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 LINDA SEAPY  
 CLERK SUPERIOR COURT DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
 IN AND FOR THE COUNTY OF MOHAVE

IN RE: )  
 )  
 SUPERIOR COURT AND )  
 PROBATION DEPARTMENT )  
 BUDGETS )  
 \_\_\_\_\_ )

MISCELLANEOUS ORDER  
 MARCH 3, 1987

For some time, this Court has been aware of informal suggestions by the Board of Supervisors that it intended to reduce expenses of the Superior Court generally, and the probation department in particular. The Court has advised the Board, through the county manager, that no such reductions could be tolerated, and that the probation department is operating with the minimum number of personnel possible. The Court has offered to discuss the problem and has, through counsel, attempted to work with the Board and its counsel.

On February 23, 1987, the Board of Supervisors, through the county manager, wrote the Court advising of its intent to terminate six-named employees, and, by implication, others. Neither the Board nor the county manager discussed the terminations with either the Court or the Chief Probation Officer previously; and there is no apparent basis for the selection of these particular six individuals. A copy of that letter is attached to this order.

On February 25, 1987, this Court wrote the Board of Supervisors through the county manager advising that the Court would not and could not tolerate employee reductions in the

Court system and that each and every remaining employee, including the six-named employees of the probation department, are absolutely necessary to the administration of Justice in the Superior Court of Mohave County. A copy of that letter is also attached to this Order.

On March 2, 1987, by letter from the county manager, the Board of Supervisors has advised the Court that it is taking action to terminate the six-named employees. A copy of that letter is also attached to this order.

Neither before nor since that letter has the Board of Supervisors or the county manager suggested that any Court employee in general or any probation department employee in particular is not necessary or that the appointment or payment to any Court employee was unreasonable, arbitrary or capricious. In fact the only reason given by the Board of Supervisors or its employees is budgetary reasons. On March 3, 1987, the Mohave County Personnel Department, by Erin P. Collins, notified the Court that the six-named employees would be terminated effective Friday, March 6, 1987, at 5:00 p.m. A copy of that memo and enclosures is also attached to this Order. (The Court has deleted from the Personnel Action Forms the social security number, date of birth, address and telephone number of the respective employees.)

As set forth in the Court's letter of February 25, 1987, the Court has the legal responsibility for both the appointment of probation officers and the establishment of

their salaries. Broomfield v. Maricopa County, 112 Ariz. 565, 544 P.2d. 1080 (1975). The Court also has the statutory and constitutional responsibility to provide adequate personnel and facilities to administer the judicial system, to provide fair trials and to provide adequate probation personnel and facilities; and, as a result, has the inherent power to order that such facilities and personnel be provided by the Board of Supervisors, if necessary. Broomfield v. Maricopa County, supra; Mann v. County of Maricopa, 104 Ariz. 561, 456 P.2d. 931 (1969); Deddens v. Cochise County, 113 Ariz. 75 546 P.2d. 811 (1976); Lockwood v. Board of Supervisors, 80 Ariz. 311, 297 P.2d. 356 (1956); Commonwealth, ex rel Carroll v. Tate, 442 Pa. 45 274 A.2d. 193 (1971).

As noted in the Court's letter of February 25, 1987, filings in this Court are at an all-time high. In fact they are higher than any county in Arizona except Maricopa and Pima even though several of those counties have three full-time judges and one (Pinal) has four. Although the probation department's workload is 14 times greater than it was 10 years ago, it is operating with a clerical staff which has increased but by one person within that same time period. The Board's reduction of that clerical staff by three persons cannot be tolerated. Similarly, probation officer caseloads are up, substantially, and well above those statutorily mandated. A reduction in the number of probation officers would substantially impair the administration of justice and jeopardize existing state funding which reduces the county obligation by over 40 percent.

Accordingly, IT IS ORDERED that the Board of Supervisors of Mohave County, through its duly appointed officials, are hereby directed not to take any steps to terminate any of the employees of the Superior Court of Mohave County, including but not limited to the particular six-named employees of the Mohave County Probation Department.

IT IS FURTHER ORDERED that no employees of the Superior Court, including the probation department, shall be terminated without the prior approval of this Court.

IT IS FURTHER ORDERED directing the Mohave County Personnel Department and Finance Department to take appropriate action to:

- 1) Reinstate such employees if they have been "terminated"; and
- 2) In any event, pay their salaries and employee-related benefits when due.

DATED this 3rd day of March, 1987.



Honorable Leonard G. Langford  
Presiding Judge