

Steering Committee on Arizona Appellate Case Processing Standards

February 11, 2016

9:30 a.m. to 12:00 p.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 345A

Meeting Minutes – APPROVED 02-26-2016

Committee Members Present: Justice Ann A. Scott Timmer (Chair), Chief Judge Michael J. Brown, Ms. Kimberly Demarchi, Ms. Janet Johnson, Ms. Alice Jones, Ms. Ruth Willingham, and **Appearing Telephonically:** Chief Judge Peter J. Eckerstrom, Mr. David Euchner, Mr. Jeffrey Handler and Dr. William Mangold

Administrative Office of the Courts Staff Present: Ms. Summer Dalton, Ms. Amy Wood, Ms. Jerri Medina

A. Welcome and Opening Remarks

The Chair called the Committee meeting to order at 9:33 a.m. and followed with roll call.

The draft minutes from the January 20, 2016 meeting of the Steering Committee on Arizona Appellate Case Processing Standards were presented for approval. The chair called for any omissions or corrections to the minutes, discussion ensued regarding that the motion made by Ms. Demarchi on which stages of a case to measure, specifically was it intended to be at the time of judge assignment or at the time the briefing period was over and the case became “at issue”. Committee decided the draft minutes required no changes.

- Motion was made by Mr. David Euchner to approve the January 20, 2016 meeting minutes of the Steering Committee on Arizona Appellate Time Standards. Seconded by Ms. Kimberly Demarchi. The motion passed unanimously.

B. Review Comments Received

The Committee reviewed a comment received from the Maricopa County Public Defender’s Office (MCPD). MCPD expressed concerns with the national model standard for the Court of Appeals, specifically the possibility of eliminating measuring by the different stages of a case. MCPD feels that without timeframes by stage of case, attorneys will be held to unrealistic standards.

C. Statistical Review

The Chair reviewed the statistical approach of using the 75th percentile and the 95th percentile standards for the Appellate Courts. The chair asked for information to be presented for the following: 1) The entire case from start to finish and 2) Assignment/Judicial Review to Disposition along with any constraints with respect to obtaining the data.

Discussion ensued regarding starting from "at issue" vs. "judge assignment". The goal is to differentiate the work of the judges vs. the work of the court as a whole (which is counted in the filing to disposition measure). Discussion continued regarding distinguishing what the court controls, not only the judges, and to the track what is in the courts' control instead of tracking from judicial assignment. Arguably the presiding judge has control of the entire court in terms of being able to direct existing resources (staff attorneys, clerk's office).

The chair asked the committee if it wants to procedurally make a motion to reconsider their decision and vote for something different.

- Motion was made by Ms. Kimberly Demarchi to track "filing to the ultimate disposition" and "at issue to ultimate disposition" within court of appeals. Seconded by Mr. David Euchner. Majority in favor, Chief Judge Michael Brown and Ruth Willingham opposed. The motion passed with majority.

The committee decided previously to have two standards of measure, the "at issue" to disposition and the filing to disposition. But the statistical data compiled were for "judge assignment to disposition" not "at issue to disposition" based on discussions at the last meeting.

Each court provided information to Ms. Dalton which was compiled into a table for comparative reference. Ms. Summer Dalton shared the data findings and the applicable national standard recommendations for reference with the committee. Ms. Dalton explained that she met with respective information technology (IT) and court representatives for the Court of Appeals Division One and the Supreme Court. The information required to be able to track, monitor and report on the standards is available through the current case management system. Existing reports can be used to extract the raw data. However, without minor modifications to the case management system some manual analysis is required to be able to track the standards as proposed. The frequency with which reports will be run would determine whether the manual analysis is reasonable. The modification referenced pertain to changes to accommodate the 95th percentile and it was reported this would require minimal programming effort.

It was noted that Court of Appeals Division Two does not currently track family cases separately but would be able to begin doing so on a day-forward basis.

Discussion was held regarding cases with dissenting opinions and additional time these cases take. The committee agreed that this likely occurs in only 1-2% of the cases and that these situations would be outliers falling within the 5% of cases rather than the 95% which would be expected to meet the standards.

The committee discussed fall-out rates in juvenile Court of Appeal cases. Many cases are dismissed or abandoned early in the case and are never assigned to a judge or panel. If this pattern changes over time, it will impact the court's ability to meet the standards.

D. Determine Standards

Below are the provisional standard recommendations.

Court of Appeals

Juvenile	Filing to Disposition		"At Issue" to Disposition	
	75%	95%	75%	95%
	200	250	100	125
Ind. Commission	Filing to Disposition		"At Issue" to Disposition	
	75%	95%	75%	95%
	275	365	125	150
Family	Filing to Disposition		"At Issue" to Disposition	
	75%	95%	75%	95%
	365	450	120	180
Civil	Filing to Disposition		"At Issue" to Disposition	
	75%	95%	75%	95%
	390	500	175	240
Criminal	Filing to Disposition		"At Issue" to Disposition	
	75%	95%	75%	95%
	450	600	100	160
Special Action	Filing to Disposition		"At Issue" to Disposition	
	75%	95%	75%	95%
	40	80	NA	NA

- Motion was made by Mr. David Euchner to approve the above Court of Appeals standards for now (with the understanding that the numbers could be adjusted at the next meeting depending on what the additional performance data shows for the at issue to disposition standard). Seconded by Ms. Alice Jones. The motion passed.

Supreme Court

Juvenile	Filing to Discretionary Review		Review Accepted to Disposition	
	75%	95%	75%	95%
	125	150	120	180
Ind. Commission	Filing to Discretionary Review		Review Accepted to Disposition	
	75%	95%	75%	95%
	150	180	180	240
Family	Filing to Discretionary Review		Review Accepted to Disposition	
	75%	95%	75%	95%
	125	150	120	180
Civil	Filing to Discretionary Review		Review Accepted to Disposition	
	75%	95%	75%	95%
	150	180	180	240
Criminal	Filing to Discretionary Review		Review Accepted to Disposition	
	75%	95%	75%	95%
	150	180	180	240
Special Action	Filing to Discretionary Review		Review Accepted to Disposition	
	75%	95%	75%	95%

	70	120	40	80
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Discussion on judge assignment verses at issue, the previous motion was for the COA only. Measuring the time that it is actually assigned to chambers. It was felt that the measurements should be as consistent as possible.

- Motion was made by Ms. Janet Johnson to approve the above Supreme Court standards. Seconded by Ms. Alice Jones. The motion passed unanimously.

E. CourTools Recommendation

The committee has had several discussions in past meetings on whether to continue with the CourTools time to disposition measure in in addition to time standards reporting with members raising concerns that it is somewhat duplicative.

- Motion was made by Ms. Ruth Willingham to keep the CourTools time to disposition measure only as an optional internal self-management tool. Seconded by Chief Judge Michael Brown. The motion passed unanimously.

F. Future Planning

The next meeting will be on February 26, 2016. Before the next meeting the Court of Appeals and the Supreme Court will evaluate data based on the current recommendations. The results of the evaluation should be provided to either the Committee Chair or Ms. Summer Dalton for review. At the next meeting, the committee will review the recommendations one last time and the vote on the final report that will be submitted to Chief Justice Scott Bales.

G. Call to the Public/ Adjournment

Next meeting will be a teleconference and on February 26, 2016 at 9:00am. There was no response to a call to the public and the meeting adjourned at 12:22pm.