



THE
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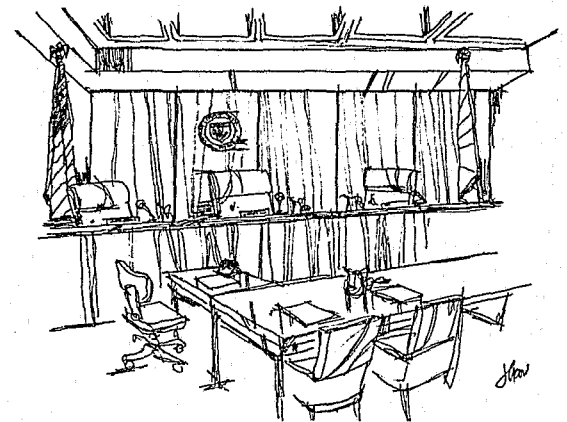
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This booklet has been prepared to provide a general overview of the Arizona judiciary. The Federal Courts are not part of the state court system and, therefore, they are not discussed here. This booklet is not intended to be a detailed explanation of all cases or all aspects of the court system, and it is not intended to provide legal advice or assistance.

For your convenience, a glossary of terms is provided at the back of this booklet. Words appear bold as they occur within the text.



This booklet on the Arizona judiciary is designed to give you information about the Arizona court system.

Since courts play such a vital role in our system of government, I believe it is important for every citizen to understand the structure and functions of the court system. The information in this booklet answers many commonly asked questions about court operations, selection of judges, and the judicial process.

I hope this information is helpful in expanding your knowledge of the Arizona system of justice.



Frank X. Gordon, Jr.
Chief Justice
Arizona Supreme Court



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1. Historical Perspective

In order to better understand the Arizona courts of today, it is important to consider the historical development of Arizona's judiciary.

Statehood and the Judiciary

The Arizona Constitution was drafted at the Constitutional Convention which concluded on December 9, 1910. Article VI of the Arizona Constitution deals with the Judicial Department. It specifies the various courts in the state and generally outlines their **jurisdiction** and the qualifications for judges. The original constitution provided for:

1. a Supreme Court consisting of three justices;
2. a Superior Court in each organized county;
3. Justice of the Peace Courts; and
4. "such courts inferior to the Superior Courts as may be provided by law."

Originally, in the constitution all judges were elected officials and subject to **recall**. At an election held on February 9, 1911, Arizona's citizens **ratified** the constitution by a vote of 12,187 to 3,302. However, approvals by Congress and the President of the United States were not so easily attained.

President William H. Taft vetoed congressional approval of Arizona's Constitution and stated his opposition to the recall provisions for elected public officials, including judges, as the primary reason for his action.

Congress then adopted a resolution which made approval dependent upon Arizona's adopting an **amendment** which would exclude judges from the constitution's provision. Because of an intense desire for statehood, Arizona's citizens overwhelmingly approved such an amendment at an election held on December 12, 1911. Following that, on February 12, 1912, President Taft issued a **proclamation** declaring Arizona a state.

However, the citizens of Arizona were sincere in their desire to include judges under the recall provision, and at the first general election following statehood, that provision was restored to its original form. The provision was tested in 1924, when a Superior Court judge was successfully removed from office in Pinal County.

In 1939, legislation was enacted to create police courts, commonly referred to as City or Municipal Courts, and in 1965, the Court of Appeals was established by legislation.

Constitutional Changes Affecting the Judiciary

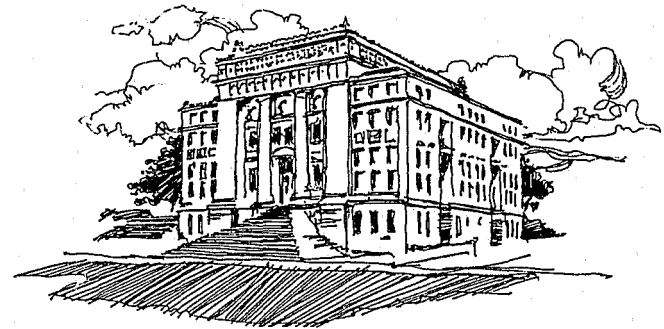
In November 1960, the judicial article of the Arizona Constitution was amended for the first time. Voters approved the "Modern Courts Amendment" which significantly changed the relationship and activities of the Arizona Supreme Court.

The amendment provided for an integrated judicial department with the Supreme Court given "administrative supervision over all the courts of the state." That supervision is exercised by the Chief Justice or the Vice Chief Justice in the absence or incapacity of the Chief Justice.

The amendment also increased the minimum number of Supreme Court justices from three to five, and gave the Supreme Court the authority to "make rules relative to all procedural matters in any court."

Additional amendments to the judicial article of the Arizona Constitution were made several years later. In 1970, the Commission on Judicial Conduct (formerly the Commission on Judicial Qualifications) was established. The commission reviews and investigates complaints against all judges in the state.

In 1974, voters approved a measure requiring the merit selection of justices for the Supreme Court, judges for the Court of Appeals and judges for the Superior Court in counties with a population in excess of 150,000 (Maricopa and Pima counties). The remaining counties elect their Superior Court judges.



The judicial article also requires retirement at age 70 for Supreme Court justices and judges of the Court of Appeals and Superior Court. The article does not allow these judges to practice law, hold any other public office or public employment during their term of office, hold any office in any political party, or campaign in any election other than their own. The penalty for engaging in these activities is forfeiture of office.♦

2. Today's Court System

The chart on the next page provides a picture of the Arizona judiciary. Connecting lines from the lower courts upward indicate the normal route of appeal. For example, if the decision of a Justice of the Peace Court is appealed, the appeal is heard in the Superior Court.

The Arizona court system has three levels:

- I. the **limited jurisdiction** courts,
- II. the **general jurisdiction** courts, and
- III. the **appellate** courts.

Starting with the lower courts and working upward on the chart, there are two limited jurisdiction courts: Justice of the Peace Courts and Municipal Courts. They are called limited jurisdiction courts because there are limits on the types of cases which can be heard in each of these courts.

These courts are Arizona's only "non-record" courts, meaning they are not required to make a permanent record of all court proceedings; however, records are made in some instances.

In Arizona there is only one court of general jurisdiction and that is the Superior Court. The Superior Court is a statewide trial court which hears and decides a large variety of cases. Records are kept on all court proceedings.

The remaining two courts, the Supreme Court and the Court of Appeals, have what is called appellate jurisdiction. These courts do not hear trials as the other courts do; they review cases

that have gone to trial in the other courts. When decisions of cases tried in the Superior Court are appealed, they usually go to the **intermediate appellate court**, the Court of Appeals. An exception to this is any case in which a sentence of death or life imprisonment has been imposed. These cases are appealed directly to the Supreme Court; they are not heard by the Court of Appeals.

If a party wishes to appeal the decision of the Court of Appeals, a "**petition for review**" may be filed to request review by the Supreme Court. The Supreme Court then decides whether the **petition** will be granted and the case reviewed.

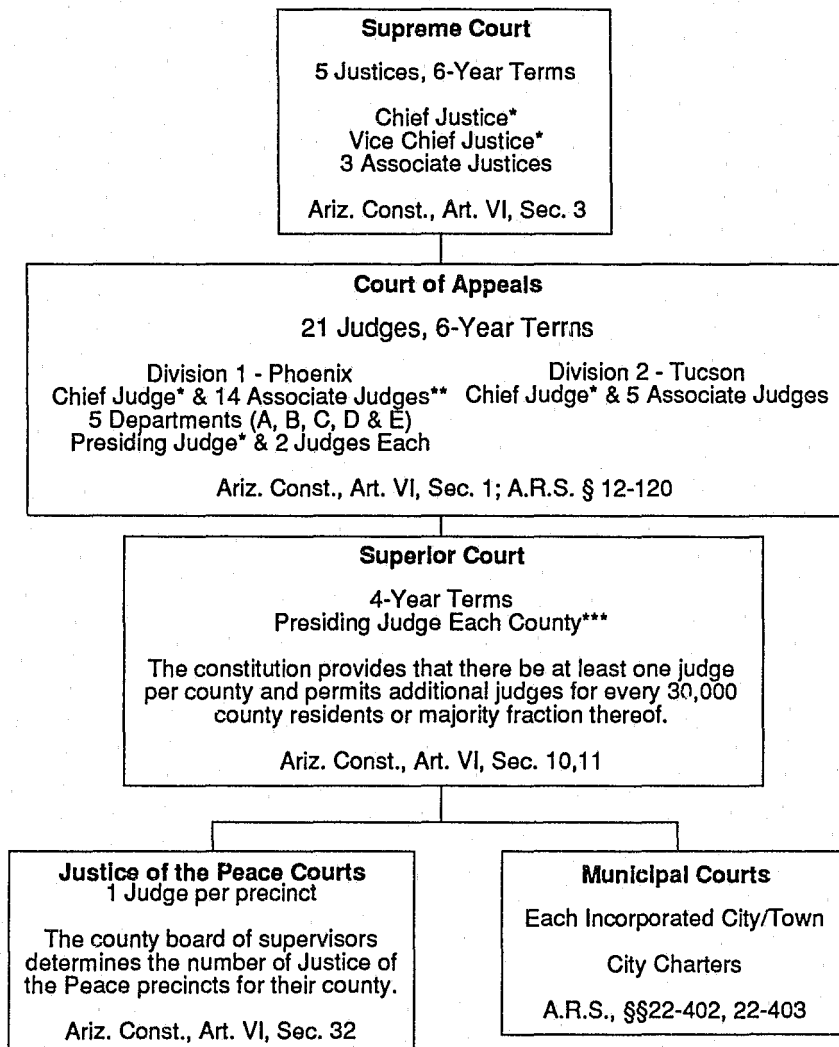
There are two types of cases heard in court: **criminal** and **civil**.

Criminal cases involve a person or entity charged with committing, attempting to commit or engaging in an activity prohibited by law and defined as a **crime**.

Civil cases include all court cases not defined as criminal. They include such cases as disputes between citizens, **probate** matters, divorces, etc.

This chart provides a graphic representation of the Arizona judiciary. Connecting lines from the lower courts upward indicate the normal route of appeal. For example, if the decision of a Justice of the Peace Court is appealed, the appeal is heard in the Superior Court. ♦

Organizational Chart - The Arizona Judiciary



* Elected by their members

** Number of judges increased from 12 to 15, July 1989

*** Appointed by the Supreme Court

I. Limited Jurisdiction Courts



Justice of the Peace Courts *General Information and Jurisdiction*

Justice of the Peace Courts hear both civil and criminal cases. The civil jurisdiction of Justice of the Peace Courts shall not exceed the sum of \$2,500 and the criminal jurisdiction of Justice of the Peace Courts is limited to petty offenses and misdemeanors. In addition, justices of the peace are authorized to hold **initial appearances** and **preliminary hearings** for persons charged with felonies.

In further defining the civil jurisdiction of the Justice of the Peace Courts, the Arizona Statutes provide that in civil cases the justice of the peace has sole jurisdiction in matters involving less than \$500 and in cases of **forcible entry and detainer**, where the rental value of the property

does not exceed \$750 per month and damages do not exceed \$2,500. Justices of the peace also hear matters regarding possession of, but not title to, **real property**.

State law provides for a special **small claims** procedure in the Justice Court for claims not in excess of \$1,000. This special procedure permits people involved in small lawsuits to resolve their claims without the use of lawyers. It also permits the **presiding judge** of the Superior Court to appoint special hearing officers in the Justice of the Peace Courts to decide these cases.

Section 22-301 of the Arizona Revised Statutes (A.R.S.) provides criminal jurisdiction as follows:

The Justice of the Peace Courts shall have jurisdiction of the following offenses committed within their precincts:

1. Petty theft.
2. Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the offense a felony.
3. Breaches of peace and committing a willful injury to property.
4. Misdemeanors and criminal offenses punishable by a fine not exceeding \$1,000, or imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.
5. Felonies, but only for the purpose of initiating action and conducting proceedings

through preliminary examinations. Justice of the Peace Courts may require the defendant answer to the Superior Court or release the defendant if it appears that there is not **probable cause** to believe the defendant guilty of an offense.

Precincts and Judges

Each county board of supervisors is responsible for dividing the county into justice court precincts. These precincts may be changed if necessary, but a precinct cannot be abolished until the term of office of the present justice of the peace expires.

The regular term of office for a justice of the peace is four years. Qualifications for election to this office include being at least 18 years of age, a resident of the state, an elector of the precinct in which elected, and being able to read and write the English language. Justices of the peace are not required to be attorneys.

Other Personnel

Statutes provide that each justice court have a constable (A.R.S. § 22-102). The constable is an elected official whose primary duties are to execute, serve, and return various legal notices and documents as directed by the court.

In many courts, the justice of the peace has one or more clerks to provide clerical assistance and maintain court records.

Case Processing

As mentioned previously, two major types of cases can be filed in the Justice of the Peace Court: civil and criminal. Trials held in either type of case generally follow the same basic procedures as a Superior Court trial.

Municipal Courts

The second type of limited jurisdiction court in Arizona is the Municipal or City Court.

General Information and Jurisdiction

Statutes require that each incorporated city or town have a court; state laws refer to these as police courts. These courts have criminal jurisdiction in matters arising out of their city or town and have shared jurisdiction with the Justice of the Peace Courts over violations of state law committed within the city or town limits. The criminal trial jurisdiction of the Municipal Court is limited to petty offenses and misdemeanors. Municipal Courts do not hear civil cases involving disputes between individuals.

Judges and Other Personnel

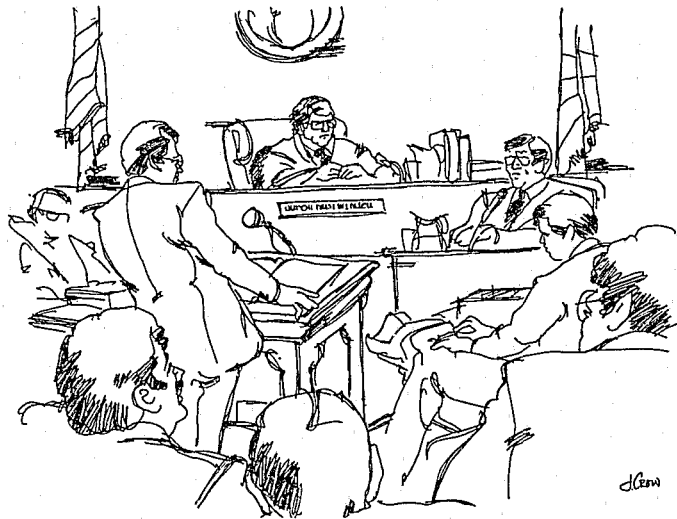
Qualifications for judges in the Municipal Court are set by the individual city's charter or city ordinances. Some municipalities require that their judges be attorneys, and others do not. Municipal Court judges are appointed in all

cities except Yuma, where the judge is elected. Municipal Court judges must be appointed for at least a two-year term, and they may only be removed from office during their two-year term for cause after a due process hearing.

As in the Justice of the Peace Courts, Municipal Court judges are often assisted by at least one clerk. In the larger cities, such as Phoenix and Tucson, additional management assistance is provided by one or more court administrators.

Case Processing

The criminal cases filed with the Municipal Court are processed in the same general manner as those filed in the Justice of the Peace Courts.



Appeals from Decisions of Limited Jurisdiction Courts

Appeals from decisions of both Justice of the Peace Courts and Municipal Courts are made to the Superior Court. An appeal from a Justice of the Peace Court or a Municipal Court usually results in a **trial de novo** (a new trial) in the Superior Court. If a record was made in the limited jurisdiction court, the Superior Court may just review the record of the lower court proceedings in deciding the appeal. There is no right to appeal a decision from the Small Claims Division of the Justice of the Peace Court.

II. General Jurisdiction Court The Superior Court

The Superior Court of Arizona is the state's only general jurisdiction court. It is a statewide trial court, and it may hear and decide a large variety of cases.

Judges

Article VI of the Arizona Constitution provides for one Superior Court judge in each county and permits one additional judge for every 30,000 inhabitants or majority fraction thereof beyond the county's first 30,000 inhabitants. The number of Superior Court judges has increased over the years from one in 1912 to 103 in November, 1988. These judges serve a four-year term of office.

According to the Arizona Constitution, judges of the Superior Court "shall be at least 30 years of age, of good moral character, and admitted to the practice of law in and a resident of the state for five years next preceding their taking office" (Article VI, Section 22).

Since 1971, judicial assistance has been authorized by state law through the appointment of judges *pro tempore* in accordance with A.R.S. § 12-141. Upon the request of the presiding judge of a county, with the approval of the board of supervisors, the Chief Justice of the Supreme Court may appoint judges *pro tempore* to assist a Superior Court with its caseload.

In each county having two or more Superior Court judges (10 counties), the Supreme Court designates a presiding judge who exercises administrative supervision over the court.

Other Personnel

Each county has a Superior Court clerk who is elected at the general election. The responsibilities of the clerk's office include the maintenance of official court case files; certification of documents; collection of fees; and issuance of **summons**, **subpoenas**, and marriage licenses. The clerk serves as **jury commissioner** in all counties except Maricopa and Pima where a separate jury commissioner is appointed.

In addition to the clerk, Maricopa and Pima Counties each have a court administrator who

assists the presiding judge in carrying out administrative duties such as case scheduling and budget preparation.

Court commissioners may be appointed by the presiding judge of the Superior Court in counties with three or more judges. According to law and Supreme Court rules, they assist the Superior Court judge in resolving certain matters and cases. Commissioners usually determine matters where a **default** has been entered against a party and they may also conduct the initial appearance of a defendant charged with a crime.

Jurisdiction

As noted earlier, the Superior Court has general jurisdiction and can hear almost any type of case except small claims, minor offenses and violations of city codes and ordinances. According to the Arizona Constitution, Article VI, Section 14, the Superior Court has jurisdiction in the following matters:

- Cases and proceedings in which exclusive jurisdiction is not vested by law in another court.
- Cases of equity and at law which involve the title to or possession of real property, or the legality of any tax, impost, assessment, toll, or a municipal ordinance.
- Other cases in which the value of property in controversy amounts to \$1,000 or more, exclusive of interest and costs.
- Criminal cases amounting to felony and cases of misdemeanor not otherwise

provided for by law.

- Forcible entry and detainer actions
- Proceedings in insolvency.
- Actions to prevent or abate nuisance.
- Matters of probate.
- Divorce and annulment of marriage.
- Naturalization and the issuance of papers therefore.
- Special cases and proceedings not otherwise provided for, and such other jurisdiction as may be provided by law.

By statute, the Superior Court also shares jurisdiction with the Justice of the Peace Courts over civil claims involving \$500 or more, but less than \$2,500.

In addition, the Superior Court is authorized to act as an appellate court, hearing appeals from decisions made in the limited jurisdiction courts, such as Justice of the Peace and Municipal Courts.

Through its **probation** department, the Superior Court is responsible for supervising adults and juveniles who have been placed on probation. In some counties the Superior Court has separate adult and juvenile probation departments.

Specialized Services

The concept of specialization within the Superior Court in the various counties is most developed in the area of juvenile matters. In counties having more than one Superior Court judge, a

specialized Juvenile Court is usually established and one or more Superior Court judges are assigned to hear juvenile cases regarding delinquency, incorrigibility, and dependency. Further specialization has developed in some counties with high caseloads. In these counties specific judges may be assigned to hear probate matters, criminal cases, and/or **domestic relations** cases.

The Arizona Tax Court

The Arizona Tax Court was created in the second regular session of the 1988 Legislature. The purpose of the Tax Court is to decide all tax cases in the same court statewide so there will be consistency in tax law case decisions. The Arizona Tax Court is a department of the Superior Court in Maricopa County. This court has exclusive jurisdiction over all cases involving the imposition, assessment, or collection of a tax, including all questions of law and fact relating to disputes about taxes arising under Title 5, Chapters 1, 2, 3, or 4, Title 23, Chapter 6 or Titles 20, 28, 42, 43, or 48 of the Arizona Revised Statutes, or disputes between political subdivisions of this state regarding taxes, except for criminal cases which involve any of the foregoing.

The Tax Court has a Small Claims Division which hears disputes concerning the valuation or classification of property in which the property is class five property as described in A.R.S. § 42-162 or in which the cash value of all real and personal property does not exceed \$100,000, and all tax cases other than class five properties in



members of the State Bar of Arizona, members of the bar of any other state, or admitted to practice before a Federal Court. Arbitrators perform the same functions as judges do in courtroom trials. They listen to both sides present their case, and then decide which side should win. However, their opinions are not "binding," and either party involved in a civil dispute may appeal the arbitrator's decision. If appealed, the parties will receive a new trial in the Superior Court.

While any party may appeal the decision of the arbitrator(s), most cases arbitrated are not appealed. Arbitration is a proven method of reducing costs to parties, and reducing the number of cases that must be tried in the courts.

which the amount of the taxes, interest at the time of assessment, and penalties in dispute does not exceed \$5,000. No appeals are permitted from the Small Claims Division.

Arbitration

In response to the increasing caseloads in the Arizona courts, legislation requiring arbitration in certain kinds of civil cases was passed in 1986 (A.R.S. § 12-133). Arbitration is the process where disputes are tried outside the court system in a less formal setting and manner.

When arbitration is used, cases are decided by one to three arbitrators. Arbitrators are attorneys who, for at least three years, have been

III. The Appellate Courts

The primary responsibility of appellate courts is to hear appeals from the decisions of lower courts. Arizona has two levels of appellate courts: the Supreme Court and the Court of Appeals.

The Court of Appeals

Arizona's intermediate appellate court, the Court of Appeals, was established in 1965. This court consists of two divisions. Division One, with 15 judges (12 judges until July, 1989), is located in Phoenix, and Division Two, with six judges, is located in Tucson.

Judges

To be appointed to the Court of Appeals, a person must be at least 30 years of age, of good moral character, a resident of Arizona for five years immediately prior to taking office, and admitted to the practice of law in Arizona during that same period.

Judges for the Court of Appeals sit in three-judge panels when hearing and deciding cases.

Jurisdiction

The Court of Appeals has appellate jurisdiction to determine all matters properly appealed from the Superior Court. In criminal cases, however, where the sentence of death or life imprisonment has actually been imposed, the appeal is made directly to the Arizona Supreme Court. In most instances, the Court of Appeals must hear and review all decisions properly appealed to it.

In addition to hearing Superior Court appeals, Division One has statewide responsibility for reviewing appeals and decisions arising from the Industrial Commission and unemployment compensation rulings of the Department of Economic Security and the Arizona Tax Court.

Case Processing

Most of the caseload of the Court of Appeals involves appeals from Superior Court decisions. There are some differences in the processing of civil and criminal cases; for example, in a civil

case, the parties are required to pay filing fees, and in a criminal case, no fees are required. The overall process is, however, similar.

When an appeal is filed, the trial court sends the official case records to the Court of Appeals. When the appropriate records and attorneys' statements regarding the issues on appeal have been received by the court, the case is considered to be "at issue" and is assigned to a three-judge panel for review. Each judge reviews the trial court records and the briefs which have been submitted.

The statement of the person filing the appeal contains legal arguments as to why the decision of the trial court should be reversed. The statement of the person against whom the appeal is taken, responds to these issues with arguments and legal authority supporting the trial court's decision.

The appellate court does not conduct new trials on cases that are brought before it on appeal. Instead, the appellate court reviews all the papers, exhibits, and transcripts taken at the trial court. These items, called the "record on appeal" are used to determine if the trial court made the proper decision.

After review and consultation, and oral arguments by the attorneys for the parties, if requested, the panel issues an opinion. There are three major decisions which can be returned. The Court of Appeals may agree with the decision of the trial court and affirm that decision; it

may disagree with the trial court and reverse the decision; or, it may send the case back to the trial court for further action or a new trial.

Other Personnel

The law provides that each division of the Court of Appeals shall have a clerk of the court and other personnel as required. The duties of the clerk are outlined by statute (A.R.S. § 12-120.09), and are similar to those of the Supreme Court clerk.

The Supreme Court

The Supreme Court is the state's highest court. The Arizona Constitution provides the Supreme Court with administrative supervision over all the courts of the state and gives the Chief Justice authority to exercise that supervision.

Justices

The Supreme Court consists of five justices whose regular term of office is six years. Justices of the Supreme Court must be of good moral character, admitted to the practice of law in Arizona, and a resident of Arizona for 10 years immediately prior to taking office.

Jurisdiction

The jurisdiction of the Supreme Court, as provided in Article VI, Section 5 of the Arizona

Constitution, includes appellate jurisdiction, the issuance of extraordinary writs, and the power to make rules relative to any procedural matter in any court. The Supreme Court may review a decision of the intermediate appellate court when someone files a "petition for review." In criminal cases where a sentence of death or life imprisonment is imposed by a Superior Court judge, an appeal is filed directly with the Supreme Court.

Through its rule-making authority, the Supreme Court regulates the activities of the State Bar of Arizona and oversees the admission of new attorneys to the practice of law. The State Bar has responsibility for reporting the misconduct of Arizona attorneys, but only the Supreme Court has authority to actually suspend an attorney from practice or remove their right to practice law in the state of Arizona.

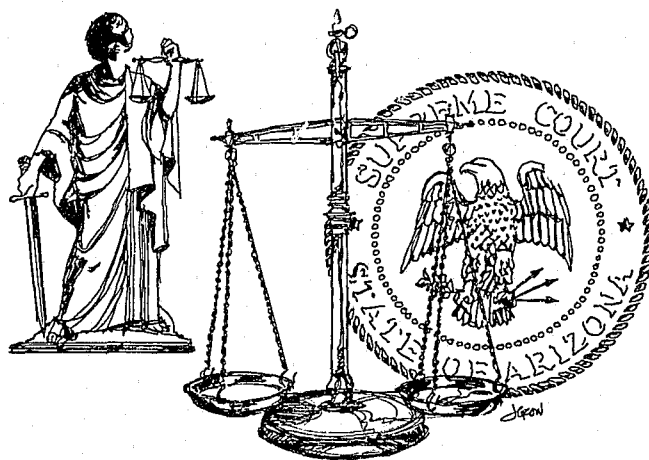


The Supreme Court also serves as the final decision-making body when disciplinary recommendations against Arizona judges are filed by the Commission on Judicial Conduct.

Case Processing

When a decision from the Court of Appeals is appealed to the Supreme Court, a petition for review is filed. The written record of the case on appeal is transferred to the Supreme Court and a decision is made as to whether to grant review. An appeal to the Supreme Court is “discretionary,” meaning the court may refuse to review the case. If the court refuses to grant review, the decision of the Court of Appeals is final.

When the Supreme Court agrees to review a decision, the justices review the record on appeal and the questions or “points of law” it raises. If a timely request for oral arguments is made, the Supreme Court will hear oral arguments from the attorneys involved in the appeal. In oral arguments, the attorney for the **appellant** (party bringing the appeal) presents his or her client’s side of the case to the court. The attorney for the **appellee** (the party responding to the appeal) then presents his or her client’s side of the case to the court. Oftentimes during the oral argument, the justices will question the attorneys about the issues in the case and laws cited by each attorney in support of their client’s positions.



When issuing a written decision or opinion, the court will usually affirm the decision, reverse the decision, or **remand** the case. When a decision is affirmed, it means the Supreme Court agrees with the **judgment** entered by the trial court and that judgment stands as final. When a case is reversed, the Supreme Court disagrees with the decision of the trial court, and the decision of the Supreme Court must be carried out. In some instances, a case will be remanded (sent back) to the trial court for further action and possibly for retrial.

Other Personnel

The Arizona Constitution provides that the Supreme Court shall appoint an administrative director and staff to assist the Chief Justice in discharging his administrative duties. Under the

direction of the administrative director, the Supreme Court's Administrative Office of the Courts provides the support necessary for the supervision and administration of the state court system.

The Administrative Office is divided into separate departments or divisions, which deal with various duties related to the administrative functions of the judiciary.

The Administrative Office of the Courts provides the following services: technical assistance to all courts, research and analysis, development and implementation of child support programs and procedures, assistance to the Supreme Court in development and implementation of rules and procedures for the courts, training and continuing legal education to all judicial employees, public education and information programs for the judiciary, and administration and implementation of juvenile and adult probation services, the Foster Care Review Board, and the Court Appointed Special Advocate Program.

The Administrative Office also assists the court in budget preparation and presentation to the legislature, recommending or commenting on legislation which affects the judiciary, and special projects assigned by the court.

The constitution also authorizes the Supreme Court to name a clerk. Many of the duties of the

clerk have remained the same since statehood. According to A.R.S. § 12-202, the clerk shall:

1. Attend sessions of the court;
2. Issue writs and processes of the court;
3. Enter all court orders, judgments, and decrees required to be entered, the title of each action, the date and fees charged; and
4. Keep such other books of record and perform such other duties as required by law or the court.

The clerk's office maintains all of the case files of the court and assists the court in the scheduling of hearings and oral arguments. The clerk's office is also responsible for the publication and distribution of the court's written opinions.

Summary of Court Organization

To summarize, Arizona has three levels of courts; limited jurisdiction courts, a general jurisdiction court, and appellate courts. The existence and activities of each court are governed by the Arizona Constitution, the Arizona Revised Statutes, and the Arizona Rules of Court.

Most of the traffic and misdemeanor cases are filed in the Justice of the Peace and Municipal Courts. For this reason, the primary contact most people have with the judicial system in Arizona is in these courts.❖

3. How a Case Begins and Proceeds

There are two major types of cases: civil and criminal. This section of the booklet explains more about each of these types of cases and outlines the flow of major activities during a trial. The information presented here applies primarily to Superior Court cases, but the subsection on trials also applies, in general, to limited jurisdiction courts.

Civil Cases

Civil cases usually involve legal disputes among individuals, businesses, corporations or partnerships. At times an individual can be involved in a civil lawsuit with a government entity such as a state, county, or city. Most civil cases involve matters related to **breach of contract**, the collection of a debt, or monetary compensation for personal injuries, property damages, or divorce.

The party suing in a civil case is called the "**plaintiff**" and the person or organization being sued is called the "**defendant**."

Steps in a Civil Lawsuit

1. The plaintiff files a **complaint** with the court which states the reasons why the plaintiff is suing the defendant and what action the plaintiff wants the court to take against the defendant.
2. A copy of the complaint and the summons are served upon the defendant.
3. The defendant must file a written answer admitting or denying the statements made

by the plaintiff in his complaint within 20 days of receiving the complaint.

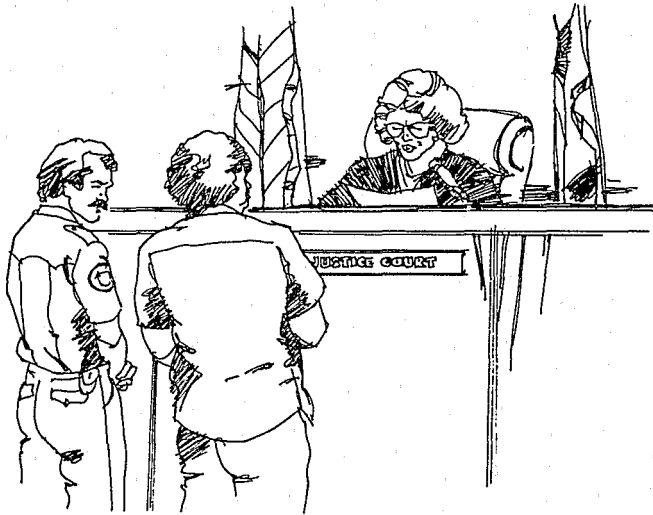
4. Both parties begin procedures to discover what **evidence** and **testimony** the other side plans to present at the trial. This is called "**discovery**."
5. The court hears **motions** made by either party regarding matters that must be decided by the court prior to trial.
6. Either side asks the court to set the case for trial.
7. The case is tried before a judge or a jury.
8. The judge renders a decision or the jury renders a **verdict** based on the testimony of the **witnesses** and the evidence presented during the trial.

Criminal Cases

Criminal cases are those which result from a violation of the criminal code. The state, county or municipal government formally accusing an individual of committing a crime in a criminal case is called the **prosecution**. The party charged with a crime is called the defendant.

Steps in a Criminal Case

1. *The Arrest.* A person is arrested by a law enforcement officer as ordered in a warrant for arrest or on probable cause that such person committed a crime. The person arrested must be brought before a judge for an initial appearance within 24 hours of being arrested or else that person must be released.



2. *Initial Appearance.* At the initial appearance the judge will determine the name and address of the person arrested; inform the person of the charges for which the person was arrested; inform the person of the right to remain silent and the right to have an attorney; appoint an attorney if the person arrested cannot afford an attorney; and set the conditions for release from jail.

3. *The Preliminary Hearing.* If a preliminary hearing is held, the judge hears all the evidence and testimony from the witnesses called by the prosecuting attorney (the attorney representing the state, county or city) and the attorney for the defendant (the person arrested). If the judge determines that there is sufficient reason to believe that the defendant may have committed the crime for which he was arrested, the defendant will be arraigned.

4. *The Arraignment.* At the arraignment the defendant tells the judge whether or not he believes he is guilty or innocent of the crime for which he was arrested. If the defendant tells the judge that he is innocent, the judge then sets a trial date for the defendant. If the defendant tells the judge that he is guilty of committing the crime for which he was arrested, or that he will not contest the charges made against him, the judge will then set a date to sentence the defendant for committing the crime.

5. *The Trial.* The defendant has a trial before a jury or a judge. The prosecuting attorney presents all the evidence and testimony of witnesses against the defendant to prove that the defendant committed the crime for which he was arrested. The attorney for the defendant then presents all the evidence and witnesses to prove that the defendant did not commit the crime for which he was arrested or create a reasonable doubt as to the defendant's guilt. If the defendant is found not guilty, then he is released. If the defendant is found to be guilty beyond a reasonable doubt, the judge sets a date for the defendant to be sentenced.

6. *The Sentencing.* The judge hears testimony from both the prosecution and the defense regarding the punishment the defendant should receive. The judge may order the defendant to be placed on probation, fined, sent to jail or any combination of these punishments.

Please Note: The Arizona Judiciary booklet gives only a general overview of the Arizona court system and its procedures. Not all cases may proceed in exactly the manner as outlined in this booklet.

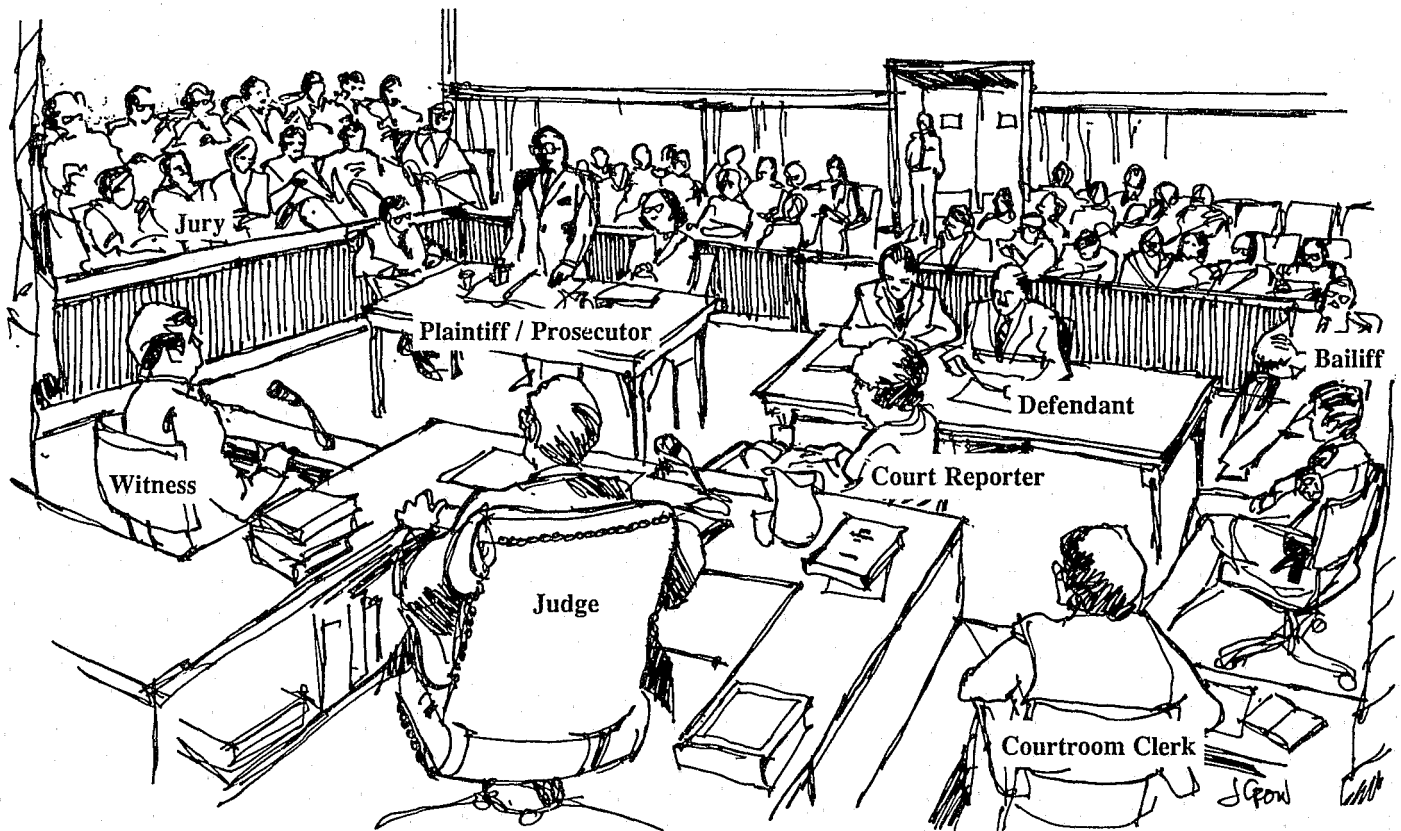
As a matter of convenience, it will be assumed that each party is represented by an attorney; however, it should be understood that this is not always the case, especially in limited jurisdiction courts.

The Trial

Trials in both civil and criminal cases are generally conducted in much the same manner.

The People Involved

The judge is the central figure in the courtroom and is generally seated higher than the



other personnel involved. The judge is there to assure a fair trial by giving each side an opportunity to present their version of the disputed incident. All trials are conducted according to established rules of procedure and evidence.

Also present are a **court reporter**, a courtroom clerk, and a **bailiff**. Each of these people assist the judge with some aspect of the trial. The court reporter records all proceedings. The courtroom clerk records selected activities for official case file records and is responsible for all case exhibits. The bailiff is responsible for maintaining order in the court and overseeing the jury if there is one. The other major figures in any trial are the **litigants** and their attorneys.

Attorneys are officers of the court. Their role is to protect individual rights and ensure just treatment of their clients. Attorneys present evidence and make legal arguments which they believe are necessary for the court to make a fair decision on behalf of their client.

Cases tried in court are decided by either a judge or a jury. In most civil cases, either party has the right to request a jury trial. If a jury trial is requested, the jury decides the outcome of the case after all the evidence has been presented. Otherwise, the judge determines the outcome of the case tried before the court.

The Sequence of Events

When the court is ready for the trial to begin,

opening statements are made. Speaking first in a civil case is the attorney for the plaintiff and in a criminal case is the prosecuting attorney. Each gives an overview of the facts to be presented. The defense may present the same type of opening comment, or may reserve the opening statement until later in the trial when the defense presents its case. Either party may choose not to give an opening statement.

The plaintiff in a civil case or the prosecuting attorney in a criminal case will begin to present their case by calling witnesses and asking them questions. This is called "**direct examination.**" Witnesses take an **oath** stating that what they say in court is the truth. All evidence presented in court, including testimony of witnesses and physical evidence such as documents or articles of clothing, must comply with the Arizona Rules of Evidence which specify what evidence is allowed in court. The judge decides what evidence and testimony is proper and permitted according to the rules.

When the plaintiff's or prosecution's side has completed its questioning of the witness, the defense is allowed to "**cross-examine**" the witness on any area of testimony which was given during direct examination.

After cross-examination, the party who originally called the witness to the stand may wish to ask additional questions of the witness in order to clarify something touched on in the cross-examination. This is called "**re-direct examina-**

tion" and is followed by an opportunity for the opposing attorney to "re-cross-examine."

When the plaintiff or prosecutor has called all of the witnesses for its side of the case and presented all of the evidence, it rests its case. After the plaintiff or the prosecutor rests its case, the defendant may ask the court to decide the case in the defendant's favor because the plaintiff or the prosecuting attorney did not present sufficient evidence for the court or the jury to decide the case against the defendant. This is called a **directed verdict** in a civil case or **judgment of acquittal** in a criminal case. If the judge agrees that there is not enough evidence to rule against the defendant, the judge rules in favor of the defendant, and the case is at an end.

If the directed verdict or judgment of acquittal is not requested or if requested and denied, the defense now has the opportunity to present evidence establishing its side of the case. The attorney for the defense often waits until this portion of the trial to make an opening statement.

The defense may choose not to present any evidence since it is not required to do so. Remember, the defendant in a criminal case is not required to prove his innocence, but rather the prosecution is required to prove his guilt. And likewise in a civil case, it is the plaintiff who must prove **negligence** or **liability** of the defendant. The **burden of proof** rests with the party

who is suing the defendant or accusing the defendant of committing a crime. If the defense chooses to present a case and call witnesses, the same rules and procedures which govern presentation of evidence by the plaintiff/prosecution apply to evidence presented by the defense. The only difference is that the defense now calls the witnesses, and questions them first.

At the conclusion of the defendant's case, the plaintiff/prosecutor may choose to present additional information to refute evidence presented by the defense. Following this, the defense is given an opportunity to present additional evidence on their behalf.

When both sides have presented all of the evidence they wish to enter, they are each permitted to make closing arguments.

Closing arguments are similar to opening statements. They provide an opportunity for the attorneys to address the judge or jury one last time regarding their case. The plaintiff/prosecutor speaks first, usually summarizing the evidence that has been presented, and highlighting those items most beneficial to the client. In a criminal case, the people of the state are the prosecutor's clients.

The attorney for the defendant speaks next. The defense attorney will usually summarize the strongest points of the defendant's case and point out flaws in the case presented by the

plaintiff/prosecutor. At this time, the plaintiff/prosecutor is given one last opportunity to speak.

In a jury trial, the judge reads the legal "instructions" concerning the law which applies in each case. Jury members are required to follow these instructions in reaching a verdict. The jury then goes to the jury room and elects a foreman. They then consider all the evidence, review the facts of the case, and reach a verdict. When the jury has reached its decision, court is called back into session and the judge or court clerk reads the jury's verdict. The jury is then released.



Judgment and Sentencing

The court enters judgment according to the verdict. In a criminal trial, if the defendant has been found guilty, a date for sentencing will be set.

In Arizona, the Legislature has established a range of sentences available for various crimes. The judge must impose a sentence within the range outlined by the Legislature. ♦

4. Service as a Juror

Jurors are the heart of the judicial system in the United States. In many circumstances, the U. S. Constitution and case law both specify the right to a trial by a "jury of your peers." The jury being referred to in this context is a **petit jury**; there is also what is known as a **grand jury**.

Trial or Petit Juries

Since 1980, names of prospective jurors have been obtained through a process of random selection using lists of registered voters and lists of licensed drivers who are 18 years of age and older. Other lists may be used as determined by the Supreme Court.

Everyone who is a qualified voter and is able to understand the English language is qualified to be a juror. No qualified jurors are exempt from service, although the statutes do allow individuals to be excused from service under certain circumstances.

Jurors for courts of limited jurisdiction (justice of the peace and municipal) may be called for jury service by the court in which they are to serve, or by the jury commissioner of the Superior Court.

The term of jury service varies, but does not normally exceed 120 days, and in some courts it is shorter.

In the Superior Court, a trial jury for a criminal case consists of 8-12 persons and a unani-

mous verdict is required. Juries for Superior Court civil cases consist of eight persons and the agreement of six members is required to return a verdict.

In the limited jurisdiction courts, juries consist of six members. In criminal cases unanimous agreement is required to return a verdict, and in civil cases, a concurrence of five jurors is required.

Laws permit verdicts to be returned by an agreement of fewer members of a jury when this has been agreed upon by the parties in a civil case, or the parties and the court in a criminal case.

County Grand Jury

A county grand jury is a group of 12-16 citizens who have qualified for jury service in the county. It is their responsibility to look into public offenses including the "corrupt or willful misconduct in office of public officials."

In order to begin a criminal case, the county attorney may choose to present evidence to a grand jury and ask them to return a criminal indictment. An indictment, or "true bill," is a formal accusation "presented by the grand jury to the Superior Court charging the commission of a public offense which may be tried within the county." In order to indict, at least nine members of the grand jury must agree that there is

probable cause to believe that the person under investigation is guilty of the offense charged.

Members of the county grand jury usually serve a term of not more than 120 days.

State Grand Jury

Up to three grand juries can be impaneled at the state level. The powers and duties of a state grand jury are similar to those of the county grand jury, except that the jurisdiction extends

throughout the entire state. The scope of the investigations of a state grand jury is specified by law. The Supreme Court makes rules and regulations to govern the procedures of state grand juries. ♦



5. Commissions on Judicial Appointments

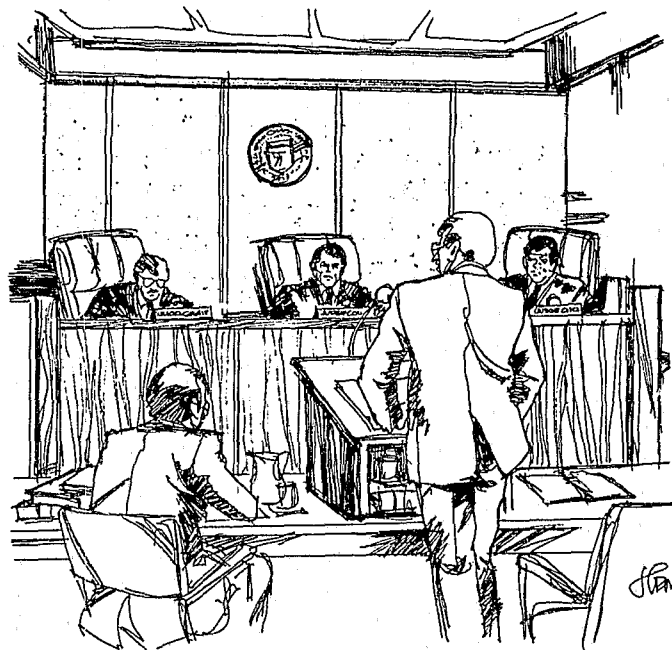
Commissions on Judicial Appointments, referred to as Judicial Nominating Commissions, are the core of the merit selection system. There are currently three such commissions on judicial appointments, one each for Maricopa and Pima County Superior Court appointments, and one for appellate court appointments. Each commission has nine members. Five non-lawyer members are selected by the Governor, and three attorney members are chosen by the State Bar. All members are then nominated by the Governor and must be confirmed by the state Senate.

The Chief Justice of the Arizona Supreme Court presides over each commission and is thus a ninth member; however, the Chief Justice votes only in the case of a tie. Commission members serve staggered terms of four years. When a vacancy occurs on a particular court, a call for nominations and applications is made. When the appropriate commission reviews potential nominees, they are mindful of the constitutional requirements for the post.

The constitution requires that the nominating commission submit at least three nominees, but as many as six have been recommended to the Governor for one position. Should the commission fail to submit names to the Governor within 60 days after the vacancy occurs, the Governor may appoint any qualified person to fill the vacancy. Should the Governor fail to appoint one of the commission's nominees within 60

days after the names are submitted, the Chief Justice makes the appointment.

The judges appointed to office under the merit system initially hold office for a two-year term. At the election, voters indicate "yes" or "no" on the issue of retaining the judge or justice. If retained, the judge serves a full regular term (of either four or six years depending on the court) and then the retention process repeats itself. When a judge is not retained, the office is vacated upon expiration of the term, and the appropriate commission begins its nominating task once again. ♦



6. Commission on Judicial Conduct

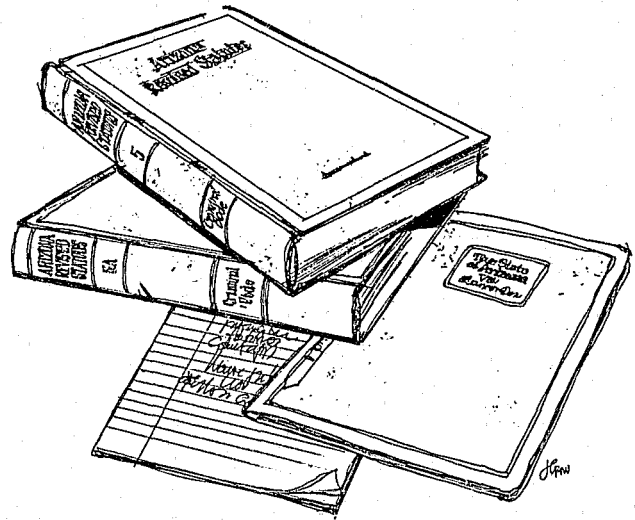
The Arizona Commission on Judicial Conduct (formerly the Commission on Judicial Qualifications) was established in 1970 according to an additional article to the Arizona Constitution. The purpose of the commission is to review and investigate complaints against justices of the Supreme Court, and judges of the Court of Appeals, Superior Court and judges in Justice and Municipal Courts.

The commission does not investigate a judge's legal ruling or decision. This is done through the appeals process. Instead, the commission may investigate the following matters:

- The disability of a judge that seriously interferes with the performance of duties and is, or is likely to become, permanent.
- Action by a judge that constitutes willful misconduct in office.
- Action by a judge that constitutes a willful and persistent failure to perform duties.
- Action by a judge that constitutes habitual intemperance.
- Conduct by a judge that is prejudicial to the administration of justice that brings the judicial office into disrepute.

The commission does not have authority to publicly screen or to remove a judge from office. It can, however, recommend to the Supreme Court that such action be taken after holding a formal hearing for the purpose of making find-

ings of fact and formulating its recommendations. The activities of the commission are confidential until formal recommendations are filed with the clerk of the Supreme Court. Only the Supreme Court has authority to take action on such formal recommendations. ♦

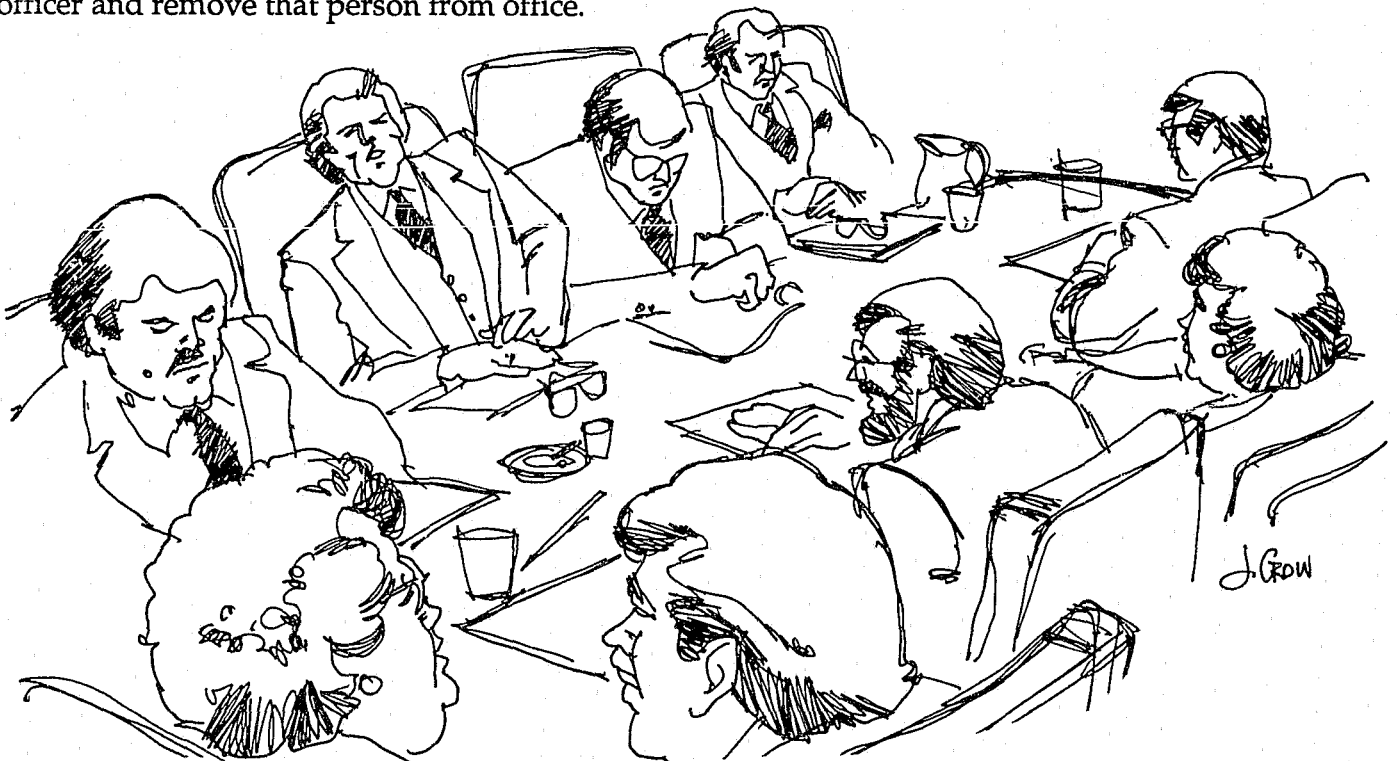


7. The Court's Role in the Impeachment Process

Impeachment is a political process whereby a public officer, accused of committing high crimes, misdemeanors, or misconduct in office, is charged, tried, and if convicted, removed from office. The public officer must be formally charged with having committed an impeachable offense by a majority vote of the Arizona House of Representatives.

If the public officer is formally charged, that person may not perform any duties of the office until the Arizona Senate tries that person on the charges (Articles of Impeachment) voted upon by the House of Representatives. A two-thirds vote in the Senate is required to convict a public officer and remove that person from office.

The role of the courts in the impeachment process is set forth in Article VIII, Part 2, Section 1 of the Constitution of the State of Arizona. The Chief Justice of the Supreme Court presides over the Senate impeachment trial of the public officer. The Chief Justice renders no decision as to the guilt or innocence of the public officer on trial. Instead, the Chief Justice administers the oath to the Senators to do justice according to the law and the evidence, rules on the admissibility of evidence and other matters presented during the trial, and supervises and directs the procedures established for conducting the trial. ♦



Glossary of Legal Terms

A.R.S. -- Arizona Revised Statutes; laws of Arizona.

ACQUITTAL -- Finding a criminal defendant not guilty of the charges against him/her.

ACTION -- A dispute taken to court for resolution; the terms "case," "suit," and "lawsuit" are synonymous with action.

ADJUDICATE -- To decide or settle something in a legal setting.

ADJUDICATION -- The pronouncing of a judgment or the judgment itself.

ADMISSIBILITY -- The ability to legally and properly introduce evidence in a civil or criminal trial.

ADVERSARY SYSTEM -- Method used in the courts of the United States to settle legal disputes; each of the opposing parties in a case is given the opportunity to present his/her side of the story to the trier of the facts (court or jury).

AFFIDAVIT -- A voluntary statement or declaration of facts which has been written down and confirmed under oath.

AFFIRM -- Upholding a decision made by a lower court.

ALLEGATION -- An assertion, declaration, or statement which is made in a pleading by one of the parties to the action, and tells what that party intends to prove.

AMENDMENT -- Change in legal document.

ANSWER -- Written response in a civil case; in it the defendant admits or denies the allegations of the plaintiff's complaint.

APPEAL -- Legal process used to ask a higher court to review a decision.

APPELLANT -- The party appealing a judgment or decision.

APPELLATE COURT -- A court having jurisdiction (authority) to hear appeals.

APPELLEE -- The party against whom the appeal is taken.

ARBITRATION -- A trial out of court; substitute for ordinary trial.

ARRAIGNMENT -- Criminal case proceeding in which the defendant is brought before the trial court to answer criminal charges by entering a plea of guilty or not guilty. (In misdemeanor cases, this is often done in connection with the initial appearance.)

AT ISSUE -- The status of a case after it comes before the court or jury.

ATTORNEY AT LAW -- Individual who is admitted to the State Bar of Arizona, and thus may represent clients in legal proceedings.

ATTORNEY OF RECORD -- Attorney whose name appears

on the permanent records and files of a particular case.

BAIL -- Monetary sum which can be assessed by a judge (magistrate) to insure that a criminal defendant, who is being released prior to trial, will in fact appear in court on the trial date. Securities posted as bail are returned when court appearances are satisfied.

BAILIFF -- Courtroom attendant responsible for keeping order in the courtroom and overseeing the jury.

BINDING -- Obligating or promising something.

BOARD OF SUPERVISORS -- Local governing group on the town, city, or county level.

BREACH OF CONTRACT -- A legally inexcusable failure to perform a contractual obligation.

BRIEF -- Written statement explaining facts of a case and laws that apply.

BURDEN OF PROOF -- Responsibility for affirmatively proving the disputed facts in a case.

CASE -- Lawsuit, suit, or action being resolved through the use of the court system.

CASE LAW -- Law based on previous decisions of appellate courts, particularly the Supreme Court.

CHAMBERS -- Private office of the judge.

CHIEF JUSTICE -- Presiding justice of the Supreme Court.

CIVIL -- Generally deals with personal actions, and usually involves a contract, collection of a debt, or compensation for personal injury or property loss.

CLERK -- In charge of transcribing court proceedings and keeping the court records.

COMPLAINT (civil) -- The first pleading in a civil case

filed by the plaintiff. It alleges the material facts and legal theories to support the plaintiff's claim against the defendant.

COMPLAINT (criminal) -- A written criminal charge, usually filed before a magistrate, that the defendant has committed a specified criminal offense.

CONSTABLE -- Officer responsible for keeping the peace and performing minor legal duties.

CONVICTION -- A finding by the judge or jury that a person charged with a criminal offense is guilty beyond a reasonable doubt of committing the crime charged.

COUNTER CLAIM -- A claim filed by a defendant in a civil case in opposition to the plaintiff's complaint, in which the defendant seeks relief from the plaintiff.

COUNTY ATTORNEY -- Attorney employed by the county to represent it in civil

matters; also the prosecuting attorney in many counties.

COURT ADMINISTRATOR -- Person who manages the court.

COURT COMMISSIONER -- Authorized to perform limited judicial functions.

COURT OF RECORD -- Courts in which the proceedings are permanently recorded pursuant to law. Justice of the peace and municipal courts are not courts of record.

COURT REPORTER -- A person who transcribes by shorthand or stenographically records testimony during court proceedings.

CRIME -- An act considered dangerous to the general public that is forbidden by law, and punishable by fine, imprisonment, or death.

CRIMINAL -- A person charged with a crime and found guilty.

CROSS-EXAMINE -- The questioning of a witness by the opposing party at a trial, hearing, or deposition.

DAMAGES -- Monetary compensation claimed by a person who has suffered a loss or injury to his person, property, or rights as a result of the negligence or unlawful conduct of another.

DECREE -- An order of the court. A final decree is one which fully disposes of the litigation; an interlocutory decree is a preliminary order that often disposes of only part of a lawsuit.

DEFAULT -- Failure of the defendant to file an answer or appear in a case within a certain period of time. This will usually result in a default judgment against the defendant.

DEFENDANT -- The person or party sued in a civil case or accused in a criminal case.

DEFENSE -- The defendant and his/her counsel.

DELINQUENT -- Juvenile offender who has been adjudicated by a judicial officer as having committed a delinquent act. (An act for which an adult could be prosecuted in a criminal court.)

DIRECT EXAMINATION -- Questioning of a witness by the party who calls the witness.

DIRECTED VERDICT -- An instruction by the judge to the jury to return a specific verdict.

DISCOVERY -- The pre-trial process by which one party discovers the evidence that will be relied upon at trial by the opposing party.

DISCRETIONARY -- The power to act on one's own judgment with fairness and justice.

DOMESTIC RELATION -- Pertaining to situations in a home.

DUE PROCESS -- The regular course of administration through the courts of justice,

under the protection of the law and U.S. Constitution, enabling every person to have a fair and impartial trial or hearing.

EVIDENCE -- A fact presented in court through the testimony of a witness, an object, or written documents.

EXHIBIT -- A document or object which is offered into evidence during a trial or hearing.

EXTRAORDINARY WRITS -- Court orders issued for special purposes.

FELONY -- A major crime.

FOR CAUSE -- Affects the rights and interests of the public.

FORCIBLE ENTRY AND DETAINER -- A special proceeding for restoring possession of land to a person who has been wrongfully kept off of the land or deprived of possession of the land. This is a common proceeding used in landlord/tenant disputes.

FOREMAN -- The presiding member of the grand or petit jury who speaks or answers for the jury.

GENERAL JURISDICTION COURT -- Where court cases originate.

GRAND JURY - A group of citizens (usually 23) who are assembled in secret to hear or investigate allegations of criminal behavior. It has the authority to conduct criminal investigations and to charge a crime by indictment; also may have the power to issue a report or presentment without charging a crime.

IMPANEL -- The act in making up a list of jurors who have been selected for the trial of a particular case.

IMPEACHMENT -- The act of accusing a public official of misconduct in office before a tribunal.

INDICTMENT -- A formal written accusation by a grand jury charging that a person or

business committed a specific crime.

INFORMATION -- A formal written accusation filed by a public officer, such as a prosecuting attorney, charging that a person or business committed a specific crime.

INITIAL APPEARANCE -- First appearance in court.

INJUNCTION -- A writ or order by a court which requires a party to refrain from doing a particular thing or commanding that the party perform a particular act.

INSOLVENCY -- Being unable to pay debts when due.

INTERMEDIATE APPELLATE COURT -- Reviews decisions made by lower courts.

JUDGE -- The public officer authorized to hear and determine causes in a court of law.

JUDGMENT -- The official decision by a court regarding the rights and claims of the

parties to a civil or criminal lawsuit.

JUDGE PRO TEMPORE -- A temporary judge.

JURISDICTION -- The legal authority of a court to hear and decide cases; the exercise of judicial power within certain geographic boundaries.

JURY COMMISSIONER -- Court officer who chooses the potential jurors.

LAW -- Provisions which regulate the conduct of society, primarily generated by the legislature through statutes and sometimes by court decisions.

LEGAL -- Permitted by law.

LIABILITY -- A legal responsibility or obligation.

LIMITED JURISDICTION -- A court which may hear and decide only a limited number of types of cases. In Arizona, these are Justice of the Peace and Municipal Courts.

LITIGATION -- Process of settling a dispute through the legal system.

LITIGANT -- One of the parties involved in a legal action.

MAGISTRATE -- Often used to refer to a Municipal Court judge, but A.R.S. § 1-215 provides a broad definition which includes all those judicial officers having power to issue a warrant for arrest, i.e. a Supreme Court justice and judges of the Superior Court, Justice of the Peace Courts, and Municipal Courts.

MISDEMEANOR -- A classification for offenses which are less serious than felonies; a misdemeanor is punishable by a sentence other than being placed in the custody of the Department of Corrections (A.R.S. § 13-105).

MOTION -- An application for a rule or order, made to a court or judge.

NEGLIGENCE -- Failure to exercise that degree of care which

a reasonable person would exercise under the same circumstances.

OATH -- A pledge, affirmation, or declaration to provide true information.

OPINION -- Written statement issued to report the decision of an appellate court.

PAROLE -- A conditional release from confinement in prison granted by the Board of Pardons and Parole; it allows a person to complete a prison term outside the prison walls.

PARTIES -- Persons, partnerships, corporations, businesses, or governmental organizations involved in legal proceedings; litigants.

PETIT JURY -- A jury, usually of 12, impaneled to hear a civil or criminal proceeding in court.

PETITION -- Written application made to the court asking for legal intervention.

PETITION FOR REVIEW -- An application asking a higher court to examine a lower court ruling.

PLAINTIFF -- In a civil action, the party who files the lawsuit; in a criminal case, the state is the plaintiff.

PLEA -- Response of a defendant to the criminal charges stated; the plea will usually be "guilty" or "not guilty."

PLEADINGS -- Written documents stating the allegations and claims of the opposing parties in a legal dispute.

POINTS OF LAW -- The legal questions that a case may raise.

PRECINCT -- Subdivision of city, town, or county used for election purposes.

PRELIMINARY HEARING -- Court proceeding which may be used to determine if the person charged with a felony should be held for trial.

PRESIDING JUDGE -- Supervisory judge over other judges in a county.

PROBABLE CAUSE -- Sufficient legal reason for arresting a person or searching a premises or item.

PROBATE -- Process where a will is proved valid and is to be recorded.

PROBATION -- A conditional suspension of the imposition of sentence by a court. If the terms of probation are completed successfully, sentence is not imposed; however, if the terms of probation are violated, probation may be revoked and the sentence imposed.

PROCLAMATION -- Official announcement.

PROSECUTION -- The act of instituting legal proceedings against someone or something.

PROSECUTOR -- Attorney representing the citizens of a particular community or the

state; this may be the city attorney, county attorney, or attorney general.

PRO TEMPORE -- On a temporary basis.

RATIFIED -- Formally approved.

REAL PROPERTY -- Buildings or other things erected on or affixed to land.

RECALL -- To take away an elected official's position.

RECORD ON APPEAL -- Papers, transcripts, and exhibits filed and presented to the trial court which are forwarded to the appellate court to review.

RE-CROSS EXAMINE -- The opportunity of an attorney to examine a witness following a re-direct examination.

RE-DIRECT EXAMINATION -- Opportunity to present rebuttal evidence after one's evidence has been subjected to cross-examination.

REMAND -- To send back; an appellate court may remand a case to the trial court for re-trial or other action.

REST -- A party is said to "rest" or "rest its case" when it has presented all of the evidence it intends to offer.

REVERSE -- Decision of an appellate court to change, in whole or in part, the decision of a lower court.

SENTENCE -- Punishment imposed by the court in accordance with the range of sentences outlined by statute.

SMALL CLAIMS DIVISION -- Special division established within each Justice of the Peace Court. Its purpose is to provide legal resolution of claims which do not exceed \$1,000 in a relatively simple, fast, and inexpensive manner.

STATUTE -- Law enacted by the legislature and published as the Arizona Revised Statutes.

SUBPOENA -- Legal document issued by the courts to order a person to appear as specified and give testimony.

SUMMONS -- Legal document issued by the court which directs the sheriff or other officer to notify the named defendant that a complaint has been filed and that he/she is required to appear and answer the complaint on or before the time and date specified.

TESTIMONY -- Statements made by a witness who has taken an oath to tell the truth.

TRANSCRIPT -- Official, verbatim record of court proceedings.

TRIAL -- Formal presentation of facts to a court or jury in order to reach a legal resolution.

TRIAL DE NOVO -- A new trial which is held in a higher court.

TRUE BILL -- An indictment by a grand jury.

VERDICT -- Formal decision of a trial jury.

WITNESS -- Individual who gives testimony regarding what he/she has seen, heard, or otherwise observed.

WRIT -- A judicial order directing a person to do something. ❖