

Steering Committee on Arizona Case Processing Standards

April 10, 2019

1:30 p.m. to 3:30 p.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 345A/B

Present: Vice Chief Justice Robert Brutinel; Mr. Kent Batty; Hon. Pamela Frasher-Gates; Mr. Don Jacobson; Hon. Jay Polk; and Mr. John W. Rogers

Telephonic: Hon. Jill Davis; Hon. Charles Gurtler; Hon. Donna McQuality; Ms. Jane Nicoletti-Jones; Hon. Tony Riojas; Hon. Sally Simmons (Ret.); and Mr. Bill Verdini

Absent/Excused: Hon. Andrew Klein; Ms. Michelle Matiski; Hon. Steven McMurry (Ret.); Hon. Mark Moran; and Hon. John Rea

Presenters/Guests: Mr. Steve Gonzalez, MCJC; Ms. Lori Johnson, MCJC; Mr. Jerry Landau, AOC; Mr. Patrick Scott, Glendale City Court; and Denice Shepherd, Probate Subcommittee Member

Administrative Office of the Courts: Ms. Cathy Clarich and Ms. Marretta Mathes

I. Regular Business

a. Call to Order, Welcome, Introductions, and Opening Remarks

The April 10, 2019 meeting of the Steering Committee on Arizona Case Processing Standards was called to order by the Chair, Vice Chief Justice Robert Brutinel, at 1:30 p.m. The Chair asked for member and staff roll call.

b. Approval of the September 12, 2018 Minutes

The draft minutes from the September 12, 2018 meeting of the Steering Committee on Arizona Case Processing Standards were presented for approval. The Chair called for any omissions or corrections to the minutes from September 12, 2018. There were none.

A motion was made by Mr. Kent Batty and seconded by Mr. Don Jacobson to approve the draft meeting minutes. The motion passed unanimously.

II. Updates

a. Probate Subcommittee

Judge Jay Polk provided an update on the work of the Probate Subcommittee. The Probate Subcommittee was tasked with making recommendations as to (1) what types of probate events should be tracked, (2) whether additional time standards should be recommended to capture additional filings/proceedings in probate cases, and (3) whether the existing probate standards are adequate/appropriate. The subcommittee recognized that tracking additional events and creating additional time standards would require the allocation of additional IT resources. The subcommittee members agreed that its recommendations related to additional event tracking/time standards would be more of a wish list/roadmap until resource allocation is appropriate/realistic. The subcommittee will deliver a written report to this committee at the next meeting.

b. DUI Case Processing Workgroup

Mr. Jerry Landau provided an update on the work of the DUI Case Processing Workgroup. The workgroup is looking at the DUI process and identifying the factors that are causing delays in case processing. Body cameras and the processing of blood alcohol evidence have come up. The workgroup has had one meeting and will meet 1-2 more times before delivering its recommendations. Mr. Landau emphasized that the time standard should drive the process; the process should not drive the time standard.

c. Small Claims

Ms. Mathes provided an update of the small claims pilot project. A second pilot program was commenced in the Maricopa County Justice Courts and the Pima County Consolidated Justice Court. The process for the second pilot mirrors the current small claims process but shortens the time for dismissal for lack of service and lack of prosecution. The Committee on Improving Small Claims Case Processing will review data from both pilot programs at its meeting next month.

d. Online Dispute Resolution

Ms. Mathes reported on a proof of concept for Online Dispute Resolution (ODR). The proof of concept includes family court cases in the Yuma County Superior Court and the Pinal County Superior Court for family court matters. Yuma County is including post-decree matters only, whereas Pinal County is including pre-decree and post-decree matters. The Scottsdale City Court is also piloting ODR for plea by mail and plea by phone misdemeanor cases.

There is not a lot of data yet, but it is expected that ODR will improve time to disposition in these cases.

e. Education/Training Development

Ms. Mathes provided an update on education and training development:

- November 2018 – Stat/Time Standards for LJ AJACS Conversion
- January 2019 – Arizona Court Supervisor Training
- February 2019 – Clerk of Court Training
- May/June 2019 – Possible LJ/GJ AJACS training

f. Time Standards Reports Update

Ms. Mathes provided an update on the time standards reports:

- All LJ reports for AZTEC and AJACS courts have been deployed.
- Protective Order, Family Law Post-Judgment Motions, and LJ Appeals have been developed, tested and were deployed last Friday. This completes the report development for GJ.
- Juvenile Delinquency and Status Offense reports have been developed and were deployed in November. Courts will be able to begin reporting on this case type in July.
- Dependency reports are being moved to SSRS and will be available for courts to run in the Fall. This move should increase the accuracy of these reports.

III. Phase 6

a. Overview of Data Received

Ms. Mathes provided an overview of the quarterly data for Ex Parte Protection Orders, Contested Hearing Protection Orders, and Pre-issuance Hearing Protection Orders received from the limited jurisdiction courts for quarter one of FY19.

1) Ex Parte Protection Orders

99% within 24 hours – AZ Provisional Standard
 96% within 24 hours – Q1FY19

(150 courts reporting, 115 courts had data)

62 courts met the standard. 50 courts were within 10% of the standard.

Discussion was held regarding whether this committee should recommend this standard as the final case processing standard. Committee members agreed that the lack of GJ data will probably not significantly impact the percentage of compliance. A motion was made by Mr. Batty and seconded by Judge Pam Gates

to recommend the standard of 99% within 24 hours as the final case processing standard for Ex Parte Protection Order cases. The motion passed unanimously.

2) Contested Hearing Protection Orders

90% within 10 days – AZ Provisional Standard
82% within 10 days – Q1FY19

98% within 30 days – AZ Provisional Standard
95% within 30 days – Q1FY19

(150 courts reporting, 66 courts had data)

40 courts met both standards. 19 courts met at least one standard.

Discussion was held regarding whether this committee should recommend this standard as the final case processing standard. Ms. Mathes indicated that there may be some issues with non-AJIN courts calculating the first tier of the time standard in court business days rather than calendar days, which is why the standard is so low for the first tier. Ms. Mathes has reached out to these courts to ensure they know that a correction should be made. A motion was made by Judge Gates and seconded by Judge Sally Simmons to table the final case processing standard recommendation for this case type until the next committee meeting so that the reports can be corrected and GJ data can be included. The motion passed unanimously.

A motion was made by Mr. Batty and seconded by Judge Polk to specify that the 10-day tier of this standard should be “business days” and calculated as contemplated by the Rules of Civil Procedure. The motion passed unanimously.

3) Pre-issuance Hearing Protection Orders (No AZ Provisional Standard)

57% within 10 days – Q1FY19

94% within 30 days – Q1FY19

(150 courts reporting, 50 courts had data)

Ms. Mathes indicated that the reports are currently calculating the 10-day tier in calendar days, which is likely why the percentage is so low. Ms. Mathes requested clarification from the committee as to how the 10-day tier should be calculated. A motion was made by Mr. Jacobson and seconded by Mr. Batty to specify that the 10-day tier of this standard should be “business days” and calculated as contemplated by the Rules of Civil Procedure. The motion passed unanimously.

The committee will take up the topic of setting a standard for this case type at its next meeting.

IV. Phase 7

Phase 7 Reporting Period

Ms. Mathes provided an overview of the plan for phase 7 data collection and the reporting period. The remaining case types are:

- Ex Parte Protection Orders – GJ
- Contested Hearing Protection Orders – GJ
- Pre-issuance Hearing Protection Orders – GJ
- Family Law Post-Judgment Motions
- LJ Appeals

Data will be requested when courts reports in July. Ms. Mathes indicated that once data is collected in July on these case types, all datasets will be complete. Ms. Mathes would like to request data for the entire fiscal year of 2019 on these case types instead of quarterly data to avoid confusion and inquired as to whether there were any concerns with that approach. There were none.

V. Next Meeting & Other Items

a. Future of Time Standards Committee

The Chair asked committee members to think about what we should do with the data, how we are going to use the data to better manage our court system, how we should track the data and how we should look at the data to ensure that everyone understands that the data is indeed being reviewed.

Judge Gates suggested that perhaps the next step is to take these standards and look at the data to determine whether courts are meeting the standards and if not, determine why they aren't meeting the standard, provide assistance, etc. Mr. Batty agreed but suggested that this should not be in the immediate future for this committee.

Discussion ensued regarding publication of the time standards reports.

b. Next Meeting Date

October 16th or November 6th

VI. Call to The Public

The Chair made a call to the public. Mr. Patrick Scott, Deputy Court Administrator, Glendale City Court, addressed the committee and spoke to the inability to change the judicial assignment on cases converted from AZTEC to LJ AJACS. Mr. Scott also commented on the Age of Active Pending report and requested that the courts be provided a report that can exclude cases that are on active warrant. Mr. Scott also requested that there be a date somewhere in the system so that the court knows which pending cases have already been reviewed by court staff. Mr. Scott also spoke to an issue recognized when running the time standards reports wherein several protective orders that had a pre-issuance hearing scheduled were not properly resulted. He would like to see something that would flag these cases so that the court would know to go back and review these cases. Lastly, Mr. Scott requested that there be a scheduling mechanism developed that will allow the time standards reports to be sent directly to each judge.

VII. Adjournment

The Chair adjourned the meeting at 3:18 p.m.

Next Committee Meeting Date:

November 6, 2019

1:00 p.m. – 3:30 p.m.

State Courts Building Conference Room 345 A/B
1501 W. Washington, Phoenix, AZ 85007