

# Arizona Supreme Court Steering Committee on Data-Based Court Performance and Data Standards

**September 22, 2021 Meeting Agenda**  
Teams Meeting  
9:00 a.m. to 12:30 p.m.

## Call to Order

9:00 – 9:05	<b>Welcome/Opening Remarks</b>	Hon. James Beene, Chair
	➤ Roll Call	
	➤ Motion to Approve Minutes <i>**Action Item</i>	Hon. James Beene, Chair

## Regular Business

9:05 – 9:15	➤ Data Standards Workgroup Update ➤ Committee on Diversity Update	Mr. Marcus Reinkensmeyer
9:15 – 9:20	➤ Code Standards Requests <i>**Action Item</i>	Ms. Marretta Mathes
9:20 – 10:35	➤ NODS Elements Review <i>**Action Item</i>	All
10:35 – 10:45	➤ NODS Implementation	Mr. Marcus Reinkensmeyer
10:45 – 10:55	➤ BREAK	
10:55 – 12:20	➤ Time Standards Annual Data Review ➤ Felony Time Standards Workgroup	Ms. Marretta Mathes Hon. Pam Gates
12:20 – 12:25	➤ Publication of Time Stds Reports	Hon. James Beene, Chair
12:20 – 12:25	➤ 2022 Meetings <ul style="list-style-type: none"> <li>• March 2, 2022</li> <li>• June 1, 2022</li> <li>• September 7, 2022</li> <li>• December 7, 2022</li> </ul>	Hon. James Beene, Chair

## Call to Public

12:25 – 12:30		Hon. James Beene, Chair
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## Adjourn

12:30	➤ Adjournment	Hon. James Beene, Chair
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*All times are approximate. The Chair reserves the right to set the order of the agenda. For any item on the agenda, the Committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration §1-202. Please contact Marretta Mathes at (602) 452-3966 with any questions concerning this agenda. Persons with a disability may request a reasonable accommodation by contacting Marretta Mathes at (602) 452-3966. Requests should be made as early as possible to allow time to arrange for the accommodation.*

# STEERING COMMITTEE ON DATA-BASED COURT PERFORMANCE AND DATA STANDARDS

July 7, 2021

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

Virtual Meeting

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**Present:** Hon. James Beene, Ms. Shelly Bacon, Hon. Thomas Chotena, Ms. Jennifer Curtiss, Nancy Fraire (for Mr. Eric Silverberg), Hon. Pamela Frasher-Gates, Ms. Shawn Friend, Hon. Ken Lee, Ms. Donna McQuality, Hon. Michael Peterson, Mr. Marcus Reinkensmeyer, Ms. Nancy Rodriguez (for Mr. Rich McHattie), Hon. Keith Russell, and Hon. Don Taylor

**Absent/Excused:** Hon. Jill Davis, Ms. Charisse Richards

**Presenters/Guests:** Mr. Terrance Cheung

**Administrative Office of the Courts (AOC):** Ms. Catherine Clarich, Ms. Summer Dalton, Ms. Marretta Mathes, Mr. Patrick McGrath, Ms. Marisa Shaffery, Mr. Craig Washburn

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## I. CALL TO ORDER

### A. Welcome and Opening Remarks

The July 7, 2021 meeting of the Steering Committee on Data-Based Court Performance and Data Standards was called to order by the Chair, Honorable James Beene, at 8:59 a.m. The Chair asked for member roll call.

### B. Approval of the March 24, 2021 Minutes

The draft minutes from the March 24, 2021 meeting of the Steering Committee on Data-Based Court Performance and Data Standards were presented for approval. The Chair called for any omissions or corrections to the minutes. The minutes should reflect that Judge Thomas Chotena was present.

A motion was made by Judge Don Taylor and seconded by Judge Keith Russell to approve the minutes as amended. The motion passed unanimously.

## II. REGULAR BUSINESS

### A. Review Committee Task and Charge

Justice Beene reviewed the committee's task and charge of:

1. Identifying court data that is needed to make data-based decisions related to case processing, court policy and management decisions, allocation of court resources, and data exchanges with other government entities.
2. Making recommendations regarding what data elements need to be collected in each case type, data governance, and other steps needed to improving data quality.
3. Reviewing time standards data on an annual basis.

The first two parts of the charge are fulfilled by the NODS review and determining which data elements should be collected in Arizona courts. Administrative Order 2020-200 was issued to create a process for governing and maintaining a set of branch wide codes and data standards, which was the rationale for creating the Data Standardization Workgroup. We are in the process of ensuring that all courts that do not use the statewide case management system will be represented on this workgroup.

As the committee works through the NODS, standardization discussions should be left for the workgroup. The decision as to whether an element should be approved should not hinge on the values listed on the NODS spreadsheet, because these values will change when the element goes to the Data Standardization Workgroup.

The focus of this committee should be on whether an element should be collected because it adds value to the ability for courts to make data-based decisions or exchanges with other governmental agencies. Members can assume that any elements requiring standardization of values will be referred to the Data Standardization Workgroup.

## **B. Data Standards Workgroup Update**

Mr. Marcus Reinkensmeyer provides an update on the Data Standardization Workgroup. The GJ Code Standardization Workgroup was dissolved upon the formation of the Data Standardization Workgroup, as this was an opportunity to look at the process and restructure.

The workgroup has had 3 meetings with very good attendance. The workgroup has standing monthly meetings. The focus is on elements where we need to do data exchange. There are housekeeping items as well, for example, Prop 207 items. However, this committee will make final policy decisions.

The workgroup has spent a lot of time on the case numbering schema. The workgroup has also discussed values for address types, address status, alias values, and country codes. The workgroup is still doing some work on case categories. It is important to standardize so that the data will be useful. By the next committee meeting, the workgroup will likely have a detailed recommendation for this committee to review.

### C. Code Standards Request

Mr. Pat McGrath presented on event codes that are being requested for use. 11 items are being presented for approval. Some were already put into AJACS out of necessity for Prop 207. The following are the codes for which this committee's approval is sought:

- **(1) Response to Petition Expunge Records & (2) Reply to Response to Petition Expunge Records.** Any discussion? Ms. Donna McQuality expresses concern about these codes not being in typical format, with event category listed first. Judge Taylor asks what we are approving. We are standardizing the action. If non-AJACS courts have a different way of recording, that is okay, but it needs to come to AOC in the approved format. Judge Taylor indicates that if we are going to require collection of specific events, that is a big policy decision.

Counting the petition is the most important piece. The other elements might be important if there is an integration project. Motion to approve by Mr. Reinkensmeyer, second by Judge Russell. Motion passed unanimously.

- **(3) Request Court Reporter.** Motion to approve by Ms. McQuality, second by Judge Ken Lee. Motion passed unanimously.
- **(4) Notice of Intent to Retain Jurisdiction.** Motion to approve by Judge Taylor, second by Judge Michael Peterson. Motion passed unanimously.
- **(5) Application for Restoration of Right to Possess Animals & (6) Application to Possess Animals – Good Cause Exception.** Motion to approve by Ms. Jennifer Curtiss, second by Judge Lee. Motion passed unanimously.
- **(7) Application: Certificate of Second Chance & Certificate of Second Chance.** Motion to approve by Judge Russell, second by Ms. Shelly Bacon. Motion passed unanimously.
- **(8) Notice: of Application for Interstate Transfer & (9) Reply: to Application for Interstate Transfer.** Motion to approve by Mr. Reinkensmeyer, second by Judge Russell. Motion passed unanimously.
- **(10) Minute Entry: Expungement Hearing.** Motion to approve by Judge Taylor, second by Judge Russell. Motion passed unanimously.
- **(11) Appearance Reason: Expungement.** Motion to approve by Ms. McQuality, second by Judge Peterson. Motion passed unanimously.

### D. NODS Elements Review

At the last meeting, there were a list of elements that were not approved because this committee voted to send them to the Data Standardization Workgroup. Justice Beene asks whether we can move forward with approving these elements, given that the values will be standardized by the workgroup. Mr. Reinkensmeyer reminds members that local courts can continue to use their codes and use translation tables. If there are reporting requirements, translation would be done locally. AOC would give plenty of time for changes.

A motion was made by Judge Taylor and seconded by Judge Russell to mandate collection of the following **Case** elements:

5. Civil Case Type (Civil)
6. Probate Case Type (Probate)
7. Dependency Case Type (Dependency)
9. Family Case Type (Family)
10. Traffic Case Type (Traffic)
11. Associated Legal Issue (Family)
13. Specialty Court Assignment, previously Calendar Assignment (Civil, Dependency, Juvenile, Criminal)
14. Procedural Track (Civil)
17. Case Disposition Category (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
18. Case Disposition Detail (Civil, Family, Probate, Criminal, Traffic)
19. Case Manner of Disposition (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
29. Case Closure Reason (Probate)

The motion passed unanimously.

A motion was made by Judge Peterson and seconded by Judge Russell to approve the following **Case** elements:

30. ICWA Case Flag (Family, Dependency, Juvenile)
32. Fee Waiver Date (Civil, Family, Probate)
33. Minors Involved Flag (Family)
34. Interstate Flag (Family, Dependency)
35. International Flag (Family, Dependency)

The motion passed unanimously.

A motion was made by Mr. Reinkensmeyer and seconded by Ms. Curtiss to approve the following **Case** elements:

36. Finding of Domestic Violence Flag (Family)
37. Dependency Court Judgment Flag (Family, Probate)
38. Initiating Instrument Flag (Juvenile, Criminal, Traffic)
39. Detention Flag (Juvenile)
40. Law Enforcement Agency (Criminal, Traffic)

The motion passed unanimously.

A motion was made by Judge Peterson and seconded by Judge Lee to approve the following **Case** elements:

41. Law Enforcement Arrest Tracking Numbers (Criminal, Traffic)
42. Law Enforcement Incident Tracking Number (Criminal, Traffic)

The motion passed unanimously.

A motion was made by Judge Russell and seconded by Ms. Curtiss to approve the following **Participant** elements:

1. Party Name (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
2. Party Opt-in to Text Notifications (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
3. Type of Electronic Service (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
4. Alias (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
5. Date of Birth (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)

The motion passed unanimously.

A motion was made by Judge Taylor and seconded by Mr. Reinkensmeyer to approve the following **Participant** elements:

6. Race (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
7. Ethnicity (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
8. Gender (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
9. Special Needs/ADA Flag (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
10. Zip Code (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)

The motion passed unanimously.

Discussion was held regarding the feasibility of collecting Participant data element #11 "Identifier." Members agreed that this element should be pulled out for further study on how it could be collected consistently across the state. A motion was made by Judge Taylor and seconded by Judge Lee to approve the following **Participant** elements:

12. ICWA Child Flag (Dependency, Juvenile)
13. Relationship to Action – Probate, Family, Dependency (Probate, Family, Dependency)
14. Relationship to Action – Civil (Civil)
15. Date of Death (Probate)

The motion passed unanimously.

A motion was made by Judge Lee and seconded by Judge Peterson to approve the following **Participant** elements:

16. Driver License/State ID Number (Criminal, Traffic)
17. Driver License/ID State (Juvenile, Criminal, Traffic)
18. FBI Number (Juvenile, Criminal, Traffic)
19. Biometrically Linked Number (Criminal, Traffic)
20. Driver License Country (Juvenile, Criminal, Traffic)

The motion passed unanimously.

A motion was made by Judge Chotena and seconded by Judge Lee to approve the following **Participant** elements:

21. Country (Traffic)
22. Endorsement Code (Traffic)
23. License Class Code (Traffic)
24. License Restriction Code (Traffic)

The motion passed unanimously.

A motion was made by Mr. Reinkensmeyer and seconded by Judge Chotena to approve the following **Participant** elements:

25. Parenthood Status (Juvenile)
26. Legally Emancipated (Dependency, Juvenile)
27. Dually Adjudicated Flag (Dependency, Juvenile)

The motion passed unanimously.

A motion was made by Ms. Curtiss and seconded by Judge Russell to approve the following **Attorney/Advocate** elements:

1. Attorney/Advocate Name (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
2. Firm Name (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
3. Attorney/Advocate Address (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
4. Attorney/Advocate ID Number (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
5. Attorney Advocate Email Address (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)

The motion passed unanimously.

A motion was made by Judge Peterson and seconded by Mr. Reinkensmeyer to approve the following **Attorney/Advocate** elements:

6. Attorney/Advocate Phone Number (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
7. Pro Hac Vice (Civil, Family, Probate Juvenile)
8. State of Admission (Civil, Probate)
9. Attorney/Advocate Entry Date (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
10. Attorney/Advocate End Date (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)

The motion passed unanimously.

A motion was made by Judge Russell and seconded by Judge Taylor to approve the following **Attorney/Advocate** elements:

11. Limited Scope (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
12. Associated Party/Participant (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
13. Attorney Waiver (Dependency, Juvenile, Criminal)
14. Attorney Type (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
15. Advocate Type (Family, Probate, Dependency, Juvenile, Criminal)

The motion passed unanimously.

A motion was made by Mr. Reinkensmeyer and seconded by Judge Lee to approve the following **Status** elements:

1. Case Status Date (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
2. Case Status (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
3. Reason Placed on Inactive (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)

The motion passed unanimously.

A motion was made by Judge Taylor and seconded by Mr. Reinkensmeyer to approve the following **Pleadings** elements:

1. Pleading Date (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)

2. Filing Party (Civil, Probate)
3. Complaint (Civil)
4. Answer (Civil, Family, Probate, Dependency)
5. Cross-Claim (Civil)

The motion passed unanimously.

A motion was made by Judge Russell and seconded by Judge Lee to approve the following **Pleadings** elements:

6. Counterclaim (Civil)
7. 3<sup>rd</sup> Party Claim (Civil)
8. Answer to Cross-Claim (Civil)
9. Answer to Counterclaim (Civil)
10. Answer to 3<sup>rd</sup> Party Claim (Civil)

The motion passed unanimously.

A motion was made by Judge Taylor and seconded by Judge Russell to approve the following **Pleadings** elements:

11. Intervenor Claim (Civil, Dependency)
12. Answer to Intervenor Claim (Civil)
13. Amended (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
14. Amount in Controversy (Civil)
15. Initial Probate Pleading Type (Probate)
16. Subsequent Probate Pleading Type (Probate)
17. Fee Waiver Date (Civil, Family, Probate)

The motion passed unanimously.

A motion was made by Mr. Reinkensmeyer and seconded by Ms. Curtiss to approve the following **Motions Filings** elements:

1. Date Filed (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
2. Filing Party (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
3. Motion/Filing Type (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
4. Pleading/Motion Outcome (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)
5. Agreed/Stipulated (Civil, Family, Probate, Dependency, Juvenile, Criminal, Traffic)

The motion passed unanimously.

**E. September 2021 Meeting**

Discussion was held regarding whether meeting should continue virtually, move to in person, or be a hybrid. Members indicated that a hybrid approach is favored.

**III. CALL TO PUBLIC**

The Chair made a call to the public. There was none.

**IV. ADJOURNMENT**

The meeting was adjourned at 10:59 a.m.

**V. NEXT COMMITTEE MEETING DATE**

September 22, 2021  
9:00 a.m. to 12:30 p.m.  
State Courts Building / Teams

DRAFT

REQUESTED BY	REQUEST DATE	COURT SPECIF	COMMENTS	REQUEST DESCRIPTION	AUTHORITY	Code
<b>AJACS Session Type Description</b>						
Glendale MC	9/1/2021	MC	To establish a new calendar session type in AJACS to schedule Veterans Court hearings.	SESSION TYPE: VETERANS COURT	No formal authority. For AJACS operation only	VETCOURT
<b>AJACS Appearance Reason Description</b>						
Glendale MC	9/1/2021	MC	To allow courts to schedule hearings specifically for Veterans Court for tracking volume.	APPEARANCE REASON: VETERANS COURT	No formal authority. For AJACS operation only	VETCRT

## FELONY WORKGROUP

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### **Recommendation:**

The workgroup recommends adjusting the earliest time standard to account for the many factors outside of the court's control in early management of felony cases. The primary factors out of the court's control that dictate early resolution are: 1) disclosure of relevant evidence including body cam footage and lab results; and 2) the decision by the prosecuting agency to extend a plea offer.

In recommending a change the felony time standards, the workgroup sought to establish standards that continued to be aspiration but achievable. The workgroup recommends the following standards be approved:

65% of all felony cases terminated within 120 days

85% of all felony cases terminated within 270 days

95% of all felony cases terminated within 365 days.

### **Best Practices:**

The workgroup recognized and discussed at length the procedures used in different counties to actively manage felony cases. Yavapai County is the only court to achieve the 65% standard within 90 days during fiscal year 2021. Yavapai identifies its early disposition court as an important tool in early case management. Other courts, including Santa Cruz, Pima, and Maricopa operate early disposition court. The group also discussed challenges with early disposition courts, including the importance of sufficient disclosure prior to requesting defendants consider plea agreements and providing an opportunity for criminal defense lawyers to meaningfully advise their clients regarding the advantages and disadvantages of entering a plea agreement.

The work group also discussed meeting with stakeholders to ensure efficiencies in case processing, including working with prosecutors, defense lawyers, and law enforcement agencies to address techniques for minimizing delay.

In addition, the group discussed the importance of meaningful court hearings to verify disclosure is occurring early in the case and that plea offers, when appropriate, have been extended for the defendant's evaluation.

The work group also discussed the importance of maintaining data integrity to analyze case management and reviewing case types including the charges of cases not complying with case processing standards to assess whether targeted interventions could improve time to disposition.

Members of the workgroup discussed the benefits and the importance of firm trial dates and active judicial management of cases rather than deferring to the parties' agreements to repeatedly continue the trial date.

The workgroup members also noted that courts with earlier times to disposition typically utilize a case transfer system to allow a trial ready case to proceed to trial with a different judicial officer rather than wait for the case management judge's calendar to clear sufficiently to schedule the trial.

## FELONY WORKGROUP

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### **Differences in Case Processing:**

During the initial meeting between members of the workgroup, members addressed the varying policies and practices of prosecutors and courts in extending plea offers and proceeding to sentencing. For example, in some courts, the defendant will present mitigation attempting to persuade the prosecutor to offer a more lenient plea. Defendants may participate in substance abuse treatment during the plea negotiation period to support their potential for rehabilitation. Many judges believe waiting for completion of the treatment program allows the defendant to gain tools for future success and holding the case open during the time of treatment is in the interests of justice. In other counties, a plea offer would be extended prior to a defendant entering a treatment program and the court would defer sentencing.

### **Factors Outside Court Control Include:**

- Disclosure
- Resolution is dependent upon the prosecutor extending a plea offer and the practices of county attorneys in extending plea offers
- New charges delaying resolution
- Delays created by disclosure, including body cam and lab results
- Plea negotiations to delay plea offers to encourage treatment
- Turn-over in public agencies delaying case management
- Although minimal in impact, workgroup members also mentioned delays due to lesser used languages and the movement of in-custody defendants.