

Steering Committee on Arizona Appellate Case Processing Standards

February 26, 2016

9:00 a.m. to 10:00 a.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 412 and Teleconference

Meeting Minutes – Approved 03-24-2016

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

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

A. Welcome and Opening Remarks

The Chair called the Committee meeting to order at 9:00 a.m. and followed with roll call.

The draft minutes from the February 11, 2016 meeting of the Steering Committee on Arizona Appellate Case Processing Standards were presented for approval.

- Motion was made by Ms. Janet Johnson to approve the February 11, 2016 meeting minutes of the Steering Committee on Arizona Appellate Time Standards. Seconded by Ms. Ruth Willingham. The motion passed unanimously.

B. Review Final Report Draft

The Committee reviewed the memo submitted by Chief Judge Brown along with the suggested changes for the Court of Appeals Time Standards. Judge Brown discussed the statistical data for the measure of *At issue to Disposition*. This data was available for the Committee to review in a memo prepared by Judge Brown. Previously the Committee had been reviewing data from a different measure, which was for *Assigned to Panel to Disposition* stage of a case.

Mr. David Euchner discussed concerns with this proposal explaining that there is a perception that the court is holding court reporters and attorneys to a higher standard than the court. One example relates to the overall time allotted for case processing and the amount of time associated with judicial processing versus processing prior to judicial review. There is a concern that time added to *At Issue to Disposition* (judicial time) is being taken away from the record preparation and briefing time in the *Filing to Disposition* measure (overall case). Mr. Euchner proposed that the Committee preserve the standards as proposed in the draft final report.

After much debate concerning appropriate standards for the stages of an appeal, Justice Timmer asked whether it would be beneficial to adopt only the overall standard of *Filing to Disposition* for the Court of Appeals while internally tracking the stages which make up that standard. This would be in-line with the national model. Mr. Euchner opposes having only one standard, stating when you have three pieces to the puzzle “judges, attorney, and court reporters”, judges have the power to influence the speed in which

a case goes through the court. By having a standard that measures judicial work, judges are held accountable to productivity standards.

Discussion ensued on acceptability of having only the *Filing to Disposition* standard coupled with a recommendation from the court to regularly publish information regarding how much time it takes on each of the four stages of the case; 1) Filing to Record Preparation, 2) Record Preparation to Conclusion of Briefing, 3) Conclusion of Briefing to Assigned to Panel, and 4) Assigned to Panel to Decision.

- Chief Judge Brown made a motion to remove the *At Issue to Disposition* standard, allowing for one standard of *Filing to Disposition* only for the Court of Appeals. Along with the annual publishing of the court's performance against the standard each court will also publish data showing the performance of each stage listed below. However, if technology does not allow us to adequately capture the completion of record stages 1 and 2 will be combined.
 1. Notice of Filing to Completion of Record
 2. Notice of Completion to At Issue
 3. At Issue to Assign to Panel
 4. Assign to Panel to Disposition

Seconded by Chief Judge Peter Eckerstrom. Mr. David Euchner opposed. Passed with majority.

Chief Judge Brown discussed information discovered from current data and recommended adding 10 days to the Industrial Commission on the *Filing to Disposition* standard.

- Motion to move the *Filing to Disposition* standard for Industrial Commission from 275 days to 285 days made by Chief Judge Brown. Second by Mr. David Euchner. Passed unanimously.

C. Future Planning

Chair will discuss extending the Committee with Chief Justice Bales to allow further discussion on the proposed standards. A meeting will be set to vote on final report.

Mr. David Euchner will be writing a dissenting opinion for the final report.

D. Call to the Public/ Adjournment

There was no response to a call to the public and the meeting adjourned at 10:37am.