

Judiciary - Supreme Court

JLBC: Jon McAvoy
 OSPB: Melissa Harto

DESCRIPTION	FY 2008 ACTUAL	FY 2009 ESTIMATE	FY 2010 JLBC
OPERATING BUDGET			
<i>Full Time Equivalent Positions</i>	194.0	194.0	194.0
Personal Services	6,455,800	6,739,700	6,739,700
Employee Related Expenditures	1,600,200	1,815,300	1,815,300
Professional and Outside Services	525,900	249,200	249,200
Travel - In State	43,100	48,300	48,300
Travel - Out of State	39,700	38,100	38,100
Other Operating Expenditures	7,254,500	7,891,200	7,891,200
Equipment	69,300	0	0
OPERATING SUBTOTAL	15,988,500	16,781,800	16,781,800
SPECIAL LINE ITEMS			
State Aid	8,588,800	6,039,200	6,039,200
Rural State Aid to Courts	0	0	0
County Reimbursements	238,400	208,800	208,800
Automation	9,766,100	12,315,700	12,315,700
Case and Cash Management System	2,933,300	1,517,300	1,517,300
Foster Care Review Board	2,324,300	2,430,400	2,430,400
Court Appointed Special Advocate	2,784,500	3,551,200	3,551,200
Model Court	463,900	497,300	497,300
Domestic Relations	687,800	586,500	586,500
Judicial Nominations and Performance Review	322,400	323,300	323,300
Commission on Judicial Conduct	458,300	436,900	436,900
Photo Radar Enforcement	0	4,056,600	4,056,600
AGENCY TOTAL	44,556,300	48,745,000	48,745,000
FUND SOURCES			
General Fund	17,650,300	17,358,400	17,358,400
<u>Other Appropriated Funds</u>			
Confidential Intermediary and Fiduciary Fund	428,300	484,600	484,400
Court Appointed Special Advocate Fund	2,682,500	3,449,200	3,449,200
Criminal Justice Enhancement Fund	4,518,500	3,053,500	3,053,700
Defensive Driving School Fund	3,640,900	5,393,600	5,393,600
Judicial Collection Enhancement Fund	11,715,500	12,003,800	12,003,800
Photo Enforcement Fund	0	4,056,600	4,056,600
State Aid to the Courts Fund	3,920,300	2,945,300	2,945,300
SUBTOTAL - Other Appropriated Funds	26,906,000	31,386,600	31,386,600
SUBTOTAL - Appropriated Funds	44,556,300	48,745,000	48,745,000
Other Non-Appropriated Funds	11,670,100	15,083,700	15,083,700
TOTAL - ALL SOURCES	56,226,400	63,828,700	63,828,700

CHANGE IN FUNDING SUMMARY

	FY 2009 to FY 2010 JLBC	
	\$ Change	% Change
General Fund	0	0.0%
Other Appropriated Funds	0	0.0%
Total Appropriated Funds	0	0.0%
Non-Appropriated Funds	0	0.0%
Total - All Sources	0	0.0%

AGENCY DESCRIPTION — The Supreme Court consists of 5 Supreme Court Justices, judicial support staff and the Administrative Office of the Courts (AOC). The Supreme Court, as the state’s highest court, has the responsibility to review appeals and to provide rules of procedure for all the courts in Arizona. Under the direction of the Chief Justice, the AOC provides administrative supervision over the Arizona court system.

PERFORMANCE MEASURES	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2010 JLBC
<ul style="list-style-type: none"> Percent of defensive driving school instructors that are in compliance with the Arizona Code of Judicial Administration and statutes (Scale 1-8) (NEW) 	7.8	7.6	7.6	7.6

Operating Budget

The JLBC includes \$16,781,800 and 123.3 FTE Positions for the operating budget in FY 2010. These amounts consist of:

General Fund	\$12,733,000
Confidential Intermediary and Fiduciary Fund	484,400
Defensive Driving School Fund	702,900
Judicial Collection Enhancement Fund (JCEF)	2,861,500

These amounts are unchanged from FY 2009.

State Aid

The JLBC includes \$6,039,200 and 2.9 FTE Positions for State Aid in FY 2010. These amounts consist of:

General Fund	40,200
Criminal Justice Enhancement Fund (CJEF)	3,053,700
State Aid to the Courts Fund	2,945,300

These amounts are unchanged from FY 2009.

The State Aid line item provides state aid to counties for the payment of judges pro tempore salaries and for projects designed to improve the processing of criminal cases in the Superior Court and Justice Courts. The State Aid to the Courts Fund receives: 1) General Fund monies, 2) 40.97% of a 7% penalty assessment on fines, penalties, and forfeitures imposed by the courts for criminal and civil motor vehicle violations, and 3) a portion of the monies collected by the Supreme Court and the Court of Appeals.

The AOC distributes the monies appropriated from court fines and collections to the Superior Court and the Justice Courts based on a composite index formula using Superior Court felony filings and county population. Monies appropriated from the State Aid to the Courts Fund in the State Aid line item are distributed to all counties.

Rural State Aid to Courts

The JLBC includes no funding from the General Fund for Rural State Aid to Courts in FY 2010. This amount is unchanged from FY 2009.

The Rural State Aid to Courts line item provides funding for projects designed to improve the processing of criminal cases in the Superior Court and Justice Courts. As part of the FY 2008 and FY 2009 lump sum reductions, the AOC eliminated the Rural State Aid to Courts funding. Prior to FY 2008, General Fund monies were appropriated in this line item for counties with populations of less than 500,000 persons. These monies were deposited in the State Aid to the Courts Fund.

County Reimbursements

The JLBC includes \$208,800 from the General Fund for County Reimbursements in FY 2010. This amount is unchanged from FY 2009.

The County Reimbursements line item provides reimbursement to counties for grand jury expenses and for state-funded representation of indigent defendants in first-time capital post conviction relief proceedings.

Automation

The JLBC includes \$12,315,700 and 10.8 FTE Positions for Automation in FY 2010. These amounts consist of:

Defensive Driving School Fund	4,539,000
JCEF	7,776,700

These amounts are unchanged from FY 2009.

The Automation line item provides funding for court automation projects throughout the state.

Case and Cash Management System

The JLBC includes \$1,517,300 for Case and Cash Management System in FY 2010. This amount consists of:

Defensive Driving School Fund	151,700
JCEF	1,365,600

These amounts are unchanged from FY 2009.

The Case and Cash Management System line item funds the replacement of the computer systems in the larger volume Superior and Limited Jurisdiction Courts in Pima and Maricopa Counties, as well as the case and financial management system that is provided to approximately 145 of the 180 courts at the state, county and municipal level located throughout the state. The AOC estimates upgrading of these systems will continue through FY 2010.

Foster Care Review Board

The JLBC includes \$2,430,400 and 36.3 FTE Positions from the General Fund for Foster Care Review Board in FY 2010. These amounts are unchanged from FY 2009.

The Foster Care Review Board line item coordinates local volunteer review boards for foster care children in out-of-home placement. It also coordinates the activities of a state advisory board that oversees the activities of the 95 local review boards and makes recommendations to the Governor and the Legislature for improving the state's foster care system.

Court Appointed Special Advocate

The JLBC includes \$3,551,200 and 5.4 FTE Positions for Court Appointed Special Advocate (CASA) in FY 2010. These amounts consist of:

General Fund	102,000
CASA	3,449,200

These amounts are unchanged from FY 2009.

The Court Appointed Special Advocate line item administers and monitors a community-based volunteer advocacy program for abused and neglected children in the Juvenile Court System. Local volunteers are trained and then appointed to individual dependency cases by presiding juvenile judges to function as independent advocates for children who are wards of the state. In FY 2007, approximately 1,005 individuals volunteered for this program. This line item is funded from the CASA Fund which consists of 30% of State Lottery unclaimed prize money.

Model Court

The JLBC includes \$497,300 from the General Fund for Model Court in FY 2010. This amount is unchanged from FY 2009.

The Model Court line item and Model Court program are responsible for overseeing and recommending changes to laws governing court processing of cases for children in the state's foster care system. Monies in this line item represent a pass-through to counties to improve processing of dependency cases.

Domestic Relations

The JLBC includes \$586,500 and 5.3 FTE Positions from the General Fund for Domestic Relations in FY 2010. These amounts are unchanged from FY 2009.

The Domestic Relations line item provides coordination and technical support for groups formed to develop and review policies and programs related to domestic relations and child support.

Judicial Nominations and Performance Review

The JLBC includes \$323,300 and 5 FTE Positions from the General Fund for Judicial Nominations and Performance Review in FY 2010. These amounts are unchanged from FY 2009.

The Judicial Nominations and Performance Review line item provides a mechanism for nominating individuals for appointment to the Supreme Court, the Court of Appeals, and the Superior Court in Maricopa and Pima Counties, as well as evaluating the performance of all merit retention justices and judges. The results of the performance evaluations are provided to the voters before each retention election.

Commission on Judicial Conduct

The JLBC includes \$436,900 and 5 FTE Positions from the General Fund for Commission on Judicial Conduct in FY 2010. These amounts are unchanged from FY 2009.

The Commission on Judicial Conduct line item functions as an internal audit body of the Judicial Branch by investigating and resolving all complaints of judicial misconduct.

Photo Radar Enforcement

The JLBC includes \$4,056,600 from the Photo Radar Enforcement Fund in FY 2010. This amount is unchanged from FY 2009.

The Photo Radar Enforcement line item funds automation improvements, court notice costs, and collection costs related to statewide photo radar enforcement. Laws 2008, Chapter 286 established the Photo Enforcement Fund that receives photo citation and revenue. (*See the Department of Public Safety narrative for more information.*)

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FORMAT — Operating Lump Sum with Special Line Items by Agency

FOOTNOTES

Standard Footnotes

Included in the appropriation for the Supreme Court program is \$1,000 for the purchase of mementos and items for visiting officials.

The Administrative Office of the Courts shall not transfer monies between the Supreme Court operating budget and the Automation line item without review by the Joint Legislative Budget Committee.

By September 1, 2009, the Supreme Court shall report to the Joint Legislative Budget Committee on current and future automation projects coordinated by the Administrative Office of the Courts. The report shall include a list of court automation projects receiving or anticipated to receive state monies in the current or next 2 fiscal years as well as a description of each project, number of FTE Positions, the entities involved, and the goals and anticipated results for each automation project. The report shall be submitted in one summary document. The report shall indicate each project's total multi-year cost by fund source and budget line item, including any prior year, current year and any future year expenditures.

Deletion of Prior Year Footnotes

The JLBC would delete the footnotes requiring that:

- The amount appropriated for Rural State Aid to the Courts shall be allocated to counties with populations of less than 500,000 persons, as the Superior Court eliminated the appropriation for Rural State Aid to the Courts as part of the agency's FY 2009 lump sum reduction.
- Receipts in excess of \$3,053,700 from the Case Processing Assistance Fund, \$5,393,600 from the Defensive Driving School Fund, and \$12,003,800 from the Judicial Collection Enhancement Fund to be appropriated to the Supreme Court. Given the current budget shortfall, the Legislature will need to evaluate these funds prior to authorizing any additional spending.
- AOC to submit the intended use of any reimbursement monies received for review to the Joint Legislative Budget Committee prior to their expenditure. Given the current budget shortfall, the Legislature will need to evaluate these funds prior to authorizing any additional spending.

STATUTORY CHANGES

The JLBC would, as permanent law, shift all Defensive Driving Program responsibilities to the Motor Vehicle Division.

SUMMARY OF FUNDS	FY 2008 Actual	FY 2009 Estimate
Alternative Dispute Resolution Fund (SPA3245/A.R.S. § 12-135)		Non-Appropriated
Source of Revenue: The fund consists of 0.35% of fee collections on civil filings in the Superior Court and 2.42% of civil filings in Justice of the Peace Courts.		
Purpose of Fund: To supplement local courts' funding for alternative dispute resolution programs.		
Funds Expended	160,600	746,700
Year-End Fund Balance	873,300	436,300
Certified Reporters Fund (SPA2440/A.R.S. § 32-4007)		Non-Appropriated
Source of Revenue: Fees, costs and penalties relating to reporter certification.		
Purpose of Fund: For reporter certification.		
Funds Expended	123,000	161,300
Year-End Fund Balance	127,700	72,600
Confidential Intermediary and Fiduciary Fund (SPA2276/A.R.S. § 8-135)		Appropriated
Source of Revenue: A portion of Superior Court fees; fees received by state and local registrars for certified copies of birth certificates; and fees collected through fiduciary registration with the Supreme Court.		
Purpose of Fund: To train and certify confidential intermediaries, who facilitate contact between adoptees/adoptive parents and birth parents while protecting court and agency records. Monies are also used to train and certify private fiduciaries, who serve as court appointed guardians or representatives, and to establish the Sibling Information Exchange Program, which facilitates contact between a former dependent child of biological parents, adoptive parents, guardians, and the child's sibling or siblings.		
Funds Expended	428,300	484,600
Year-End Fund Balance	349,900	269,200

SUMMARY OF FUNDS	FY 2008 Actual	FY 2009 Estimate
Court Appointed Special Advocate Fund (SPA2275/A.R.S. § 8-524)		Appropriated
Source of Revenue: Revenues consist of 30% of the state lottery unclaimed prize monies.		
Purpose of Fund: For operating the Court Appointed Special Advocate program, which trains volunteers to advocate for abused and neglected children in Juvenile Court proceedings.		
Funds Expended	2,682,500	3,449,200
Year-End Fund Balance	1,215,700	626,800
Criminal Justice Enhancement Fund (SPA2075/A.R.S. § 41-2401)		Appropriated
Source of Revenue: Includes allocations of the Criminal Justice Enhancement Fund (CJEF). CJEF consists of a 47% penalty assessment on fines, violations, forfeitures, and penalties imposed by the courts for criminal offenses and civil motor vehicle statute violations.		
Purpose of Fund: 9.35% of CJEF monies allocated to the courts are used to reduce juvenile crime, 6.02% of CJEF monies are used to enhance the court's ability to process criminal and delinquency cases and salaries of Superior Court judges, and 2.13% of CJEF monies are used to provide drug treatment services to adult probationers. The portions of the fund dedicated to juvenile crime reduction and drug treatment are included in the Superior Court's budget, while the case processing portion is part of the Supreme Court's budget.		
Funds Expended	4,518,500	3,053,500
Year-End Fund Balance	3,366,200	2,893,000
Defensive Driving School Fund (SPA2247/A.R.S. § 28-3398)		Appropriated
Source of Revenue: A fee, not to exceed \$15, imposed on each person who attends a defensive driving school, and \$500 initial certification and \$50-\$250 recertification fees paid by defensive driving schools. The fees are set by the Supreme Court.		
Purpose of Fund: To monitor defensive driving schools for compliance with claims and court policy, to supervise their use by the courts in Arizona, and to expedite the processing of highway traffic offenses. The Administrative Office of the Courts (AOC) has also used these monies to fund court automation projects throughout the state. In FY 2008, the AOC spent approximately \$2.9 million for court automation projects.		
Funds Expended	3,640,900	5,393,600
Year-End Fund Balance	3,358,900	2,101,100
Grants and Special Revenue (SPA2084/A.R.S. § 35-142)		Non-Appropriated
Source of Revenue: Monies provided from various sources, private and public, for specific programs and projects.		
Purpose of Fund: To expend grants as required by the contribution.		
Funds Expended	10,158,500	12,884,100
Year-End Fund Balance	3,769,700	1,884,900
Judicial Collection Enhancement Fund (SPA2246/A.R.S. § 12-113)		Appropriated
Source of Revenue: Electronic case filing and access fees; 27.78% of Supreme Court fees, 17.07% of Superior Court fees, 19.42% of Court of Appeals fees, 19.18% of Municipal Court fees, and 14.02% to 15.58% of Justice of the Peace fees; time payment fees assessed for late court payments; fees paid for court-ordered diversion programs, and a \$10 probation surcharge on fines, penalties, and forfeitures imposed by the courts for criminal offenses and civil motor vehicle statute violations. (<i>See Supreme Court for information regarding non-Maricopa counties.</i>)		
Purpose of Fund: To train court personnel, improve and enhance the court's ability to collect and manage monies assessed or received by the court, to fund court automation projects likely to improve case processing or the administration of justice, and for probation services. Funds represented here reflect the amount shifted from the Supreme Court budget to the Superior Court budget for probation officer salaries and programs.		
Funds Expended	11,715,500	12,003,800
Year-End Fund Balance	5,509,000	5,329,900
Arizona Lengthy Trial Fund (SPA2382/A.R.S. § 21-222)		Non-Appropriated
Source of Revenue: The fund consists of fees established by the Supreme Court on court filings paid to the clerk of the Superior Court.		
Purpose of Fund: To pay juror expenses in cases that last longer than 5 days. Monies in the fund are used to reimburse counties for these juror costs. Statute specifies that not more than 3% of the fund is to be used on administration of the fund.		
Funds Expended	518,500	581,600
Year-End Fund Balance	880,100	413,900

SUMMARY OF FUNDS	FY 2008 Actual	FY 2009 Estimate
Photo Enforcement Fund (SPA2390/A.R.S. § 41-1722)		Appropriated
Source of Revenue: Citation and notice of violation (NOV) revenue generated by the State Photo Enforcement System through use of fixed and mobile speed and red light enforcement cameras. The cost per citation or NOV is a fixed cost of \$165, which is all deposited into the Photo Enforcement Fund, plus a 10% clean elections surcharge. Any money remaining in the fund in excess of \$250,000 at the end of each quarter is deposited into the state General Fund.		
Purpose of Fund: To provide funding for non-capital automation and payment collection costs associated with citations from the state photo enforcement system. <i>(See the Department of Public Safety Summary of Funds section for other purposes of this fund.)</i>		
Funds Expended	0	4,056,600
Year-End Fund Balance	0	0
Public Defender Training Fund (SPA3013/A.R.S. § 12-117)		Non-Appropriated
Source of Revenue: Two dollars of the \$12 surcharge on each person paying a court order penalty, fine, or sanction on a time-payment basis.		
Purpose of Fund: For training of public defenders. Allocation of monies is made to each county Public Defender Office in proportion to the number of felony cases assigned to that office in the last fiscal year.		
Funds Expended	709,500	710,000
Year-End Fund Balance	40,100	86,600
State Aid to the Courts Fund (SPA2446/A.R.S. § 12-102.02)		Appropriated
Source of Revenue: Legislative appropriations, a portion of court filing fees, and a portion of fees, fines, penalties and forfeitures collected on criminal offenses and civil motor vehicle violations.		
Purpose of Fund: To provide state aid to the Superior Court, including the clerk of the Superior Court, and Justice Courts for the processing of criminal cases. Monies are distributed to each county based on a formula using Superior Court felony filings and county population. Pursuant to a General Appropriation Act footnote, General Fund monies are distributed only to rural counties, defined as any county with a population of less than 500,000 persons.		
Funds Expended	3,920,300	2,945,300
Year-End Fund Balance	1,194,600	1,437,900