

ARIZONA JUDICIAL COUNCIL

Request for Council Action

**Date Action
Requested:**

March 23, 2017

**Type of Action
Requested:**

Formal Action/Request

Information Only

Other

Subject:

Approval of Minutes

FROM:

Lorraine Smith, Staff to the Arizona Judicial Council

DISCUSSION:

The minutes from the December 15, 2016, meeting of the Arizona Judicial Council are attached for your review.

RECOMMENDED COUNCIL ACTION:

Approve the minutes as written.

ARIZONA JUDICIAL COUNCIL

State Courts Building
1501 W. Washington Street, Suite 119
Phoenix, AZ 85007

December 15, 2016

Draft Meeting Minutes

Council Members Present:

Chief Justice Scott Bales
Judge Janet Barton
Ken Bennett
Judge Michael Brown
Judge Kyle Bryson
David Byers
Judge Rachel Torres Carrillo
Judge Louis F. Dominguez
Victor Flores
Judge Charles Gurtler
Athia Hardt

Mike Hellon
Michael Jeanes
Gary Krcmarik
Judge Dorothy Little
Lisa Loo
Judge David Mackey
R. Tony Penn
Judge Antonio Riojas, Jr.
Judge Monica Stauffer
Lisa Urias
George Weisz

Council Members Absent (excused):

Judge Peter Eckerstrom
Jack Jewett

Administrative Office of the Courts (AOC) Staff Present:

Jennifer Albright
Theresa Barrett
Mike Baumstark
Dori Ege
Susan Hunt
Paul Julien
Deborah Kurth
Joe Kelroy
Chad Kewish
Mark Koch

Jerry Landau
Amy Love
Mark Meltzer
Heather Murphy
Jennifer Ortiz
David Redpath
Marcus Reinkensmeyer
Lorraine Smith
Kathy Waters
David Withey

Presenters and Guests Present:

Martin Lynch
Vice Chief Justice John Pelander

John Phelps
Judge Randall Warner

Chief Justice Scott Bales, Chair, called the meeting to order at 10:30 a.m. and welcomed attendees, including the Council's newest public members, Ken Bennett and Lisa Urias. The Chair acknowledged the recent passing of Council member Dr. Bill Mangold.

Approval of Minutes

The Chair called for any corrections to the minutes from the Council's October 27, 2016, meeting.

MOTION: To approve the minutes from the October 27, 2016, meeting of the Arizona Judicial Council, as written. The motion was seconded and passed. AJC 2016-27.

Commercial Court Pilot Program

Judge Randall Warner, Civil Presiding Judge, Superior Court in Maricopa County, presented the progress report from the Arizona Commercial Court Pilot Program. He reported that this is the first of 3 annual progress reports, and they are considering commissioning a study to see if the program is accomplishing its objective.

The Chair asked if we should provide an opportunity for people to provide input, i.e., lawyers affected by the changes. Mr. Dave Byers suggested the use of law clerks or masters as staff resources for more routine matters.

MOTION: To approve the December 1, 2016, progress report and recommendations from the Arizona Commercial Court Pilot Program, as written. The motion was seconded and passed. AJC 2016-28.

Court Security Standards Committee

Mr. Marcus Reinkensmeyer, Director of the Court Services Division for the AOC and Committee Chair, presented the Committee's final report. He reported that the Committee surveyed and considered comments from more than 900 stakeholders and is recommending 30 standards and a phased three-year implementation period that would assist courts in implementing the proposed standards.

Mr. George Weisz offered his assistance in identifying Federal funding opportunities, i.e., urban area security initiative.

A motion was made to support the recommendation made by the Superior Court Presiding Judges at their December 14, meeting.

MOTION: Approve the final report and recommendations with a proviso that it include a process for granting exceptions at the request of the Presiding Judge either based on a request from the funding authorities or on the Presiding Judge's own initiative, and exceptions would encompass both delay and timing of implementation or departure from the standards. The motion was seconded and passed. AJC 2016-29.

Arizona Code of Judicial Administration (ACJA)

Ms. Kathy Waters, Director of the Adult Probation Services Division for the AOC, presented proposed amendments to ACJA § 6-201.01: Standard Probation Evidence Based Practice and ACJA § 6-202.01: Adult Intensive Probation Evidence-Based Practice.

MOTION: To approve the proposed amendments to ACJA § 6-201.01: Standard Probation Evidence Based Practice and ACJA § 6-202.01: Adult Intensive Probation Evidence-Based Practice, as written. The motion was seconded and passed. AJC 2016-30.

Judicial Branch Legislative Package (taken out of order)

Mr. Jerry Landau, Director and Ms. Amy Love, Deputy Director of Government Affairs for the AOC, presented the following legislative proposals:

2017-08: Permanent Guardianship

MOTION: To support legislative proposal 2017-08: Permanent Guardianship, as written. The motion was seconded and passed. AJC 2016-31.

2017-09: Arizona Lengthy Trial Fund

MOTION: To support legislative proposal 2017-09: Arizona Lengthy Trial Fund, as written. The motion was seconded and passed. AJC 2016-32.

2017-A: Judicial productivity credits

Discussion: Judge Mackey expressed concern with running the election-related section with the main body of the proposal. He suggested that the 2 issues be run separately. Judge Dorothy Little stated she would take this recommendation back to the Committee for consideration.

MOTION: To support the main body of the bill and take no position on the election-related section for legislative proposal 2017-A: Judicial productivity credits. The motion was seconded and passed. AJC 2016-33.

2017-B: Fines; fees; payment history

Discussion: Mr. Byers inquired if the word “sentencing” in “sentencing court” is the right word to use and suggested that it be rewritten to just say “court.”

MOTION: To support legislative proposal 2017-B: Fines; fees; payment history, with the removal of the word “sentencing.” The motion was seconded and passed. AJC 2016-34.

2017-C: Alternate Grand Jurors

MOTION: To support legislative proposal 2017-C: Alternate Grand Jurors, as written. The motion was seconded and passed. AJC 2016-35.

2017-D: Notice of Conviction

Discussion: Judge Mackey stated he would support this revision, but noted that there are a number of reporting requirements for clerks with respect to other licensures. He suggested the need to be uniform in the process so we can be consistent on whose obligation it is to make those reports. Mr. Michael Jeanes stated that they would be happy to work with the AOC to modify the language and make clarifications.

MOTION: To support legislative proposal 2017-D: Notice of Conviction, as written. The motion was seconded and passed. AJC 2016-36.

Recognition of Karen Osborne

The Chair recognized Ms. Karen Osborne, Maricopa County Elections Director, for her years of service to the Judiciary serving on various committees and other volunteer efforts.

An Examination of Ethnic Disparities in Arizona’s Juvenile Justice System - Final Technical Report

Mr. Joe Kelroy, Director of the Juvenile Justice Services Division of the AOC, presented an overview of the findings for the disproportionate minority contact (DMC) for the key decision points in juvenile justice. He noted that the American Institute of Research study focused on Hispanic contact, but also looked at all ethnicity in relation to the white juvenile population in Arizona.

Discussion took place on the importance of this issue and what more could be done.

Ms. Lisa Urius noted the need for additional studies on Latino youth.

Mr. Byers suggested, as a start, asking 3 counties with the greatest level of disparity according to the research to come in and meet with Committee on Juvenile Courts (COJC) to talk about their challenges in an effort to promote change and movement. Mr. Tony Penn agreed and suggested the need to develop best practice strategies, targeting areas for mandatory training, and to begin to “move the needle.”

The Chair stated there are 4 ways to move forward: 1) follow up with a focused plan to meet with the COJC; 2) invite counties with greater disparities to come and talk about what’s going on and how are they moving forward; 3) discuss with the COJC appropriate training for juvenile court judges and consider offering training on this topic at the upcoming Judicial Conference; and 4) ensure that people in the Executive Branch are aware of the big disparities in terms of referrals and transfers to the adult system which are out of the court’s control.

Judge Dominquez suggested each county pick a strategy to focus on and set a timetable to report back on their progress.

Juvenile Detention Standards

Mr. Joe Kelroy presented the proposed juvenile detention standards. He noted the standards were presented to and unanimously approved by the Superior Court Presiding Judges, Juvenile Court Directors, and the Committee on Juvenile Courts. Mr. Kelroy stated that the Detention Operations Standards Advisory Committee has been reestablished as a standing committee to respond quickly to concerns and changing practices around the state.

MOTION: To approve the Arizona Juvenile Detention Standards for AOC Director David K. Byers to consider for adoption, as written. The motion was seconded and passed. AJC 2016-37.

Call to the Public

Mr. Martin Lynch provided public comment on the reform process in the courts and the need to build bridges with the judicial branch. He expressed concern that standards for the disclosure of conflict of interest are different for attorneys than for the general public.

The meeting adjourned at 1:44 p.m.