

*2005 Report  
of the  
Arizona  
Judiciary*



## Message from Chief Justice Ruth V. McGregor

On behalf of the Arizona Judicial Branch, it is my pleasure to present our 2005 Annual Report. This online document presents an overview of the accomplishments of our court system. The progress made by the court system and its components can be attributed to the hard work and professional commitment of the many court officers, employees, and citizen volunteers statewide.

During the past decade, we have accomplished much through our sustained efforts. We have applied technology to become more efficient. We have established specialty courts to address critical quality of life issues such as drugs, mental health, and domestic violence. By streamlining the criminal justice system, we have hastened the delivery of justice to defendants and victims of crime throughout the state. Arizona's innovative jury practices serve as a model for courts across the nation. Our statewide efforts also have assisted children and families. In recent years, we adopted the model court program, which assures more rapid permanent placement of dependent children. We completed long overdue upgrades of our juvenile detention facilities, and currently we are reengineering our family courts to make them easier for everyone to use.

These few examples illustrate how proactive and innovative programs can improve our justice system, and I am sincerely proud of our system's tradition of seeking improvement. Over many years and through the dedication and efforts of many, Arizona has developed a very good court system, one of which we should all be proud. But together, we can make it even better. Through teamwork and continued commitment to make our system work for those who depend upon the courts, we can make our system truly great.

The priorities outlined in our Strategic Agenda, which features the theme, "Good to Great," reflect our commitment to making Arizona's justice system the best system possible. We can achieve this goal, however, only through work and leadership on every level and participation from communities and citizens throughout Arizona.

The Five Goals of the "Good to Great" Strategic Agenda include:

**Goal 1: Providing Access to Swift, Fair Justice**

**Goal 2: Protecting Children, Families, and Communities**

**Goal 3: Being Accountable**

**Goal 4: Improving Communication and Cooperation with the Community, with Other Branches of Government, and Within the Judicial Branch**

**Goal 5: Serving the Public by Improving the Legal Profession**

Our court has sought advice from and will continue to call upon citizens in every part of our state to take an active role in improving our justice system. Many have already answered our call for assistance by offering feedback and suggestions as we developed the Strategic Agenda. I am grateful for your efforts and ask that you continue to offer input and support as we implement the Agenda.

I look forward to working with our many partners in improving the delivery of justice, including the Arizona Judicial Council, the Executive and Legislative Branches of government, the State Bar of Arizona, and individual citizens of Arizona. Together, we will take our system of justice from very good to truly great.

Ruth V. McGregor  
Chief Justice

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## Meet Your Arizona Supreme Court

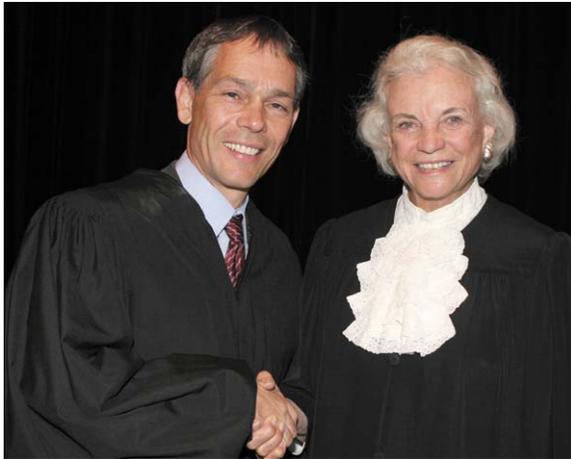
### CHANGES AT THE TOP

Friday, June 10, 2005 was a historic day for Arizona. On that date, Ruth V. McGregor became only the second female Chief Justice of the Arizona Supreme Court and Rebecca White Berch became the Supreme Court's Vice Chief Justice. This transition took place due to then Chief Justice Charles E. Jones's retirement. Chief Jones turned 70 and, by law, must retire from the Supreme Court bench.

### A NEW COURT MEMBER

On June 14, 2005, Governor Napolitano appointed Scott Bales to the Arizona Supreme Court.

During a formal Court ceremony on September 16, 2005 Justice Bales was sworn in as a member of the Court by United States Supreme Court Associate Justice Sandra Day O'Connor.



*Justice Bales shakes hands with United States Supreme Court Associate Justice Sandra Day O'Connor. Photo courtesy of Stanton Photography.*

### HON. RUTH V. MCGREGOR CHIEF JUSTICE

Ruth V. McGregor grew up in rural Iowa. Her formal education began in a one room schoolhouse. She

later attended the University of Iowa, where she earned bachelor's and master's degrees. McGregor was first in her class in the College of Liberal Arts as an undergraduate and earned numerous honors, including Phi Beta Kappa.

Prior to attending law school, McGregor taught high school speech and English, first in Phoenix, Arizona, and then in Selma, Alabama. During her time in Selma, the school system was undergoing the transition from a segregated to an integrated system.



After returning to Arizona, Justice McGregor entered law school at Arizona State University, where she would later graduate first in her class. While at Arizona State, she served on the Editorial Board of the Arizona State University

Law Journal. The Law Faculty named her as their Outstanding Law Graduate in 1974. In 1998, the same year she was appointed to the Arizona Supreme Court, she earned a Master of Laws in the Judicial Process from the University of Virginia.

After law school, McGregor practiced law for fifteen years with the Phoenix law firm of Fennemore Craig, specializing in employment law. She was the firm's first female hiring partner and the first woman to serve on the management committee. In 1981, she temporarily left Phoenix to serve as a law clerk for Associate Justice Sandra Day O'Connor during her first term on the United States Supreme Court.

Justice McGregor is a product of Arizona's merit selection process of judicial selection, and she was appointed by

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members of both political parties to the bench. In 1989, Governor Rose Mofford, a Democrat, appointed her to the Arizona Court of Appeals. She served as the Chief Judge of Division One from 1995 to 1997.

In her years on the Court of Appeals, Justice McGregor recognized the importance of administering the court's caseload to assure justice. She developed one of the nation's first mediation programs for appellate courts and reinvigorated the court's expedited appeal procedure. In addition, she worked with the entire court to eliminate a substantial back-log of cases.

In 1998, Governor Jane Dee Hull, a Republican, appointed McGregor to Arizona's highest state court. At that time, no woman had served on the court in over two decades. In June 2005, Justice McGregor became Chief Justice of the Arizona Supreme Court after serving three years as Vice Chief Justice. Justice McGregor is the second woman to serve as Chief Justice in Arizona's history; Lorna Lockwood, who served as Arizona's Chief Justice in 1965, was the first woman to serve as Chief Justice of a state supreme court.

During Justice McGregor's sixteen years in the judicial branch, she has been active in a number of different governance areas. She has been active in legal and judicial education and serves on the Board of Visitors for both of Arizona's state law schools. She not only frequently visits the law schools, where she speaks with students on substantive and practical issues, but also travels to many law schools to judge moot court competitions. On a national level, she is currently serving as Vice-Chair of the Council of the American Bar Association's (ABA) Section of Legal Education and Admissions to the Bar. She has been a participating member of the ABA's Central European and Eurasian Law Initiative since 1991, including two tours in Lithuania to assist the Lithuanian parliament in drafting a constitution and restructuring

the judicial system. In 1995, she helped train members of Constitutional Court of the Federation of Bosnia - Herzegovina.

Justice McGregor has also been a frequent participant in and lecturer for the "We the People" program and summer institute for teachers sponsored by the Arizona Foundation for Legal Services & Education. As Vice Chief Justice, she helped reform new judge education for limited jurisdiction judges. She also supports educational efforts designed to maintain the integrity of the courts through her activities with the American Judicature Society and the National Conference of Chief Justices.

Throughout her legal career, Justice McGregor has taken an active role in professional organizations, including those dedicated to furthering the position of women. Locally, she is a past President and former board member of the Arizona Judges Association, and she is a Founding Fellow of the Arizona Foundation for Legal Services & Education. She is also a long time member of the Arizona Women Lawyers Association.

Justice McGregor's national efforts include service as a board member and officer of the National Association of Women Judges. She recently co-chaired a committee that developed an educational program titled "Genome Justice," which explored the issues raised by the advances in genetic knowledge, particularly those that affect vulnerable populations.

Attorney ethics and discipline have always been important to Justice McGregor. While a practicing attorney, she was a member of the Arizona Supreme Court's Disciplinary Commission. As a Court of Appeals judge, she was a member of the Judicial Conduct Commission. She lectures frequently about ethical responsibilities to the public, legal, and judicial communities.

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During her years on the Arizona Supreme Court, Justice McGregor has worked with the other members of the Court and judicial system to establish specialty courts that address critical quality of life issues such as drugs, mental health, and domestic violence. Together, the judicial branch has streamlined the criminal justice system and hastened the delivery of justice to defendants and victims of crime statewide. The Court also worked with other members of the judicial system to establish Arizona's innovative jury practices which now serve as a nationwide model.

Justice McGregor has taken a vital interest in the court system's technological needs and has been a long time member of the Commission on Technology, which sets technology policy within the Arizona court system. She chaired that Commission for the past six years. During her time as Chair, the Commission completed a statewide data network that allows the court system access to a statewide data warehouse. The warehouse includes a repository for orders of protection. The Commission also expanded the tax intercept program, established cooperative programs with other justice agencies, and vastly improved collections of court fees, fines, and restitution payments.

In 2005, the American Judicature Society (AJS) gave Chief Justice McGregor their prestigious "Dwight D. Opperman" Award. The



Chief Justice McGregor receives the Dwight D. Opperman Award from Shirley Abrahamson, Chief Justice of the state of Wisconsin. Photo courtesy of the American Judicature Society.

AJS presents the Opperman Award annually to a state court judge to recognize a career of distinguished judicial service.

### HON. REBECCA WHITE BERCH VICE CHIEF JUSTICE

Rebecca White Berch was appointed to the Arizona Supreme Court in March, 2002. Before her appointment to the Supreme



Court, she served the State of Arizona in several capacities, as Solicitor General of the State of Arizona, as Special Counsel to the Attorney General, as First Assistant Attorney General, and as a Court of Appeals Judge.

Following graduation from law school in 1979, Justice Berch practiced law in Phoenix. In 1986, she joined the faculty at Arizona State University College of Law as the Director of the Legal Writing Program, a position she held until 1995. During her years at the law school, Justice Berch earned a masters degree in English and authored several law review articles and magazine articles on legal writing, two books, and two chapters for books. The textbook she co-authored, "Introduction to Legal Method And Process," is in its fourth edition and is used in law schools throughout the nation.

An active participant in the legal and social communities of the State of Arizona, Justice Berch has served as a judge pro tempore of the Arizona Court of Appeals and the Superior Court in Maricopa County, as chair of the Commission on Technology, and as a member of the Supreme Court's Committee on Examinations, the Commission on Judicial

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Conduct, and the Judicial Ethics Advisory Committee. She is also a member of Valley Leadership and has served on the Board of the Homeless Legal Assistance Project, among other boards and committee memberships. Justice Berch has remained active in legal education, having served as Dean of the Arizona Judicial College and as a member of the Committee on Judicial Education and Training. She maintains several other legal and community involvements and continues to be a frequent speaker at seminars on legal topics.

**HON. MICHAEL D. RYAN**  
**JUSTICE**

**M**ichael D. Ryan was appointed to the Arizona Supreme Court in May 2002. Before his appointment to the Supreme Court,



Justice Ryan served on the Arizona Court of Appeals, Division One for more than five years, having been appointed to that position in September 1996. Before his appointment to the court of appeals, Justice Ryan served as a Judge of the Arizona Superior Court for more than ten years. Before his service as a judge, Justice Ryan was a deputy county attorney with the Maricopa County Attorney's Office for eight years. In that office he was assigned to the Major Felony Bureau and later, he was selected as one of four trial group managers for the office and also served as co-coordinator of the sex crimes unit.

Justice Ryan received his B.A. degree from St. John's University in Collegeville, Minnesota in 1967. After college he served in the United States Marine Corps as an infantry platoon

commander from 1967 - 1969. He received a medical retirement because of wounds received in combat in Vietnam, and was awarded two Purple Hearts, and Bronze Star with a Combat A "V" for heroism in combat.

He received his Juris Doctorate degree from Arizona State University Law School in 1977. Among the committees Justice Ryan serves or has served on include the following. He served as a member of the Board of Directors of the Maricopa County Bar Association from 1997 to 2002, and also served as a member of the board from 1987 to 1991. Since 1998, Justice Ryan has been a member of the Maricopa County Bar Association's Task Force on the Recruitment and Retention of Women and Minority Lawyers. Justice Ryan also serves on the State Bar Task Force on Persons with Disabilities in the Legal Profession. He also has volunteered as a judge for the Arizona High School Mock Trial Program sponsored by the Arizona Foundation for Legal Services and Education for more than fifteen years.

From 1974 through the present, Justice Ryan's wife and he have cared for more than 80 high risk infants prior to their placement for adoption or return to their birth parent or parents. In 2001, Justice Ryan received the Honorable Henry S. Stevens Judge of the Year Award from the Maricopa County Bar Association and the Judicial Award of Excellence from the Public Lawyers Section of the Arizona State Bar. Also in 2001, he received the Semper Fi award from the Phoenix Chapter of the First Marine Division Association. In 2002, Justice Ryan received the Committee on Minorities and Women in the Law Award from the State Bars Committee on Minorities and Women in the Law. In 2003, he received the Arizona State University's College of Law's Outstanding Alumnus award and the College of Law's Distinguished Achievement Award. In 2005, Justice Ryan received the State Bar of Arizona's James A. Walsh Outstanding Jurist Award.

**HON. ANDREW D. HURWITZ**  
**JUSTICE**

Andrew D. Hurwitz was appointed to the Arizona Supreme Court by Governor Napolitano in 2003.

Justice Hurwitz received his undergraduate degree from Princeton University (A.B. 1968) and his law degree from Yale Law School (J.D.



1972), where he was Note and Comment Editor of the *Yale Law Journal*. He served as a law clerk to Judge Jon O. Newman of the United States District Court for the District of Connecticut in 1972; to Judge J. Joseph Smith of the United States Court

of Appeals for the Second Circuit in 1972-73; and to Associate Justice Potter Stewart of the Supreme Court in the United States in 1973-74.

Before joining the Supreme Court, Justice Hurwitz was a partner in the Phoenix firm of Osborn Maledon, where his practice focused on appellate and constitutional litigation, administrative law, and civil litigation. He is admitted to the bar in Arizona and Connecticut; he received the highest grade on the Arizona Bar examination in the summer of 1974. He has argued two cases before the Supreme Court of the United States, including *Ring v. Arizona*, 536 U.S. 584 (2002), which held the then-existing statutory scheme for imposition of the death penalty in Arizona unconstitutional.

Justice Hurwitz served as Chief of Staff to Governor Bruce Babbitt from 1980 to 1983, and Chief of Staff to Governor Rose Mofford in 1988. He was a member of the Arizona Board of Regents from 1988 through 1996, and served as President of the Board in 1992-93. He also served as the co-chairman of Governor Napolitano's transition team in 2002.

Justice Hurwitz is a member of the American Law Institute and a master of the Horace Rumple Inn of Court. He has regularly taught at the Arizona State University College of Law, and was in residence at the College of Law as Visiting Professor of Law in 1994-95 and as a Distinguished Visitor from Practice in 2001. Justice Hurwitz delivered the Willard H. Pedrick lecture at the College of Law in 1999. He was appointed by Chief Justice Rehnquist in 2004 as a member of the Advisory Committee on the Federal Rules of Evidence.

**HON. SCOTT BALES**  
**JUSTICE**

Scott Bales joined the Arizona Supreme Court in 2005. Before his appointment, he had practiced law in Arizona since 1985 as



both a private and public lawyer. He was a partner at Lewis and Roca LLP and served as Arizona's Solicitor General from 1999-2001. As Solicitor General, he handled major appeals in state and federal court, oversaw the enforcement of Arizona

election laws, and supervised the preparation of legal opinions on issues concerning state government.

Justice Bales also was a federal prosecutor in the United States Attorney's Office in Phoenix, a Deputy Assistant Attorney General for the U.S. Department of Justice's Office of Policy Development and a Special Investigative Counsel for the Justice Department's Inspector General. He clerked for Justice Sandra Day O'Connor on the U.S. Supreme Court after receiving his law degree and a master's in economics from Harvard University. Justice Bales has taught several courses as an adjunct professor at the law schools at the University of Arizona and Arizona State University.



## Providing Access to Swift, Fair Justice

*The most fundamental aspect of our judicial system is that it be swift and fair. All citizens coming before the courts are entitled to equal justice, regardless of race, ethnicity, gender, age or economic circumstance. Furthermore, courts must provide meaningful access to all, ensuring that no litigant is denied justice due to the lack of counsel or the inability to understand legal proceedings.*

### CASE MANAGEMENT SYSTEMS REPLACEMENT

New case management system (CMS) development projects currently underway address replacement of a core system, AZTEC, as it approaches the end of its automation life cycle. The guiding principles for new CMS projects include updating outdated technologies and gaining business process efficiencies.

The existing case management system is AZTEC, implemented in 13 of the 15 general jurisdiction courts and over 130 limited jurisdiction courts. It is a generalized system that provides functionality for both limited and general jurisdiction courts. However, differences in processing cases and workload volume create a need for separate limited and general jurisdiction systems.

The Commission on Technology (COT), which guides technology policy for the Arizona court system, considered several options for replacing AZTEC and decided to expand development of the Pima County Superior Court's plans to build a case calendaring system using the ".NET" architecture. This will provide a potential solution for general jurisdiction courts statewide.

Tempe Municipal Court is developing a limited jurisdiction case management system for its use that could provide the solution for limited jurisdiction courts statewide. In 2007, the COT will evaluate Tempe's system to determine its feasibility for replacing AZTEC in the limited jurisdiction courts. The Tempe project will coordinate closely with the Pima County project to replace AZTEC on the general jurisdiction level.

Leveraging the public investment is fundamental to the judiciary's approach to automation. Courts are coordinating with each other to share developments and increase efficiency.

### DUI CASE PROCESSING COMMITTEE

In June 2005, Chief Justice Ruth V. McGregor established the DUI Case Processing Committee, and tasked the committee with examining DUI cases from the time of the commission of the offense through the imposition of sanctions, with particular emphasis on the processing of cases once they reach the court. Limited jurisdiction court judges, court administrators and Administrative Office of the Courts staff comprised the committee.

Judges, court staff, defense attorneys, prosecutors, law enforcement, treatment providers, and individuals from other agencies and organizations provided the committee with unique knowledge and insight into all aspects of a DUI case. This information, combined with national and local DUI statistics and case processing standards, provided the basis for 30 recommendations detailed in the final report.

The committee suggested specific improvements to the system and the final report was submitted to Chief Justice McGregor in November 2005. She announced that courts will process cases faster, identify effective treatment methods and increase efforts to work together with other justice agencies. The Chief Justice also announced that pilot courts would experiment with the committee's recommendations to determine which ones work and have positive impact on DUI case processing.

## **IMPROVING THE PROGRAM FARELY**

**T**he Fines/Fees and Restitution Enforcement (FARE) Program is a statewide initiative of the judicial branch with goals of compliance with and respect for court orders and the law. In 2005, the program enhanced customer service, increased revenues, consistency and uniformity in case processing, and efficiencies in the order enforcement and collections processes. The program is a public/private partnership involving the courts, the Motor Vehicle Division of ADOT, the Department of Revenue, and Affiliated Computer Services State and Local Solutions, Inc (ACS-S&L), a private vendor.

To date, program collection efforts have concentrated on ease of access to pay court orders, fines and assessments of delinquent cases. Since program inception, 48 courts have collected more than \$23.6 million dollars on delinquent cases. Six additional courts are scheduled to implement the program.

Bilingual Web-based and telephone credit card payment began in 2004, collecting more than \$1.6 million. Approximately 19 percent of these payments are from out-of-state or country defendants.

In August 2004, the Traffic Ticket Enforcement Assistance Program (TTEAP) became available. TTEAP allows the Motor Vehicle Division, on instruction from the court, to place a hold on a vehicle registration renewal when a person owes more than \$200 in outstanding court obligations for civil or criminal traffic violations, or for failure to appear on a criminal traffic violation. TTEAP is utilized only after a defendant has received several notices and has had opportunity to comply with the court order. This means defendants can pay in full or go to court and request time to pay and an installment

plan to accommodate their particular situation. There have been more than 155,000 registration holds placed and 26,000 holds released due to payment.

The Debt Set-off Program (state tax refund and lottery intercepts) achieved a new high with more than \$5.5 million collected in calendar year 2005 — \$800,000 more than 2004. The increase occurred in part because the FARE program eliminated manual entry of claims and, instead, pulled information from the FARE database.

The City of Phoenix Municipal Court implemented the full FARE model in July 2005. This model provides a full range of collection and order enforcement services to the court including a pre-disposition reminder notice, two delinquency notices, Web and Interactive Voice Recognition (IVR) systems, skip tracing, referral to TTEAP and the Tax Intercept Program, and credit bureau reporting.

Local court retain responsibility for “front end” and “back end” case processing while ACS-S&L performs the “middle” (order enforcement and collection activities).

## **VICTIMS' INITIATIVE**

**C**hief Justice Ruth V. McGregor announced she will establish the Commission on Victims in the Courts. The commission, chaired by Maricopa County Superior Court Judge Ron Reinstein, will make recommendations to the Arizona Judicial Council regarding training and education of judges and court personnel regarding victims' rights, methods of improving collection of restitution owed to victims and other matters meant to preserve the constitutional rights afforded to victims of crime.

## E-COURTS — WAY OF THE FUTURE

In the five-plus years since Supreme Court Rule 124 authorized pilot implementations of electronic filing in Arizona, the courts have worked hard to digitize information and maximize opportunities to better utilize that digital information. The Commission on Technology (COT), which guides technology policy for the Arizona Court System, proposed that courts work together to use what exists today in an evolutionary approach having three parallel phases:

- Court-to-court filing, leveraging the electronic appeal process;
- Leverage justice community information using a clearinghouse for case-related data; and
- Form-based attorney/public e-filing using standardized, interactive, statewide forms as the foundation.

At its June 2, 2005 meeting, COT created an E-court subcommittee. The subcommittee will oversee the business decisions, change process, and plans that enable modifications in the three aforementioned phases, while keeping COT informed of its approach and progress.

The subcommittee, chaired by Justice Andrew Hurwitz, includes representatives from all levels of state courts in Arizona, as well as the State Bar. The subcommittee developed a set of principles to arrange the various aspects of potential projects and evaluate the effectiveness of solutions. The list may be supplemented over time but not reduced.

Guiding principles include:

- Users should encounter a common look and feel no matter the jurisdiction;
- Courts are too resource-constrained to provide technical support themselves for filing attorneys and the public;
- Only one E-filing interface should exist per case management system;

- Data must be exchanged bi-directionally between case management and E-filing systems;
- No monopoly on electronic filing services may be allowed, either statewide or within a jurisdiction;
- Privacy and access issues must be adequately addressed;
- The path to success involves general consistency with national standards and cooperation between courts and private sector ventures.

Two key components of E-Courts are the expansion of Electronic Document Management Systems (EDMS) in the courts and electronic case filing.

### *EXPANSION OF ELECTRONIC DOCUMENT MANAGEMENT IN COURTS*

Because of Arizona's rapid growth in population, courts face very serious records management and case file storage challenges. Electronic Document Management (EDMS) includes the processes and environment in which documents are created, stored, managed, located, retrieved, and viewed electronically. Electronic documents and records reduce the need for traditional media (paper).

An electronic document management system (EDMS) is generally made up of several different integrated technologies, including imaging, electronic filing, faxing, workflow management, case management system applications, computer output to laser disk (COLD), and database management.

In 2005, seven general jurisdiction courts implemented EDMS — Cochise, Gila, LaPaz, Mohave, Navajo, Yavapai and Yuma counties — bringing the total number of counties with electronic document capability to 11. All Superior Court Clerks plan to utilize EDMS

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within the upcoming three-year period.

The strategy to expand EDMS throughout the criminal justice infrastructure, as well as the courts, while satisfying system-wide requirements is:

- Assist courts in developing alternatives to their records storage and paper case file routing/tracking challenges;
- Develop documentation and state-level expertise to assist courts in selecting the best model for their environment while remaining non-proprietary and capable of storing and sharing documents between and among courts, other government agencies, the legal community and litigants.

#### ***ELECTRONIC CASE FILING***

Electronic case filing focuses on receiving documents, along with appropriate and validated indexing information so documents are automatically accepted and recorded into both the electronic document management and case management systems. This means that electronically prepared documents are filed directly into the EDMS without first printing, signing and then imaging that document. This initiative has risen in priority each year since the first information technology strategic planning session in 1990.

The goals of electronic filing projects are to:

- Increase effectiveness of the Judicial Branch and criminal justice system;
- Reduce cost;
- Improve service to the public;
- Study, coordinate and plan the transfer of case records electronically between courts;
- Promote pilots and models in different courts.

Current pilot and experimental projects in Arizona courts for electronic filing include:

- Pima County Consolidated Justice Courts: Small Claims electronic filing;
- Pima Superior Court Probate filing (limited);
- Arizona Court of Appeals, Division 2: Electronic Document Management System project: electronic transfer of court records on appeals from the Superior Court in Pima County;
- The Clerk of Superior Court in Maricopa County recently modified its model to expand beyond complex civil litigation and to allow multiple qualified vendors to write data into their EDMS and CMS via an XML interface. In addition, expansion of the electronic filing pilot project begins early 2006 to four more general civil court divisions.

With the introduction of digital signature legislation in Arizona, the environment is emerging to support the electronic filing of documents. Meanwhile, the judiciary continues to develop the most efficient way for electronic case filing.

## NEW FAMILY LAW RULES

In October 2005, the Arizona Supreme Court adopted the *Arizona Rules of Family Law Procedure (ARFLP)*, a comprehensive stand-alone set of statewide rules of procedure for family law cases, aimed at providing fair, effective, uniform and timely resolution of family disputes. The *ARFLP*, effective January 1, 2006, apply in divorce, legal separation, paternity, child custody, child support, and other post-decree matters. The Committee on the Rules of Procedure in Domestic Relations Cases, comprised of 16 Family Law practitioners, judges, clerks and a mental health expert, with assistance from many others from around the state, drafted the rules.

The new rules emphasize non-adversarial, problem-solving approach to the extent possible and appropriate. The Court also established a Family Law Rules Review Committee to entertain public comments as the rules are implemented, conduct a review and analysis of the rules, recommend revisions and amendments, and provide a report to the Arizona Judicial Council in two years. More information about the new Family Law Rules can be found at [www.supreme.state.az.us/drrc/](http://www.supreme.state.az.us/drrc/).

## COMMITTEE ON KEEPING THE RECORD

Making and preserving an accurate record of court proceedings is a core function of the court system. The Committee on Keeping the Record, established by then-Chief Justice Charles E. Jones in 2004, evaluated a comprehensive list of issues relating to court reporting. These issues include evaluating the viability of electronic recording technology and whether, and to what extent, it can be used to address the shortage of stenographic court reporters in some counties without compromising the provision of swift, fair justice.

The Committee issued its final report to the Arizona Judicial Council in December 2005. The report recommends new policies intended to guide courts in deploying reporters and electronic recording technology, using the best and most efficient balance of personnel and equipment possible, while ensuring an accurate record is made. The Committee's report also proposes revisions to existing rules and statutes to authorize the use of electronic recording technology where appropriate. The report is available online at [www.supreme.state.az.us/ktr](http://www.supreme.state.az.us/ktr).



## Protecting Children, Families, and Communities

*Courts provide a fair and impartial forum for resolving disputes, ensure that those who violate laws are held accountable, serve to limit the arbitrary use of government power to deprive citizens of their rights, and ensure that those in need of protection due to age or infirmity are protected from physical or financial harm. Arizona courts are an essential component of a justice system that exists, in substantial part, to protect children, families, and the communities in which we live.*

### BRIDGING COURT AND COMMUNITY

Providing citizen participation to the administration of juvenile justice at the local level, the Community Advisory Board (CAB) is an innovative and effective approach to bridging court and community. CABs promote and foster greater dialogue, education and understanding between the community and the juvenile court. Appointed by the presiding juvenile court judge and staffed by the juvenile probation departments, CAB members address issues ranging from juvenile justice legislation to dually adjudicated youth to substance abuse. Essential to creating a successful court-community partnership is the opportunity to network with each other. Created in 1996, CABs are operational in Cochise, Coconino, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai and Yuma counties. The Yavapai CAB hosted the first annual CAB retreat in 1997.

The 8<sup>th</sup> annual retreat last fall, hosted by the Mohave CAB, attracted more than 150 participants. Chief Justice Ruth V. McGregor spoke at the retreat titled, “Children at the Crossroads.” Each year, local youth are recruited to be a part of a youth panel. Youth involved in local programs or community service projects, including CRRYS (Colorado River Region Youth Shelter) and YES (Youth Enjoying Sobriety), shared their experiences with participants. CABs volunteer years in advance to host the retreat; Pima County will host in 2006.

Connecting to the community through CABs has a long history in Arizona’s judicial system. It’s a win-win

formula with courts gaining an increased awareness of the community and its needs, and the community gaining a chance to guide youth in becoming productive members of society.

### JOLTSaz: AN INITIATIVE TO MODERNIZE

In 2004, the Administrative Office of the Courts (AOC), in partnership with Pima County and the rural counties, embarked on an ambitious project to reengineer and modernize the State’s Juvenile Online Tracking System, an initiative named JOLTSaz. In 2005, the AOC JOLTSaz team worked diligently, analyzing and building a detention and visitation module, while the Pima JOLTSaz team traveled the state documenting and completing a business analysis on a statewide calendaring system scheduled for a future release of JOLTSaz.

Santa Cruz County successfully implemented the JOLTSaz Standard Detention Visitation module as a pilot program on October 29, 2005. The module’s capabilities were not a part of the legacy JOLTS database; employees are now able to update and view these records automatically instead of manually. This initial program will be enhanced in early 2006 and deployed statewide.

Based on lessons learned to date, the remaining modules will be converted to the new and complete JOLTSaz system and then rolled out at one time. The target date for implementing the completed system is 2009.

## DOMESTIC RELATIONS ENHANCEMENTS

### MARICOPA EFFORTS

Superior Court Judge Norman Davis continued improvements in the Maricopa County Family Court Department in 2005. A post-modification court began in August in which parties are encouraged to reach settlement through a brief interview with court staff. If an agreement is reached, necessary paperwork is drafted and submitted to the court for entry of an order. If an agreement is not reached, the parties can go immediately into a hearing with a court commissioner who makes a decision that same day.

Additionally, the department installed petition tracking software, helping the court track statistics used for future projects. Other measures to reduce pending caseloads yielded great success as cases older than twelve months dropped 36 percent in less than one year.

### CHILD SUPPORT ARREARAGE CALCULATOR

The Administrative Office of the Courts, in collaboration with the Arizona Division of Child Support Enforcement (DCSE), developed an online child support arrearage calculator, known as “eCalc,” for judicial use in non-Title IV-D cases. The calculator provides an automated means of calculating support arrearages as of the last day of the previous month. Currently, these are hand-calculated and subject to error and inconsistent application. DCSE received a \$400,000 grant from the Federal Office of Child Support Enforcement for the project.

To arrive at a presumptively correct arrearage calculation, payment and debt information is extracted from the state case registry and Support Payment Clearinghouse. Judicial officers will calculate arrearage amounts from the bench, view payment histories, and immediately apply credits and recalculate the arrearage amount. Training for judicial officers, court staff and Clerk of Superior Court personnel begins in Summer 2006.

## CASA 20TH ANNIVERSARY

More than 250 volunteers attended the July 22 to 23, 2005 conference celebrating the 20<sup>th</sup> anniversary of the Arizona Court Appointed Special Advocate (CASA) Program. It was established to help protect abandoned, abused and neglected children. Advocates are volunteers who help the court system determine what is best for children who come under the court's care.

The conference, “Getting Back to Basics: Advocacy for the Next 20 Years” kicked off with a pre-conference program July 22 featuring discussions on the older youth in transition program; participants also heard from Daniella Anderson Rin Hover, a young woman featured in the PBS documentary, “Aging Out.”

The celebration continued on Saturday with a full day of concurrent workshops and a plenary session on Empathy Fatigue, helping volunteers learn strategies on how to deal with stress and other factors often associated with providing quality advocacy for a child.

During the luncheon program, county programs and staff were recognized for their years of service. Arizona Supreme Court Chief Justice Ruth V. McGregor attended the evening volunteer recognition banquet. She recognized CASA volunteers for their commitment to Arizona's children, and noted that during the course of CASA's existence, volunteers have dedicated more than 375 work years to CASA kids.

## CASEFLOW MANAGEMENT IN DEPENDENT CHILDREN CASES

In September 2004, the Dependent Children's Services Division of the Administrative Office of the Courts invited key stakeholders from three counties to participate in a pilot project on caseload management. Cochise, Maricopa and Yavapai counties focused on

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*Article continued on next page*

improving their ability to more effectively move the cases of dependent children through the court process. Each participating court has enjoyed significant successes. The project received national attention — participants of the workshop presented at a national conference in Columbus, Ohio on October 18, 2004, and it was highlighted at a press conference in Washington D.C. on June 21, 2005.

Each pilot county set multiple goals dealing with a variety of issues. These goals share the common thread of making the dependency process more efficient and effective for needy children and their families. Highlights include:

#### Cochise

- The court developed and published a parent handbook and held training for parents' attorneys to encourage reviewing the handbook with their clients.
- All mediation is scheduled within 30 to 45 days of the initial hearing.
- Adjudication hearings are scheduled at 60 days as opposed to the previous practice of 90 days.

#### Maricopa

- The court developed a packet explaining the children's resource staffing process and other relevant juvenile court programs.
- Court administration created a Dependency Court Practices Committee and began monthly meetings to identify and address issues specific to the dependency court process.
- Four additional computers were installed at the Durango court facility, allowing CPS case managers to complete work while waiting for court hearings.

#### Yavapai

- Personnel from a regional behavioral health provider are present at the initial hearing to ensure immediate availability of appropriate services.
- Staff continues to work with AHCCCS personnel to arrange immediate eligibility

verification and appointments for parents.

- Trial continuances are kept to a minimum per judge's order.

Successful implementation of these goals was contingent on several factors, including:

- Involvement of individuals from various stakeholder groups to participate in the training;
- Commitment from each participant to remain active and involved upon implementing the identified changes in their respective counties;
- Strong leadership provided by the Presiding Juvenile Court Judge.

Planning begins in early 2006 to implement the caseload management in the remaining 12 counties. This is expected to occur through a series of regional workshops similar to the pilot workshop.

### **NEW OFFENDER SCREENING TOOL**

On January 2, 2005, all Arizona adult probation departments began administering an evaluation tool designed to provide a broad assessment of an offender's overall risk and needs — the Offender Screening Tool (OST). Prior to implementation, employees in all departments received comprehensive training on how to administer and interpret the OST. The Adult Probation Services Division provided departments statewide with a training video, making use of the tool and interpretation of results consistent.

The Field Reassessment Screening Tool (FROST) was implemented shortly thereafter and requires that offenders be reassessed every six months while on supervised probation. Together, the new tools provide officers a sophisticated and effective means to recognize and respond to offender risk and determine need levels. These tools further efforts to fully incorporate evidence-based practices into offender management.

## AZ SUPREME COURT HOSTS CONFERENCE

On March 17-18, 2005, Arizona hosted the National Center for State Courts' (NCSC) *Extending Project Passport* North-South Western Regional Conference. The goal of *Extending Project Passport* is to improve recognition and enforcement of orders of protection within and among states and tribes by encouraging states and tribal courts to adopt a recognizable first page for orders of protection (i.e., to include common elements and fields necessary for the National Crime Information Center).

The Court selected nine Arizona delegates and teams from nine other states — Colorado, Idaho, Montana, New Mexico, North Dakota, South Dakota, Texas, Utah and Wyoming — participated in the conference. Additionally, the *Project Passport* Administration selected tribal court judges and a member of the Arizona Coalition Against Domestic Violence who joined the state teams. The conference educated state teams about the intricacies associated with federal laws that pertain to orders of protection in an effort to enhance victim protection nationwide.

Following the conference, Arizona's team and the Committee on the Impact of Domestic Violence and the Courts (CIDVC) Domestic Violence Forms Workgroup worked cooperatively with law enforcement and several tribal courts to develop a first page order of protection following the *Project Passport* model template. This workgroup also revised auxiliary protective order forms in accordance with the new order of protection. The Arizona Judicial Council approved the new protective order forms in June 2005. Implementation of the form was postponed to provide sufficient lead time to reprogram computer systems.

Using a recognizable first page for protection orders helps victims of domestic violence by offering greater consistency in the issuance and

enforcement of orders of protection. Nearly two-thirds of the country has been introduced to the model template and its potential to improve court order enforcement and victim protection, regardless of where victims live or where the protection order was issued.

## COUNTY DRUG COURT FUNDING OPPORTUNITY

Drug Courts began in Arizona at the local level, funded by federal grants through the National Drug Court Institute and the Bureau of Justice Assistance. This grant money allows local jurisdictions to plan, train and implement a drug court with the expectation that these programs will receive state and other county dollars after the federal grant money runs out. As drug court programs around the state began to reach the point of exhausting federal funding, state support was needed to prevent these successful programs from shutting down operations. State Representative William Konopnicki, District 5, supported the cause for two years until the state appropriated \$1 million during the 2005 legislative session, to be made available on July 1, 2006.

County courts have the opportunity to apply for funds to serve medium and high risk offenders with demonstrated substance abuse problems. Pursuant to A.R.S. § 13-3401, \$1 million has been appropriated in support of Arizona Drug Courts for the purpose of prosecuting, adjudicating and treating drug dependent persons who meet the criteria and guidelines for entry into Drug Court programs. This initial state funding is intended to foster, fund and promote adult and juvenile drug courts in Arizona that incorporate national best practices. Adult and juvenile probation departments have until Feb. 28, 2006, to apply for the grant through their presiding judge. Applications are available through the Adult Probation Services and Juvenile Justice Services divisions Web sites. The funding awards are available for fiscal year 2007.

## APETS SURPASSES GOALS

The Adult Probation Tracking System (APETS) is a statewide automated offender case management system initially started in Maricopa County. Yuma, La Paz, Pima, Yavapai, Coconino, Pinal and Graham counties have adopted the system, completing and surpassing the implementation goals for calendar year 2005. Implementation in remaining counties is scheduled for the end of calendar year 2006. More than 90 percent of the probation population was being supervised using APETS by the end of 2005.

Today 1,862 department employees actively use the system and have entered more than 159,655 probation records and 4.8 million contact records. APETS is one single database. The benefits of having a single database are:

- One complete client record no matter where in Arizona the probationer has a case(s).
- No duplicate probationer entry because APETS records can be transferred between counties.
- APETS provides easy access to information and better tracking/accountability in supervising probationers.

## EXPLORING IMPACT OF STATUTE CHANGE

With a change in statute (A.R.S. § 8-223) enacted two years ago, parents, guardians or custodians who are the object of a termination of parental rights (or *severance*) action now have the option to request that the matter be tried to either a jury or a judge. To ascertain whether any significant differences existed between cases handled by jury trial and those that go through a traditional bench trial process, the Administrative Office of the Courts contracted for a study of the system. Preliminary findings include:

- Severance filings in Arizona have increased dramatically during the past three fiscal years;

- The vast majority of both jury trials and bench trials completed during the two-year period since the passage of the legislation have resulted in severance;
- Bench trials are more likely to be completed than jury trials;
- Direct costs for jury trials are substantially higher than for bench trials;
- Scheduled jury trials can have adverse effects on court calendars whether or not they occur.

Exploring the impact this change has on dependent children and how their cases are processed by the juvenile court was at the core of the study. The completed report will include the information found in the study and help to determine how these cases are handled in the future.

## PROGRESS IN CASE DISPOSITION

The Fiduciary Program certifies and regulates fiduciaries, individuals who are appointed by the Superior Court to serve as a guardian, conservator or personal representative for an incapacitated individual. This program is the first of its kind in the nation. Although the vast majority of fiduciaries serve Arizona's incapacitated population professionally and ethically, the number, seriousness and complexity of complaints received alleging misconduct by a fiduciary since certification of fiduciaries began in 1998 has presented significant challenges. Over the years, a backlog of complaints developed, and the time to process these complaints fell outside accepted standards.

In FY 05, additional investigation staff and development of a more standardized and efficient case processing procedure resulted in dramatic improvements in case processing time and reduction in the backlog. On average, complaints received were processed within 7.7 months, and the case clearance rate, or the number of complaints closed as a percentage of the number of new complaints received, was 376 percent.



## Being Accountable

*In order to foster public trust and confidence, the judiciary must be accountable to the public and other stakeholders. The judiciary has an obligation to develop a clear strategic agenda; keep the public informed of court operations, programs and initiatives; and ensure that all levels of staff are competent, professional and customer service oriented.*

### SETTING BENCHMARKS WITH COURTOOLS

The National Center for State Courts published a set of performance measures for courts to track effectiveness and improve performance. CourTools measures 10 areas, allowing courts to set benchmarks against which they can measure. Benchmarks include: clearance rate (a comparison of the number of cases filed and the number disposed during a given period of time), time to disposition of cases, age of pending caseload, trial date certainty, effective use of jurors, proportion of monies collected, accessibility of the courts to all court users, cost per case, court employee satisfaction, and the reliability and integrity of case files. Although these measures are not new for courts, combining them to provide a comprehensive method for a court to clarify performance goals, develop a measurement plan and document their success provides a new way to focus on important case processing issues.

The Arizona judicial system has begun to experiment with CourTools measures — “One-Day, One-Trial,” the FARE program, extending Project Passport, and caseflow management in dependency cases, and CourTools projects in the Mesa Municipal Court and the Superior Court of Maricopa County are examples of this effort.

Additional CourTools implementation will take place in 2006. For more information, visit [www.ncsconline.org](http://www.ncsconline.org) and search for CourTools.

### RECORDS RETENTION

Good public records management is vital to efficient court operations and to preserving the historical record of court proceedings. The advent of electronic filing and growing case volume necessitate periodic revisions to the courts’ records retention and disposition schedules.

In 2005, the Arizona Judicial Council approved an updated schedule applicable in the superior court. A workgroup of clerks of court and representatives from the Arizona State Library Archives and Public Records drafted the new schedule. The revised schedule is designed, in part, to facilitate transfer of older files to the State Archives. It also accounts for the growing number of records maintained in electronic format in keeping with current practices and provides more specificity to better guide clerks in carrying out their records management duties.

For the first time, the new schedule lays out a process for identifying historical and landmark cases to ensure their long-term preservation. The new schedule also provides relief for clerks’ overloaded document storage facilities by permitting shorter, more realistic retention periods for many categories of records.



## *Improving Communication and Cooperation with the Community, other Branches of Government and within the Judicial Branch*

*Effective and meaningful communication within the judiciary and with the Executive and Legislative branches of government is vital to serving the public efficiently and effectively and to improving business relations. It promotes better-informed policy making, improved collegiality, intra-branch cooperation and participation in the administration of justice. Judicial outreach to the community is also critical so the public can develop a greater understanding of the important role the court plays in democracy.*

### **SUPREME COURT JUSTICES 'CONNECT WITH THE COMMUNITIES'**

**M**any members of the public do not fully understand our courts and how they operate. To promote an informed public, courts must undertake public outreach and educational initiatives.

The members of the Arizona Supreme Court frequently speak to communities statewide. The Court holds formal Oral Arguments four times a year in counties around the state. Each of these arguments provides a chance for the court to meet with the local community members, leaders and students. In 2005, justices conducted Oral Arguments in Flagstaff, Yuma, and at the law schools in Maricopa and Pima counties. In addition, individual Court members have spoken to thousands of community members in forums and events hosted by other civic, business and community organizations. These efforts help the general public understand the role and duties of the Judicial Branch.

### **ASSISTING ARIZONA YOUTH REACH ADULTHOOD**

**A**ccording to Arizona law, children become adults on their 18th birthday, and with that milestone come many new rights and responsibilities. The Arizona Foundation for Legal Services & Education produced "When You Turn 18," a booklet designed as a guide for

young adults as they learn their new legal rights and responsibilities.

Covering 21 different issues, from drinking to banking, housing to jury duty, the booklet also includes a list of legal resources and Superior Court locations around the state.

Spearheaded by Justice of the Peace Lex Anderson and the Superior Court in Maricopa County, with assistance from students at Ironwood High School in Glendale, the Administrative Office of the Courts and members of the legal community, every Arizona high school received booklets to distribute to their students. Each County Justice and Superior Court and each Juvenile and Adult Probation Department also received copies to hand out to young people in their communities.

Parents, educators and Safe School Offices are encouraged to use the guide as a source of information. Updates to the brochure and expanded information on Arizona law can be found at [www.LawForKids.org](http://www.LawForKids.org).

### **JURY INNOVATIONS**

#### ***ONE-DAY/ONE-TRIAL***

**O**n January 1, 2005, Arizona implemented the "One Day or One Trial" term of jury service. "One Day or One Trial" means that potential jurors come to court only

*Article continued on next page*

once during their term of service. If selected, a person's term of jury service is fulfilled after serving on one trial. If not selected or assigned to a jury after reporting the first day, the person's jury service is deemed fulfilled.

The one day or one trial system benefits both the public and employers. Before the Court adopted the system, prospective jurors were often required to be available for weeks, not knowing if or when their service was needed. Now, potential jurors report for only one day to learn whether their service is required. Employers also benefit because there is reduced uncertainty about the availability of their employees.

Initially, some parts of the court community were skeptical about "One Day or One Trial." Some believed more jurors would be needed, in light of the shortened term of service. The court discovered, however, that more potential jurors are willing to serve because of the shorter term of service, resulting in fewer jury summonses and creating greater efficiency for everyone.

#### **LENGTHY TRIAL FUND**

**B**eginning in July 2004, Arizona became the first state in the nation to replace lost wages of jurors who serve on longer trials. The Arizona Lengthy Trial Fund, supported by a \$15 filing fee imposed on certain civil case filings, reimburses jurors who lose their regular income while they serve as jurors.

The goal of this program is to eliminate the financial hardship that so often accompanies jury service and thereby enable a greater cross-section of the community to serve on longer civil and criminal trials.

Eligible jurors must serve more than 10 days to qualify. Compensation is capped at \$100 per day for Day 4 through 10 and \$300 per day for Days 11 and onward. Unemployed or retired

jurors serving on longer trials are eligible for \$40 per day in jury pay. This is a substantial increase over the \$12 per day all jurors are customarily paid.

In Fiscal Year 2005, the fund provided wage replacement to 217 jurors who served in 51 cases. The average daily payment for each juror totaled \$55. The average length of longer jury trials was 19 days in criminal cases and 16 days in civil cases.

#### **COURT LEADERSHIP INSTITUTE OF ARIZONA**

**I**n many courts, judges assume to a leadership/management role without training in the administrative operations of the court. In some instances, courts do not have experienced court administrators. Staff employees in larger courts may be more specialized in particular areas of the court but lack the overall knowledge of leadership/management functions. Additionally, the need for succession planning grows as experienced court leaders retire or move to other positions. To address this need, Chief Justice Ruth V. McGregor created the Court Leadership Institute of Arizona (CLIA), a new entity under the Committee on Judicial Training and Education (COJET). The CLIA will develop educational and mentoring opportunities to assist current leaders and help prepare our future court leaders.

In spring 2005, a workgroup of court administrative leaders began meeting to identify essential components for a course of study for administrative leaders. This group reviewed national models, academic offerings, other states' programs and current trends. The group developed core competencies and learning objectives for a comprehensive leadership curriculum. Their work provides a basis for CLIA to bring forward a full program for Arizona court leaders.

## **ONLINE APPLICATIONS FOR CERTIFICATE HOLDERS**

The Arizona Supreme Court became one of the first regulatory entities in the state to offer online applications for regulated professionals, starting May 2005. A collaborative effort involving the Government Information Technology Agency, Department of Administration, State Treasurers Office, and three divisions within the Administrative Office of the Courts resulted in offering professionals regulated by the Court the option of completing an online application to renew certification. Certificate holders may file their renewal application online, with payment by credit or check card, or they can continue to use the traditional method of mailing in a paper application with a check. Applications filed electronically update the database maintained on regulated professionals, eliminating an extra database entry step and potential errors, and provide for transition to electronic storage of records.

More than 70 percent of the first group of professionals offered this option successfully processed their applications electronically. As a result, this service is now being implemented for other professional groups certified by the Supreme Court.

## **COURT LEADERSHIP CONFERENCE**

On December 12 and 13, 2005, presiding judges, court clerks, court administrators, presiding justices of the peace and their administrators, probation chiefs, and juvenile court directors gathered for the first-ever Court Leadership Conference. More than 170 court leaders attended. Keynote speaker, Roger Warren, Immediate Past President of the National Center for State Courts, related key concepts from Jim Collins' book, "Good to Great" and applied them to the court environment. Chief

Justice Ruth V. McGregor articulated the Judicial Branch's 2005-2010 strategic agenda, and emphasized the role of every court leader in striving to meet those goals and move their courts from good to great. She also announced the creation of a new leadership initiative – the Court Leadership Institute of Arizona.

Participants attended several educational sessions: DUI Update, Domestic Relations Case Processing Improvements, Jury Service Enhancements, Victims' Issues, Juvenile Sanctions and Treatment, Correctional Intervention/Adult Probation, Managing the Courts during a Disaster, Media Relations, Relationships Among the Three Branches of Local Government, and Drug Court Research.

The conference also provided a forum for county meetings. Conference evaluations conveyed appreciation and expressed a desire for an event of this nature to continue. Plans for a December 2006 Court Leadership Conference are underway.

## **ENHANCEMENTS FOR NEW JUDGE ORIENTATION**

The New Judge Orientation (NJO) committee members and faculty continue efforts to enhance the program for General Jurisdiction judges. In 2005, the committee selected essential material for new judges and established an agenda/curriculum. The committee plans to develop specific lesson plans for each session, creating a cohesive overall program and maintaining consistent course content.

The program will incorporate adult education methods in 2006. Strategies may include role-play, films, video-taping of practice sessions, hypotheticals, and other activities placing the judge in a simulated situation on the bench.



## Serving the Public by Improving the Legal Profession

*The Supreme Court regulates the practice of law and, along with the rest of the judiciary, plays a crucial role of protecting individual rights and liberties in a free society. The court must determine how the legal profession can best serve the public through examining existing rules governing the practice of law, attorney admission and disciplinary systems, and legal practices and procedures that encourage unnecessarily adversarial proceedings in and our of the courtroom.*

### APPLICATIONS FOR JUDICIAL POSITIONS ON THE WEB

From time to time, vacancies for merit selected judicial positions occur. To apply for a position, a person must fill out a lengthy application. Due to a change in court rules, applicants may now apply using an electronic document downloaded from the web. Also, the Court has determined that most information submitted on the applications is available to the public and can be reviewed electronically at: <http://supreme8/hr/judicialvacancies.htm>.

### JUDICIAL CONDUCT COMPLAINTS OPENED JAN. 1, 2006

Taking another step forward in making the judicial branch more open and accessible to the public, the Arizona Supreme Court modified the rules governing the Commission on Judicial Conduct.

On June 9, 2005, the Court approved a petition to revise the Rules of the Commission on Judicial Conduct to provide greater public disclosure of judicial disciplinary records. The petition generated considerable public comment, both favorable and adverse, and the Court's resolution attempted to balance the concerns reflected in the comments.

Prior to the changes, the rules provided public access only when formal charges were brought or at the commission's discretion. The petition proposed making public all reprimands and all complaints against any judge, including those dismissed for lack of merit.

The Court received many well-founded objections to these proposals based upon the public interest in an independent judiciary and the need to shield judges from purely vindictive complaints. The Court, however, also considered the concern that the practices of the Commission in dismissing complaints should not be shielded from public view and that doing so may engender public mistrust of the judicial discipline system.

The Court's resolution accommodated both positions. Under the amended rules, which took effect January 1, 2006, any finding of judicial misconduct will result in disclosure of the sanction imposed at the time of the order imposing it. Dismissed complaints against judges will be made public, but only after information identifying the judge, court or complainant is redacted. Judges and complainants will be identified in dismissed complaints solely by number. Finally, private reprimands are eliminated as a form of discipline.

No change was made to formal proceedings, which will continue to be made public following the filing of the judge's response.

## **SUPREME COURT RULES AND COMMENTS ON THE WEB**

**S**eeking to simplify the court rule-making process, the Supreme Court announced it will consider rule petitions once per year with the exception of emergency matters or other compelling circumstances.

The following annual schedule became effective December 2005 for new rule petitions filed in 2006:

- November 1: Deadline for filing rule change petitions
- December 20: Rule change petitions circulated for comment
- May 20: Deadline for comments to rule change petitions
- June 30: Deadline for responses to comments
- September: Court consideration of and action on petitions
- January 1: Effective date for all new rules adopted by the Court

Other changes under consideration include requiring all rule change petitions to be filed in electronic format, providing alternative means for public comment (to include electronic filing and/or public hearings), and relaxing the requirement of compliance with Rule 6(c), Ariz. R. App. P., as to the form of filings.

## **IMPROVING ARBITRATION**

**B**eginning in 1971, Arizona's civil courts have included mandatory, non-binding arbitration as a part of the system. In FY 2004, the Administrative Office of the Courts commissioned a study to examine the court-connected arbitration system to determine its efficiency and effectiveness as an alternative dispute resolution tool. The study, presented to the Arizona Judicial Council (AJC) on June 5, 2005, addressed program administration, performance, Arizona attorneys' perspective on court-connected arbitration and arbitration programs in other states. The AJC discussed and concluded additional analysis of the reports research and findings was needed.

In November 2005, Chief Justice Ruth V. McGregor established the Ad Hoc Committee on Compulsory Arbitration to review the report findings and other relevant material and to make recommendations to improve the arbitration system. The Court anticipates that the Committee will complete its report and recommendations by summer 2006.



## *Annual Report Statistics*

### **Caseload and Revenue Highlights**

- Arizona Courts had a total of 2,536,966 case filings.
- On average, 10,229 cases were filed in Arizona Courts every working day.
- On average, 1,279 cases were filed in Arizona Courts every working hour.
- Statewide case filings increased by 37,300 or 1.5%, while Court of Appeals' filings increased by 12.0%.
- Superior Court case filings in Pima and rural counties increased by 3.0% and 2.0%, respectively, while Maricopa County reported a decrease of 0.8%.
- While statewide Justice Court case filings increased by 0.8% in FY 2005, rural Justice Court case filings decreased by 6.0% and Maricopa case filings increased by 8.0%. The majority of the increase in Maricopa Justice Courts occurred in the civil traffic case category. Civil traffic case filings increased by 15.7%, or 23,300, in Maricopa Justice Courts in FY 2005.
- In FY 2005, statewide Municipal Court case filings increased by 2.1%, while the rural Municipal Courts and Pima County case filings decreased by 3.8% and 3.4%, respectively, during the same period.
- 88,547 DUI cases were filed in Justice and Municipal Courts, an increase of 325 case filings from FY 2004 to FY 2005.
- Civil traffic case filings accounted for 56% of all case filings in Justice and Municipal Courts, an increase of 12,700 case filings, or 1.0% from FY 2004 to FY 2005.
- Statewide case filings, revenue and expenditures followed a similar trend this fiscal year from recent fiscal years. Case filings increased by 1.5%, while revenue increased by 12.6% and expenditures increased by 8.6%. The increase in revenue is due in part to the extensive collection efforts by the courts and the Administrative Office of the Court's Fines and Restitution Enforcement (FARE) project.
- Arizona courts have collected more than \$1.6 billion in additional unpaid fines and fees over the \$70 million benchmark established in FY 1988.

# Judiciary Organizational Chart

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## Supreme Court

5 Justices, 6-year terms  
 Chief Justice, Vice Chief Justice  
 3 Associate Justices

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## Court of Appeals

22 Judges, 6-year terms

### Division I, Phoenix

Chief Judge & 15 Associate Judges  
 Counties: Apache, Coconino, LaPaz, Maricopa,  
 Mohave, Navajo, Yavapai, Yuma

### Division II, Tucson

Chief Judge & 5 Associate Judges  
 Counties: Cochise, Gila, Graham, Greenlee,  
 Pima, Pinal, Santa Cruz

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## Superior Court

168 Judges, 4-year terms  
 Presiding Judge in each county

Apache	1	Greenlee	1	Pima	30
Cochise	4	LaPaz	1	Pinal	8
Coconino	4	Maricopa	93	Santa Cruz	2
Gila	2	Mohave	6	Yavapai	6
Graham	1	Navajo	3	Yuma	6

In addition to the judicial positions listed above, there are approximately 95 full-time and part-time judges pro tempore, commissioners and hearing officers in the Superior Court.

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## Justice of the Peace Courts

85 Judges, 85 Precincts, 4-year terms

Apache	4	Mohave	5
Cochise	6	Navajo	6
Coconino	4	Pima	10
Gila	2	Pinal	8
Graham	2	Santa Cruz	2
Greenlee	2	Yavapai	5
LaPaz	3	Yuma	3
Maricopa	23		

## Municipal Courts

140 Full- and Part-time Judges, varying terms

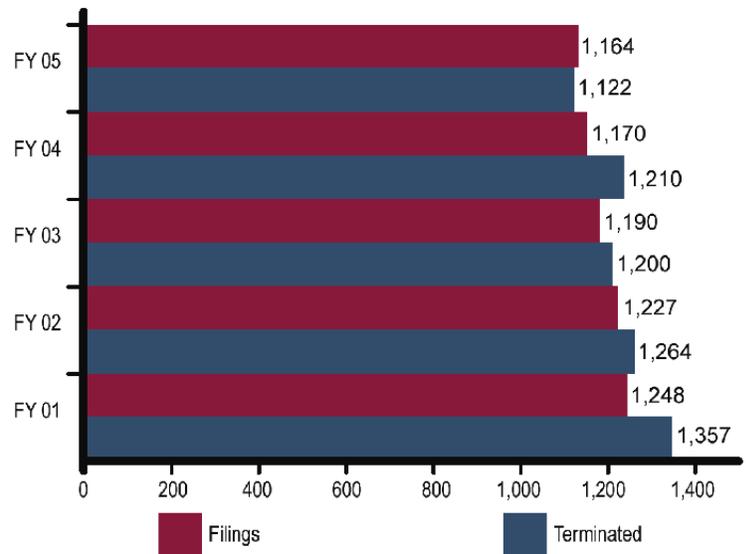
	Judges	Courts		Judges	Courts
Apache	3	3	Mohave	4	4
Cochise	6	6	Navajo	4	4
Coconino	6	4	Pima	18	5
Gila	5	5	Pinal	9	9
Graham	2	3	Santa Cruz	2	2
Greenlee	1	1	Yavapai	9	9
LaPaz	2	2	Yuma	4	4
Maricopa	65	23			

# FY 2005 Case Filings by Court Level

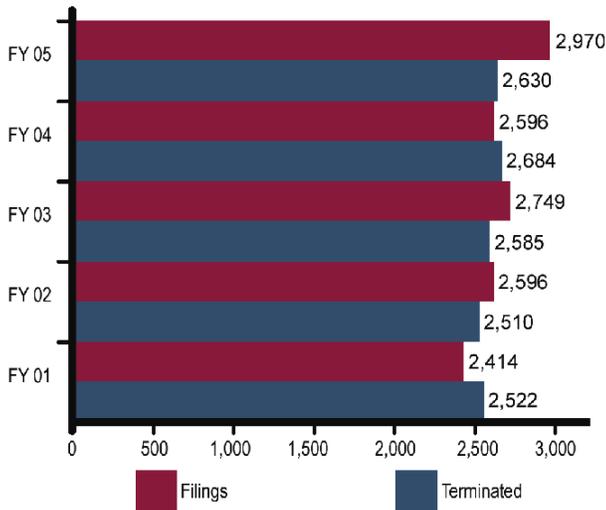
<b>Court</b>			<b>Filings</b>
Supreme Court			1,164
Court of Appeals			3,871
Division One			2,970
Division Two			901
Tax Court			1,019
<b>County</b>	<b>Superior</b>	<b>Justice</b>	<b>Municipal</b>
Apache	1,044	8,215	1,464
Cochise	4,259	43,008	9,527
Coconino	3,591	24,514	26,066
Gila	2,338	15,480	7,257
Graham	1,327	5,610	3,071
Greenlee	341	1,279	408
La Paz	994	15,864	3,657
Maricopa	127,890	375,970	1,003,469
Mohave	5,901	46,483	29,959
Navajo	2,855	21,221	4,747
Pima	31,069	186,581	272,299
Pinal	8,291	46,415	24,010
Santa Cruz	1,973	9,906	20,142
Yavapai	7,486	34,369	40,426
Yuma	6,157	21,238	22,741
<b>Total</b>	<b>205,516</b>	<b>856,153</b>	<b>1,469,243</b>
	<b>FY 2004</b>	<b>FY 2005</b>	<b>Difference</b>
Total Filings	2,499,668	2,536,966	37,298
			1.5%

## Arizona Supreme Court

- Supreme Court FY 2005 case filings decreased 0.5% from cases filed in FY 2004.
- Cases terminated by the court in FY 2005 decreased 7.3% from case terminations in FY 2004.
- The difference between filings and terminations resulted in a pending caseload increase of 12.3%, up from 367 on July 1, 2004, to 412 cases on June 30, 2005.



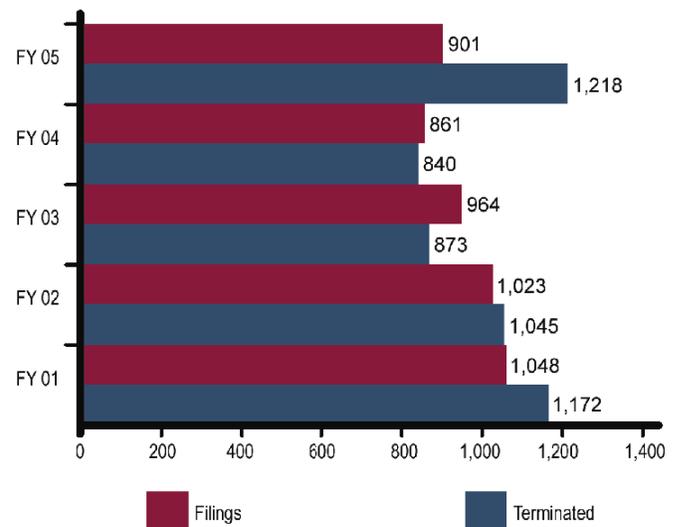
## Court of Appeals, Division One



- Filings in FY 2005 represented a 14.4% increase from FY 2004. Total criminal filings, the largest category, increased 34.9% from 967 in FY 2004 to 1,304 in FY 2005.
- FY 2005 case terminations decreased 2.0%.
- Total cases pending increased 18.4%, from 2,114 on July 1, 2004 to 2,502 on June 30, 2005.

## Court of Appeals, Division Two

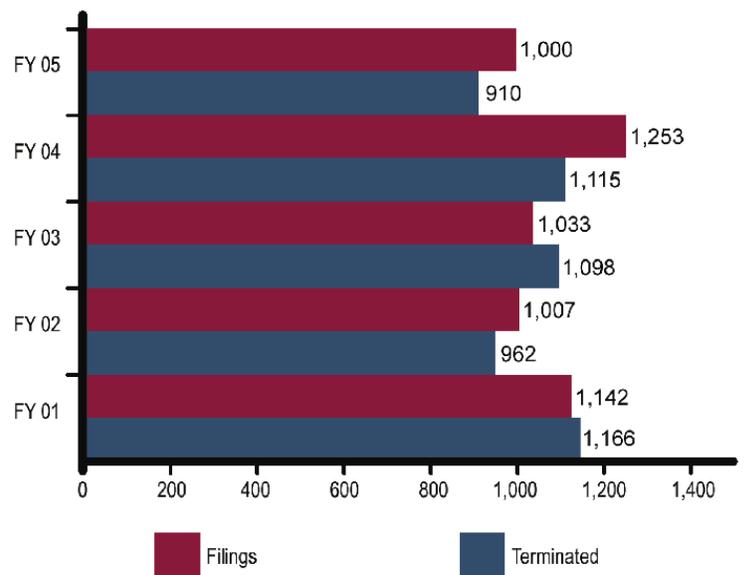
- Total filings in FY 2005 increased 4.6% from FY 2004. Total criminal filings, the largest category, increased 10.8% from 417 in FY 2004 to 462 in FY 2005.
- FY 2005 case terminations increased 45.0%.
- Total cases pending decreased by 23.3%, from 1243 on July 1, 2004 to 954 on June 30, 2005



## Arizona Tax Court

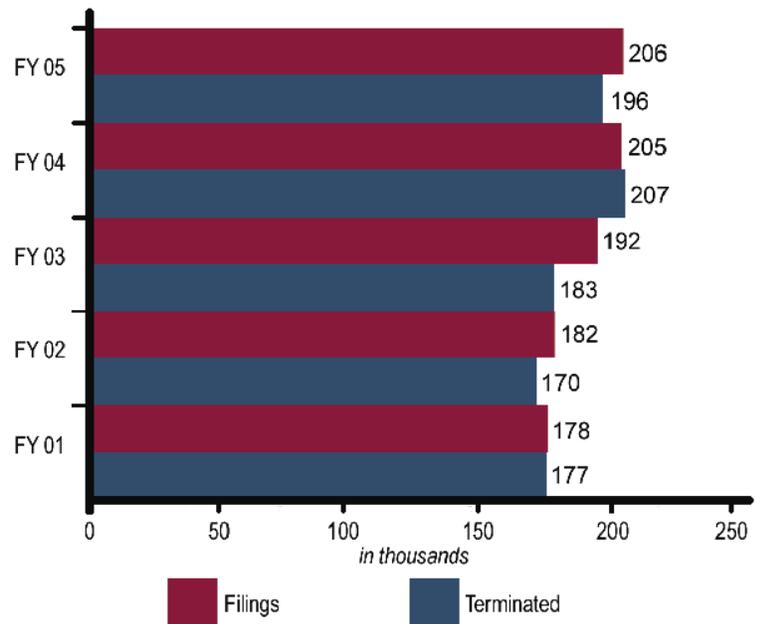
The Arizona Tax Court serves as the statewide venue for all civil actions involving a tax, impost or assessment.

- A total of 1,000 original cases were filed in the court during FY 2005, a decrease of 20.2% from the 1,253 cases filed in FY 2004.
- Of the FY 2005 cases filed, 670 were property tax actions, accounting for 67.0% of the total.
- A total of 910 cases were terminated, 371 by judgment.
- As of June 30, 2005, there were 932 cases pending in the tax court.



## Superior Court

- Total case filings increased by 0.4% in FY 2005 from FY 2004.
- Total case terminations decreased by 5.4% in the same period.
- Civil case filings increased 0.7%, from 52,523 in FY 2004 to 52,885 in FY 2005. In the same period, civil case terminations were down 8.8%, from 55,114 to 50,285
- Criminal case filings increased 0.5%, from 56,078 in FY 2004 to 56,359 in FY 2005. Criminal case terminations increased 6.1%, from 49,248 to 52,271.
- Domestic relations cases increased 1.2%, from 53,434 in FY 2004 to 54,093 in FY 2005, and domestic relations case terminations increased 6.1%, from 52,884 to 56,104. Domestic violence petition filings increased 12.2% in Superior Court, from 7,455 to 8,363 in FY 2005.
- Juveniles with direct filings to adult court increased 2.3%, from 393 in FY 2004 to 402 in FY 2005. Juvenile cases transferred to adult court decreased 9.5%, from 105 in FY 2004 to 95 to FY 2005. A total of 497 juvenile cases were either transferred or directly filed in adult court in FY 2005 compared to 498 in FY 2004, a decrease of one case or 0.2%.



- There were 214,609 total cases pending on July 1, 2004, compared with 218,346 cases pending on June 30, 2005, an increase of 1.7%.

## Justice of the Peace Courts

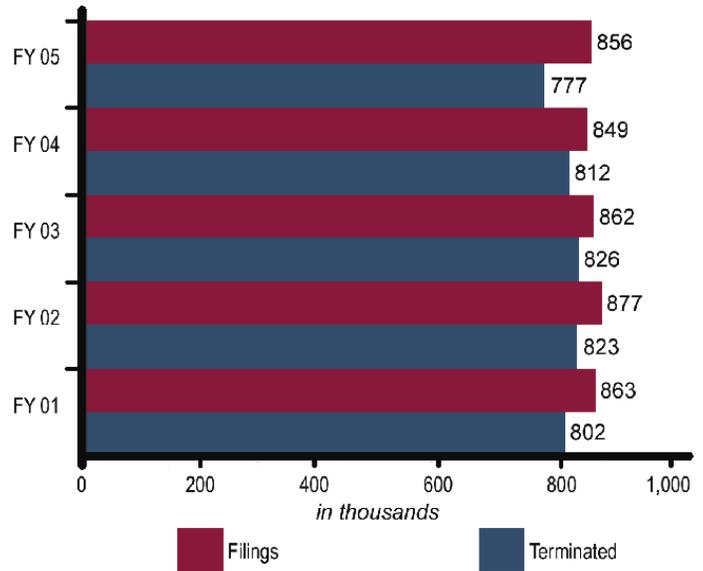
- Total filings in FY 2005 increased 0.8% from FY 2004. Total case terminations decreased 4.3%.

- Civil and criminal traffic filings, which comprise almost two-thirds of all justice court filings, increased 1.2%, from 519,457 in FY 2004 to 525,604 in FY 2005.

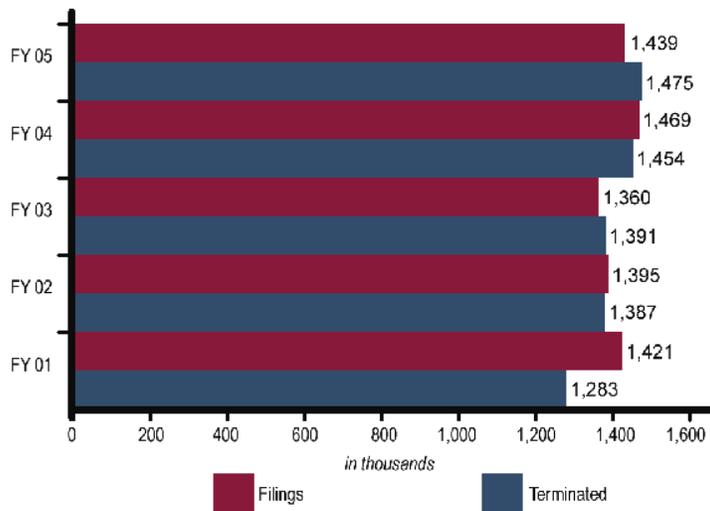
- Criminal (misdemeanor and felony) case filings decreased 1.0% from 144,276 in FY 2004 to 142,812 in FY 2005. Criminal case terminations increased 2.0%, from 132,805 in FY 2004 to 135,526 in FY 2005.

- Domestic violence petition filings decreased 1.4% in justice courts, from 11,016 to 10,867. Petitions for Injunctions Against Harassment increased 8.0%, from 10,102 to 10,915.

- Total cases pending increased by 3.9%, from 639,984 on July 1, 2004, to 665,103 on June 30, 2005



## Municipal Courts



- Case filings in FY 2005 increased 2.1% from FY 2004. Total case terminations increased 3.4% in the same period.

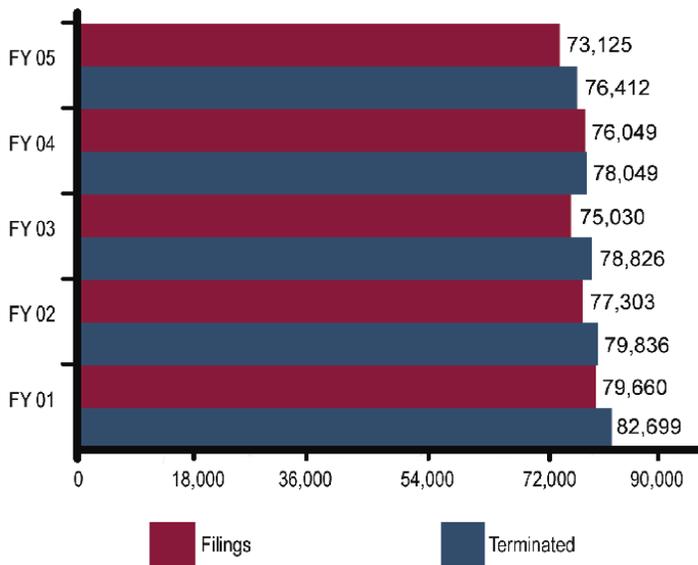
- Civil and criminal traffic filings, which comprise about three-fourths of all municipal court cases, increased 1.0%, from 1,047,172 in FY 2004 to 1,057,934 in FY 2005.

- Criminal misdemeanor case filings increased 1.7%, from 234,139 in FY 2004 to 238,156 in FY 2005. Criminal misdemeanor case terminations increased 1.7%, from 250,526 in FY 2004 to 254,730 in FY 2005.

- Domestic violence petitions decreased 4.3%, from 13,405 in FY 2004 to 12,827 in FY 2005. Petitions for Injunctions Against Harassment remained flat, from 9,412 in FY 2004 to 9,416 in FY 2005.

- Total cases pending decreased 6.4%, from 839,507 on July 1, 2004 to 785,528 on June 20, 2005.

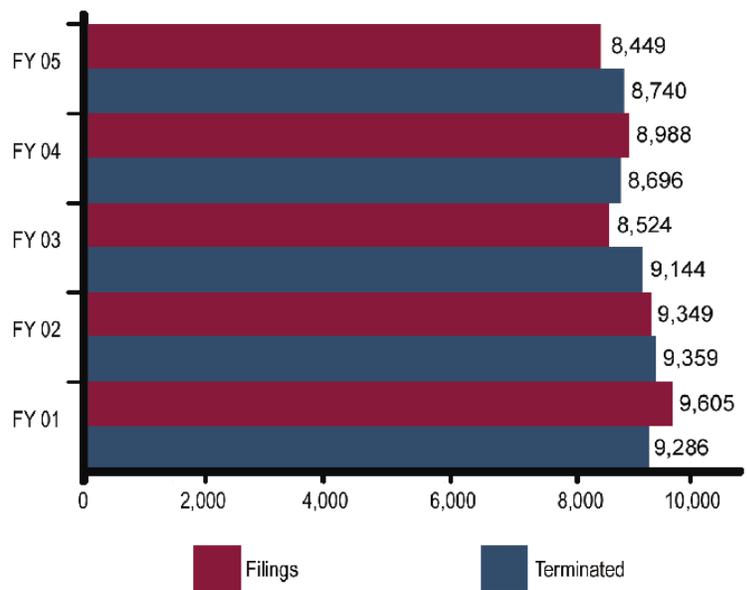
## Juvenile Court Referrals



- There were 73,125 referrals to juvenile court in FY 2005, a 3.8% decrease compared to 76,049 in the previous year.
- 76,412 referrals were terminated in FY 2005, a 2.1% decrease compared to the 78,049 referrals terminated in FY 2004.

## Juvenile Probation/Corrections

- The number of juveniles on probation at the end of FY 2005 decreased 3.9%, from 9,115 on July 1, 2004 to 8,762 on June 30, 2005.
- A total of 8,449 adjudicated juveniles were placed on probation in FY 2005, a 6.0% decrease from the 8,988 youth placed on probation in FY 2004.
- 8,740 juveniles were released from probation, an increase of 0.5% from the 8,696 terminated last year.
- 863 juveniles were committed to the Arizona Department of Juvenile Corrections during FY 2005, a decrease of 2.4% from the 884 committed last year.



## Adult Probation

- The number of individuals under the jurisdiction of Arizona adult probation departments at the end of FY 2005 increased 2.5%, from 66,642 on July 1, 2004, to 68,336 on June 30, 2005.
- Of the 68,336 under the jurisdiction of adult probation, 63,061 were on standard probation, 4,010 on intensive probation, and 1,265 were interstate compact cases.

## Juvenile Court Petitions

- A total of 30,082 petitions were filed in FY 2005, a 3.0% decrease from the 31,008 petitions filed in FY 2004.
- A total of 28,821 petitions were terminated in FY 2005, a 3.0% decrease from the 29,727 terminated in FY 2004.



# Statewide Revenue and Expenditures Summary

## Revenue

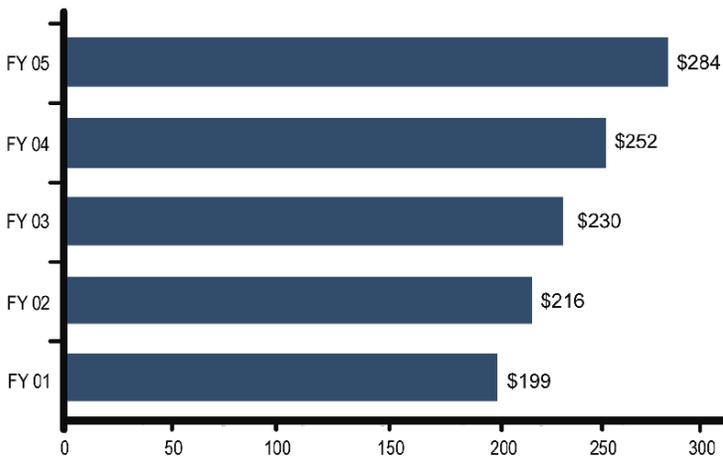
• Total statewide court revenue increased 12.6%, from \$252.3 million in FY 2004 to \$284.2 million in FY 2005, reflecting the continuing efforts of the courts statewide to collect court-ordered fines, fees and surcharges. See Graph A.

• Graph B represents the trend in increased court revenue above the \$70 million benchmark established in FY 1998. Since that time, courts have collected just under \$1.6 billion in additional revenue.

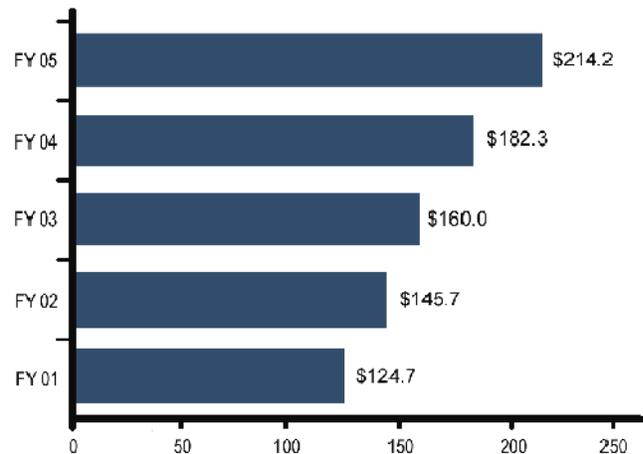
• 49.1% of total court revenue was generated by municipal courts, 25.1% by justice courts, 24.1% by Superior Court and 1.7% by appellate courts. See Pie Chart A.

• Of the total court system revenue, the state received 37.5%, counties received 32.9%, and cities and towns 29.6%. See Pie Chart B.

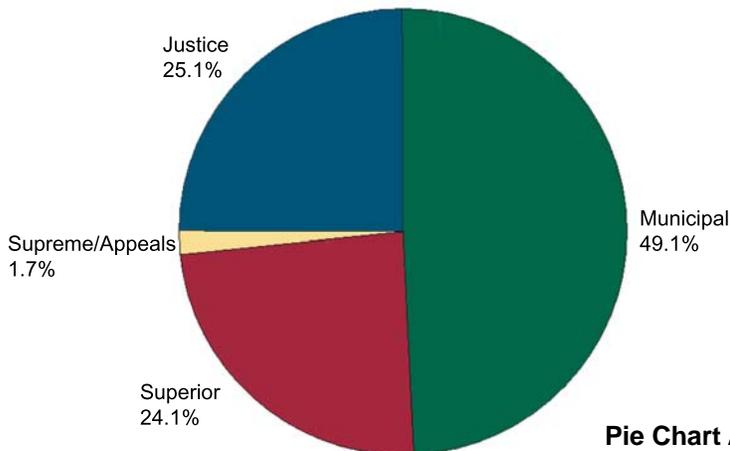
• Total restitution payments for victims collected by courts increased 12.1%, from \$16.1 million in FY 2004 to \$18.0 million in FY 2005.



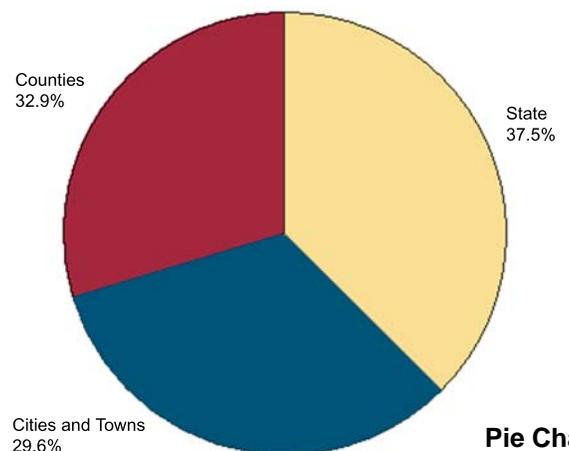
Revenue in millions **Graph A**



Increased Revenue Trend in millions **Graph B**



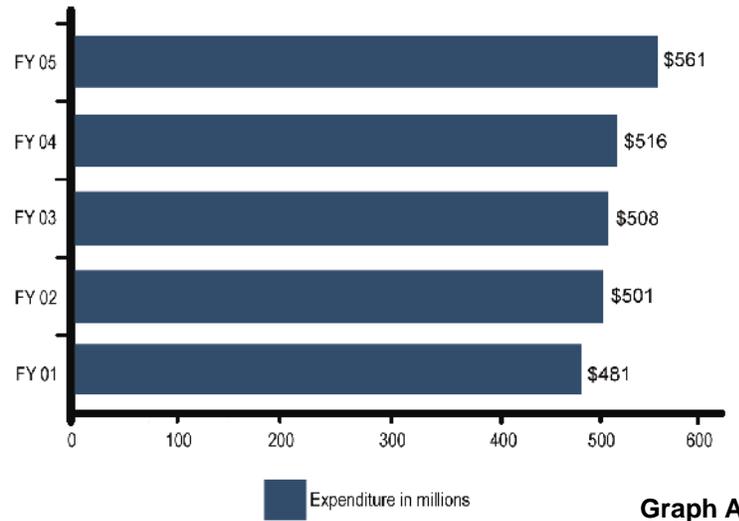
**Pie Chart A**



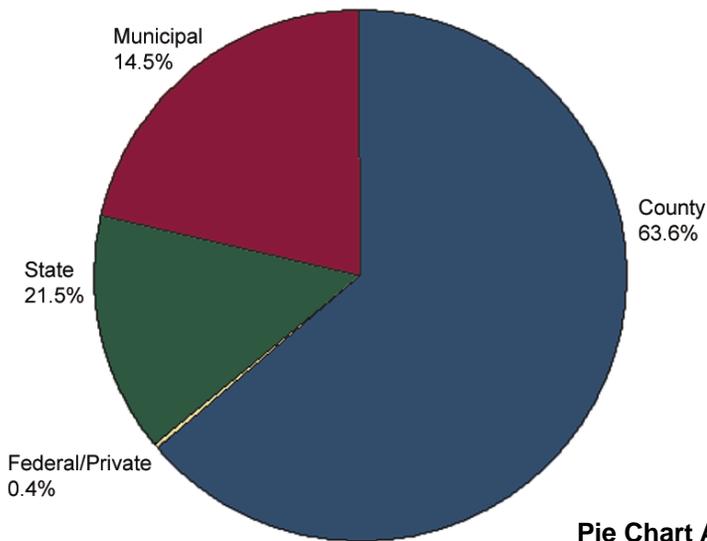
**Pie Chart B**

## Expenditures

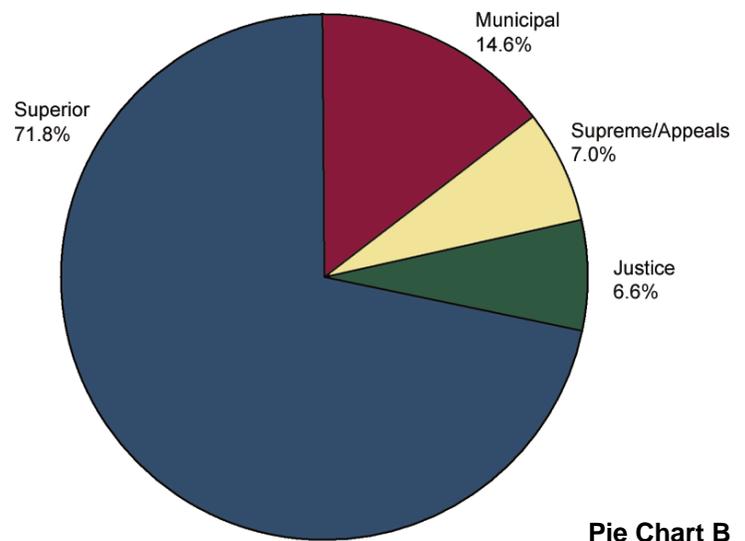
- Total statewide court expenditures increased 8.6%, from \$516.5 million in FY 2004 to \$561.1 million in FY 2005. See Graph A.
- 63.6% of the total funds spent by the court system come from the counties, 21.5% from the state, 14.5% from cities and towns, and 0.4% from federal and private sources. See Pie Chart A.
- 71.8% of total court expenditures occurred in Superior Court (including probation), 14.6% in municipal courts, 7.0% at the appellate level (including statewide administration) and 6.6% in the justice courts. See Pie Chart B.



Graph A



Pie Chart A



Pie Chart B

The data contained in this report was compiled from the Supreme Court financial records, caseload reports from courts, and responses to the unaudited Supreme Court survey of expenditures and revenues for fiscal year 2005 (July 1, 2004 - June 30, 2005). All data received by the publication deadline is included but some information is preliminary. Final counts will be published in the 2005 Arizona Courts Data Report in early 2006.

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