'll talk about revenue instead. Any time the legislature passes a bill that increases taxes the Constitution requires that they have a supermajority in both Houses, so that means two-thirds of the legislature has to vote before a tax increase can be approved. That's difficult to do. Now, it only requires a majority vote to pass a tax cut, but it requires a supermajority to pass a tax revenue, a tax increase. This has led to some outcomes that have created problems for the state. There's a lot of complex reasons for why the state is in financial trouble, but one explanation that's given is that the tax base is too narrow, and that's because for the past 20 years the legislature has continuously given tax breaks that are targeted to specific industries and in several cases exempting those industries from taxes all together, so there are several industries and services who don't pay any taxes at all. That has narrowed the tax base so that the state is reliant for a huge percentage of its revenue on sales taxes. The problem with that is that sales taxes go up and down with the economy of the state, and so when the economy of the state is growing, revenue increases because sales increase. When the economy is in decline when the economy is in a recession, people stop spending money and sales tax decreases, and so revenue goes down. And if we look at the chart here on the slide, the pink line is the revenue that the state has generated, and you see that revenue was increasing at a healthy clip, and then when the national recession hit, it began to decline, and this past near year it had a fairly steep decline in revenue. Now, the solid blue lines are the expenditures, the budget that the state spends. And you can see that the state was running surpluses for a while there where it was getting more revenue than it was spending, but now it's in a fairly significant deficit situation. The light blue line at the top represents the stimulus package money that has been directed to Arizona, and so overall spending is at that top level because of what the federal government has kicked in. But you can see that there is a long-term systemic disconnect between the revenue that's coming in and the expenditures that are going out, and the Constitution does not allow for deficit spending. And so the budget has to be balanced each year, and this explains some of the difficult and occasionally bitter politics that has occurred in the last two years and probably will occur for the next few years as the legislature has to close that gap somehow between spending and revenue. And if they want to close that gap with some combination of spending cuts and tax increases, they're going to have to come up with a supermajority to vote for the tax increases; something that has proven politically impossible for some time now. So because of that supermajority rule, Arizona's tax policy is a little bit different than other states.

Slide 13

Text: Other Legislative Powers

- Impeachment
- Referendum
- Oversight
Audio: There are other powers that the legislature holds in addition to simply passing legislation that we should mention briefly; the first is impeachment. Now, the impeachment power is where the legislature can remove from office a public official who the legislature deems has committed a crime of some sort. Two governors have been impeached through this process, Evan Mecham and Fife Symington. And it is a difficult process to successfully prosecute an impeachment, but it is something the legislature has done in the past. Now, the referendum, I mentioned before and we'll talk more about in more detail in a later presentation, but it's where the legislature passes a law but then the law does not take effect. Instead the law is put on the ballot for the citizenry to vote on, and only when the citizens vote to pass a ballot proposition will that law take effect. Finally, there is the power of oversight, and similar to the federal legislature, the state legislature has the authority to conduct oversight of state agencies to make sure that those agencies are acting properly and spending their money properly and requiring those agencies to justify their actions and their budget requests. And so all of the powers and advantages that come with oversight capability that were mentioned in the presentation on the federal bureaucracy exist over the statewide bureaucracy here as well.

Slide 14

Text: Arizona Judiciary

- Uphold the Rule of Law
- Settle Disputes
- Social Control
  - Criminal Proceedings
  - Civil Dispute settlements, punitive awards
  - Guarantee rights of minority groups
- Judicial Review

Audio: We can now move to the Arizona judiciary another branch of the Arizona government. Now, the drafters of the Constitution who, again, were followers of the progressive movement, gave the court system tremendous power in order to keep the legislative and executive powers in check. Now, similar to the functions that the judiciary holds in the federal judiciary that were mentioned in the presentation on the federal judiciary, those same functions or roles are played by the courts here in Arizona, and that is to uphold the rule of law which holds all of the elected officials accountable to the same law that the citizens are held to, settle disputes and enforce contracts, to engage in social control, and to conduct judicial review of the legislative or the governmental process itself. The courts in Arizona perform these functions just as the federal courts perform these functions.

Slide 15
**Text:** Commission on Judicial Conduct

[Screenshot of Commission on Judicial Conduct website]

**Audio:** When the Founders wrote the Constitution, they wanted to make sure that the judicial branch remained independent and did not become captured by the mining and railroad interests that had so plagued the territorial legislature. And so in the Constitution they created a Commission on Judicial Conduct. The slide shows a screen shot from their website. And what this commission's job is to do is to function as an oversight agency on the judiciary in Arizona. If there is a complaint lodged against a judge that they have behaved unethically or illegally, this commission will investigate that complaint. And if they determine that the judge has engaged in some type of misconduct, they will penalize the judge with a fine or a suspension and they even have the authority to initiate proceedings to remove the judge from the bench. The Founders believed that this commission would keep judges honest and prevent them from working on behalf of monied interests in the state. Now, this commission receives hundreds of complaints every year about judges in Arizona. Most of those complaints, however, are from people who just don't like the judge they had or disagree with the decision that the judge has made. Very rarely does the commission punish a judge for misconduct and only in a few cases have they actually removed judges from the bench. But knowing they exist could present a check on potential malfeasance on the part of judges in Arizona.

**Slide 16**

**Text:** Structure of Courts

- Limited Jurisdiction
- Superior
- Appellate
- Supreme

[Photo of court floor]

**Audio:** There are a few different kinds of courts in Arizona, and we will look at each of these in turn. There are limited jurisdiction courts. So these are courts that can only look at certain types of cases. Then there are superior courts which are the -- sort of bread-and-butter everyday courts. Then there are the appellate courts who hear appeals of cases from the Superior Court. And then there's the Supreme Court. So we will look at each of these in turn.

**Slide 17**

**Text:** Limited Jurisdiction Courts

- Justice of the peace
  - Traffic
  - Minor criminal
Audio: The limited jurisdiction courts are the Justice of the Peace and the municipal courts. Now, the Justice of the Peace is another unique function of the Arizona system. The Justice of the Peace, or JPs as they are called, are elected officials, so all of the other judges in the Arizona system are appointed but the JPs are elected. The Constitution only provides a few qualifications for a JP. You have to be 35 and speak English, I believe, are the only two qualifications to be a JP. There's no education requirement, there's no experience requirement as long as you are breathing and a citizen, basically, and can win an election you too can be a Justice of the Peace. Now, it's a limited jurisdiction court which means they are only able to look at certain types of cases. So as the slide suggests, they do traffic violations, they can do minor criminal court cases like juvenile stuff, you know, property damage things of that nature, and they can handle small claims disputes, so disputes that are typically under $5,000 can be tried with the Justice of the Peace. Now, a Justice of the Peace would be a much less formal setting than a regular court would be and would have a quicker turnaround time. They do not have as long of a docket. Another thing that the Justice of the Peace does is when somebody needs to be evicted from their home or apartment, the Justice of the Peace is the one who delivers that notice and helps evict the tenant. So they do earn their money, apparently. It pays quite well, actually. The other kind of court is the municipal courts. So those are city courts. They handle traffic violations, minor criminal violations, and city laws and codes. So when you get that letter in the mail from the red light camera or the speeding camera, it's typically issued by a municipal court that handles those kinds of violations. Now, they are limited jurisdictions so anything beyond those categories they do not have the authority to make a decision on. For that you have to go to a court with a higher level of jurisdiction.

Slide 18

Text: Superior Court

- Serious Crimes
- Civil cases
- Divorce
- Probate
- Appeals from JP and municipal courts
Audio: The superior courts are the workaday courts. Most of the cases heard in Arizona are heard in superior courts, so they handle, as the slide suggests, more serious crimes. They also handle civil cases such as contract disputes, custody battles, divorce hearings, things of those natures. They also are the probate judges to settle estates, and if anyone has an appeal from a JP or a municipal court, a superior court can hear those appeals. So the superior court judges handle a variety of cases. They tend to rotate from one type of case to the next, so a judge will serve in family court for a while and then they will serve in the criminal court for a while and then they will serve in probate court for a while and so forth. So the judges develop expertise but also are able to move around from one type of law or one type of case to another.

Slide 19

Text: Appellate Court

- Appeals from Superior Court
- Original Jurisdiction
  - Tax court
  - Industrial Commission
  - Unemployment compensation

Audio: Next we have the appellate courts. The appellate courts, as the name suggests, handle appeals from the superior courts -- and recall the discussion in the presentation on the federal judiciary -- appeals cannot be made just because you don't like the outcome of the case or because you don't like the judge that you were assigned. You have to have a procedural basis for your appeal; that is, you have to make an argument that the process was flawed in some way in the way the judge handled your case at the lower level court. So the superior court hears those appeals to ensure that the processes were followed correctly at the superior court level. Now, in addition the appellate court does have original jurisdiction over a few types of case law, and those are listed there on the slide; the tax court, the industrial commission, and unemployment compensation. So those cases which are frequently statewide concerns are handled at the appellate court level rather than the superior court level.

Slide 20

Text: Supreme Court

- Appeals from lower courts
- Original Jurisdiction
  - Suits against state officials
  - Suits between counties
- Responsible for conduct and administration of all AZ courts

[Screenshot from Arizona Judicial Branch website of Supreme Court judges]
Audio: The Arizona Supreme Court functions similar to the Federal Supreme Court in that it is the court of last resort for cases originating in Arizona. It is possible to appeal an Arizona Supreme Court decision to the Federal Supreme Court but only if the case involves a Constitutional issue of some kind. Otherwise, the Arizona Supreme Court decision is the end of the road for cases. So the Supreme Court hears appeals from the appellate court and in addition, the Supreme Court does have original jurisdiction in a few areas, and those are lawsuits against state officials and lawsuits between counties. So in those cases, the case is heard in the Supreme Court not the superior courts or the appellate courts. Additionally, the Supreme Court is responsible for the conduct and administration of all of the lower courts, so that gives the Supreme Court an oversight role over the conduct of these other judges. Now, this overlaps in a way with that earlier Commission on Judicial Conduct that was set up by the Constitution. What typically happens is if there is a complaint about a judge, the Commission on Judicial Conduct will investigate that complaint, and if it determines that that complaint has merit and the judge has engaged in unethical or illegal behavior, then the commission will turn that case over to the Supreme Court for a punishment of some kind. The Supreme Court then is responsible for the maintenance and for upholding the integrity of the courts throughout the state. Now, by administration, what that means is that the Supreme Court handles the budget for the lower level courts. A few years ago it was determined that the Justices of the Peace were abusing their offices; several of them were any way. The JPs were each given a secretary and the secretary was given, under extreme circumstances, the authority to sign the name of the JP. Well, what some JPs were doing is they would go into their office and sign a paper giving their secretary the authority to sign all of their documents and then leaving and playing golf all day and for that they were receiving their handsome salary as a Justice of the Peace without actually doing any work. So when the Supreme Court heard about that, they investigated, found that there was a problem with it, and so they changed the structure of how JPs are run, and now Justices of the Peace have to share a secretary so there's two JPs for every secretary. That dramatically decreases the possibility that a secretary is going to be abused in that way and that a JP will abdicate their authority in that way. So that's an example of how the Supreme Court keeps track of how the lower courts are running their businesses and taking care of their case loads and intervening when necessary to provide corrective measures to, again, maintain the integrity of the judicial process in the state of Arizona.

Slide 21

Text: Judicial Selection

• JP elected
• All other judges appointed
• Confirmed by Senate

[Photo of judge’s bench]
Audio: The process for judicial selection is quite similar to the same process that has already been described at the federal level; namely, the governor appoints a judge and the legislature confirms that appointment. That judge is then in office for a lifetime appointment with the exception of retention which we'll talk about in just a minute. Now, there is an exception to how judges are selected and that is the justices of the peace. As mentioned earlier, they are elected, they stand for election, their terms of office run out, and they have to be re-elected at the end of those terms. But other than that, in all other regards, the process is not fundamentally different at the state level than it is at the federal level that has already been described.

Slide 22

Text: Judicial Retention

- Unique to Arizona
- Periodic voter approval
- Evaluated by State Bar

Audio: The judicial retention process is something that is rather unique to Arizona. No other state, that I'm aware of anyways, has a process where judges have to stand to be retained in their office. Now, again, the judges are appointed by the governor and confirmed by the legislature and they then hold that job until they retire. However, every few years, that judge has to go before the voters in a retention ballot, and all of the Superior and Appellate court judges, that reside or work within a particular county, will have to stand for retention in that county's elections. The judges are almost always reappointed, very seldom will a judge lose this election, but the fact that they have to stand provides citizens with a way to eliminate a judge who they feel is just a bad judge. Now, most citizens don't really have any meaningful way to access a good judge versus a bad judge, I mean, they might like a judge's ruling, but that doesn't make them a bad judge, it just means you disagreed with him in that case. So, to facilitate that vote, the Arizona State Bar issues a publication prior to each election, where they evaluate each of the judges that are up for retention, and provide, in the voter information packet, a score for each judge, and the members of the Arizona State Bar will basically vote on whether or not they would like to retain the judge, and then the percentage outcome of that vote is reported to the citizens. And so, as you're going to vote, it's always a good idea to take a look at that voter information packet prior to voting, so that you can look through those evaluations and decide if there are any judges that you feel should not be retained in that selection. This slide shows a picture of a previous ballot to see the judges that are up for retention.

Slide 23

Text: Conclusion

[Photo of Senate floor]
Audio: This concludes our discussion of the Arizona legislative and judicial branches. In their basic structure and function, the Arizona legislature and judicial branches appear quite similar to the federal judiciary and legislative branches. They are different though in key aspects or regards, and understanding these differences helps explain some of the outcomes of political battles in Arizona as well as suggesting pathways for citizen action to effectively advocate for policies that you personally agree with or, as teachers, advocate for policies that you feel are necessary to the conduct of your profession. It's important to know the processes that are followed as public policy is made so that you can know how to most effectively engage that process and succeed in achieving your policy preference.

Slide 24

Text: This presentation

This presentation is courtesy of Brian Dille, Professor of Political Science at Mesa Community College.

[Photo of Brian Dille]

Audio: This presentation is courtesy of Brian Dille. I'm the speaker. And I'm professor of political science at Mesa Community College, a college of the Maricopa Community College District in Mesa, Arizona. I hope you've enjoyed this presentation.