MEMORANDUM

Date: July 27, 2021

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

Re: Response to Memorandums from Judge Taylor and Judge Ball Concerning Justice Court Reprecincting

It was brought to my attention that Justice of the Peace, Douglas Taylor, sent a July 15, 2021 memorandum to all five members of the Board of Supervisors. He expresses his opposition to a proposal to eliminate Justice Court Precinct 5 and redraw the boundaries of the remaining Justice Court precincts to absorb the area currently encompassed by Precinct 5.

In addition, I received a July 21, 2021 memorandum from Justice of the Peace Alexander Ball, also raising concerns about reprecincting. Both memorandums are attached and make a number of assertions that warrant a factual response.

Background on Redistricting and Reprecincting

Redistricting of Board of Supervisor districts is statutorily required to occur every ten years following the release of the decennial census data. As a result of the delay in releasing the 2020 Census data necessary for the required Board of Supervisors redistricting, the State Legislature approved an extension through July 1, 2022. As supervisory terms run through 2024, this delay and extension does not impact the Board. The 2020 census data is expected to be released in August, and the process can begin this fall.

As we plan for the redistricting of the supervisory districts, it is likewise appropriate to review the Justice of the Peace precincts. Unlike supervisory districts, however, there has not been a review of judicial precincts since 2004. While Justice Court reprecincting is not required every ten years like Board redistricting, I have been concerned for some time about the declining workload of the Pima County Consolidated Justice Court (PCCJC). To that end, I question whether eight judges (JPs) are necessary given this decline and whether the County should continue funding non-elected hearing officers to support the work of the Court.

If reprecincting is the decision of the Board, it must be completed by October 1 of the year prior to a General Election so that the Elections Department and Recorder’s Office can meet their statutory deadlines.

As a result, I requested various data sets provided by Ms. Lisa Royal in my office due to her familiarity with the Justice Court system. I asked that she work with my Executive Assistant, Nicole Fyffe, who will also be managing the Board redistricting, to reduce the number of
Justice Court precincts by one. Ms. Royal and Ms. Fyffe have begun this process. In a separate memorandum, I will provide the Board with more details on this reprecincting process and preliminary maps that will then be provided to the Constables and the Justice Court Administrator and any other interested parties for input.

Reprecincting the Consolidated Justice Court is a difficult task because cases are not filed in the actual precinct where the crime occurred, or in civil cases, in the precinct in which the defendant lives. Rather, all cases are filed into Precinct 1 and then distributed equally among the eight judges. This was an administrative decision at the time of consolidation. Consequently, we are not able to determine the workload of each precinct. In all other counties that do not have consolidated courts, cases are filed by precinct, so it is possible to determine the workload of each precinct. In an effort to determine workload, my staff requested the address of each defendant in civil cases and the incident location for each criminal filing in an attempt to map the cases by precinct. Only 29 to 40 percent of the cases had addresses that could be mapped.

Given the difficulty in obtaining the case filings by precinct, my staff considered a variety of data that would be reflective of judicial workload trends such as case filings, Judicial Productivity Credits (JPCs), time on the bench, time in the courthouse, and parking garage data.

Flawed Data and Judicial Productivity Credits

In Judge Taylor’s memorandum, he asserts that County Administration only considered 'pandemic-period' data in its analysis of the workload of the PCCJC. He maintains that this is not a true and accurate representation of the workload over time. On the contrary, staff considered case filings and judicial productivity credits data dating back to 2010. Figure 1 below represents annual case filings from 2010 through 2021 (projected).

![Figure 1: Case Filings](source: Administrative Office of the Courts and PCCJC)
According to statistics published by the Administrative Office of the Courts (AOC), case filings in 2010 totaled 179,456. By 2019, filings declined to 117,704 or 34 percent over FY2010. Filings decreased to 105,404 in FY 2020, likely the result of the pandemic. And this fiscal year, the Court is projecting a total of 88,803 filings. It may be said that 2020 is an anomaly due to COVID; however, even before the pandemic, it is evident that filings have been declining. The number of JPs, however, has remained the same.

Judge Taylor also assumes a correlation between population and the level of service provided by the JPs. He states that as the population increases, so does the level of service to the community. In his memo, the statistics he offers demonstrate an increase in population in Pima County, but "service levels" (filings) have consistently decreased while the population increased.

Judicial Productivity Credits (JPCs) are unique to limited jurisdiction courts and drive the creation and reduction of judicial precincts and set the salary of judicial officers (ARS§22-125). They are calculated annually based on the number of cases filed in the Court, and a multiplier is applied based on case type and published by the AOC. The statute provides that when JPCs exceed 1,200 credits, the Board of Supervisors shall create sufficient courts or redraw the justice court precinct boundaries to reduce JPCs below the maximum.

PCCJC is the only consolidated Justice Court in the State. For PCCJC, the AOC calculates the JPCs and divides them by the eight justice court precincts that make up the Consolidated Court. Note that Ajo and Green Valley Justice Courts operate separately from the PCCJC. Figure 2 below depicts the JPC calculations from 2011 through 2021 (projected) for the 8 justice court precincts that make up PCCJC. The data reflects that JPCs are not increasing over time even as the population has grown in Pima County. JPCs remained relatively steady from 2011 through 2018 and then began to decrease in 2019.

Figure 2: Judicial Productivity Credits (JPCs)
(Source 2011-2019 AOC. 2020 and 2021 projected by AOC)

Although JPCs are the statutory required measure for adding and subtracting JPs and justice court precincts, they are not a true reflection of the workload of the JPs. It is important to
note that the PCCJC utilizes volunteer and paid positions to hear particular case filings, thereby reducing their actual workload. Regardless, the JPs are credited with the total workload of the court, as reflected by the JPCs. For example, JPCs in FY21 are projected to be 878 per JP. However, of that total, 158 JPCs, or 18 percent, can be accredited to hearing officers and a pro tem utilized by the PCCJC for small claims, evictions, and civil traffic matters (Table 1). Clearly, the actual workload is well below the maximum of 1,200 JPCs per JP.

Table 1
Judicial Productivity Credits FY21 Projected

<table>
<thead>
<tr>
<th>Total Charges Filed</th>
<th>85,172</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial Productivity Credits (Averaged over 8 JPs)</td>
<td>878</td>
</tr>
<tr>
<td>Productivity Credits if Excluding Cases Not Heard by JPs*</td>
<td>720</td>
</tr>
</tbody>
</table>

*Heard by hearing officers and a pro tem (civil traffic, small claims, eviction actions)

Another workload measure is the time a JP is on the bench. The Court publishes its daily court calendar, which was collected and interpreted by my staff. From January through May 2021, the bench as a whole averaged 3 hours per day in Court, representing data for 84 days. In June, the average dropped to 2.2 hours per day, as reflected in Figure 3.

Figure 3: Average Hours on Bench per JP

Judge Ball challenges this data asserting that the public calendar is not an accurate reflection of the time a judge spends on the bench. He also asserts that there were errors in staff calculations. Judge Ball is correct that this data is subject to interpretation. My
staff also identified a couple of errors in their calculations and on day of missing data for Judge Ball, but it did not change overall averages.

I understand that JPs have other responsibilities outside the courtroom, such as reviewing motions and other documents, known as ‘signature files’ that require their attention but are not set for hearing. Given that a JPs time on the bench is not a total reflection of workload and there are many administrative tasks that occur in chambers, I asked my staff to obtain the security card data that shows when individuals enter and exit the building as well as entry and exit data from the parking garage. It can be argued that there are issues with this data as well. For example, a person may hold a door open for another, or just because a car is parked in the garage, it is not a reflection that they are actually in the building. But again, each of these data sets helps to understand the workload of the bench. Note that the judges in Precinct 2 and 4 have consistently worked from home since January 2021. Table 2 below illustrates the average time per day in the court building based on key card access data.

### Table 2

Average Time (hours) per Day in the Court Building

<table>
<thead>
<tr>
<th>Precinct</th>
<th>April 2021</th>
<th>May 2021</th>
<th>June 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct 1</td>
<td>5:04</td>
<td>3:19</td>
<td>5:41</td>
</tr>
<tr>
<td>Precinct 5</td>
<td>4:05</td>
<td>3:56</td>
<td>4:24</td>
</tr>
<tr>
<td>Precinct 6</td>
<td>7:41</td>
<td>7:24</td>
<td>5:48</td>
</tr>
<tr>
<td>Precinct 8</td>
<td>4:40</td>
<td>3:17</td>
<td>4:07</td>
</tr>
<tr>
<td>Precinct 9</td>
<td>7:08</td>
<td>7:22</td>
<td>6:59</td>
</tr>
<tr>
<td>Precinct 10</td>
<td>6:16</td>
<td>6:11</td>
<td>4:52</td>
</tr>
</tbody>
</table>

*Excluding weekends and holidays
**Judges in Precincts 2 and 4 were consistently telecommuting

Table 3 below illustrates the average time per day in the court building based on garage entry/exit data.

### Table 3

PCCJC – Parking November 1, 2020, through April 16, 2021

<table>
<thead>
<tr>
<th>Precincts</th>
<th>1</th>
<th>5</th>
<th>6</th>
<th>8</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td># of Workdays out of 117</td>
<td>85</td>
<td>86</td>
<td>43</td>
<td>104</td>
<td>78</td>
</tr>
<tr>
<td>% of Workdays out of 117</td>
<td>73%</td>
<td>74%</td>
<td>81%</td>
<td>89%</td>
<td>67%</td>
</tr>
<tr>
<td>Avg. Hours per Day</td>
<td>5</td>
<td>5</td>
<td>9</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

*Excludes weekends and holidays
**Judges in Precincts 2 and 4 were consistently telecommuting

Throughout Judge Taylor’s memorandum, he implies that backlogs are growing significantly for jury trials, in-person evidentiary hearings, and in-person bench trials awaiting a court date that will take years to clear. This is the first I have heard of any significant backlog in the
Court. Therefore, I will be requesting additional data from the Court concerning this backlog, including the number of pending jury trials, evidentiary hearings, and in-person bench trials.

Predictions of Future Case Filings and Workload Post-Pandemic

Without a doubt, the COVID-19 pandemic affected the workload of the Court. However, there is no evidence to indicate that post-pandemic, the Court will be overwhelmed with a significant increase in filings. Judge Taylor asserts that post-pandemic case filings will increase beyond the norm for some years and harkens back to the ’roaring 20s’ following the 1919 influenza pandemic when there was a marked rise in criminal behavior. Criminal filings were on the decline statewide before the pandemic. Judge Taylor fails to provide any supporting data for his assertions.

Judge Taylor also notes that law enforcement was less active in Pima County and attributes the inactivity to the pandemic. However, this claim does not consider the ongoing decline in law enforcement personnel due to a myriad of issues, including workforce turnover, political climate, and nationwide efforts to defund law enforcement agencies. A lack of officers on the street directly correlates to a reduction of citations issued. The severity of this problem in Pima County and across the nation will not resolve itself anytime soon. The number of full-time sheriff’s deputies has declined since 2008. In 2008, the Sheriff’s department had 543 deputies, while in 2021, that number reached an all-time low of 388.

Judge Taylor’s assertion that eliminating one JP precinct will be burdensome for the County Attorney’s office is unfounded. Conversely, eliminating a precinct likely means that the County Attorney needs one less prosecutor in the Consolidated Justice Court. Further, with the efforts of the County Attorney’s criminal justice reform efforts, there are likely fewer cases that will go through the court process.

Likewise, other external factors impact the workload of the Court but were not mentioned by Judge Taylor. For example, last year, the State Legislature reduced the charge for driving on a suspended license from a misdemeanor to a civil traffic violation. As indicated above, the eight JPs do not hear civil traffic cases as they are heard by a non-elected hearing officer. This change will reduce the workload of the elected judges even more. In addition, the Legislature recently legalized possession of marijuana which will further reduce misdemeanor filings in the Justice Court. Judge Taylor is correct that the lifting of the eviction moratorium will likely increase eviction filings significantly; however, the County recently began funding a full-time pro-tem to hear these eviction cases. Finally, with the movement of criminal justice reform, diversion programs will likely increase, further reducing judicial workload.

No Retaliation Against Precinct 5

JPs and Constables are elected to four-year terms, and each should run in the same election cycle. Eliminating a JP precinct would also eliminate the Constable for that precinct. We recently learned that not all JP and Constable terms are aligned and have not been aligned since 1998. The following information was obtained from the Elections Department:
There are three precincts in PCCJC where the JP and Constable are elected on different election cycles: Precincts One, Two, and Eight. How they became unaligned is unclear. The most likely explanation is that one of the officeholders, the JP or the Constable, resigned, leaving the office vacant. Another was appointed to the office to fill the vacancy. In that situation, under ARS 16-230, the appointee would have to run in a special election to finish the four-year term. Once the election occurs, the person elected would finish out the original term and then run in the next general election to be back in sync with the election cycle.

Under state statute, ARS 22-101, the Board can create, abolish and redistrict JP precincts. However, the language indicates that abolishing a precinct does not take effect until the JP and the Constable’s term expires. For example, in Precinct 1, the JP’s term expires in 2022, but the Constable’s term does not expire until 2024. This makes it difficult, if not impossible, to abolish a precinct whereby the JP and Constable terms are not aligned. Therefore, a process should be considered in the future to re-align these precincts.

Regarding Judge Taylor’s assertions that he is being targeted, the factual logic is simple. Precinct 5 is the only precinct in the Consolidated Justice Court where the JP and Constable terms expire in 2022. This is not the case for the other JP precincts in the Consolidated Court. In addition, my understanding is the Constable for Precinct 5 is retiring at the end of this term.

Furthermore, Judge Taylor’s personal attack on Ms. Lisa Royal is unfounded. His statements about her in a public memorandum to the Board are slanderous and violates the Code of Judicial Conduct. Ms. Royal, the former PCCJC Court Administrator, resigned from her position. She was not terminated, as stated by Judge Taylor. I hired Ms. Royal because of her exemplary service in the court system, the knowledge she has accrued after decades of working in this field, and her skills in public administration. Ms. Royal also served as Green Valley Justice of the Peace from 2013 to 2019 and was the Deputy Superior Court Administrator for 11 years. Furthermore, I asked Ms. Royal to perform research into the
workload of the PCCJC JPs as she is clearly the subject matter expert in my office on this topic.

Conclusion

The Court was consolidated in 1974 by Administrative Order of the Supreme Court. The purpose of the consolidation was for efficiency; one administration and a bench that shared the caseload evenly. Unfortunately, the Consolidated Court operates like the co-located Courts in Maricopa County. Those courts operate under the same roof, but each has its own distinct caseload and administrative staff. Cases in the Consolidated Court are assigned on a random, round-robin rotation but what seems to be the norm is that the JPs will only handle their own cases and, very infrequently, work to help their colleagues. They have made numerous requests for pro tem funds when one or more of them are available to sit in for a colleague who is absent from the bench. They continue to have others carry their workload, such as the volunteer small claims hearing officers, the civil traffic hearing officer, and the pro-tem evictions judge, while a variety of all, be it imperfect indicators, show they do not work full time.

Judge Taylor makes many assertions and accusations without providing supporting data. All of the data that my office has gathered with regard to case filings and judicial productivity credits is from the AOC. If the data is indeed flawed, then there should be serious issues raised concerning the Court’s case management system.

In the future, we will ask the Superior Court to require the Justice Court to collect address data and enter it into the case management system for every case filing. This will much improve the process of reprecincting should it become necessary again in the future. Ultimately law enforcement should be directed by the Board to file in the actual precinct the alleged crime or civil traffic violation occurred. Civil litigation should be filed in the actual precinct as well. This would provide accurate data for court cases filed in Pima County and greatly assist in reprecincting efforts in the future. Administratively, the court should continue to randomly assign the cases to its consolidated bench.

I recognize that some of this data is subjective and that there may have been inaccuracies in certain calculations that have now been corrected. In addition, it is reasonable to assume that some types of cases may increase post-pandemic, such as evictions. Conversely, it is also fair to assume that some types of cases may decrease post-pandemic such as marijuana and paraphernalia filings due to legislative changes.

The overall exercise was to determine if the aggregate court is working at full capacity. The answer is clearly no. All of this data leads to the same conclusion: the Consolidated Justice Court judges' workload is substantially lower than is necessary to justify eight full-time judges plus the additional paid positions.
My staff will continue to work on the precincting maps for your consideration, which will also be provided to the justice court and constables for their input.

CHH/anc

Attachments

c: The Honorable Douglas Taylor, Justice of the Peace, Pima County Consolidated Justice Court
   The Honorable Alexander Ball, Justice of the Peace. Pima County Consolidated Justice Court
   The Honorable Jeffery Bergin, Presiding Judge, Pima County Superior Court
   The Honorable Michael Stevenson, Presiding Constable
   Jan Lesher, Chief Deputy County Administrator
   Teresa Underwood, Court Administrator, Pima County Consolidated Justice Court
   Nicole Fyffe, Executive Assistant to the County Administrator
   Diana Durazo, Special Projects Manager, Pima County Administrator’s Office
   Lisa Royal, Executive Assistant to Deputy County Administrator
INT EROFFICE MEMORANDUM

TO: REX SCOTT, PIMA COUNTY SUPERVISOR, PRECINCT 1
MATT HEINZ, PIMA COUNTY SUPERVISOR, PRECINCT 2
SHARON BRONSON, CHAIR, PIMA COUNTY SUPERVISOR, PCT. 3
STEVE CHRISTY, PIMA COUNTY SUPERVISOR, PRECINCT 4
ADELITA GRIJALVA, VICE CHAIR, PIMA COUNTY SUPERVISOR,
PCT. 5

FROM: HON. DOUGLAS W. TAYLOR, SR., JUSTICE OF THE PEACE, PCCJC

SUBJECT: PIMA COUNTY JUSTICE OF THE PEACE PRECINCTING PROPOSAL
DATE: JULY 15, 2021

Ladies and Gentlemen of The Pima County Board of Supervisors:

It has recently come to my attention that the Pima County Administrator’s Office is currently undertaking a feasibility analysis regarding, and intends to seek to, reduce the number of justice of the peace precincts in Pima County from 10 to 9. More to the point, it seeks to reduce the number of justices of the peace constituting the Pima County Consolidated Justice Court from 8 judges down to 7. This would be a disastrous act.

The proposed JP reduction appears based, at least in part, upon flawed, incomplete, and/or inaccurate pandemic-era data. When viewed from a pragmatic, real-world perspective it makes neither mathematical nor logical sense. And, if seen to fruition, the proposal would do irreparable injury to the interests of justice of the citizens of Pima County—our constituency.

FLAWED DATA

It appears clear that case filing, and thus judicial productivity credit, data is being considered as one catalyst for this proposed action. However, it appears equally apparent that the County Administrator’s Office is inexplicably utilizing, in whole or in part, COVID pandemic-period data.

First, it is clear and obvious that the pandemic-period case filing data is not in any sense representative of past, average, or even “normal” case filing data. Throughout the pandemic, police in Pima County were notably less active in the community in response to most minor offenses; Pima County police agencies made a policy determination to cite/arrest far less often for minor offenses; and, the Pima County Attorney’s Office made a policy determination to either not prosecute and/or to very quickly dismiss a large number of otherwise minor offenses even among those few cases that were in fact filed by police within Pima
County. It is also clear and obvious that pandemic-period data will not be representative of post-pandemic-period data. The scientific data shows that the COVID pandemic has at last entered a final phase in our community. Already this court (and other courts) are beginning to observe their case filing numbers increase. The data available supports this. Common sense supports this. It is of course unclear precisely when court business will get back to a truly “normal” level. One could reasonably assume, however, that that should occur within the next 6-12 months. In any event, considering COVID pandemic-period data in whole or in part in this context is plainly and simply illogical.

Second, it appears that population census data may be another consideration. While the 2020 census data is not yet fully available, one can logically surmise that the population of Pima County has risen considerably, not fallen, since the 2010 census. In 2000 the population of Pima County was 843,746. In 2010 the population of Pima County was 980,263. This represents a 16.2% increase. In 2019 the estimated population of Pima County was 1,047,279. This represents an almost 7% increase in only 9 years. It is logical to conclude that the pattern of substantial population increase has continued throughout 2020 and 2021, and that it will continue to do so for the foreseeable future. Thus, it defies logic and mathematics to consider reducing the number of judges providing the same or a greater amount of service to an ever-larger, fast-growing population by a factor of 16% (from 8 to 7 judges).

Third, throughout the pandemic this court has steadily stacked up an ever-increasing backlog of cases that require an in-person hearing. Even today, the setting of jury trials is just now beginning to be considered beyond the abstract. But with a panoply of COVID-related precautions and complications, jury trials will clearly take longer to complete, even once set. The current backlog of jury trials, in-person evidentiary hearings, and in-person bench trials awaiting a date in this court is enormous. It will likely take several years to completely clear the backlog and catch up with the inevitable backlog tail still yet to be created by setting the older backlog cases for hearing while necessarily delaying current and ongoing cases. Put another way, it will take at least a year and a half (the approximate length of the pandemic) just to even catch up with the backlog. Then one must consider managing the depth and breadth of the increased filings that will unquestionably ensue once the pandemic has finally run its course. To reduce the number of judges handling the magnitude of backlogged, current, and increased future case filings during the next few years again simply flies in the face of mathematics and reason.

Fourth, although this may entail some modicum of speculation, it is logical to prognosticate that case filings will even increase beyond the norm for some years following the final demise of the pandemic. One only need hearken back to “the
roaring 20’s” which trailed the end of the strikingly similar 1919 influenza pandemic. There was a marked rise in outgoing behavior among the general populace. There was a marked rise in all types of criminal behavior. It would be logical to believe that our community may see a similar uptick in both types of behavior—leading to a greater-than-normal number of misdemeanor case filings in PCCJC. Added to this is the fact that pandemic assistance funds will eventually run out, leading some to greater stress and increased crime commission—such as DUIs, domestic violence offenses, and the like. Again, to saddle a decreasing number of judges with a substantially increasing number of cases makes no sense from the perspective of community access to justice.

Fifth, it is reasonably expected by many that the number of civil case filings will rise following the pandemic as well. A key component of these is evictions. The CDC moratorium ends July 31. As a result, there will likely be a precipitous rise in the number of evictions filings, and post-judgment eviction/writ of restitution enforcement actions. There will also likely be a rise in the number of small claims, regular civil filings, and garnishment actions once the financial shield which the pandemic has of sorts created is lifted. As it is, each of the 8 JPs currently manage and process approaching on average almost an hour per day of criminal and civil signature files, each of which require careful analysis, an individually-tailored decision, and ultimately a judge’s individual signature. Even during normal times, the judges have found themselves many days behind on these files due to caseload handling. Increasing this burden of an increasing number of files onto a decreased number of judges means even less time for each judge to handle these important matters—which in turn may lead to increased mistakes and decreased overall constituent satisfaction with the function and professionalism of this court.

**BENEFIT VERSUS ADVERSE EFFECT ON THE COURT**

The proposal might at best lead to savings to the County in what amounts to merely a pittance in comparison with the deleterious effects that losing one JP would have on our community. The 2019 Pima County budget was approximately $1.3 Billion ($1,300,000,000.00). A JP’s yearly salary is approximately $103,000. That constitutes less than 1/100th of 1 percent of the yearly budget. Yet, if the JP reduction were to be carried out to fruition, each remaining JP would be saddled with at least 16% more work overall than before. And that number does not even account for the increased workload engendered by the end of the pandemic, the existing and future criminal and civil backlogs, etc.

**JUDICIAL PRODUCTIVITY CREDITS (JPCs)**

Even considering only COVID pandemic-period data, this consolidated court has still generated far more than enough judicial productivity credits (JPCs) to very reasonably and legally substantiate 8 JPs in the consolidated court. In fact, at last
glance we are still toward the higher end of the number of JPCs which would legally necessitate 8 JPs in the consolidated court. Even during the heart of the pandemic (FY 2020), this court brought in almost 1000 JPCs. (PLEASE NOTE: If this court brings in greater than 1200 JPCs, that would legally necessitate the addition of yet another (9th) JP/precinct.) In FY 2018 we achieved 1140 JPC’s. In FY 2019 we achieved 1105 JPC’s. If even some of the reasonable predictions made herein come to pass in the near future, not only will this court generate more than enough JPCs to substantiate 8 judges, we may even exceed 1200 JPCs, legally necessitating re-precincting to add a 9th JP/precinct in the consolidated court. If all of the predictions made herein above come to pass, then the (JPC-based) legal requirement of 9 JPs/precincts would be all but certain. Even if it were argued that data underlying JPCs during the pandemic-period justified reducing the number of JPs in the consolidated court from 8 to 7 today, which it does not, no reasonably well-informed person would argue in earnest that pandemic-period data will be representative of data in the next few years. Therefore, it makes no logical or mathematical sense to reduce the number of JPs at this point in time.

KICKING THE CAN ONLY A FEW INCHES DOWN THE ROAD

If the proposal to reduce JPs precincts from 8 to 7 were to come to fruition, once all of the above comes into focus the number of JPCs which this court will generate within the next 2 years alone (again, over 1200) will legally necessitate the immediate addition back to 8 (or perhaps even 9) JPs. Thus, taking such an action now (based on flawed, limited data) will undoubtedly lead to more work for The Board in merely a couple of years to yet again re-precinct in order to add another (or perhaps even 2) JP(s). This is yet another reason that this proposed reduction makes no pragmatic sense.

POTENTIAL RETALIATION/VINDICTIVENESS

In 2020, (former) PCCJC Court Administrator Lisa Royal was terminated due to a combination of criminal activity, dishonest conduct, unforthright conduct, and unethical conduct. The majority of the PCCJC judges voted in favor of her termination on those bases. Within days, Ms. Royal was hired into the Office of The County Administrator. Ever since that time, this court has suffered a barrage of inquiry and microscopic analysis. The issue is not with the inquiry or the analysis itself. The issue is with the rather convenient timing of these inquiries, considering that Ms. Royal’s figurative fingerprints are at the top of every relevant memorandum. The proposed JP reduction is no different. And, because the proposed reduction is in fact so illogical, and because it would so adversely impact the court and the administration of and access to justice herein, one could be left with the reasonable hypothesis that this proposed action was concocted by, advocated by, and is being managed by Ms. Royal. Neither a personal vendetta nor former-employee retaliation have a place in Pima County government. Least of
which should such improper motive and behavior be permitted to adversely affect the administration of justice in this or any other court. And, from a public relations point of view, the citizens of Pima County might in general take umbrage if they were to become aware that a person with such a sordid history is spearheading a Board proposal that will undoubtedly adversely affect their access to justice.

**PRECINCT 5**

On that note, I am the JP elected by the constituents of precinct 5. Precinct 5 is, upon information and belief, both the geographically largest and most populous JP precinct adherent to the consolidated court. To disenfranchise the great number of constituents within that large precinct by gerrymandering up their precinct boundaries—without reasonable cause—may be politically unwise. It also so happens that I am one of the judges who warrantedly voted for Ms. Royal’s termination. If in fact precinct 5 is the precinct under proposal for elimination, that is hardly surprising considering the above.

In any event, if precinct 5 were eliminated by this proposed JP reduction, the following should be considered relative to the community standing and legal professionalism of this court. I am a licensed attorney with almost 17 years of law practice experience, including almost 17 years of jury and trial experience. I have the most law practice and trial practice experience of all JPs. I am well-versed and experienced in matters of trial practice, legal and courtroom ethics, legal and courtroom professionalism, and of course the interests of justice generally. Some of the current JPs are not licensed attorneys. To eliminate this particular judge’s precinct based on what seems like an illogical retaliatory political move makes no sense when one considers its result upon the ethical fortitude, professionalism, and community standing of this court.

**CONSIDERABLY LESS ACCESS TO JUSTICE**

The PCCJC is the only court in which many Pima County voters will ever set foot. If the number of JPs were reduced to 7, the number of cases each remaining judge would handle would, as noted above, be increased by at least 16%. That means that each remaining JP would have at least 16% more courtroom and in chambers work to complete. It also means that each courtroom would be at least 16% more (over)crowded on a regular basis. It also means that each remaining JP would have at least 16% less time to administer justice in a thoughtful, individualized, professional manner. Before the pandemic, the PCCJC courtrooms were already at many times overcrowded, causing long wait times for the community it serves. The end result is that community access to justice would be injured irreparably by this proposed reduction.
LOSS OF SPECIALTY COURTS

It is unlikely that the remaining 7 JPs would have the time or bandwidth to conduct the various specialty courts (Domestic Violence, Mental Health, Veterans’) that this court currently handles with aplomb. These specialty courts offer an invaluable service and resource to our community. The loss of these specialty courts would have a palpable and deleterious effect upon the administration of justice in this court. This would likely lead to higher community criminal recidivism and higher numbers of victims and higher instances of repeat victimization within the community.

LOSS OF REVIEW HEARINGS

If the remaining JPs were saddled with substantially more caseloads and work, they would likely not be able to provide Domestic Violence and DUI post-conviction review hearings. These are hearings at which JPs keep track of sentence progress, violations of probation, effect sanctions for non-compliance, etc. Without these review hearings, criminal recidivism and sentence non-compliance would likely increase appreciably. This would have an even further deleterious effect upon the voters of Pima County generally.

LOSS OF SETTLEMENT CONFERENCES

The Court has just recently begun a DUI “settlement conference” program, which seeks to relieve some of the pandemic-created backlog of DUI cases awaiting jury trial. The goal of these hearings is to “settle” DUI cases rather than seeing them be resolved via 1-3 day jury trials. If successful, these settlement conferences save the county money and time not otherwise spent on jury empanelment, jury trial, etc. If the JP reduction proposal were to come to fruition, it is likely that the settlement conference program would no longer be feasible. This would negatively affect community access to justice, and would lead to potentially unnecessary utilization of county resources.

CIVIL BACKLOG

Pursuant to statute and criminal rules of procedure, criminal matters take precedence over civil matters. Accordingly, if this court were chiseled down to 7 judges, those 7 judges would have to focus more of their attention onto criminal cases only. The result of this would be to even further delay the administration and processing and litigation of otherwise important civil matters. Civil matters encompass personal injury lawsuits, debt collections, evictions, garnishments, liens, contract disputes, HOA disputes, and the like. Again, this is another example of the diminution of access to justice for the citizen voters of Pima County that a JP reduction would engender.
PROTECTIVE ORDERS

Protective orders encompass domestic violence-related orders of protection, injunctions against harassment, and injunctions against workplace harassment. A reduction in the number of judges (who must lawfully prioritize criminal matters as a rule) might cause a reduction in availability of sufficient judges to adequately and swiftly act to hear these orders that are critical to the protection of Pima County voters in all walks of life.

NEGATIVE EFFECTS ON THE PIMA COUNTY ATTORNEY’S OFFICE

If the number of JPs were reduced from 8 to 7, that would mean that the enormous number of criminal and DUI cases filed by or on behalf of the Pima County Attorney’s Office in this court would have to be handled by an even smaller number of already overburdened prosecuting attorneys. Greater numbers of cases would be even further bottlenecked into fewer courtrooms being handled by fewer prosecutors. This would likely be untenable to the Pima County Attorney’s Office. That office is already dealing with real retention and morale issues. The proposed JP reduction would further exacerbate those issues. At a minimum, the PCAO would need to hire more employees and/or prosecuting attorneys to attempt to handle the increased bandwidth of cases per courtroom. If so, this alone would negate any purported financial benefit to the county in adopting the JP reduction proposal.

CONCLUSION

In summary, if this illogical and deleterious JP reduction proposal were to be approved by this Board, this court would be irreparably damaged. The community service and access to justice aspects of this court would suffer greatly. The interests of justice would be dealt a serious blow. And the ethical and professional administration of justice by this court would be curtailed considerably. There is no pragmatic justification for the proposed reduction. The infinitesimal (or non-existent) benefits do not in any sense outweigh or even approach the negative consequences to the voters of Pima County.

I respectfully call upon each and every one of the members of The Board to take any and all reasonable and appropriate measures to table and/or ultimately defeat this unwise proposal. And, I respectfully urge the members of the Board to vote against the JP reduction plan if called to vote. The voters of Pima County deserve unfettered access to justice. Please do not permit this real infringement upon that access to justice to pass.

I respectfully invite each of you individually to sit down with me personally to discuss any and all questions or concerns you may have. I await invitation.
Thank you.

Respectfully,

/s/
Hon. Douglas W. Taylor, Sr.
Justice of the Peace, Precinct 5
Pima County Consolidated Justice Court
MEMORANDUS EX CAMERĀ

TO: C.H. Huckelberry, County Administrator
RE: “Reprecincting”

July 21, 2021

Thank you for reaching out about the County’s reprecincting efforts. And I appreciate you sharing the relevant memorandum that provided better insight into understanding the current proposals. I am, however, obliged by my official duty to raise several concerns.

First, and foremost, I must alert you that the data being relied upon is flawed, incorrect, and incomplete. Further, to eliminate a justice precinct in Pima County, at this time, based on that flawed data, would not serve the public’s interest; and, in fact, would have a negative impact on the administration of justice. It is further apparent that all relevant costs have not been considered. Finally, there are superior alternatives which could potentially alleviate protracted litigation.

Thanks for this opportunity to comment, and please let me know if you need any further information.

Respectfully,
Your Servant,

ALEXANDER F. BALL
Justice of the Peace

1 See Intraoffice Memorandum to Hon. Jeffrey Bergin, from Hon. Douglas W. Taylor, Sr., Re-precincting Issue (June 29, 2021) (“Flawed Data” et. seq.) (detailing five specific issues with the data).

2 For example, the July 2, 2021, memorandum from Lisa Royal to C.H. Huckelberry, regarding The Pima County Consolidated Justice Court Monthly Statistics, reported that: “from January through May 2021, the bench as a whole averaged 3 hours per day in court.” This information is patently false. Even the data provided in the attachment does not support the claim—of which, that data itself is verifiably incorrect. The same memo further states that “the average hours per day per judge dropped to 2.2 hours” in June 2021. The same flaws in the allegedly supportive dataset plague the reliability of this claim, as well. I know as an incontrovertible fact, that the information in the memo is false.

3 See, e.g., Memorandum from Lisa Royal to C.H. Huckelberry, Redistricting JP Precincts (March 3, 2021) (acknowledging that: “How they [Justice of the Peace and Constable election cycles] became unaligned is unclear.”). See further, Memorandum from Lisa Royal to C.H. Huckelberry, Proposed Justice of the Peace Reprecincting Schedule (June 14, 2021) (“Per the Census Bureau, the 2020 Census data will not be released until August.”).