

City Court: Money, pressure and politics make it tough to beat the rap.

RECOMMENDATIONS FOR REFORM



Our legal system owes every person accused of a crime fair and unbiased procedures—what lawyers call due process of law. An independent judiciary that's free from bias or pressure by politicians is critical to giving those promises real meaning. To better promote a just legal system that protects the rights of ordinary citizens, the Goldwater Institute is proposing the following reforms for Arizona's city courts:

1 Consolidate city courts into the county court system. Arizona's antiquated municipal courts should be integrated into existing county courts, where serious legal matters belong, and where judges are better protected against political interference. This would help ensure that the legal system operates consistently statewide, and would improve efficiency by eliminating redundant legal systems. It would also reduce the risk of city-government bias in the court system. Independent commissions in Arizona and nationwide have recommended this reform for decades, and many other states have already combined their city and county court systems.

2 Make municipal court judges answerable to the voters. If city courts aren't fused with county courts, the judges on city courts should at least be answerable to voters, by subjecting them to a version of the merit-based judicial appointment system that Arizona already uses for higher court judges. Under this system, judicial commissions would recommend candidates for city officials to choose

from, and those judges would later be subject to retention elections. This would ensure that municipal court judges don't answer to city officials, and can't be pressured to increase city revenue through convictions.

3 Fund municipal courts through the state rather than having them funded by convictions. Arizona's municipal courts are currently funded by city governments, which, in turn, get their money in part by convicting people in municipal courts. This creates a risk that city court judges will be biased, or that they will be pressured to generate more revenue by the political office holders to help offset their budgets by generating more revenue. At a minimum, this undermines the legal system's credibility. Judicial independence requires that the system not directly benefit from convictions.

4 End suspension of driver licenses or arrest for failure to appear. While it's important to ensure that people attend court when they're summoned, suspending driver licenses or arresting people for failure to appear

is excessive and disproportionately harms low-income individuals, many of whom can't do without a driver license. State and federal experts have repeatedly recommended less invasive means of ensuring that people make their court dates, including using civil rather than criminal penalties for failure to appear, and letting people appear by telephone.

5 Limit the jurisdiction of municipal courts and the punishment powers of city governments, and provide for stronger appeal rights. Local courts should enforce local infractions, such as traffic penalties. But criminal matters that can be backed up with jail sentences are too important to be handled by Arizona's antiquated city court system. Some states, including California, have limited their local courts to reviewing traffic matters. City governments also shouldn't have the power to make minor infractions, like failing to return a library book or having weeds in one's yard, into crimes. And the appellate process should be clarified to ensure that people convicted in municipal court have a better chance to ensure that legal errors are corrected.

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