

By Michael K. Jeanes, Clerk of the Superior Court

Decoding “Clerk” and “Court”

The Clerk's Office and Superior Court strive for seamless service to the public and legal communities. Because the Clerk and Court are separate agencies within the judicial branch, court customers are sometimes unfamiliar with the differences between them. For example, court rule indicates filing with “the court” is accomplished by filing with “the Clerk.” When contacting the Clerk or the Court it is important to keep in mind that “Clerk” and “Court” are terms of art for judicial branch employees and could explain a series of redirections in finding answers to your questions. The most commonly confused areas are basic organizational structure, as well as minute entries related to scheduling and arbitration notices.

Organization

In several counties, the Clerk and the Court share administrative duties, with the Clerk's Office scheduling hearings, for example. In Pima and Maricopa Counties, court administration serves as the jury commissioner whereas the Clerk is the jury commissioner in all other counties. The Clerk and the Presiding Judge in each county work closely together in the administration of justice.

In Maricopa County, Superior Court administration schedules and tracks hearings, arranges the availability and use of courtrooms and maintains the recording of hearings, whether by court reporter or audio/visual recording of hearings through FTR, or the “For the Record” electronic recording system. Superior Court administration is organized by case type, such as criminal, civil, probate, juvenile, etc.

The Clerk maintains the official court record, including documents and trial exhibits. The Clerk is the court's fiduciary, processing criminal restitution disbursements, holding and returning appeal bonds and returning appearance bonds after exoneration. The Clerk's Office is also organized by case type for accepting filings in the different Superior Court case types and in the state's tax court, placed in the Superior Court in Maricopa County.

Inactive Calendar

Superior Court administration tracks initial filings of cases and is responsible for case management and the timely flow of cases through Superior Court. Superior Court administration sends the civil procedure rule 38.1 minute entry notifying parties that a case will be placed on the inactive calendar, commonly known as the 150-day order. The inactive calendar notice and subsequent dismissal of cases were the subject matter of an Arizona Supreme Court decision in 2011. See *American Asphalt & Grading Company v. CMX, L.L.C.*, CV-10-0324-PR and the Superior Court's case, CV2008-009602.

Arbitration

The civil court administration department of Superior Court oversees the court's arbitration desk. The Court notifies attorneys when they have been appointed arbitrator for an eligible civil case. Scheduling notices and information go between court administration, the arbitrator and the parties without involving the Clerk's Office. The Clerk's Office does not become involved in arbitration until a document of record needs to be filed, such as the arbitrator's Notice of Decision or a party's filing that requires the judge's review under the civil rules of procedure. Much of this procedural information is contained in the packet of materials provided to the arbitrator by court administration.

Where to go

When in doubt, visit the Clerk's website and the Court's website for more information and direction. The Clerk of the Superior Court's website is located at <http://www.clerkofcourt.maricopa.gov>. The Superior Court's website is located at <http://www.superiorcourt.maricopa.gov>. Bookmarking these websites with distinct names on your computer will improve search results when you need to determine if your question is for the Clerk or the Court. Key word searches through an internet search engine will also help you contact the correct agency the first time.

As partners in the justice system, the Clerk of the Superior Court and Superior Court administration are aware that the public and legal communities benefit from more information about the different functions and services of the agencies. Following the tips and insight provided here will help you and your clients obtain faster service. The dedicated staff in both agencies stand ready to direct you to the proper department, regardless of where your inquiry starts.