

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	
	)	
AMENDING ARIZONA CODE OF	)	Administrative Order
JUDICIAL ADMINISTRATION	)	<u>No. 2010 - 44</u>
§ 5-109: LENGTHY TRIALS	)	(Affecting Administrative Order
	)	No. 2007-26)
	)	

Pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

In the Second Regular Session of the Forty-Eight Legislature (2008), the Legislature passed House Bill 2210 (Chapter 286), effective September 26, 2008. The amendment increased the amount of administrative fees payable to jury commissioners from \$18 to \$26 per juror claim processed pursuant to A.R.S. § 21-222(B).

These technical amendments include clarification of the types of filings to which the \$15 Lengthy Trial Fund filing fee attaches to promote consistent application of this filing fee in all counties.

Now, therefore, pursuant to Article VI, Section 3 of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 5-109: Lengthy Trials is amended as indicated on the attached document effective April 15, 2010. All other provisions of § 5-109 as adopted, remain unchanged and in effect.

IT IS FURTHER ORDERED that, subject to the availability of monies, the Administrative Director shall pay jury commissioners \$8 from the Lengthy Trial Fund for each Lengthy Trial Fund juror claim form they processed in any jury trial that commenced on or after September 26, 2008 and for which they were previously paid \$18.

Dated this 31st day of March, 2010.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 5: Court Operations
Chapter 1: Funding
Section 5-109: Lengthy Trials

A. and B. [no changes]

C. Filing Fee. A filing fee of \$15.00 is established pursuant to A.R.S. § 12-115. The clerk of the superior court shall collect the fee on civil complaints, answers to civil complaints, and motions to intervene in civil cases filed in superior court, as specified in Appendix A. The fee shall be deposited in the ALTF and used to reimburse lengthy trial payments to jurors.

D. and E. [no changes]

F. Reimbursement Procedures.

1. To request reimbursement for lengthy trial payments, the jury commissioner shall submit a completed reimbursement request form. The jury commissioner shall complete a separate form for each jury panel to be paid.
2. The request may include an administrative fee of ~~\$18.00 per juror~~ as set forth in A.R.S. § 21-222(B), provided that the fee may be requested and paid only once for each juror.

3. and 4. [no changes]

G. [no changes]

Section 5-109: Lengthy Trials

Appendix A

Filings on which the ALTF Fee is to be Collected

<u>Case/Filing Type</u>	<u>Initial Filing</u>	<u>Intervenor or Defendant Answer</u>	<u>Legal Authority and Comments</u>
<u>TORT MOTOR VEHICLE:</u>	-	-	-
<u>Non-Death/Personal Injury</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Property Damage</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Wrongful Death</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>TORT NON-MOTOR VEHICLE:</u>	-	-	-
<u>Negligence</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Product Liability – Asbestos</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Product Liability – Tobacco</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Product Liability – Toxic/Other</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Intentional Tort</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Property Damage</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Legal Malpractice</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Malpractice – Other professional</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Premises Liability</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Slander/Libel/Defamation</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Other</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>MEDICAL MALPRACTICE:</u>	-	-	-
<u>Physician M.D.</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Physician D.O</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Hospital</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Other</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>CONTRACTS:</u>	-	-	-
<u>Account (Open or Stated)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Promissory Note</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Foreclosure</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Buyer-Plaintiff</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Fraud</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Other Contract (i.e. Breach of Contract)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Excess Proceeds -Sale</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Construction Defects (Residential/Commercial)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Six to Nineteen Structures</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Twenty or More Structures</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>OTHER CIVIL:</u>	-	-	-
<u>Eminent Domain/Condemnation(A.R.S. §12-1116)</u>	<u>\$0.00</u>	<u>\$15.00</u>	<u>See A.R.S. §12-304</u>

<u>Eviction Actions (Forcible and Special Detainers) (A.R.S. §12-1175)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Change of Name</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Transcript of Judgment</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>See A.R.S. §12-284(A), Class E</u>
<u>Foreign Judgment</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Quiet Title (A.R.S. §12-1101)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Forfeiture</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Election Challenge</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>NCC- Employer Sanction Action (A.R.S. §23-212)</u>	<u>\$0.00</u>	<u>\$15.00</u>	<u>See A.R.S. §12-304</u>
<u>Injunction against Workplace Harassment</u>	<u>\$15.00</u>	<u>\$15.00</u>	<u>See A.R.S. §12-1810(D)</u>
<u>Injunction against Harassment</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>See A.R.S. §12-1809(D)</u>
<u>Civil Penalty (A.R.S. §12-817)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Water Rights (Not General Stream Adjudication)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Real Property</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Sexually Violent Person (A.R.S. §36-3704)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Minor Abortion</u>	<u>\$0.00</u>	<u>\$0.00</u>	
<u>Special Action Against Lower Courts</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>UNCLASSIFIED CIVIL:</u>	-	-	-
<u>Administrative Review (A.R.S. §12-901)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Tax Appeal</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Declaratory Judgment</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Habeas Corpus</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>See A.R.S. §13-4143</u>
<u>Landlord Tenant Dispute</u>	<u>\$15.00</u>	<u>\$15.00</u>	
<u>Restoration of Civil Rights (Federal)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>See Rule 29.2(b), Rules of Criminal Procedure</u>
<u>Clearance of Records (A.R.S. §13-4051)</u>	<u>\$15.00</u>	<u>\$15.00</u>	<u>If filed in a criminal case, no ALTF fee.</u>
<u>Declaration of Factual Innocence (A.R.S. §12-771)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Declaration of Factual Improper Party Status (A.R.S. §12-772)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Vulnerable Adult (A.R.S. §46-451)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Tribal Judgment</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Structured Settlement (A.R.S. §12-2901)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Attorney Conservatorships (State Bar)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>See Rule 66, Rules of the Supreme Court</u>
<u>Unauthorized Practice of Law (State Bar)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>See Rule 78, Rules of the Supreme Court</u>
<u>Out-of-State Deposition for Foreign Jurisdiction</u>	<u>\$15.00</u>	<u>\$15.00</u>	<u>If filed as a new case, ALTF fee is charged</u>

<u>Secure Attendance of Prisoner</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>See A.R.S. §12-304 and Az. Const. Art. 2, § 24</u>
<u>Assurance of Discontinuance</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>In-State Deposition for Foreign Jurisdiction</u>	<u>\$15.00</u>	<u>\$15.00</u>	<u>If filed as a new case, ALTF fee is charged</u>
<u>Eminent Domain– Light Rail Only</u>	<u>\$0.00</u>	<u>\$15.00</u>	<u>See A.R.S. §12-304</u>
<u>Interpleader– Automobile Only</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Delayed Birth Certificate (A.R.S. §36-333.03)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Employment Discrimination</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Employment Dispute- Other</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>Other (If do not specify charge LTF fee)</u>	<u>\$15.00</u>	<u>\$15.00</u>	-
<u>MISCELLANEOUS FEES NOT INCLUDED ON COVERSHEET:</u>			
<u>Change of Venue Out of County</u>	<u>\$15.00</u>	<u>\$15.00</u>	-