

# Steering Committee on Arizona Case Processing Standards

**Wednesday, April 13, 2016**

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

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 230

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**Present:** Justice Robert Brutinel; Mr. Kent Batty *proxy Ron Overholt*; Judge Kimberly Corsaro; Judge Jill Davis; Judge Pamela Frasher-Gates; Judge Charles Gurtler; Mr. James Haas; Mr. Don Jacobson; Judge Eric Jeffery; Judge Andrew Klein *proxy Elaine Cano*; Judge Steven McMurry; Judge John Rea; Mr. John W. Rogers; and Mr. Bill Verdini.

**Telephonic:** Ms. Donna McQuality; Ms. Michelle Matiski; Judge Mark Moran; Judge Tony Riojas; and Judge Sally Simmons.

**Absent/Excused:** Judge Richard Fields and Ms. Jane Nicoletti-Jones.

**Presenters/Guests:** Ms. Kelly Roberts Freeman; Judge Keith Russell; and Mr. Steven Gonzales.

**Administrative Office of the Courts:** Ms. Kelly Gray; Ms. Jennifer Mesquita; Ms. Lisa Robinson; and Ms. Amy Wood.

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## **I. Regular Business**

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

The April 13, 2016 meeting of the Steering Committee on Arizona Case Processing Standards was called to order by Chair, Honorable Robert Brutinel, at 1:30 p.m. The Chair asked for member roll call and introductions of staff and guests.

### **B. Approval of the October 2015 Minutes**

The draft minutes from the October 14, 2015 meeting of the Steering Committee on Arizona Case Processing Standards were presented for approval. The Chair called for any omissions or corrections to the minutes from October 14, 2015 meeting. There were none.

- A motion was made and seconded to approve the draft meeting minutes. The motion passed unanimously.

## **II. Phase One Update**

### **A. Overview of Data Received**

A review of the Phase One data received was presented to the committee on October 14, 2015. The 2013 and 2015 data provided for the General Jurisdiction Civil and Felony case types was labelled inaccurately. The data was recalibrated to accurately convey which counties were included. The findings were re-presented to the committee as outlined below.

#### **i. General Jurisdiction: Felony Statistics, Fiscal Year 2015**

The 2015 General Jurisdiction Felony Time Standards results reported from twelve courts were:

42% within 90 days  
70% within 180 days  
90% within 365 days

The Arizona standard is:

65% within 90 days  
85% within 180 days  
96% within 365 days

For the 90 day standard, two courts met the standard and two courts were within 10% of the standard. For the 180 day standard, three courts met the standard and two courts were within 10% of the standard. For the 365 day standard, three courts met the standard and nine courts were within 10% of the standard.

#### **ii. General Jurisdiction: Civil Statistics, Fiscal Year 2015**

The 2015 General Jurisdiction Civil Time Standards results reported from twelve courts were:

50% within 180 days  
64% within 365 days  
72% within 540 days

The Arizona standard is:

60% within 180 days  
90% within 365 days  
96% within 540 days

For the 180 day standard, eight courts met the standard and three courts were within 10% of the standard. For the 365 day standard, seven courts met the standard and four courts were within 10% of the standard. For the 540 day standard, two courts met the standard and seven courts were within 10% of the standard.

Ms. Mesquita also presented data to the committee showing the results without Maricopa County Superior Court to demonstrate the skew that can occur, upward or downward, due to Maricopa County Superior Court's statistically significant caseload volume.

The committee discussed and agreed that one possible explanation of the downward trend from 2013 to 2015 could be data clean-up that occurred, utilizing the time standards reports. When a court begins to run reports, it can discover many pending cases that need to be disposed. The disposition of these cases can create a downward trend in the court's time standards data until the court has time to recover from the impact of the clean-up. If the data is the result of this clean-up process, it could take several reporting cycles before the committee will see an upward trend in data across all counties.

Ms. Mesquita reminded the committee that annual fiscal year data for Phase 1 will be submitted by July 31, 2016, and will be analyzed and presented at the October 2016 meeting. She suggested that the ability to analyze a year of data, as opposed to a quarter of data, may provide a more complete picture of the courts compliance with the time standards and allow for a more robust discussion.

## **B. Juvenile Delinquency Update**

Ms. Amy Wood reviewed the Juvenile Delinquency and Status Offense time standards reports for the committee.

The Juvenile Delinquency and Status Offense reports were released for use and a number of issues with the reports were identified, leading to inaccuracies in the data returned. Delving further into the framework for the reports, these errors cannot be fixed in the current reports because of the following factors:

1. Disparate usage of JOLTS and AJACS results in data inconsistencies in both case management systems
2. Barriers to tracking excluded time due to lack of information available in either system and,
3. JOLTS is person-centric whereas AJACS is case-centric.

The committee discussed what delinquency time standards reporting would be available from JOLTSaz. Ms. Wood indicated the AOC is addressing how the

JOLTSaz reports will be written and this work is pending. It would not be revisited until after the JOLTSaz rollout is completed. A committee member questioned whether JOLTSaz would allow for unique identifiers for juveniles. Ms. Mesquita responded that juvenile cases do have statewide identifiers (SWID numbers) that function as unique person identifiers.

The Juvenile Workgroup proposes the committee recommend adoption of a revised time standard as follows:

Delinquency and Status Offense Youth (both in and out of detention):

75% within 60 days  
90% within 90 days  
98% within 135 days

Judge Sally Simmons moved to recommend that the Juvenile Delinquency and Status Offense time standard for youth both in and out of detention be revised to:

75% within 60 days  
90% within 90 days  
98% within 135 days

Judge Simmons' motion also stated that any cases with the following events would be excluded entirely from calculations: (1) warrants, (2) diversion or (3) mental competency proceedings. Mr. Verdini seconded the motion.

Mr. Don Jacobson amended the motion to ensure that the issue of revisiting incorporation of the "in detention" standards back into the delinquency time standards is tracked for the future. The amendment was accepted by Judge Simmons and Mr. Verdini. The motion passed unanimously.

### **III. Phase Two Update**

#### **A. Administrative Order and Memorandum**

Ms. Jennifer Mesquita summarized the Administrative Orders issued and statewide memorandums released since the last meeting of this body.

The Arizona Judicial Council recommended approval of the revision of Civil Traffic standards for Phase 2 on October 27, 2015. Administrative Order 2015-99 was signed by Chief Justice Bales on November 25, 2015. The order adopted revised case processing standards for the Civil Traffic case type.

Along with Administrative Order 2015-99, Memorandum #10, Phase 4 – Standards for Six Case Types, was sent to the general and limited jurisdiction

Presiding Judges, Court Administrators, and Clerks of Court. It addressed the revision to the Phase 2 Civil Traffic case type.

## **B. Overview of Data Received**

Ms. Jennifer Mesquita provided Phase 2 data for Fiscal Year 2013 and one quarter for Fiscal Year 2016 for the Dissolution and Allocation of Parental Responsibility, Juvenile Dependency Adjudication Hearings and Civil Traffic time standards. The results of the analysis are outlined below.

### **i. General Jurisdiction: Family Law Dissolution and Parental Allocation of Responsibility Statistics, Fiscal Year 2016**

The 2016 Family Law Dissolution and Parental Allocation of Responsibility Time Standards results reported from nine General Jurisdiction courts were:

75% within 180 days  
90% within 270 days  
95% within 365 days

The Arizona standard is:

75% within 180 days  
90% within 270 days  
98% within 365 days

For the 180 day standard, three courts met the standard and one court was within 10% of the standard. For the 270 day standard, three courts met the standard and three courts were within 10% of the standard. For the 365 day standard, three courts met the standard and four courts were within 10% of the standard.

### **ii. Juvenile: Neglect and Abuse (Dependency) Adjudication Hearing Statistics, Fiscal Year 2016**

The 2016 Neglect and Abuse (Dependency) Adjudication Hearing Time Standards results reported from eight General Jurisdiction courts were:

76% within 100 days

The Arizona standard is:

98% within 100 days

For the 100 day standard, two courts met the standard and one court was within 10% of the standard.

### **iii. Limited Jurisdiction: Civil Traffic Statistics, Fiscal Year 2016**

The 2016 Civil Traffic Time Standards results reported from 110 Limited Jurisdiction courts were:

77% within 60 days  
91% within 90 days

The Arizona standard is:

80% within 60 days  
95% within 90 days

For the 60 day standard, 25 courts met the standard and 27 courts were within 10% of the standard. For the 90 day standard, 26 met the standard and 42 courts were within 10% of the standard.

## **IV. Phase Three Update**

Ms. Jennifer Mesquita summarized the Administrative Orders issued and statewide memorandums released since the last meeting of this body.

Phase 3 is currently awaiting submission of reports for data analysis. Reports are due July 31, 2016.

Administrative Order 2015-60 was signed by Chief Justice Bales on June 24, 2015. The order adopted final case processing standards for the following case types:

1. Probate Estate Administration
2. Probate Mental Health Cases
3. Probate Guardianship/Conservatorship
4. Justice Civil
5. Misdemeanor

Along with Administrative Order 2015-60, Memorandum #9, Phase 3 – Standards for Five Case Types, was sent to the general and limited jurisdiction Presiding Judges, Court Administrators, and Clerks of Court.

## **V. Phase Four Update**

Ms. Jennifer Mesquita summarized the Administrative Orders issued and statewide memoranda released since the last meeting of this body.

The Arizona Judicial Council recommended approval of the standards for Phase 4 on October 27, 2015. Administrative Order 2015-99 was signed by Chief Justice Bales on November 25, 2015. The order adopted final case processing standards for the following case types:

1. Criminal Post-Conviction Relief
2. Family Law Temporary Orders
3. Eviction Actions
4. Civil Local Ordinance
5. Misdemeanor

Along with Administrative Order 2015-99, Memorandum #10, Phase 4 – Standards for Six Case Types, was sent to the general and limited jurisdiction Presiding Judges, Court Administrators, and Clerks of Court.

Reports are due October 31, 2016 for July 1, 2016 through September 30, 2016 time period. Ms. Mesquita reminded the committee this data will not be available for review at the October 2016 meeting.

## **VI. Phase Five Update**

### **A. Small Claims Update**

The original provisional standards for the Small Claims case type were:

75% within 90 days  
90% within 120 days  
98% within 180 days

After review of sample data, the Justice Court Workgroup identified the following new provisional standard:

75% within 100 days  
90% within 150 days  
98% within 180 days

The increase from the original provisional standards from 75% within 90 to the proposed standards' 100 days and 90% within 120 to 150 days occurred because these increases in the number of days (e.g. 90 days increased to 100 days) resulted in statistically significant increases in time standard compliance (i.e., approximately 10% higher).

Based on a sample of 26 AZTEC Justice Courts, Pima Consolidated Justice Court, and Maricopa County Justice Courts, Ms. Mesquita gathered the following time standard report data using the new proposed provisional standard:

39% of cases disposed within 100 days  
57% of cases disposed within 150 days  
64% of cases disposed within 180 days

For the 100 day standard, three courts met the standard and three courts were within 10% of the standard. For the 150 day standard, two courts met the standard and seven courts were within 10% of the standard. For the 180 day standard, two courts met the standard and five courts were within 10% of the standard.

It was suggested that the sample shows this standard may be challenging for the Justice Courts to meet. Members acknowledged that the Small Claims case type has not traditionally been a focus of case processing statistics, so the data presented was revealing. Rule changes may need to be considered regarding service and distinguishing small claims from civil cases. In addition, best practices for aiding self-represented litigants in small claims cases may be needed. Despite the anticipated challenges implied by the sample analysis, the committee agreed a standard is needed to begin the conversation with courts.

Judge Jill Davis moved to recommend that the Small Claims case type time standards of 75% within 100 days, 90% within 150 days, and 98% within 180 days be adopted as final. Judge Steven McMurry seconded the motion. Motion passed unanimously.

## **B. Development Plan**

For the next committee meeting, Ms. Mesquita anticipates reports will be developed for the following case types:

1. Family Law Post-Judgment Motions
2. Protection Orders Ex Parte Hearings
3. Protection Orders Contested Hearings

Business requirements have been completed for AZTEC and general jurisdiction AJACS. However, the AOC suggests the priority needs to be on developing and launching the limited jurisdiction AJACS time standards for active phases and then developing the needed business requirements for General Jurisdiction case types after that.

A committee member offered that their Limited Jurisdiction court recently reprogrammed their calendars to reflect the expired time on cases. The court has found that this information has been very helpful for the judges to have when making decisions while interacting with attorneys and litigants on the bench.

## **VII. New Business**

### **A. Training Update**

Ms. Mesquita relayed that statewide training efforts were completed during mid-March 2016 and early April 2016. Ms. Mesquita visited Flagstaff, Prescott, Florence and Tucson to provide in person training, as well as offered training in Phoenix and via WebEx. Ms. Mesquita also offered a WebEx specifically for Field Trainers during these timeframes.

Ms. Wood and Ms. Mesquita will attend the upcoming annual Magistrate Conference to present on time standards.

### **B. Limited Jurisdiction Time Standards Report Update**

Ms. Mesquita reports that limited jurisdiction AJACS Time Standards Reports are in testing and will be deployed in the near future for Phases 1 and 2. Phases 3 through 5 business requirements are in early development.

Ms. Mesquita also shared that there are limited jurisdiction AJACS conversion issues which impact time standards reports. Examples of issues include that some events not converting from AZTEC to limited jurisdiction AJACS, as well as that offense-based case types cannot have case status manually changed. Training is being developed for limited jurisdiction AJACS courts to guide them through managing these issues.

### **C. Committee on Civil Justice Reform**

Justice Brutinel reported that a new ad hoc committee, the Committee on Civil Justice Reform, has been tasked with analyzing Superior Court Civil case processing. This committee is chaired by Mr. Don Bivens, with Justice Brutinel serving as a member. The Committee on Civil Justice Reform subject matter and purpose may have overlap with this committee's work. Justice Brutinel will keep the committee apprised of any pertinent developments from the Committee on Civil Justice Reform.

### **D. Next Meeting Dates and Other Items**

#### **i. Next Meeting Dates**

The committee discussed possible meeting dates in October 2016 for the next committee meeting. Ms. Mesquita agreed to send an email with suggested dates as soon as possible.

*Editor's Note: Ms. Mesquita provided the committee with several dates via email. The responses tallied indicate the best date and time was October 19, 2016 from 1:30 p.m. to 3:30 p.m.*

**ii. Other Items**

Mr. Jacobsen offered comment on the criminal misdemeanor time standards. Flagstaff Municipal Court has encountered the need for case processing improvements due to the use of body cameras. Footage from body cameras are becoming more frequently a part of discovery. Almost every case has a discovery request for video. Their court has reached the conclusion that this has resulted in an overall 30 day delay in case processing. One hundred percent of officers in the Flagstaff Police Department have body cameras.

**VIII. Call to Public**

The Chair made a call to the public. No members of the public present requested to speak.

**IX. Adjournment**

Justice Brutinel adjourned the meeting at 2:54 p.m.

**X. Next Committee Meeting Date:**

Wednesday, October 19, 2016  
State Courts Building  
1501 W. Washington St., Phoenix, AZ 85007