

# Arizona Supreme Court Steering Committee on Arizona Case Processing Standards

**April 25, 2013 Meeting Agenda**  
1501 W. Washington St. Phoenix, AZ 85007  
State Courts Building, Conference Room 230  
Conference Phone Number: 602.452.3193, ID# 7002

## Call to Order

10:00 a.m.      Announcements      Hon. Robert Brutinel, Chair  
   Introductions  
  
   Motion to Approve Minutes

## **Revised Arizona Case Processing Standards Preliminary Recommendations (Handout)**

## Workgroup Updates

10:15 a.m.      Proposed Arizona Case Processing Standards      Judge John Rea, Chair  
   Superior Court Civil Workgroup  
   ➤ Superior Court Civil Cases

10:20 a.m.      Justice Court Civil Cases Workgroup      Judge Jill Davis, Chair  
   ➤ Justice Court Civil Cases \*\*  
   **Call for Motion Vote**  
   ➤ Justice Court Eviction Actions\*\*  
   **Call for Motion Vote**  
   ➤ Civil Small Claims \*\*  
   **Call for Motion Vote**  
   ➤ Civil Local Ordinances

10:30 a.m.      Municipal and Justice Court Cases Workgroup      Judge Tony Riojas, Chair  
   ➤ Civil Traffic\*\*  
   **Call for Motion Vote**  
   ➤ Protection Orders\*\*  
   **Call for Motion Vote**  
   ➤ Criminal Misdemeanor\*\*  
   **Call for Motion Vote**  
   ➤ Criminal DUI Misdemeanor  
   ➤ Criminal Post-Conviction Relief\*\*  
   **Call for Motion Vote**

10:50 a.m.      Criminal Workgroup      Judge Richard Fields, Chair  
   ➤ Criminal Felony  
   ➤ Criminal Post-Conviction Relief

10:55 a.m.      Family Law Workgroup      Judge Pamela Gates, Chair  
   ➤ Family Law Dissolution\*\*

*All times are approximate. The Chair reserves the right to set the order of the agenda. For any item on the agenda, the Committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration §1-202. Please contact Cindy Cook at (602) 452-3168 with any questions concerning this agenda. Persons with a disability may request a reasonable accommodation by contacting Jerri Medina at (602) 452-3647. Requests should be made as early as possible to allow time to arrange for the accommodation.*

**Call for Motion Vote**

- Family Law Post-Judgment Motions

11:00 a.m. Probate Workgroup Judge Rosa Mroz, Chair  
➤ Probate Administration of Estates\*\*  
**Call for Motion Vote**  
➤ Probate Guardianship/Conservator\*\*  
**Call for Motion Vote**  
➤ Probate Mental Health Cases

11:20 a.m. Juvenile Workgroup Judge Peter Cahill, Chair  
➤ Delinquency and Status Offense  
➤ Neglect and Abuse  
➤ Termination of Parental Rights

11:25 a.m. Executive Summary Hon. Robert Brutinel, Chair

**Executive Summary (Handout)**

**Call for Motion Vote**

11:45 a.m. Lunch

**Presentations**

12:15 p.m. Overview of Report Concepts Amy Wood, AOC  
12:30 p.m. AJACS Reports Patrick McGrath, AOC

**New Business**

1:00 p.m. Committee presentations and AJC Hon. Robert Brutinel, Chair

**Final report will be presented to AJC on October 24, 2013**

1:15 p.m. Next steering committee meeting Hon. Robert Brutinel, Chair  
Thursday, September 12, 2013 10:00 a.m. to 2:00 p.m.

**Old Business**

**Call to Public**

**Adjourn**

1:20 p.m. Motion to adjourn meeting.

**\*\*important voting items**

*All times are approximate. The Chair reserves the right to set the order of the agenda. For any item on the agenda, the Committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration §1-202. Please contact Cindy Cook at (602) 452-3168 with any questions concerning this agenda. Persons with a disability may request a reasonable accommodation by contacting Jerri Medina at (602) 452-3647. Requests should be made as early as possible to allow time to arrange for the accommodation.*

# Steering Committee on Arizona Case Processing

**Thursday, January 24, 2013**

10:00 a.m. to 3:00 p.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 106

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**Present:** Justice Robert Brutinel, Judge Antonio "Tony" Riojas, Judge Eric L Jeffery, Judge Jill Davis, Judge John Rea, Judge Kenton Jones, Judge Mark Moran-*telephonically*, Judge Pamela Frasher Gates, Judge Peter Cahill, Judge Richard Fields, Judge Rosa Mroz, Judge Sally Simmons, Ms. Sandra Markham, Judge Steven McMurry, Mr. Don Jacobson, Mr. John W Rogers, Mr. Kent Batty, Mr. William "Bill" Verdini, Ms. Michelle Matiski-*telephonically*.

**Absent/Excused:** Jane Nicoletti-Jones, Mr. James Haas

**Presenters/Guests:** Jeremy Mussman, Maricopa County Public Defender's Office, C. Daniel Carrion, Maricopa County Public Defender's Office

**Staff:** Amy Wood, Cindy Cook, Jerri Medina

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## **I. Regular Business**

### **A. Welcome and Opening Remarks**

The January 24, 2013 meeting of the Steering Committee on Arizona Case Processing Standards was called to order by Chair, Honorable Robert Brutinel, at 10:01 a.m.

Introductions of committee members and staff.

### **B. Approval of October 24, 2012 Minutes**

The chair called for any omissions or corrections to the minutes from October 24, 2012, meeting; there were none.

- The draft minutes from the October 24, 2012, meeting of the Steering Committee on Arizona Case Processing Standards were presented for approval.
  - Motion was made by Judge Sally Simmons to approve the October 24, 2012 minutes; seconded by Donald Jacobson and passed unanimously.

## II. Proposed Arizona Case Processing Standards: Workgroup Updates

### A. Superior Court Civil Workgroup: Judge John Rea

#### 1. Superior Court Civil Cases

Discussion: Currently the courts can obtain little to no statistical data on the disposition of cases in the case management systems. This lack of data has made it difficult to develop a standard that is aspirational but still achievable in Arizona. The development of time standards by the steering committee will be a first step towards the creation of a business requirements document that can be utilized statewide by all the case management systems. The work done in this steering committee will be instrumental in the development of these time to disposition reports. The committee will determine when the count will start and end, what time will be excluded from the count and what standards the courts are trying to achieve. At the next meeting the AOC staff will present the courtools reports that have been developed for the AJACS case management system and discuss how these reports can be changed to facilitate the use of case processing standards. The business and IT department at the AOC has started developing a requirements document that could be distributed to all of the different case management systems across the state. The requirements document will ensure that everyone is on the same page and counting the cases the same way.

It was a widely held belief that the proposed standards needed to be aspirational but realistic and that the courts cannot be complacent but need to strive to improve. The committee members suggested that the committee re-convene after the case processing standards have been implemented and conduct a review to determine if adjustments need to be made to the case processing standards.

If judges and court administrators want to dispose of their cases in a more timely manner the calendaring practices in some of the courts will need to improve. The judges need to set firm trial dates and continuances should only be granted when absolutely necessary.

The workgroups and committee are not addressing rule changes at this time but recognize that there are built in time periods in the current rules and some changes may have to be made in the future. For example Rule 4 (i),<sup>1</sup> ARCP and Rule 113(i),<sup>2</sup> JCRCP on the dismissal of the case after 120 days for lack of service. A new rule petition has been filed this year to amend Rule 38.1, ARCP on the inactive calendar and motion to set.

- Motion was made by Don Jacobson to adopt as recommended time standards for the Superior Court Civil case type presented by the workgroup on page 2 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.

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<sup>1</sup> Arizona Rules of Civil Procedure

<sup>2</sup> Justice Court Rules of Civil Procedure

- Seconded by Kent Batty. Motion passed 17-2-0.

## **B. Justice Court Civil Cases Workgroup: Judge Jill Davis**

### **1. Justice Court Civil Cases**

Discussion: Judge Davis presented the workgroup recommendations to fifty justice and municipal judges at the Transportation Conference and most of the comments received were from one part-time pro-tem judge that wanted longer standards. This in turn inspired us to think that the workgroup was on the right track. The workgroup further noted that the statistical data for small counties may be skewed if there are only a couple of cases filed and one case falls outside the standards.

Date of service was discussed for the starting measurement. Workgroup is following national model and starting from date of filing.

- Motion was made by Judge Tony Riojas to adopt recommended time standards for the Justice Court Civil case type presented by the workgroup on page 3 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Sandra Markham. Motion passed 18-1-0.

### **2. Justice Court Eviction Actions**

Discussion: Most cases move very quickly through the courts in this category with the expectation that 98% would fall within 10 days. There was a concern that cases would not be done within ten days. However, Arizona statute states these cases will be heard within six days with the option to continue for three days. If a case requests a jury trial, they must be set within five days and the number of eviction trials would fall below the 2% mark. This model is strongly based on existing Arizona statutes.

- Motion was made by Judge Kenton Jones to adopt recommended time standards for the Justice Court Civil case type presented by the workgroup on page 4 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Don Jacobson. Motion Passed unanimously.

### **3. Civil Small Claims**

Discussion: In the national model, evictions, local ordinances and small claims cases are combined into one standard. In order to stay in line with current rules and statutes in Arizona a separate standard was developed for all 3 case types. Small claims cases include civil cases with a dollar amount of \$2,500 or less with no attorneys involved. The public expectation is that these types of cases will be completed in a short amount of time.

- Motion was made by Kent Batty to adopt recommended time standards for the Civil Small Claims case type presented by the workgroup on page

- 5 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Judge Sally Simmons. Motion passed unanimously.

#### **4. Civil Local Ordinances**

Discussion: A determination was made by the committee that a case with zoning issues could be disposed of within the six month timeframe. In most instances the city or county has worked with the individuals for years before filing a lawsuit. Compliance hearings would occur after disposition and not affect the standards.

- Motion was made by Judge Steven McMurry to adopt recommended time standards for the Civil Local Ordinances case type presented by the workgroup on page 6 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Sandra Markham. Motion passed unanimously.

### **C. Municipal and Justice Court Cases Workgroup: Judge Tony Riojas**

#### **1. Civil Traffic**

Discussion: This is the largest category of cases in the state. The workgroup noted that 60% to 65% of the cases are paid electronically and that there are no inherent delays in the volume of cases being processed. Parking tickets fall under civil local ordinance in some counties, not sure if they fall under traffic in other counties. Photo radar tickets are a small percentage of the cases. Some ideas to shorten the time to disposition are to give the front county clerk the ability to provide 15/30/45 day extensions to the defendant. This practice will cut down on the number of motions filed so that the defendant is allowed to complete traffic school, obtain proof of insurance or travel from out of town. Another way to shorten the time is to assign some of the traffic tickets to civil hearing officers. Some of the counties do experience spikes in the number of filings based on holidays, tourism traffic, first snowfall and enforcement efforts by the police department.

- Motion was made by Kent Batty to adopt recommended time standards for the Civil Traffic case type presented by the workgroup on page 7 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Don Jacobson. Motion passed unanimously.

#### **2. Protection Orders**

Discussion: The Limited Jurisdiction Committee (LJC) had recommended that the pre-issuance hearing be changed to 90% within 14 days instead of 10 days. The committee decided that an intermediate standard may not be needed for pre-issuance hearings and the issue should be re-visited at a later date when more data is available. The pre-issuance hearing is normally utilized for neighbor and roommate disputes.

- Motion was made by Judge Pamela Gates to adopt amended recommended time standards that exclude an intermediate standard for pre-issuance hearings for the Protection Order case type presented by the workgroup on page 8 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Judge Kenton Jones. Motion passed unanimously.

### **3. Criminal Misdemeanor**

Discussion: The Limited Jurisdiction Committee (LJC) stated that there are a number of cases where the time is extended because of informal diversions (e.g. case will be dismissed at next pre-trial hearing if fine is paid). May need to discuss the creation of event codes in the case management systems so that the time can be excluded for formal and informal diversions.

- Motion was made by Judge Sally Simmons to adopt recommended time standards including amended measurement for the Criminal Misdemeanor case type presented by the workgroup on page 9 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Judge Richard Fields. Motion passed unanimously.

### **4. Criminal DUI Misdemeanor**

Discussion: The Committee recommended that Arizona stay with the current DUI standards and that the following reasons for differing from the national model are added to the background information: The DUI misdemeanor case processing standard in Arizona exceeds the national standard for several reasons. First, there are substantial penalties involved, and a large number of these cases go to trial. Second, the discovery process is lengthy because of expert testimony and the required technical testing and re-testing of blood and breath by the crime labs. Third, the number of offenses for driving under the influence of prescription drugs has increased, and physician testimony must be included in the discovery process

- Motion was made by Judge Peter Cahill to adopt recommended time standards, including amended measurement and reasons for deviation from the national model for the Criminal DUI Misdemeanor case type presented by the workgroup on page 10 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Don Jacobson. Motion passed unanimously.

## **D. Criminal Workgroup: Judge Richard Fields**

### **1. Criminal Felony**

Discussion: The steering committee has suggested that the proposed standards be reviewed at a later date to ensure that the standards are not set so high as to be

unachievable by the courts. It was also suggested that we track the felony cases filed in justice court before they are transferred into the superior court.

- Motion was made by Judge Sally Simmons to adopt recommended time standards including amended measurement for the Criminal Felony case type presented by the workgroup on pages 11 and 12 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Judge Peter Cahill. Motion passed unanimously.

## **2. Criminal Post-Conviction Relief**

Discussion: The percentage was lowered in this case type because the Arizona courts have a higher trial rate than the national average. For example, Pima County had a trial rate of 9.16%. The motion for post conviction relief based on a trial takes more time to review than those based on plea agreements. The trial post conviction relief motion requires more preparation as it includes more testimony and evidence to be reviewed. The time to disposition will also be delayed if an evidentiary hearing is required or a claim for ineffective assistance of counsel is alleged because the court must appoint counsel under Rule 32.5, Ariz. R. Crim. P.<sup>3</sup>

- Motion was made by Judge Sally Simmons to adopt recommended time standards for the Criminal Post-Conviction Relief case types presented by the workgroup on page 13 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Sandra Markham. Motion passed unanimously.

## **E. Family Law Workgroup: Judge Pam Gates**

### **1. Family Law- Dissolution/Divorce/Allocation of Parental Responsibility Cases**

Discussion: The workgroup increased the time to disposition in these cases but still has some reservations as to whether these standards will be achievable by the courts. The findings in family law cases are often complex and lengthy.

After the reports are written and more data has been obtained, the committee would like to re-visit the standards to determine if these are standards that can be achieved by the courts and if not make adjustments.

Members of the steering committee suggested that we change the name from “Arizona case processing standards” to Arizona case processing goals.” Standard is an absolute and has a more negative connotation if not met. Goals are more aspirational. The committee needs to develop standards that will push the courts to do better, since none of the courts strive for mediocrity.

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<sup>3</sup> Arizona Rules of Criminal Procedure

The judge's have expressed some concern as to what the consequences will be if the courts or a particular judge fail to achieve the case processing standards. The development of case processing standards are a starting point for the courts so they can judge how they are doing and if any improvements can be made. The committee believes the standards will be used as a management tool for the whole court not as a weapon against individual judges. Reports will be written for the case management systems based on these case processing standards and will be utilized to evaluate how the courts are performing on a statewide basis. If the standards are too aspirational the standards can be adjusted accordingly. The standards should not be utilized as a rule governing individual cases or creating rights for individual litigants.

There are a large number of self-represented litigants in family court and the workgroup believes it would not be helpful to implement a rule change that shortens the time for service.

- Motion was made by Kent Batty to adopt recommended time standards for the Family Law Dissolution case type presented by the workgroup on page 14, 15 and 16 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Judge Peter Cahill. Motion passed unanimously.

## **2. Family Law Post-Judgment Motions**

Discussion: A significant percentage of post-decree petitions involve more than one issue. Single issue petitions to modify child support or spousal maintenance will likely be resolved in 180 days. There was very little statistical information available on the number of post decree motions that involve child support only.

- Motion was made by Judge Sally Simmons to adopt recommended time standards for the Family Law Post-Judgment case types presented by the workgroup on page 17 and 18 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Judge McMurry. Motion passed 18-1-0.

## **F. Probate Workgroup: Judge Rosa Mroz**

### **1. Probate Administration of Estates & Probate Guardianship/Conservator**

Discussion: A survey was sent to the probate presiding judge in every county to see if any information could be gathered on the number of decedent estates and guardianship/conservatorship cases filed and the disposition rate for each. The courts were unable to obtain statistics from their case management systems. Except for Greenlee County the courts were only able to provide an estimate of the number of cases filed and the disposition rates. The estimates received from the courts were scattered but based on the number of counties that had low percentages, the national

model time standards did not seem achievable and the workgroup struggled with the development of a realistic standard for Arizona.

Based on the lack of information available the workgroup wanted to defer the development of standards until a careful study with concrete data could be completed. However, the committee does not want the lack of statistical data to preclude the development of case processing standards for decedent estates and guardianship/conservatorship cases. These two case types are important and should be treated the same as all the other case types. We need to adopt a standard and then monitor the cases to see if the standards need to be revised.

Since the standards cannot be deferred, the workgroup will research the statistical data available and make a determination as to the appropriate standard for decedent estates and guardianship/conservatorship cases.

The proposed case processing standards for lowering the percentage on the administration of estates and guardianship/conservatorship cases are located on page 19 and 20 in the Arizona Case Processing Standards Preliminary Recommendations materials handout.

The workgroup is also tasked with reviewing the measurement for the administration of estates and clarifying when the decedent's estate is closed and the measurement will stop. In some counties the case may show a disposition when the letters are issued. In other counties the disposition occurs when the closing statement or final distribution or accounting is filed.

Most guardian/conservators are not attorneys and the courts have no problem assigning guardian/conservators to the cases. The biggest obstacle is locating the guardian/conservator and getting them to attend hearings so the probate process can be finalized. The smaller counties do not have the resources to track down the guardian/conservators.

Judge Rosa Mroz will be rotating off the probate assignment in Maricopa and Andy Kline will be rotating on as her replacement.

- Motion was made by Don Jacobson to send this back to the workgroup for further research on the statistical data, clarify what would be the appropriate measurement for the courts and make a determination as to the appropriate standard for decedent estates and guardianship/conservatorship cases.
- Seconded by Judge Richard Fields. Motion passed unanimously.

## **2. Probate Mental Health Cases**

Discussion: These case types are statutorily driven and the national model time standards comply with Arizona law.

- Motion was made Kent Batty to adopt recommended time standards for the Probate Mental Health case types presented by the workgroup on page 21 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Judge Sally Simmons. Motion passed unanimously.

## **G. Juvenile Workgroup: Judge Peter Cahill**

### **1. Delinquency and Status Offense, Neglect and Abuse, and Termination of Parental Rights**

Discussion: The Arizona standards for all 3 juvenile case types are either faster or comport with the national standards because juvenile cases have strict timelines included in Arizona rule of law. In juvenile cases, compliance with timelines has improved outcomes for children and families and the judicial system as a whole.

The workgroup recommends that Arizona stay consistent with the rules and statutes and start measuring from the date a parent or guardian is served. Both parents do not have to be served for the courts to proceed with the case.

No standard for adoption cases to be developed. The national model did not develop a standard for adoption cases. The workgroup developed a proposed standard but after further consideration unanimously decided not to adopt a standard for adoption cases. Everyone agreed that adoption cases need to be completed in an expedient manner but there are so many variables in these cases that a standard for completion could cause many unintended consequences. There are several different types of adoptions CPS adoptions, private adoptions, step parent adoptions, relative adoptions, foreign adoptions, etc.

No standard for Title 8 or Title 14 minor guardianship/ conservatorship cases to be developed, the timelines are set out by rule and statute in Arizona.

- Motion was made Judge Peter Cahill to adopt recommended time standards for the Delinquency and Status Offense, Juvenile Neglect and Abuse, and Juvenile Termination of Parental Rights case types presented by the workgroup on pages 22, 23 and 24 of the Arizona Case Processing Standards Preliminary Recommendations materials hand-out.
- Seconded by Judge Sally Simmons. Motion passed unanimously.

## **III. Overview of Terms and Concepts**

The Steering Committee Overview document included in your packet gives a good summary of some of the concepts and terms that have been discussed today. Please review and let me know if you disagree with any of these statements.

Excluded time is laid out in this overview document. There will be one change made to the document pending juvenile cases will be removed from the list of time that is not excluded and added to the list of excluded time. The national model time standards

state that it is important for the courts to control the case at the earliest stages and this includes the service of process. In Arizona a case will be dismissed if not served within 120 days. This time should be included in the count when determining the appropriate standards for Arizona.

There is one exception to the date of service being utilized as a measuring point and that is the case type of Juvenile Neglect and Abuse. The national model time standards start the count from the date of removal on the adjudication and permanency hearing. In Arizona, the workgroup has proposed that the Adjudication Hearing will be at the date of "service on a parent or guardian" instead of the date of removal so that the standards are consistent with the rules and statutes.

At the next meeting we will discuss the reports to be created for the case management systems and start the process of writing a final report. An executive summary will be included in the report that addresses some of the committees concerns on the use of these case processing standards as a management tool.

The probate workgroup will conduct more research and make a final decision on the appropriate case processing standards and measurements. A report will be sent out to the steering committee members, please review and provide feedback.

Justice Brutinel recognizes the tremendous amount of time and work that has been put into these recommendations and wanted to express his appreciation.

These revised preliminary recommendations will be presented to the standing committees. A link to the Arizona Case Processing Standards website will be provided to the courts, state and local bars and legal community and they will be invited to comment on the preliminary recommendations starting February 15, 2013. If there is anyone that you want feedback from, please forward this information to them for comments on our website.

Additionally, as we receive comments from the courts and legal community we will be contacting the chair and members of the workgroups to help draft a response to the comments.

Judge Cahill volunteered to do the presentation tomorrow at the COVIC meeting. Judge Rea will present both family law and civil case processing standards along with Judge Mroz for probate and Kent Batty for criminal at the next COSC meeting.

#### **IV. Old Business**

##### **A. None**

#### **V. Call to Public**

##### **A. Good of the Order/Call to the Public**

No one came forward to address the committee at this time.

## **VI. Adjourn**

A. **Motion: To adjourn at 1:45pm.** Motion was seconded and passed.

B. **Next Committee Meeting Date:**

Thursday, April 25, 2013

10:00 a.m. to 2:00 p.m.

State Courts Building, Room 119 A/B

1501 W. Washington St., Phoenix, AZ 85007

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# ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

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**RED** = Changes adopted by the committee

**BLUE** and highlighted = Changes to be discussed by the committee at the 4/25/2013 meeting

# ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
1	Superior Court Civil Cases	60% instead of 75% within 180 days 90% within 365 days 96% instead of 98% within 540 days  ✓ Complex cases such as medical malpractice will be included as part of the 4% of cases disposed after 540 days.	Different Standard from national general civil model time standard.	The percentage on the first tier was lowered 15% for the following reasons: <ul style="list-style-type: none"> <li>• The number of uncomplicated and easily resolved cases were greatly reduced with the removal of the justice court civil cases from the superior court civil case type.</li> <li>• In FY11 59% of the total statewide civil cases were filed in justice court.</li> <li>• In Arizona a separate case processing standard is being developed for the justice court civil cases in which 90% of their cases are disposed within 180 days.</li> <li>• 90% of the statewide 59% would be resolved in 180 days based on the justice court standard. This equates to 53% of the statewide civil cases.</li> </ul> The percentage on the third tier was lowered 2% for the following reasons: <ul style="list-style-type: none"> <li>• The workgroup members stated that more than 2% of the civil cases require a trial or involve complicated evidentiary issues and 4% is a more accurate representation of the percentage of cases.</li> </ul>	Filing of initial complaint through disposition (e.g., dismissal, judgment). The following <b>may result in a stay of proceedings and the time elapsed</b> will be excluded from measurement: special actions/ appeals, bankruptcy and Servicemembers Civil Relief Act.	<ul style="list-style-type: none"> <li>• In some jurisdictions the superior court caseload is split between judges, magistrates and ADR hearing officers. Judges generally retain the more complex caseload. This means that the standards discussed work well at a court-wide level, but not when applied to an individual judge's caseload. May want to add a disclaimer to reports.</li> <li>• Will not develop a separate standard for medical malpractice cases or eviction actions. Timelines have been included in the rules and statutes, standards are unnecessary.</li> </ul>
<p><b>1 APPROVE PRELIMINARY RECOMMENDATION = YES</b>                      Motion to adopt made by Don Jacobson, seconded by Kent Batty. Motion passed 17-2-0.  <b>NOTES:</b> The committee believes that the proposed standards need to be aspirational but realistic. After the standards have been implemented for a period of time the steering committee recommends the standards be reviewed and adjustments be made when necessary. Business requirements are being created for the case management systems so that all the same data is being collected by the courts and the reports will be consistent statewide. The courts will have to change the culture by making the attorneys move on their cases. Not addressing rule changes at this time but recognize that some changes may have to be made in the future (e.g. Rule 4 (i),<sup>1</sup> ARCP and Rule 113(i),<sup>2</sup> JCRCP on dismissal for lack of service.) A new rule petition has been filed this year to amend Rule 38.1, ARCP on the inactive calendar and motion to set.</p>						

<sup>1</sup> Arizona Rules of Civil Procedure  
<sup>2</sup> Justice Court Rules of Civil Procedure

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
2	Justice Court Civil Cases	75% within 120 days 90% within 180 days 98% within 270 days  ✓ Justice Court civil cases under \$10,000.00 will be included ✓ Superior Court civil cases will be excluded and have a different standard	Faster Standard then national general civil model time standard	The national model combines superior court cases and justice court cases under \$10,000.00 dollars in the case type standard General Civil. The workgroup has created separate standards for each court. <ul style="list-style-type: none"> <li>Discovery is not an issue in justice court civil cases so a shorter standard is appropriate.</li> </ul>	Filing of initial complaint through disposition (e.g., dismissal, judgment) The following <b>may result in a stay of proceedings and the time elapsed</b> will be excluded from measurement: <b>stay for</b> special actions /appeals, bankruptcy and Servicemembers Civil Relief Act.	Date of service was discussed for the starting measurement. Workgroup is following national model and starting from date of filing. In future, may want to file Petition to Amend Rule 113(i), JCRP to shorten 120 time period for dismissals.  Discussion thread for Comment on website: How much time is appropriate between a pretrial-conference/mediation and a scheduled trial date?
2	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b>                      Motion to adopt made by Judge Antonio Riojas, seconded by Sandra Markham. Motion passed 18-1-0.</p> <p><b>NOTES:</b> The statistical data for small counties may be skewed if there are only a couple of cases filed and one case falls outside the standards. <b>(Received 2 Comments) The concern expressed to me was that 75% of the justice court civil cases cannot be disposed of within 120 days because of Rule 4(i), ARCP which states “ the action will be dismissed without prejudice if summons and complaint not served within 120 days of filing of complaint. (These dismissals will take longer than 120 days to dispose and the judges will be hesitant to grant an extension of service)</b>  <b>The judge also stated that in his court 90% of the cases are summary judgment or default cases. The workgroup made a determination that service on the plaintiff normally occurs within 30 days not 120 days. If service is timely than the 120 day standard will be easily met for a default judgment. Rule 140(d), JCRCP states a “Default entered by the clerk is effective 10 days after filing of application for entry of default.”</b></p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
3	Justice Court Eviction Actions	98% within 10 days  ✓ Residential rental of a dwelling unit, Chapter 10: A.R.S. §33-1304; Mobile Home, Chapter 11: A.R.S. §33-1402; Rental of RV in RV Park >180 days Chapter 19: A.R.S. §33-2101; and General Landlord Tenant Chapter 3: A.R.S. §33-381 are included.  ✓ Commercial evictions are included.	New Standard pursuant to AZ rules and statutes. The national model time standards include evictions in summary civil matters	These standards only apply to eviction actions in Justice Court. The rules and statutes for eviction actions in superior court are different and a small number of cases are filed in Superior Court.  The Superior Court will not develop a different standard. The eviction actions will be included with all other civil cases in superior court.	Filing of initial complaint through disposition (e.g., dismissal, judgment) The following <b>may result in a stay of proceedings and the time elapsed</b> <del>stay of proceedings</del> will be excluded from the measurement: special action/ appeals, bankruptcy and Servicemembers Civil Relief Act.	
3	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b>                      Motion to adopt made by Judge Kenton Jones, seconded by Don Jacobson. Motion passed unanimously.</p> <p><b>NOTES:</b> Not discussed at steering committee meeting but have question as to whether <b>commercial evictions should be specifically included in the standard?</b> In looking at AJACS to write reports there are no special designations for commercial evictions versus residential evictions so it would be easier to write the time to disposition reports if commercial evictions are included in the standard.</p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
4	Small Claims	75% within 90 days instead of 60 days 90% within 120 days instead of 90 days 98% within 180 days	Different Standard. The national model time standards for summary civil matters includes evictions and civil local ordinance cases and we have developed different standards for these case types.	An additional 30 days has been added to the first two tiers for the following reasons: <ul style="list-style-type: none"> <li>• Service by mail is allowed in Justice Court cases and this will add approximately 2 weeks to the timeline.</li> <li>• In some counties these cases are sent to mediation which will add 30 days to the timeline. Approximately 50% settle in mediation.</li> <li>• 75% of the cases do not end in a default.</li> <li>• In the national model time standards model evictions and civil local ordinances are included and they have faster dispositions.</li> </ul>	Filing of initial complaint through disposition (e.g., dismissal, judgment) The following <b>may result in a stay of proceedings and the time elapsed</b> <del>stay of proceedings</del> will be excluded from the measurement: <b>special action/appeals,</b> bankruptcy and Servicemembers Civil Relief Act.	Date of filing should be used instead of date of service for the starting measurement. This encourages courts to monitor the performance of this critical procedural step and to take action—such as setting a hearing for self-represented litigants or dismissing the case after 120 days for lack of service.
4	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b> Motion to adopt made by Kent Batty, seconded by Judge Sally Simmons. Motion passed unanimously.</p> <p><b>NOTES: ( Received 1 comment to increase standard)</b> <b>Not discussed at steering committee meeting but <b>special actions /appeals should be removed from excluded time.</b> See §22-504(B) it states no appeal can be filed on a small claims case. (See revision above)</b></p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
5	Civil Local Ordinances	75% within 60 days 90% within 90 days 98% within 180 Days	Comports with national model time standards for summary civil matters	Civil Local Ordinances should have their own standard and not the same standard as the Civil Traffic or Small Claims case types.	Filing of initial complaint through disposition (e.g., dismissal, judgment) The following <b>may result in a stay of proceedings and the time elapsed</b> <del>stay of proceedings</del> will be excluded from measurement: special action/ appeals, bankruptcy and Servicemembers Civil Relief Act.	
5	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b>                      Motion to adopt made by Judge Steven McMurry, seconded by Sandra Markham. Motion passed unanimously.</p> <p><b>NOTES:</b> A determination was made by the committee that a case with zoning issues could be disposed of within the six month timeframe. In most instances the city or county has worked with the individuals for years before filing a lawsuit. Compliance hearings would occur after disposition and not affect the standards.</p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
6	Civil Traffic	75% within 30 days 90% within 60 days 98% within 90 days  ✓ Civil local ordinance cases are excluded. ✓ Photo-Radar tickets are excluded.  ✓ <b>Parking tickets are excluded.</b>  <b>Parking tickets should be excluded because a statewide designation would be difficult. Every city or county can designate a parking ticket as something different. It can be a petty offense, it can be a civil local ordinance violation or possibly civil traffic.</b>	Comports with national model time standards for criminal traffic and local ordinances		Filing of Arizona Traffic Ticket and Complaint (ATTC) or by long-form complaint through disposition (e.g., dismissal, judgment) The following <b>may result in a stay of proceedings and the time elapsed</b> will be excluded from measurement: diversion, special action/appeals and <b>Servicemembers Civil Relief Act.</b>	Photo tickets require additional service time so they were excluded.
6	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b>                      Motion to adopt made by Kent Batty, seconded by Don Jacobson. Motion passed unanimously.</p> <p><b>NOTES: The committee noted that this is the largest category of cases in the state. The workgroup noted that 60% to 65% of the cases are paid electronically and that there are no inherent delays in the volume of cases being processed. Parking tickets fall under civil local ordinance in some counties, not sure if they fall under traffic in other counties. Photo radar tickets are a small percentage of the cases. Some ideas to shorten the time to disposition are to give the front county clerk the ability to provide 15/30/45 day extensions to the defendant. This practice will cut down on the number of motions filed so that the defendant is allowed to complete traffic school, obtain proof of insurance or travel from out of town. Another way to shorten the time is to assign some of the traffic tickets to civil hearing officers. Some of the counties do experience spikes in the number of filings based on holidays, tourism traffic, first snowfall and enforcement efforts by the police department.</b></p> <p><b>The measurement above needs to be revised to include the Servicemembers Civil Relief Act.</b></p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENT
7	Protection Orders	<p><u>Ex Parte Hearing: (Intermediate Standard)</u> 99% within 24 hours instead of 100%</p> <p><del><u>Pre Issuance Hearing (Intermediate Standard)</u></del> <del>90% within 10 days</del> <del>98% within 30 days</del></p> <p><u>Contested Hearing:</u> 90% within 10 days 98% within 30 days.</p> <p>✓ Injunctions Against Harassment and Injunctions Against Workplace Harassment are included.</p>	Different standard for Ex Parte Hearing (Intermediate Standard) but Arizona comports with the national model time standards for family law protection orders for Contested Hearing.	Arizona's protective order laws are significantly different from other states. The national intermediate standard is 100% of ex parte hearings to be held in compliance with state law. In Arizona a pre-issuance hearing may be ordered by the court within 10 days if the judge feels there is inadequate information. Because the courts can order a pre-issuance hearing the percentage was lowered to 99% for ex parte orders. A new intermediate standard for pre-issuance hearings <b>was considered of 90% within 10 days and 98% within 30 days.</b> <del>added to the standard.</del> Arizona adopted the standard for the national model contested hearing. In Arizona a second hearing only occurs if the defendant ask for one, it must be conducted within 5 to 10 days, depending on whether exclusive use of the parties' residence is at issue. With this statutory timetable, Arizona Courts should be able to conduct 98% of the contested hearings within 30 days.	<p><u>Ex Parte Hearing:</u> The date the petition for protective order is filed to the date the protective order is issued, denied <del>or a</del> <b>pre-issuance hearing is set.</b></p> <p><del><u>Pre-Issuance Hearing:</u></del> <del>The date the petition for protective order is filed to the date the protective order is issued, denied.</del></p> <p><u>Contested Hearing:</u> The date the request for hearing is filed to the date the protective order is affirmed, modified or quashed.</p>	
7	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b></p> <p>Motion to adopt recommended time standards, including the elimination of the intermediate time standard for pre-issuance hearing, made by Judge Pamela Gates, seconded by Judge Kenton Jones. Motion passed unanimously. (See revisions in red)</p> <p><b>NOTES: The workgroup had originally proposed an intermediate standard for pre-issuance hearings of 90% within 10 days and 98% within 30 days. The Limited Jurisdiction Committee (LJC) had recommended that the pre-issuance hearing be changed to 90% within 14 days instead of 10 days. The committee decided that an intermediate standard may not be needed for pre-issuance hearings and the issue should be re-visited at a later date when more data is available. Pre-issuance hearings can be used at any time and, in some jurisdictions, are frequently used for neighbor and roommate disputes. Based on the decision to remove the intermediate standard for pre-issuance hearings, the work group is recommending that "or a pre-issuance hearing is set" be removed from the Ex Parte Hearing measurement. The setting of a pre-issuance hearing is not a final disposition. A hearing will still need to be held and the order will need to be issued or denied. If we stop measurement at the setting of the pre-issuance hearing, we will not be tracking these cases to see if the order was issued or denied, and these cases will just fall off the radar. The Committee on the Impact of Domestic Violence in the Courts (CIDVC) had some concerns that the 99% for ex parte hearings could not be met because individuals file the petition and leave before the hearing is held. The larger jurisdictions may leave the case open for as long as 30 days in case the petitioner returns. The members of CIDVC did not want to lower the percentage to 98% with 24 hours. We do not have any data on how many cases fall into this category. The workgroup is recommending that the standard and measurement be left alone and this issue may be revisited after we have more data. This may be an issue for the individual courts.</b></p>					

# ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
8	Criminal Misdemeanor	75% within 60 days 90% within 90 days 98% within 180 days  ✓ Criminal traffic cases are included. ✓ Petty offenses are included ✓ Criminal local ordinance cases are included. ✓ DUI cases are excluded; these cases have separate case processing goals.	Comports with national model time standards for criminal misdemeanor	Added the following comment to the standard. <b>COMMENT:</b> These standards are based on the assumption that most of these cases are resolved without an attorney. These standards should be revisited if penalties on misdemeanor cases continue to become more stringent and attorney involvement increases.	Filing of complaint through disposition (e.g., dismissal, <b>acquittal or judgment and sentencing</b> ) The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.	
8	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b>                      Motion to adopt recommended time standards, including amended measurement, made by Judge Sally Simmons, seconded by Judge Richard Fields. Motion passed unanimously. (See revisions in red)</p> <p><b>NOTES:</b> The Limited Jurisdiction Committee (LJC) stated that there are a number of cases that the time is extended because of informal diversions (e.g. case will be dismissed at next pre-trial hearing if fine is paid). May need to discuss the creation of event codes in the case management systems so that the time can be excluded for formal and informal diversions.</p> <p><b>Does the committee agree that case processing standards for criminal cases will be applied when the case is initiated not at the time of disposition? In a criminal case, the case processing standard for the most severe offense listed on the charging document would be applied. (e.g. case has a misdemeanor charge and a civil traffic charge and the misdemeanor charge is dismissed. In this scenario the case processing standard for misdemeanors would apply since this was the most severe offense listed on the charging document.)</b></p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
9	Criminal Misdemeanor DUI	85% within 120 days 93% within 180 days  ✓ Criminal misdemeanor cases are excluded. ✓ Criminal traffic cases are excluded. ✓ Criminal local ordinance cases are excluded.	A standard already exist in Arizona and that will be adopted. The national model time standards include DUI cases with the misdemeanor case processing standards.	<b>Background:</b> In the summer of 2005, Chief Justice McGregor established the DUI Case Processing Committee which conducted a detailed review of how courts throughout Arizona process DUI cases. The committee examined the entire Arizona criminal justice system as it relates to DUI cases and recommended specific improvements to court processes, rules, and statutes. One of these recommendations was to establish a pilot court program to implement the committee recommendations and determine which recommendations were effective in improving DUI case processing. After eleven courts successfully piloted the program, Phase II was implemented through Administrative Order 2007-94. By May 2008 all the Justice and Municipal Courts in Arizona were participating in the DUI Program and it is still in place today. <b>The DUI misdemeanor case processing standard in Arizona exceeds the national standard for several reasons. First, there are substantial penalties involved, and a large number of these cases go to trial. Second, the discovery process is lengthy because of expert testimony and the required technical testing and re-testing of blood and breath by the crime labs. Third, the number of offenses for driving under the influence of prescription drugs has increased, and physician testimony must be included in the discovery process</b>	Filing of complaint through disposition (e.g., dismissal, <b>acquittal or judgment and sentencing</b> ) The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.	
9	<b>APPROVE PRELIMINARY RECOMMENDATION = YES</b> Motion to adopt recommended time standards, including amended measurement and reasons for deviation from the national model, made by Judge Peter Cahill, , seconded by Don Jacobson. Motion passed unanimously. (See revisions in red) <b>Received 1 comment to increase the standard. No changes were made.</b>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
10	Criminal Felony	<p>65% instead of 75% within 90 days 85% instead of 90% within 180 days 96% instead of 98% within 365 days</p> <p>✓ Death Penalty cases will be included as part of the 4% disposed after 365 days.</p>	<p>Different standard from national model time standards for criminal felony cases.</p>	<p>The percentage on the first tier was lowered 10% for the following reasons:</p> <ul style="list-style-type: none"> <li>• Based on local historical data the number of uncomplicated and easily resolved cases in superior court is lower than the national standard suggests.</li> <li>• In Arizona, many counties have two levels of court. If the measurement starts with the date the first document is filed in superior court this will eliminate all the case dispositions (e.g. dismissals or pleas) in justice court. As a result, a lower disposition rate in the first tier of cases will exist. The cases that are transferred to superior court will be more complicated and not as easily resolved.</li> </ul> <p>The percentage on the second tier was lowered 5% for the following reasons:</p> <ul style="list-style-type: none"> <li>• Based on historical local data 15% of the cases in the courts have one or two issues that require a longer timeline.</li> </ul> <p>The percentage on the third tier was lowered 2% for the following reasons:</p> <ul style="list-style-type: none"> <li>• The workgroup members stated that more than 2% of the felony cases are complex cases</li> </ul>	<p>Filing of first charging document (e.g. information, indictment or complaint) in superior court through disposition (e.g. dismissal, acquittal or <b>judgment and sentencing</b>.) The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.</p>	<p>MEASUREMENT:</p> <ul style="list-style-type: none"> <li>• If the first charging document or complaint is filed in a Justice Court for the determination of probable cause or waiver of a preliminary hearing, the measurement would not begin until the case is transferred to superior court and the first charging document or information is filed in superior court.</li> <li>• If the first charging document (e.g. complaint, information or indictment) is filed directly into superior court, the measurement would begin when the charging document is filed. If a warrant is issued this time will be excluded from the count.</li> <li>• The National Model Time Standards discourage the use of the arraignment date for establishing time standards. <u>The national model critically notes that the time standard for felony cases is not a “speedy trial rule” requiring dismissal of the case if the standard is not met.</u> These standards are intended as measures of the overall time to disposition in a jurisdiction, not as a rule governing individual cases or creating rights for individual criminal defendants.</li> </ul>

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

				<p>and 4% is a more accurate representation of the percentage of cases.</p> <ul style="list-style-type: none"> <li>• The workgroup stated that if the time standards are set too high the court community will largely disregard the standards as unreasonable and make no attempt to achieve these standards.</li> </ul>		<p>Moreover speedy trial rules generally run from the date of arrest or arraignment to the start of the trial. In many jurisdictions, achievement of the goals set by these time standards involves more than one level of court and the performance of an individual court must be measured against the events which that court controls.</p> <ul style="list-style-type: none"> <li>• The reports written for the AJACS case management system only contemplates <b>tracking the filing of the first document in Superior Court.</b></li> </ul>
10	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b></p> <p>Motion to adopt recommended time standards, including amended measurement, made by Judge Sally Simmons, seconded by Judge Peter Cahill. Motion passed unanimously. (See revisions in red)</p> <p><b>NOTES:</b> The steering committee has suggested that the proposed standards be reviewed at a later date to ensure that the standards are not set so high as to be unachievable by the courts. It was also suggested that we track the felony cases filed in justice court before they are transferred into the superior court.</p> <p><b>Does the committee agree that case processing standards for criminal cases will be applied when the case is initiated not at the time of disposition? In a criminal case, the case processing standard for the most severe offense listed on the charging document would be applied. For example if a defendant was initially charged with one count felony trafficking and two counts misdemeanor possession, and the felony charge was dismissed or reduced to a misdemeanor, the felony case processing standard would be applied.</b></p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
11	Criminal Post-Conviction Relief	94% instead of 98% within 180 days  ✓ Capital cases will be included as part of the 6% disposed after 180 days.	Different standard from national model time standards for post-conviction relief	The percentage was lowered 4% for the following reasons: <ul style="list-style-type: none"> <li>• In many counties 4% to 5% of the cases go to trial.</li> <li>• The motion for post conviction relief based on a trial takes a longer disposition time than those based on plea agreements. The trial post conviction relief motion requires more preparation as it includes more testimony and evidence to be reviewed. The disposition will also be delayed if an evidentiary hearing is required.</li> </ul>	Filing of Petition for Post Conviction Relief through disposition (e.g., dismissed/denied or relief granted)	
11	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b>                      Motion to adopt made by Judge Sally Simmons, seconded by Sandy Markham. Motion passed unanimously.</p> <p><b>NOTES:</b> The time to process the petition will also increase if there is a claim for ineffective assistance of counsel because the court must appoint counsel under Rule 32.5, Arizona Rules of Criminal Procedure.</p> <p><b>Question: Are motions for post conviction relief filed in the justice and municipal courts? Should the committee say this standard applies to felony cases only? Or superior court only?</b></p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
12	Family Law Dissolution	<p>75% within 180 days instead of 120 days                      90% within 270 days instead of 180 days                      98% within 365 days</p> <p>✓ Includes legal separation and annulment cases.                      ✓ Excludes adoption cases.</p> <p><u>Temporary Orders: (Intermediate Standard)</u>                      90% instead of 98% within 60 days                      98% within 120 days</p> <p>✓ Only pre-decree temporary orders are included.</p>	<p>Different standard from national model time standards for Family law dissolution/ divorce/ allocation of parental responsibility cases</p>	<p>An additional 60 days has been added to the first tier for the following reasons:</p> <ul style="list-style-type: none"> <li>• The national standards were established on the premise that many cases are disposed of quickly (i.e., within 120 days) with minimal court involvement. However, due to Arizona specific rules, early disposition, by the Court, due to lack of service and/or lack of prosecution occurs after expiration of the 120 day time frame set forth in the national standards.</li> <li>• <b>Dismissal for lack of service.</b> Based on Rule 40(I), ARFLP<sup>3</sup> the court cannot dismiss the cases for lack of service until after 120 days. Moreover, the court may grant the petitioning party additional time for service. Depending on the method of service, the respondent may have up to 60 days to file an answer.</li> <li>• <b>Dismissal for lack of prosecution.</b> Based on Rule 46(B), ARFLP the court cannot dismiss the case for lack of prosecution for 180 days.</li> <li>• <b>Self-represented litigants.</b> A large proportion of dissolution cases are filed by self-represented litigants. Consequently, many parties require additional time to effectuate proper service and file the appropriate paperwork for a default judgment if service is obtained.</li> </ul> <p>An additional 90 days was added to the</p>	<p>The date of filing to the date of disposition by entry of judgment/decree or order. The following <b>may result in a stay of proceedings and the time elapsed</b> <del>stay of proceedings</del> will be excluded from measurement: special actions <b>/appeals</b>, bankruptcy, conciliation court, pending juvenile cases and Servicemembers Civil Relief Act.</p> <p><u>Temporary Orders:</u>                      The date the motion for temporary order is filed to the date of disposition by entry of a temporary order.</p>	<p>The most important pre-trial step is the issuance of a temporary order to stabilize the financial and parenting situation pending final judgment. It is important for the safety, security and well-being of the spouses and children that an order be established early on to address child support, spousal support, legal decision-making (custody) and parenting time.</p>

<sup>3</sup> Arizona Rules of Family Law Procedure

# ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

				<p>second tier for the following reasons:</p> <ul style="list-style-type: none"><li>• <b>Conciliation, mediation and ADR referrals.</b> 10 to 15% of the cases statewide are referred to conciliation, mediation and alternative dispute resolution (ADR) programs. If a petition is promptly served, the respondent files a timely answer, and the Court sets the matter for a resolution management conference, the Court will assess the value of referring the parties to ADR, setting trial approximately 30 to 45 days after completion of the ADR. ADRs may occur 120 days or more from the date of the resolution management conference. These cases fall into the second tier and will rarely be disposed of within 180 days.</li><li>• <b>Disputed Issues.</b> The second tier of cases will mostly include cases with strongly contested issues regarding custody/legal decision making, domestic support orders and/or division of assets and debts. Business valuations, custody evaluations, additional services such as substance abuse monitoring require additional time. Consequently, the court is unable to dispose of the cases in 180 days. In addition, the second tier of cases includes a large percentage of self-represented litigants in dissolution cases and the court process is occasionally delayed when these individuals are not prepared and the required paperwork has not been completed.</li></ul>		
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## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

				<ul style="list-style-type: none"> <li>• <b>Parent education programs.</b> In dissolution cases with children the timeline is extended because the parties have 45 days from the date of service to attend a parenting education class.</li> </ul>		
12	<p><b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Motion to adopt made by Kent Batty, seconded by Judge Peter Cahill. Motion passed unanimously.</p> <p><b>NOTES:</b> The workgroup increased the time to disposition in these cases but still has some reservations as to whether these standards will be achievable by the courts. The findings in family law cases are often complex and lengthy.</p> <p>After the reports are written and more data has been obtained, the committee would like to re-visit the standards to determine if these are standards that can be achieved by the courts and if not make adjustments.</p> <p>Members of the steering committee suggested that we change the name from “Arizona case processing standards” to Arizona case processing goals.” Standard is an absolute and has a more negative connotation if not met. Goals are more aspirational. None of the courts strive for mediocrity the committee needs to develop standards that will push the courts to do better.</p> <p>The committee wants the standards to be used as a management tool for the whole court not as a weapon against individual judges.</p> <p>The standards should not be utilized as a rule governing individual cases or creating rights for individual litigants.</p> <p>The committee stated that there are a large number of self-represented litigants in family court and would not revise Rule 40(I), ARFLP to shorten the time when a case can be dismissed for lack of service.</p> <p><b>Question: How would we exclude time for pending juvenile cases?</b></p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
13	Family Post-Judgment Motions	50% instead of 98% within 180 days 90% within 270 days 98% within 365 days	Different standard from national model time standards for family law post-judgment motions	<p>The percentage was lowered and 2 tiers were added for the following reasons:</p> <ul style="list-style-type: none"> <li>• <b>Child support post-judgment petitions (single issue) versus custody post-judgment petitions (multi-issue).</b> A significant percentage of post-decree petitions involve more than one issue. Single issue petitions to modify child support or spousal maintenance will likely be resolved in 180 days. However, Under Arizona rules, parties must obtain and serve the orders to appear for all post-decree petitions other than petitions to modify legal decision making. Under Arizona Rules, a party must comply with the requirements for Rule 91D, ARFLP for all post-decree petitions to modify legal decision-making. Due to Arizona specific service requirements, the court cannot dispose of cases for lack of service and/or lack of prosecution until after 120 days or 180 days respectively. Moreover, custody post-judgment cases take more time as various evaluations and pretrial services may be ordered.</li> <li>• <b>Statistical data.</b> There was very little statistical information available on the number of post decree motions that involve child support only versus custody. In one county 33% of the post decree motions were custody and the workgroup believes that the percentage is more like 40% or 50% in the larger counties.</li> <li>• <b>Custody Modifications.</b> Many of the cases that are filed as child support petitions will evolve into custody modifications. Custody modifications will take longer and will fall into the second tier for case processing standards.</li> </ul>	<p>The date of filing a post-decree or post-judgment petition to the date of disposition by entry of judgment or order. The following <b>may result in a stay of proceedings and the time elapsed</b> stay of proceedings will be excluded from measurement: Servicemembers Civil Relief Act and pending juvenile cases.</p>	
13	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b>                      Motion to adopt made by Judge Sally Simmons, seconded by Judge Steven McMurry. Motion passed 18-1-0.</p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
14	Probate Administration of Estates	50% instead of 75% within 360 days 75% instead of 90% within 540 days 95% instead of 98% within 720 days  ✓ Formal and informal probate cases are included.  ✓ Affidavit of succession to real property cases are included.	Different standard from national model time standards	<ul style="list-style-type: none"> <li>• <b>Contested cases.</b> There are a large number of cases that are contested which extends the processing time.</li> <li>• <b>Consolidated cases.</b> There are a number of civil cases filed in the probate court or consolidated into a probate case, such as contract disputes, medical malpractice, nursing home malpractice and wrongful death actions, which take longer to resolve.</li> <li>• <b>Personal representatives.</b> Closing an estate is in the control of the personal representative who may have to deal with issues such as selling businesses and real properties, finding heirs and assets, and dealing with tax issues and this will adversely affect the timeline.</li> <li>• <b>Dismissal by court.</b> Based on Rule 15.2(A), ARPP<sup>4</sup> the court must wait 2 years and 90 days after the initiation of a case to dismiss the case when no closing statement has been filed.</li> <li>• <b>Statistical data.</b> There was very little statistical information available but based on a survey of the courts the percentages were lowered accordingly.</li> </ul>	Filing of application/petition for appointment of personal representative or probate of a will through closing of the decedent's estate (e.g. filing of closing statement, complete settlement or order approving final distribution or accounting.) The following time will be excluded from measurement: stay for special actions/ appeals and bankruptcy.	The courts in Arizona do not have statistics available that can tell us whether the national standards are realistic or achievable. These standards should be viewed as aspirational goals not hard standards and should be subject to review once more data is available. Maricopa and Pima County are the only counties that have designated probate judges. <del>The other 13 counties have to deal with all case types and probate cases may not be the highest priority.</del>
14	<p><b>APPROVE PRELIMINARY RECOMMENDATION = NO</b></p> <p><b>NOTES:</b> The committee sent this standard back to the workgroup for further discussion on the measurement and standard to be adopted. After review of the time to disposition reports available from the AJACS case management system and further discussion the workgroup is recommending the standards above and the revised measurement. The affidavit of succession to real property cases are handled by the probate registrar in one to three days. According to §14-1307 the presiding judge of the county can designate the clerk of court, court commissioner or a judge as probate registrar. It is typically the clerk of court in most counties. (See revisions in blue)</p>					

<sup>4</sup> Arizona Rules of Probate Procedure

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
15	Probate Guardianship/ Conservatorship	80% instead of 98% within 90 days 98% within 365 days  Excludes guardianship/ conservatorship of a minor and elder abuse cases.	Different standard from national model time standards	<b>Statistical data.</b> There was very little statistical information available but based on a survey of the courts the percentages were lowered accordingly.	Filing of petition for appointment of guardian/conservator through denial of the petition or issuance of a court order appointing a fiduciary on a non-temporary basis.	The courts in Arizona do not have statistics available that can tell us whether the national standards are realistic or achievable. These standards should be viewed as aspirational goals not hard standards and should be subject to review once more data is available. Maricopa and Pima County are the only counties that have designated probate judges.  <b>No standard for Title 14 minor guardianship/ conservatorship cases to be developed, the timelines are set out by rule and statute in Arizona.</b>
15	<p><b>APPROVE PRELIMINARY RECOMMENDATION = NO</b></p> <p><b>NOTES:</b> The committee sent this standard back to the workgroup for further discussion</p> <p><b>The workgroup decided to stay with the same standard as they were unable to obtain statistical information from the AJACS case management system. The time to disposition reports in AJACS stop measuring when the guardianship is terminated not when the order appointing fiduciary is signed. The appointment of the guardian can be accomplished within 90 days for the uncontested cases. A second tier was added for the contested cases. These are the cases where there is a disagreement as to whether a guardian/conservator should be appointed or a disagreement as to who should be appointed as guardian/conservator. Many of these contested cases expand into issues of who is exploiting the ward.</b></p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
16	Probate Mental Health Cases	98% within 15 days  ✓ Petitions for court ordered treatment are included ✓ Petitions for court ordered evaluation are excluded	Comports with national model time standards for probate mental health cases		Filing of petition through disposition (e.g., patient released or issuance of a court order for treatment)	<del>No standard for Title 14 minor guardianship/conservatorship cases to be developed, the timelines are set out by rule and statute in Arizona.</del>
16	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b>                      Motion to adopt made by Kent Batty, seconded by Judge Sally Simmons. Motion passed unanimously.</p> <p><b>NOTES:</b> These cases are statutorily driven and the national model time standard complies with Arizona law.</p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
17	Juvenile Delinquency and Status Offense	<u>Youth in detention:</u> 98% within 45 days <u>Youth not in detention:</u> 98% within 60 days	Different standard that is faster than the national model time standards for juvenile delinquency and status offense.	Rule 29(B), ARJP <sup>5</sup> states the adjudication hearing will be held within 45 days if the youth is detained and 60 days if the youth is not detained. The national model sets out the following three tier case processing standards. <u>Youth in detention:</u> 75% within 30 days 90% within 45 days 98% within 90 days <u>Youth not in detention:</u> 75% within 60 days 90% within 90 days 98% within 150 days	Filing of petition through adjudication of delinquency or incorrigibility. The following time will be excluded from measurement: diversion, warrant time and competency proceedings.	
17	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b>                      Motion to adopt made by Judge Peter Cahill, seconded by Judge Sally Simmons. Motion passed unanimously.</p> <p><b>NOTES:</b></p>					

<sup>5</sup> Arizona Rules of Juvenile Procedure

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
18	Juvenile Neglect and Abuse	<p><u>Adjudication Hearing:</u> 98% within 90 days of service</p> <p><u>Permanency Hearing:</u> 98% of children under 3 years of age within 180 days/6 months of removal 98% of all other cases within 360 days of removal</p>	Different standard that is faster than the national model time standards for juvenile neglect and abuse	<p>The statutes and rules in Arizona are stricter than the national model and Arizona has carved out different timelines for children under 3 years of age. Rule 55(B), ARJP states the adjudication hearing shall be completed within 90 days of <b>service</b> of the petition. and 60(C), ARJP sets out the timelines for the permanency hearing.</p> <p>The national model sets out the following three tier case processing standards.</p> <p>Adjudication Hearing: 98% within 90 days of removal</p> <p>Permanency Hearing: 75% within 270 days of removal 98% within 360 days of removal</p>	<p><u>Adjudication Hearing:</u> Date of service on a parent or guardian through a finding of dependency.</p> <p><u>Permanency Hearing:</u> Date of removal through permanent plan determination.</p>	<p><b>Date of removal versus date of service.</b> The national model time standards start the measurement for this case type with the date of removal. If we measure from the date of removal for case processing standards, this would conflict with the rules and statutes that base their timelines on the date of service. If a parent or guardian had to be served by publication the courts would not be able to meet the case processing standards if we start measuring from the date of removal. The workgroup recommends that Arizona stay consistent with the rules and statutes and start measuring from the date one of the parents is served. Both parents do not have to be served for the courts to proceed with the case.</p>
18	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b> Motion to adopt made by Judge Peter Cahill, seconded by Judge Sally Simmons. Motion passed unanimously.</p> <p><b>NOTES:</b></p>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
19	Juvenile Termination of Parental Rights	90% within 120 days 98% within 180 days	Comports with national model time standards for juvenile termination of parental rights		Filing of Motion/Petition for Termination of Parental Rights through entry of dismissal or order of termination	No standard for adoption cases to be developed. There are so many variables in these cases that a standard for completion could cause many unintended consequences. There are several different types of adoptions – CPS adoptions, private adoptions, step parent adoptions, relative adoptions, foreign adoptions, etc. No standard for Title 8 minor guardianship/ conservatorship cases to be developed, the timelines are set out by rule and statute in Arizona.
19	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b>                      Motion to adopt made by Judge Peter Cahill, seconded by Judge Sally Simmons. Motion passed unanimously.</p> <p><b>NOTES:</b></p>					



## EXECUTIVE SUMMARY

Excerpt from the Final Report and Recommendations of  
the Arizona Case Processing Standards Steering Committee

### INTRODUCTION

The National Center for State Courts (NCSC) published the *Model Time Standards for State Trial Courts* in 2011. These standards for the disposition of cases in the state courts were developed and adopted by the Conference of State Court Administrators, the Conference of Chief Justices, the American Bar Association House of Delegates, and the National Association for Court Managers. The model standards were designed as a tool “for use by the judicial branch of each state as a basis for establishing its own time standards . . . in communications and consultation with all key justice partners. State time standards should take into account state procedures, statutory time periods, jurisdictional conditions, demographic and geographic factors, and resources.”<sup>1</sup>

Recognizing that the *Model Time Standards* fit well within the vision of its *Justice 20/20* strategic agenda, the Arizona Judicial Branch embraced their concepts and set out to adapt them for Arizona. The Arizona case processing standards will set forth achievable goals for the courts, establish a timeframe within which lawyers can conduct their fact gathering, preparation and advocacy activities, and define for members of the public what can be expected of their courts.<sup>2</sup> The establishment of case processing time standards in Arizona will help the courts move toward timely justice. Implementation of time standards emphasizes the need for judicial officers and court personnel to renew focus on the movement of cases from the time of filing through disposition. The supervision of cases and maintenance of a current docket are essential if the courts want to effectively manage their cases.

On October 17, 2012, the Steering Committee on Arizona Case Processing Standards was established by Administrative Order 2012-80. The Steering Committee was charged with reviewing the national model time standards for processing all major case types in limited and general jurisdiction courts and developing case processing standards for Arizona. The Steering Committee focused its discussions on the specific attributes of Arizona when developing recommendations for case processing standards.

One challenge for implementing time standards in Arizona is the diverse nature of the courts. The state has large urban, mid-sized, and small rural general jurisdiction (superior) and limited jurisdiction (justice and municipal) courts. Typically, the limited jurisdiction courts have less complex cases but a higher volume. Fewer but more complex cases are filed in the superior courts.

The large urban and mid-sized courts experience a higher volume of filings that require more resources. To handle the increased workload, these courts have created specialty courts (e.g., drug court) or have dedicated personnel for processing certain types of cases. The courts have no control over the number of cases filed. A larger caseload for each judge may result in cases being scheduled farther into the future, with time to disposition inevitably increasing. On the other side of the equation, the smaller rural courts may have a lower volume of cases, but they also have fewer resources and face the challenge of handling a wide variety of cases without specialty courts or dedicated personnel.

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<sup>1</sup> *Model Time Standards for State Trial Courts*, p. 2, Richard Van Duizend, David C. Steelman, Lee Suskin, National Center for State Courts, adopted August 2011. <http://nscs.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1836>

<sup>2</sup> *Id.*

Another challenge in meeting time standards is the way cases are distributed among judicial officers. Arizona's courts may use a combination of judges, judges *pro tempore*, commissioners, magistrates, and hearing officers. Judges generally retain the more complex cases that result in a longer time to disposition. Judges managing complex cases may find it more difficult to meet time standards, while other judicial officers handle the less-complicated, quickly resolved cases. Standards may work well at a court-wide level but not when applied to individual judges.

Given the resources and caseloads in Arizona's current climate and the diverse nature of courts statewide, the Steering Committee has developed standards it believes are realistic and reasonable, rather than idealistic case processing standards that are so aspirational as to be unattainable.

## **GUIDING PRINCIPLES**

As the dialogue about case processing standards evolved, the following principles emerged:

- Case processing standards should complement, rather than supplant, due process considerations. Waiting periods are deliberately built into some court procedures and processes in order to preserve parties' rights (e.g., to provide adequate notice, to conduct discovery, or to receive service of process). Case processing standards should not override such protections, but should guide the courts in the fair and timely disposition of cases.
- The case processing standards should move cases forward expeditiously and reflect the actual timeframes for certain events statutorily mandated, existing resource limitations, and limitations contained in court rules for due process reasons. The committee is striving for incremental improvements to allow for changes in the legal culture and careful refinement of processes.
- Case processing standards are separate and distinct from statutory time limits imposed by the Arizona statutes, rules, or case law. Statutory time limits create rights for individual litigants. For example, the "speedy trial rule" in criminal cases establishes the right to a trial within a specified time, unless the time is waived.
- Case processing standards should enable courts to report the total time it takes cases to move from filing to disposition, as well as the amount of time the court has active control of the cases. Periods of time during which the court cannot move the case forward will be excluded in calculating the court's compliance with time standards.
- The Steering Committee does not intend for case processing standards to be used as a basis for disciplining an individual judge for failure to comply with the standards. Rather, they are being developed as a management tool for the courts to determine how efficiently the cases are being processed through the system and identify where improvements can be made.
- Case processing standards definitions and measures may differ from other mechanisms in place for statistical measures. In particular, these standards have no bearing whatsoever on the counting and calculation of judicial productivity credits that are defined by statute.
- Within each case type, a case processing standard of less than 100% is used. The committee recognizes that 1% to 4% of the cases will require more time to resolve (e.g., capital murder

cases and highly complex multi-party civil cases requiring a trial). However, these cases should be monitored closely to ensure that they proceed to disposition without unnecessary delay.

- Achievement of time standards requires cooperation, communication, and commitment from multiple parties and agencies involved in the justice process. The courts should seek an on-going dialogue with stakeholders to achieve a smooth implementation of case processing standards and should strongly encourage stakeholders to examine and refine current practices to achieve timely case resolution.
- The newly adopted case processing standards will be considered in effect for a period of not less than two years, during which time the courts will gather data on the impact of case processing standards in managing cases toward timely disposition. The Steering Committee anticipates that the standards may be adjusted in the future.

### SUMMARY OF RECOMMENDATIONS:

<b>CASE TYPE</b>	<b>NATIONAL MODEL</b>	<b>ARIZONA STANDARD</b>
Superior Court Civil Cases	75% within 180 days 90% within 365 days 98% within 540 days	The Committee recommends a different standard: <b>60%</b> within 180 days 90% within 365 days <b>96%</b> within 540 days
Justice Court Civil Cases	General Civil Standard includes both Justice and Superior Cases. 75% within 180 days 90% within 365 days 98% within 540 days	The Committee recommends a faster standard: 75% within <b>120</b> days 90% within <b>180</b> days 98% within <b>270</b> days
Justice Court Eviction Actions	Summary Civil Matters includes evictions. No separate standard for evictions.	The Committee recommends a faster standard: <b>98% within 10 days</b>
Small Claims	75% within 60 days 90% within 90 days 98% within 180 Days	The Committee recommends a different standard: 75% within <b>90</b> days 90% within <b>120</b> days 98% within 180 Days
Civil Local Ordinances	Complies with National Standard for Summary Civil Cases.	75% within 60 days 90% within 90 days 98% within 180 Days
Civil Traffic	Complies with National Standard for Criminal Traffic and Local Ordinances.	75% within 30 days 90% within 60 days 98% within 90 days
Protection Orders	Complies with National Standard for Contested Hearings.	<u>Ex Parte Hearing:</u> <b>99% within 24 hours.</b> <u>Contested Hearing:</u> 90% within 10 days 98% within 30 days

Criminal Misdemeanor	Complies with National Standard.	75% within 60 days 90% within 90 days 98% within 180 days
Criminal DUI Misdemeanor	Standard for Misdemeanor cases includes DUI cases. No separate standard for DUI cases.	The Committee recommends that Arizona continue to use the existing case processing standards. <b>85% within 120 days</b> <b>93% within 180 days</b>
Criminal Felony	75% within 90 days 90% within 180 days 98% within 365 days.	The Committee recommends a different standard: <b>65%</b> within 90 days <b>85%</b> within 180 days <b>96%</b> within 365 days
Criminal Post Conviction Relief	98% within 180 days	The Committee recommends a different standard: <b>94%</b> within 180 days
Family Law Dissolution	75% within 120 days 90% within 180 days 98% within 365 days	The Committee recommends a different standard: 75% within <b>180</b> days 90% within <b>270</b> days 98% within 365 days
Family Law Post-Judgment Motions	98% within 180 days	The Committee recommends a different standard: <b>50%</b> within 180 days <b>90% within 270 days</b> <b>98% within 365 days</b>
Probate Administration of Estates	75% within 360 days 90% within 540 days 98% within 720 days	The Committee recommends a different standard: <b>50%</b> within 360 days <b>75%</b> within 540 days <b>95%</b> within 720 days
Probate Guardianship/Conservatorship	98% within 90 days	The Committee recommends a different standard: <b>80%</b> within 90 days <b>98% within 365 days</b>
Probate Mental Health Cases	Complies with National Standard	98% within 15 days
Juvenile Delinquency and Status Offense	<u>Youth in detention:</u> 75% within 30 days 90% within 45 days 98% within 90 days <u>Youth not in detention:</u> 75% within 60 days 90% within 900 days 98% within 150 days	The Committee recommends a faster standard: <u>Youth in detention:</u> <b>98% within 45 days</b> <u>Youth not in detention:</u> <b>98% within 60 days</b>

Juvenile Neglect and Abuse	<u>Adjudication Hearing:</u> 98% within 90 days of removal <u>Permanency Hearing:</u> 75% within 270 days of removal 98% within 360 days of removal	The Committee recommends a faster standard: <u>Adjudication Hearing:</u> 98% within 90 days <b>of service</b> <u>Permanency Hearing:</u> <b>98% of children under 3 years of age within 180 days of removal</b> <b>98% of all other cases within 360 days of removal</b>
Juvenile Termination of Parental Rights	Complies with National Standard.	90% within 120 days 98% within 180 days

## DEFINITIONS:

- **MEASUREMENT** – The number of days that will be counted during the pendency of a case to determine if the case processing standard has been met. For most case types, this is based on the time between the date on which the case is filed through the entry of the final dispositional order (e.g., a dismissal, judgment, and sentence).
- **EXCLUDED TIME** – Certain occurrences may happen that require the suspension of time and exclusion of days from the measurement. These occurrences disrupt the court’s control of the case and its ability to move the case forward. Occurrences that result in excluded time are:
  - Stay for special action/appeal
  - Bankruptcy stay
  - Participation in court-ordered diversion programs
  - Warrants
  - Rule 11 mental competency proceedings
  - Stay for Servicemembers Civil Relief Act
  - Stay for conciliation (petition for 60-day stay must be filed)
  - Pending juvenile cases
- **INTERMEDIATE TIME STANDARDS** – Standards for completing critical decision points during the life of a case but not the final disposition (e.g., temporary order for child support in a dissolution case).
- **THREE-TIER MODEL** – The case processing standards are based on a three-tier model for a majority of the case types. The first tier consists of those cases that are disposed of with little court involvement and typically represents a large proportion of the cases. The second tier consists of those cases that are disposed of after resolution of one or two issues. The first two tiers are intended as points of measurement for effective management of pending cases. The third tier is the key to establishing a backlog measure and setting the expectation of the maximum time within which a case should be resolved. This typically includes the small percentage of cases that proceed to trial for a final resolution.

## **FUTURE CONSIDERATIONS:**

The Steering Committee recommends that the Administrative Office of the Courts develop data collection procedures and statistical reports for the automated collection of data in the case management systems. In order for the courts to meet the case processing standards and make improvements where necessary, the following reports will need to be generated from the case management systems:

- Time to Disposition Report – CourTools Measure 3
- Age of Active Pending Cases – CourTools Measure 4

The courts do not currently have the necessary tools to retrieve all the data that will be necessary to monitor compliance with the case processing standards. The development of **an accurate** time to disposition report will enable Arizona courts to define the concept of backlog and to identify a case “in backlog” as any case older than the case processing standard. Once these cases are identified, the court can take the appropriate steps to move the case to disposition. The courts can also use these standards as a tool to manage and monitor active pending cases. The time to disposition statistical data along with feedback from stakeholders will be analyzed and used to make adjustments to the case processing standards in the future.

## **CONCLUSION:**

The Steering Committee recommends that the Arizona Judicial Council adopt the case processing standards with the understanding that the Committee will review the case processing standards within a reasonable time after implementation to make adjustments to the standards, if necessary.

*The Model Time Standards for State Trial Courts states:*

Courts that adopt model time standards, measure compliance, take steps to promote compliance, and take steps to effectively govern, organize administer and manage their court system are well positioned to request and justify the resources needed to enable the courts to hear and dispose of cases in a timely manner.<sup>3</sup>

The adoption of case processing standards is the first step toward a quick and more efficient handling of cases by the courts. The implementation of standards in Arizona should result in the more efficient use of time for judges, clerks, lawyers, public defenders, prosecutors, jail personnel and all other administrative personnel involved in the judicial system. The challenge for the Arizona judicial system is to respond constructively to reduce costs and delay. With that in mind, the standards were drafted so the system could be implemented without additional or non-judicial resources. The effective management of cases can affirmatively reduce the pressure for more resources. For those courts that are processing cases in a timely and efficient manner but have reached a saturation point where additional resources are needed, the standards may be used as a justification for requesting additional state and local funding.

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<sup>3</sup> *Model Time Standards for State Trial Courts*, p. 51, Richard Van Duizend, David C. Steelman, Lee Suskin, National Center for State Courts, adopted August 2011.

# Demo on CourTools Reports in AJACS for GJ Courts

## Patrick McGrath

### 4/25/13

#### 1. History of CourTools Reports in AJACS

- Deployment in 2012
  - Bug fix and Cleanup Requirement
    - Case Status History Table
    - Converted Case Statuses
- Modifications and enhancements
  - Ensure the Status History Table issue is fixed
  - Ensure the converted status issue is fixed
  - *Enhancement*- Run the Summary and Detail from one location
  - *Changes*- Changes needed from new requirements identified by committee

#### 2. Measure 3 – Time to Disposition Summary and Detail Reports

- How to access them
- How to set the search parameters and run them
  - Gap and Cap
- Display Criteria
  - How a case qualifies
  - Columns
  - Where it's pulling status information from
    - Status History Table
  - Excluded (Inactive) Time

#### 3. Measure 4 – Age of Active Pending Caseload Summary and Detail Report

- How to access them
- How to set the search parameters and run them
  - Gap and Cap
- Display Criteria
  - How a case qualifies
  - Columns
  - Where it's pulling status information from
    - Status History Table
  - Excluded (Inactive) Time

#### 4. Questions



# Time to Disposition Detail Report

██████████ COUNTY SUPERIOR COURT

GAP : 181 - 360

CASE TITLE	CASE NUMBER	INITIAL FILING DATE	CASE STATUS DATE	DAYS TO DISPOSITION	EXCLUDED DAYS	TOTAL ACTIVE DAYS
STATE OF ARIZONA PLAINTIFFVS ██████████ DEFENDANT	██████████	9/28/2011	7/18/2012	294	0	294
STATE OF ARIZONA PLAINTIFFVS ██████████ DEFENDANT	██████████	11/8/2011	7/26/2012	261	0	261
STATE OF ARIZONA PLAINTIFFVS ██████████ DEFENDANT	██████████	12/27/2011	7/3/2012	189	0	189
STATE OF ARIZONA PLAINTIFFVS ██████████ DEFENDANT	██████████	12/27/2011	7/11/2012	197	0	197
STATE OF ARIZONA VS ██████████	██████████	1/10/2012	7/13/2012	185	0	185

TOTAL : 5

*Includes dispositions with no limitation on when case is filed.*

*For Criminal: Total Active Days is adjusted to exclude Case Status of STAYED.*

*For Civil and Domestic: Total Active Days is adjusted to exclude Case Status of STAYED, STAYED-FEDERAL, or INACTIVE.*

# Time to Disposition Detail Report

██████████ COUNTY SUPERIOR COURT

GAP : 361 - 540

CASE TITLE	CASE NUMBER	INITIAL FILING DATE	CASE STATUS DATE	DAYS TO DISPOSITION	EXCLUDED DAYS	TOTAL ACTIVE DAYS
STATE OF ARIZONA VS ██████████	██████████	3/7/2011	7/11/2012	492	18	474
STATE OF ARIZONA PLAINTIFFVS ██████████ DEFENDANT	██████████	7/26/2011	7/26/2012	366	0	366
TOTAL : 2						
TOTAL CASES FOR: ██████████ FOR CRIMINAL, CRIMINAL, ADJUDICATED : 9						

*Includes dispositions with no limitation on when case is filed.*

*For Criminal: Total Active Days is adjusted to exclude Case Status of STAYED.*

*For Civil and Domestic: Total Active Days is adjusted to exclude Case Status of STAYED, STAYED-FEDERAL, or INACTIVE.*

# Time to Disposition Detail Report

██████████ COUNTY SUPERIOR COURT

//////////////////////////////////// RE-ADJUDICATED CASES //////////////////////////////////////

JUDGE : ██████████  
COURT TYPE : CRIMINAL  
CASE CATEGORY : CRIMINAL

GAP : 181 - 360

CASE TITLE	CASE NUMBER	REOPENED / REACTIVATED DATE	CASE STATUS DATE	DAYS TO DISPOSITION	EXCLUDED DAYS	TOTAL ACTIVE DAYS
STATE OF ARIZONA PLAINTIFFVS ██████████ DEFENDANT	██████████	5/1/2012	10/30/2012	182	0	182

TOTAL : 1

TOTAL CASES FOR: ██████████ FOR CRIMINAL, CRIMINAL, RE-ADJUDICATED : 1

*Includes dispositions with no limitation on when case is filed.  
For Criminal: Total Active Days is adjusted to exclude Case Status of STAYED.  
For Civil and Domestic: Total Active Days is adjusted to exclude Case Status of STAYED, STAYED-FEDERAL, or INACTIVE.*



# Time to Disposition Summary Report

[REDACTED] COUNTY SUPERIOR COURT

JUDGE : [REDACTED]

TOTAL ADJUDICATED CASES	TOTAL DAYS TO DISPO	TOTAL INACTIVE DAYS	TOTAL ACTIVE DAYS	AVERAGE ACTIVE DAYS	MEDIAN ACTIVE DAYS
9	2249	18	2231	248	197

GRAND TOTAL FOR JUDGE [REDACTED]

GAP	# OF CASES	% OF TOTAL	CUMULATIVE %
0 - 180 days	2	22.22%	22.22%
181 - 360 days	5	55.56%	77.78%
361 - 540 days	2	22.22%	100.00%
TOTALS	9	100.00%	

TOTAL RE-ADJUDICATED CASES	TOTAL DAYS TO DISPO	TOTAL INACTIVE DAYS	TOTAL ACTIVE DAYS	AVERAGE ACTIVE DAYS	MEDIAN ACTIVE DAYS
1	182	0	182	182	182

GRAND TOTAL FOR [REDACTED]

GAP	# OF CASES	% OF TOTAL	CUMULATIVE %
181 - 360 days	1	100.00%	100.00%
TOTALS	1	100.00%	

*Includes dispositions with no limitation on when case is filed.*

*For Criminal: Total Active Days is adjusted to exclude Case Status of STAYED.*

*For Civil and Domestic: Total Active Days is adjusted to exclude Case Status of STAYED, STAYED-FEDERAL, or INACTIVE.*

# Age of Active Pending Caseload Summary Report

[REDACTED] COUNTY SUPERIOR COURT

Report generated on : 4/23/2013 9:09:05 PM

**Criteria:** Run Date: 4/23/2013      **Report is generated for Date Less Than or Equal to Run Date**  
 Court Type: CRIMINAL      Case Category: CRIMINAL  
 Case Type: FELONY      Case Sub Type:  
 Judge: [REDACTED]  
 Gap: 180      Cap: 720

**JUDGE:** [REDACTED]  
**COURT TYPE: CRIMINAL**  
**STATUS: OPEN**

GAP	# OF CASES	% OF TOTAL	CUMULATIVE
0- 180	28	14.74%	14.74%
181- 360	56	29.47%	44.21%
361- 540	66	34.74%	78.95%
541- 720	32	16.84%	95.79%
> 721	8	4.21%	100.00%
<b>TOTALS</b>	<b>190</b>	<b>100.00%</b>	

**JUDGE:** [REDACTED]  
**COURT TYPE: CRIMINAL**  
**STATUS: REOPENED**

GAP	# OF CASES	% OF TOTAL	CUMULATIVE
181- 360	5	50.00%	50.00%
361- 540	2	20.00%	70.00%
541- 720	3	30.00%	100.00%
<b>TOTALS</b>	<b>10</b>	<b>100.00%</b>	

**JUDGE:** [REDACTED]  
**COURT TYPE: CRIMINAL**  
**STATUS: UNDER ADVISEMENT**

GAP	# OF CASES	% OF TOTAL	CUMULATIVE
181- 360	1	100.00%	100.00%
<b>TOTALS</b>	<b>1</b>	<b>100.00%</b>	

**TOTAL No Of Cases For Judge [REDACTED] = 201**

**TOTAL No Of Cases : 201**

# Age of Active Pending Caseload Detail Report

[REDACTED] COUNTY SUPERIOR COURT

Report generated on : 4/23/2013 9:13:14 PM

**Criteria:** Run Date: 4/23/2013      **Report is generated for Date Less Than or Equal to Run Date**  
 Court Type: CRIMINAL      Case Category: CRIMINAL  
 Case Type: FELONY      Case Sub Type:  
 Judge: [REDACTED]  
 Gap: 180      Cap: 720

**JUDGE :** [REDACTED]  
**COURT TYPE :** CRIMINAL  
**GAP :** 0- 180  
**STATUS :** OPEN

CASE NUMBER	CASE TITLE	INITIAL FILING DATE	CASE STATUS DATE	EXCLUDED DAYS	ACTIVE AGE DAYS
[REDACTED]	STATE OF ARIZONA PLAINTIFF VS [REDACTED] DEFENDANT	10/26/2012	10/26/2012	0	179
[REDACTED]	STATE OF ARIZONA PLAINTIFF VS [REDACTED] DEFENDANT	10/26/2012	10/26/2012	0	179
[REDACTED]	STATE OF ARIZONA PLAINTIFF VS [REDACTED] DEFENDANT	10/30/2012	10/30/2012	0	175

## Age of Active Pending Caseload Detail Report

[REDACTED] COUNTY SUPERIOR COURT

Report generated on : 4/23/2013 9:13:14 PM

[REDACTED]	STATE OF ARIZONA PLAINTIFF VS [REDACTED] DEFENDANT	4/2/2013	4/2/2013	0	21
[REDACTED]	STATE OF ARIZONA PLAINTIFF VS [REDACTED] DEFENDANT	4/3/2013	4/3/2013	0	20
[REDACTED]	STATE OF ARIZONA PLAINTIFF VS [REDACTED] DEFENDANT	4/4/2013	4/4/2013	0	19

TOTAL CASES IN CRIMINAL IN OPEN STATUS WITH GAP 0- 180 FOR JUDGE [REDACTED] : 28

JUDGE : [REDACTED]

COURT TYPE : CRIMINAL

GAP : 181- 360

STATUS : OPEN

CASE NUMBER	CASE TITLE	INITIAL FILING DATE	CASE STATUS DATE	EXCLUDED DAYS	ACTIVE AGE DAYS
[REDACTED]	STATE OF ARIZONA PLAINTIFFVS [REDACTED] DEFENDANT	5/8/2012	5/8/2012	0	350
[REDACTED]	STATE OF ARIZONA PLAINTIFFVS [REDACTED] DEFENDANT	5/8/2012	5/8/2012	0	350
[REDACTED]	STATE OF ARIZONA PLAINTIFFVS [REDACTED] DEFENDANT	5/10/2012	5/10/2012	0	348

# Age of Active Pending Caseload Detail Report

[REDACTED] COUNTY SUPERIOR COURT

Report generated on : 4/23/2013 9:13:14 PM

[REDACTED]	STATE OF ARIZONA PLAINTIFFVS [REDACTED] DEFENDANT	11/1/2011	11/7/2011	0	533
[REDACTED]	STATE OF ARIZONA PLAINTIFFVS [REDACTED] DEFENDANT	11/8/2011	11/8/2011	0	532
[REDACTED]	STATE OF ARIZONA VS [REDACTED] DEFENDANT	11/8/2011	11/8/2011	0	532
[REDACTED]	STATE OF ARIZONA PLAINTIFFVS [REDACTED] DEFENDANT	11/8/2011	11/8/2011	0	532
[REDACTED]	STATE OF ARIZONA PLAINTIFFVS [REDACTED] DEFENDANT	11/1/2011	11/8/2011	0	532
[REDACTED]	STATE OF ARIZONA VS [REDACTED]	9/20/2011	7/19/2012	51	530
[REDACTED]	STATE OF ARIZONA PLAINTIFFVS [REDACTED] DEFENDANT	11/15/2011	11/15/2011	0	525
[REDACTED]	STATE OF ARIZONA PLAINTIFFVS [REDACTED] DEFENDANT	11/15/2011	11/15/2011	0	525
[REDACTED]	STATE OF ARIZONA VS [REDACTED]	11/15/2011	11/15/2011	0	525
[REDACTED]	STATE OF ARIZONA PLAINTIFFVS [REDACTED] DEFENDANT	11/18/2011	5/4/2012	0	522

# Age of Active Pending Caseload Detail Report

[REDACTED] COUNTY SUPERIOR COURT

Report generated on : 4/23/2013 9:13:14 PM

JUDGE : [REDACTED]  
 COURT TYPE : CRIMINAL  
 GAP : 181- 360  
 STATUS : UNDER ADVISEMENT

CASE NUMBER	CASE TITLE	INITIAL FILING DATE	CASE STATUS DATE	EXCLUDED DAYS	ACTIVE AGE DAYS
[REDACTED]	STATE OF ARIZONA PLAINTIFF VS [REDACTED] DEFENDANT	8/28/2012	9/5/2012	0	238

TOTAL CASES IN CRIMINAL IN UNDER ADVISEMENT STATUS WITH GAP 181- 360 FOR JUDGE [REDACTED] : 1

TOTAL NO OF CASES IN UNDER ADVISEMENT STATUS FOR JUDGE [REDACTED] : 1

TOTAL NO OF CASES FOR JUDGE [REDACTED] : 201

JUDGE	CASE STATUS	TOTAL CASES
[REDACTED]	OPEN	190
	REOPENED	10
	UNDER ADVISEMENT	1

TOTAL No Of Cases: 201