

By Michael K. Jeanes, Clerk of the Superior Court

What is that public lawyer doing in our court?

Public lawyers on the benches

If you've appeared before a judge in the Superior Court in Maricopa County, the odds are pretty good he or she worked for a public agency at some point in their career. Superior court judges have been: city, county, state, and federal prosecutors; public defenders; executive and legislative branch staff; professors; law clerks; staff attorneys to public agencies and courts; public interest non-profit lawyers; tribal prosecutors; administrative law judges; Judge Advocates General; and elected and appointed officials. Their practices in city, county, state, and federal agencies included broad practice areas like criminal, civil, juvenile, elections, and other legal specialties.

Not counting the dozens of commissioners and attorneys who practice in superior court as judges pro tem, 71 of the 97 judges on the court's website list some form of public service legal experience in their work histories. Some judges worked exclusively in the public sector but the careers of most have also included the private sector before their appointment to the bench. This diversity of practice and experiences enhances the bench's connection to the lawyers and litigants who interact with our court every day. For more information on judges, commissioners, and their specific requirements or preferences in their divisions, see the court's website at <http://www.superiorcourt.maricopa.gov/JudicialBiographies/Index.asp>.

Public lawyers in the trenches

Public lawyers were among the earliest adopters of eFiling and continue to have the highest volume of electronic filings in superior court. Eleven years ago in 2005 the Clerk's office launched its criminal eFiling pilot program in the DUI courts and in one trial division. The Maricopa County Attorney's Office built an electronic filing interface that allowed them to submit documents directly to clerk staff for review and processing.

The County Attorney's first e-filing system required extensive building, programming, and testing for this new way of doing business. The Superior Court issued an administrative order establishing the pilot program, defining terminology, establishing the format for electronic signatures, and authorizing the electronic image as the official record. Paper case files were still maintained in 2005 and e-filing-eligible cases had a green "e-file" stamp on the outside of the folder to alert customers that the case contained both paper and electronic records. In 2007, the Arizona Supreme Court designated the digital image of records as the official record of the Superior Court in Maricopa County, effective retroactively to cases that were scanned between 1/1/2002 and 1/1/2007.

In calendar year 2015, the County Attorney's office e-filed more than 87,000 criminal case documents. The Clerk's office and Superior Court combined to e-file more than 150,000 administrative notices, orders, and process in criminal cases. The repository of electronic court records now contains more than 52 million documents across all case types.

At a time when the Clerk's office was in danger of running out of space to store paper, public lawyers were on the front lines of creating and coordinating the systems, processes, and authority that would allow the digital abilities in place today. Public lawyers practiced, tested, and adapted to new technology in the early days. Some of those lawyers were later appointed to the bench, where they inspired practitioners and judges alike to adopt the new frontier of legal practice. So, regarding the title of this article, the question isn't what are public lawyers doing in the courts – it's what haven't they done?