

# Arizona Supreme Court

## Steering Committee on Arizona Case Processing Standards

### January 24, 2013 Meeting Agenda

1501 W. Washington St. Phoenix, AZ 85007  
State Courts Building, Conference Room 106  
Conference Phone Number: 602.452.3193, ID# 1114

#### Call to Order

10:00 a.m.	Announcements Introductions	Hon. Robert Brutinel, Chair
	Motion to Approve Minutes	
	Arizona Case Processing Standards Preliminary Recommendations (Handout)	

#### Workgroup Updates

10:15 a.m.	<u>Proposed Arizona Case Processing Standards</u> Superior Court Civil Workgroup <ul style="list-style-type: none"><li>➤ Superior Court Civil Cases**</li></ul>	Judge John Rea, Chair
10:30 p.m.	Justice Court Civil Cases Workgroup <ul style="list-style-type: none"><li>➤ Justice Court Civil Cases **</li><li>➤ Justice Court Eviction Actions**</li><li>➤ Civil Small Claims **</li><li>➤ Civil Local Ordinances**</li></ul>	Judge Jill Davis, Chair
11:00 a.m.	Municipal and Justice Court Cases Workgroup <ul style="list-style-type: none"><li>➤ Civil Traffic**</li><li>➤ Protection Orders**</li><li>➤ Criminal Misdemeanor**</li><li>➤ Criminal DUI Misdemeanor**</li></ul>	Judge Tony Riojas, Chair
11:30 a.m.	Criminal Workgroup <ul style="list-style-type: none"><li>➤ Criminal Felony**</li><li>➤ Criminal Post-Conviction Relief**</li></ul>	Judge Richard Fields, Chair
11:45 a.m.	Family Law Workgroup <ul style="list-style-type: none"><li>➤ Family Law Dissolution**</li><li>➤ Family Law Post-Judgment Motions**</li></ul>	Judge Pamela Gates, Chair
	Lunch	
12:30 p.m.	Probate Workgroup <ul style="list-style-type: none"><li>➤ Probate Administration of Estates**</li><li>➤ Probate Guardianship/Conservator**</li><li>➤ Probate Mental Health Cases**</li></ul>	Judge Rosa Mroz, Chair

*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.*

12:55 p.m. Juvenile Workgroup Judge Peter Cahill, Chair  
➤ Delinquency and Status Offense\*\*  
➤ Neglect and Abuse\*\*  
➤ Termination of Parental Rights\*\*

1:20 p.m. Overview of Terms and Concepts Hon. Robert Brutinel, Chair

**New Business**

1:40 p.m. Website, committee presentations and comments Hon. Robert Brutinel, Chair

2:00 p.m. Next steering committee meeting Hon. Robert Brutinel, Chair

Thursday, April 11, 2013 10:00 a.m. to 2:00 p.m.

**Old Business**

**Call to Public**

**Adjourn**

2:10 p.m. Motion to adjourn meeting.

**\*\*important voting items**

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# Steering Committee on Arizona Case Processing

**Monday, October 22, 2012**

2:00 p.m. to 5:00 p.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 106

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

**Absent/Excused:** Judge Sherry Geisler, Judge John Rea, Mr. John W Rogers

**AOC Staff:** Ms. Amy Wood, Ms. Cindy Cook, Ms. Jerri Medina

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## **I. Regular Business**

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

The October 22, 2012 meeting of the Steering Committee on Arizona Case Processing Standards was called to order by Chair, Honorable Robert Brutinel, at 2:02 p.m. In welcoming the Steering Committee on Arizona Case Processing Standards, Justice Brutinel expressed his appreciation to the committee members for agreeing to participate and share their expertise on this project.

Introductions were made by each of the committee members and staff present.

## **II. BUSINESS ITEMS, PRESENTATIONS AND POTENTIAL ACTION ITEMS**

### **A. National Center for State Court's Model Time Standards**

Justice Brutinel stated that in August, 2011, the National Center for State Courts published the **model time standards for state trial courts**. The standards for disposition of cases were developed and adopted by the State Court Administrators (COSCA), Conference of Chief Justices (CCJ), American Bar Association House of Delegates (ABA), and the National Association for Court Managers (NACM). There are 15 case types included in the national model for both limited and general jurisdiction courts.

Dan Hall from the NCSC will speak on the National Time Standard's Model at the Judicial Leadership conference tomorrow. Committee members were encouraged to attend and ask questions regarding specifics to the NCSC approach in developing this model.

According to the administrative order the committee shall review the national time standards for processing all major case types in limited and general jurisdiction courts and develop and recommend state case processing standards for Arizona. The committee will take into account statutory requirements, court rules, court jurisdiction, and any other relevant factors in recommending statewide case processing standards. Overall, there are several good reasons to engage in this process. This committee includes a broad cross section of stakeholders across the state with expertise in all the case types, and the different levels of court. The development of case processing standards will allow the courts to measure how they are doing and determine if they are meeting the expectations of the public and the legal community by the timely resolution of cases. These standards will also be helpful when addressing your local funding agencies. The statistics and data collected can be used to detail your achievements or to explain why more resources are needed to resolve or to further exploit those successes.

A concern was raised regarding the implications of standards being published about specific judges without the context of the situation an individual faces (such as complexity of cases, or resources available). The standards are to be used as a management tool to assist judges and administrators in managing their caseloads. It is important for the standards to be realistic, and should be helpful to the courts and judges when making a determination as to how efficiently cases are being handled. Although, there will still be people who will not like the data when the reports for time standards are run, standards are still important.

## **B. Stakeholder's Review Process**

Ms. Amy Wood presented to the committee the proposed process for the adoption of case processing standards in Arizona and the role of the steering committee. The steering committee members will review the preliminary analyses that were drafted by an internal workgroup at the AOC. This preliminary analysis has been posted on the Arizona Case Processing Steering Committee website ([link](#)) and includes the proposed case processing standards for all the case types identified in the national model as well as a few additional case types. This review needs to be completed and presented to the steering committee members at the next meeting in January. The steering committee members will be assigned to workgroups. The workgroups will review and present the proposed case processing standard for each case type. (i.e. criminal felony, juvenile abuse and neglect) to the steering committee.

The goal is to remove or revise the preliminary proposed case processing standards currently located on the website by February 15, 2013 and replace them with the proposed case processing standards created by the steering committee. The website will be used to receive further comments from standing committees, legal associations and courts. The more feedback received the better.

The website will be available for the posting of comments until April or May 2013. Members of the steering committee may be contacted during this time to respond to comments posted on the website. After the comment forum is closed revisions will be made to the proposed case processing standards based on comments received through the website.

June- September 2013 final draft of the proposed case processing standards will be presented to the standing committees for modification or approval.

October- December 2013 final draft will be presented to the AJC for adoption or further modification. (See path to approval document in the meeting materials)

Amy also previewed the forum/comments website that will be presented to the Judicial Leadership Conference tomorrow. This is an open forum for the legal community which in turn should give us access to comments from a broader base across the state. The website link is: <http://www.azcourts.gov/caseprocessingstandards/Home.aspx>

### **C. Legal Analysis and Preliminary Proposal**

Ms. Cindy Cook discussed the preliminary analysis done by an internal workgroup at the Administration of Courts Office. This work group was comprised of attorneys on staff at the AOC, project specialists and division directors experienced in particular areas of case processing. The workgroup reviewed the Arizona rules and statutes to determine if there is any Arizona rule or statute that would prevent Arizona from comporting with the national model time standards. The national model time standards are broken into five main case categories: civil; criminal; family law; juvenile; and probate. Then each category is broken out further into three case types for a total of fifteen case types. In the preliminary analysis of Arizona rules and statutes the internal workgroup suggested expanding the number of case types to eighteen. See the high level summary and detailed analysis in the meeting materials for a list of case types. Cindy discussed the three additional case types.

1. The national model included eviction actions with the small claims and local ordinances case type. Analysis of Arizona statutes revealed stringent timelines for eviction actions which would suggest that Arizona develop a separate standard for eviction actions.
2. The national model included driving under the influence (DUI) with the criminal misdemeanor case type. Arizona has done substantial work in the area of DUI and had already established standards specific to DUI cases. This work supports the idea of having a separate standard for DUI cases in Arizona.
3. The national model has one standard for civil cases. Arizona's court structure breaks civil cases between Superior and Justice Courts. This break suggests that separate standards for each level of court may be warranted in Arizona.

As the committee work groups move along with their research and analysis we may expand these case types further.

The following case types comport with the national model time standards:

- Probate Administration of Estates
- Probate Guardianship/Conservatorship of Incapacitated Adults
- Probate Mental Health Cases
- Juvenile Termination of Parental Rights
- Criminal Post Conviction Relief
- Criminal Felony
- Family Law Post Judgment Motions
- Family Law- Dissolution, Legal Separation, Paternity

Other Notable Exceptions for consideration in Arizona are as follows:

- Criminal Traffic – The national model refers to criminal traffic cases for case types that in Arizona would be considered civil traffic. Rules and statutes in Arizona comport with the national model.
- Family Law Protection Orders – initial review suggests that Arizona may have to adopt its own standard for the ex parte hearing. Arizona should comport with the national model on contested hearings.
- Juvenile Delinquency and Status Offense – initial analysis suggests that Arizona rules and statutes would require faster standards than those suggested by the national model.
- Juvenile Neglect and Abuse – initial analysis suggests that Arizona rules and statutes would require faster standards than those suggested by the national model.

Discussion regarding the standards and the case types ensued:

***DUI Cases:*** *Is there any consideration in the standards regarding the complexity of statutes that may exist in Arizona for DUI cases that do not exist in other states? There are some real issues in the state of Arizona particularly with the crime lab and we are going to need to decide based on those complexities what standards fit Arizona. There are two possible options for DUI cases: 1) adopt the existing standards for Arizona or 2) reject the existing standards and adopt the national model time standard for misdemeanor cases.*

***Civil Cases and Level of Court:*** *Should there be a separate standard for justice court cases verses superior court cases? We broke them out for further work group discussion but both superior and justice courts currently have the same standards.*

*The detailed analysis for the justice courts is based on the new justice court rules which have an effective date of January 2013.*

***Eviction Action:*** *A different time standard may need to be developed for eviction cases in superior court. Add eviction actions to the superior court civil workgroup.*

***Protection Orders:*** *Normally we would see 99% within an hour even if presented telephonically. Most courts move other cases to get orders of protection addressed immediately. Discussion on 24 hours or a day time standard, continue these talks within the committee work group.*

Cindy discussed some of the terminology used in the national model for time standards to acquaint the committee with some ideas that may be employed in their discussions about each case type.

- Intermediate standards – time goals for completing critical milestones during the life of a case, prior to final case resolution.

*Discussion: Does the committee want intermediate standards in any of the case types? In the preliminary analysis it was suggested we might want intermediate time standards for temporary orders in a family law case.*

- Measurement – when should we start the clock? Workgroups need to discuss where the count of time should start and end.

*Discussion: Where do the service requirements fall into these requirements? Can we start counting after service has been obtained? Many of the case management systems do not track service returns or they are hard to track. The filing date is an easy date to track in the case management systems. Filing date versus service date will be discussed in the workgroups.*

*The national model starts measuring from the date the petition is filed. . Should the courts in Arizona consider shortening the time of service, so they can meet the time standards? Filing of service is often used as a tool for the continuance of cases. In many cases, especially family law cases, service may not be obtained until after 120 days, which would mean the courts would not be able to meet the time standards.*

*The time standards for felony cases are not the same as the “speedy trial rule” which requires dismissal if the time is not met. These standards are intended to measure and manage the overall time to disposition which is different from a speedy trial rule that protects rights for the individual criminal defendant. The AJACS case management system does not exclude some of the specific time and we will need to discuss this more in depth in the work groups.*

- Interim Goal – for national goals beyond Arizona’s reach, consider provisional goals with a gradual phase-in of the shorter time goals.

*Discussion: For example in criminal cases, current statistics show a significant gap between the national standard and current statistics for felony cases in 2011. The committee may want to discuss the development of interim goals for felony cases.*

Cindy explained that data is collected in court case management systems (CMS). There may be challenges in what data is available in various systems.

Arizona has a variety of court case management systems: In the superior courts Maricopa County has iCIS, Pima County has AGAVE and the other thirteen counties have AJACS.

In the justice and municipal courts the court management systems are AZTEC, AJACS, iCIS, and a few other case management systems. It may be difficult to obtain comparable data on a statewide basis. The committee may want to evaluate the data that is available and determine how reliable that data is.

*Discussion: Members of the committee acknowledged that many of the case management systems do not track post judgment motions in family law cases or track probate matters. Staff is responsible for following up on this issue prior to the next committee meeting.*

The model time standards are based on a tripartite model. There are three tiers of cases. The first tier which normally includes a large proportion of cases 50% or more will dispose of the cases with little court involvement. The second tier will dispose of the case after one or two issues are resolved and the smallest proportion 3 to 5% of cases do not get resolved without a trial.

*Discussion: Is there any correlation to case processing and case load? Is there any consideration with how many times you pick up a file? Those familiar with the work of the NCSC on case time standards state they did not take into consideration the number of times you picked up a case. It was strictly focused on the flow of a case through the courts as it's required to fulfill the duties/needs of the case.*

*The steering committee is not to take costs into account or prioritize in the event there are scarce resources. The standards should only focus on the efficient handling of cases so timely resolution can be achieved. The courts may need additional money to accomplish the timely resolution of cases but in turn the funders may not be willing to spend the money on the justice system. The standards can still be utilized for raising funds. This is the goal we are trying to achieve and these are the resources needed to achieve that goal.*

*The smaller courts with a low percentage of filings may have a hard time meeting the mathematical percentages. If one case is not disposed within the time standards the percentages are skewed. This was an issue that was raised during the DUI pilot. Some DUI pilot courts felt that they could never meet the standard; they were either meeting it at 100% or 75% because of the small number of filings. This can be resolved mathematically by extending the reporting time period. Statewide we may meet these standards but some of the smaller courts may not be able to meet these standards due to staffing or resource issues.*

*The committee discussed the use of statistical reporting as a long term management tool and how the data will be utilized. Trial court performance standards have been around for a number of years including the use of CourTools nationwide. The standards are management tools, and can be published as statewide numbers in a way that limits the ability to take advantage or misuse the numbers. As a committee we must have some trust in the process as a tool and that it will not to be used to erroneously attack judges or administrators. The results will be public, and may subject the court processes to scrutiny. The committee*

*should establish case processing standards that are achievable but still encourage improvement in the Arizona courts. Once the standards have been established, the courts need to build reports for the case management systems that will track the data. This data will then be used to figure out what is working and how the courts might improve. If these reports clearly define the terminology being used and what is being measured, then everyone should be on the same page and any misconceptions or misuse of the data should be avoided.*

*How will you go about finding the data to review the statistics? Goal of the committee according to the administrative order is to issue a report of the workgroups with the definitions of the goals and standards. The point to doing this is that we will find the statistics and come up with a plan to keep track of the things we want to manage. Currently, there are things we do not measure, such as post dissolution cases and if they become one of our standards then we would require modification on case management systems that enable us to generate reports once we have the standards.*

*The data on the DUI pilot project had to be cleaned up before the courts could rely on the information. On the DUI project the courts set the case processing standard and then trained the attorneys' to meet that standard verses letting the case "flow" through the court. The attorneys and parties then had an expectation of what should be happening in the case instead what had happened in the case. Courts were expected to drive the pace of litigation instead of the attorney's as it moved through the system. The data got better as we continued to look at it and understand it. The old adage of "you care about what you count" can also assist in focusing on gathering reliable data.*

*The committee is not here to drive change in the culture of the courts. However, if the culture changes as a direct result of what we are doing by holding the court system accountable to specific measurements and standards we all benefit. A good example of that was when the case processing standards changed for dependency cases in the late 1980's. This was a good example of a change in the culture in a positive way and how time standards can change the cultural expectations in the court staff. Time limits that are rigidly imposed can affect the overall cultural expectations. We enforce the rules which indeed change the culture. As a committee we are here to figure out the rules and then we gather the statistics.*

#### **D. Work Group Assignments**

Justice Brutinel discussed work group assignments and time line expectations. Work group assignments are based on expertise and experience of the members, however members interested in serving on additional work groups may feel free to volunteer. Several adjustments and clarifications were made to the scope of work of each work group.

- Misdemeanor cases are assigned to the criminal municipal and justice court work group, but superior court representatives can review this work.

- Family law, protection orders and injunctions against harassment were assigned to the justice and municipal courts workgroup. There are a relatively small number of orders of protection filed in superior court. Judge Sally Simmons from the superior court will be added to the workgroup on protection orders. In addition an email will be sent to the family law work group when the orders of protection work group meeting is set so they can attend.
- Mr. Kent Batty requests to sit on the Superior Court civil cases.

Cindy will contact individual chairs to setup workgroup meetings with the idea that the work group will be done by the next steering committee meeting.

The chair of the workgroups can invite other members of the legal community to the workgroup meetings if their expertise is needed.

See attachment #1 – Updated Workgroup Assignments

### **E. Next Steering Committee Date Proposals**

It was decided to send out meeting requests once everyone was back at their offices and could look at their calendars.

Friday, January 11, 2013  
 Wednesday, January 16, 2013  
 Thursday, January 24, 2013  
 10am to 1pm

### **III. Old Business**

#### **A. None**

### **IV. Call to Public**

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

No one came forward to speak.

### **V. Adjourn**

#### **A. Motion: To adjourn at 4:00pm.**

Motion was seconded and passed.

#### **B. Next Committee Meeting Date:**

Friday, January 24, 2013 - 10:00 a.m. to 2:00 p.m.  
 State Courts Building, Room 106  
 1501 W. Washington St., Phoenix, AZ 85007

# ATTACHMENT #1

Updates to the work groups made during the October 22<sup>nd</sup> meeting appear in red in the chart below.

ARIZONA CASE TYPES	WORKGROUP ASSIGNMENTS
<b>JUSTICE AND MUNICIPAL COURTS</b>	
<b>Municipal and Justice Court Cases:</b> 1) Criminal Misdemeanor 2) Civil – Traffic 3) Civil Local Ordinances 4) DUI Misdemeanor Cases	Judge Tony Riojas (Chair) Judge Eric Jeffery Judge Sherry Geisler Judge Jill Davis Judge Steven McMurry Don Jacobson, Court Administrator Jane Nicoletti-Jones, County Attorney's Office James Haas, Public Defender's Office
5) Family Law Protection Orders 6) Injunctions Against Harassment (included in protection orders does this need to be a separate case type? If so, email civil group	Judge Tony Riojas (Chair) Judge Eric Jeffery Judge Sherry Geisler Judge Jill Davis Judge Steven McMurry Don Jacobson, Court Administrator Jane Nicoletti-Jones, County Attorney's Office James Haas, Public Defender's Office Judge Sally Simmons Email family law workgroup
<b>Justice Court Cases:</b> 7) Civil Cases in Justice Court 8) Civil Small Claims and Local Ordinances 9) Civil Eviction Actions	Judge Jill Davis (Chair) Judge Sherry Geisler Judge Steven McMurry Bill Verdini, Public Member

## SUPERIOR COURTS

<p>1) Juvenile Delinquency and Status Offense                  2) Juvenile Neglect and Abuse                  3) Juvenile Termination of Parental Rights                  Do we want to develop a standard for minor guardianship/ conservator cases? (Leadership conference)                  Do we want to develop a standard for adoption cases? (Leadership conference)</p>	<p>Judge Peter Cahill (Chair)                  Justice Brutinel                  Judge Sally Simmons                  Sandra Markham, Clerk of Court                  Jane Nicoletti-Jones, County Attorney's Office                  James Haas, Public Defender's Office</p>
<p>4) Criminal Felony                  5) Criminal Post Conviction Relief</p>	<p>Judge Richard Fields (Chair)                  Judge Mark Moran                  Kent Batty, Court Administrator                  Jane Nicoletti-Jones, County Attorney's Office                  James Haas, Public Defender's Office</p>
<p>6) Civil Cases in Superior Court                  7) Civil Eviction Actions                   Medical Malpractice –separate standard or part of the 2% of cases that may go longer (Leadership conference)</p>	<p>Judge John Rea (Chair)                  Judge Richard Fields                  Judge Kenton Jones                  John Rogers, Perkins Coie LLP                  Michelle Matiski, AETNA Corp                  Bill Verdini, Public Member                  Kent Batty, Court Administrator</p>
<p>8) Family Law Dissolution                  9) Family Law Post-Judgment Motions</p>	<p>Judge Pam Gates (Chair)                  Judge John Rea                  Judge Mark Moran                  Kent Batty, Court Administrator                  John Rogers, Perkins Coie LLP</p>
<p>10) Probate Administration of Estates                  11) Probate Guardianship/Conservator                  12) Probate Mental Health Cases                   Do we want to develop a standard for minor guardianship/ conservator cases? (Leadership conference)</p>	<p>Judge Rosa Mroz (Chair)                  Judge Kenton Jones                  Judge Peter Cahill                  Michelle Matiski, AETNA Corp                  John Rogers, Perkins Coie LLP</p>

# ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

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## 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) Filing of initial complaint through disposition (e.g., dismissal, judgment). The following time will be excluded from measurement: stay for 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>
1	<b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <b>NOTES:</b>					

## 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 time will be excluded from measurement: stay for 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	<b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO  <b>NOTES:</b>					

## 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.	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 stay of proceedings will be excluded from the measurement: special action/appeals, bankruptcy and Servicemembers Civil Relief Act.	
3	<p><b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO</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
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 cases includes evictions and civil local ordinances 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 stay of proceedings will be excluded from the measurement: special action/appeals, 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	<b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO  <b>NOTES:</b>					

## 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 stay of proceedings will be excluded from the measurement: special action/appeals, bankruptcy and Servicemembers Civil Relief Act.	
5	<p><b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO</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
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.	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 time will be excluded from measurement: diversion and special action/appeals.	Photo tickets require additional service time so they were excluded.
6	<b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO  <b>NOTES:</b>					

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
7	Protection Orders	<p><u>Ex Parte Hearing: (Intermediate Standard)</u> 99% within 24 hours instead of 100%</p> <p><u>Pre-Issuance Hearing (Intermediate Standard)</u> 90% within 10 days 98% within 30 days</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 from national model time standards for family law protection orders	<p>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 was added to the standard. 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>	<p><u>Ex Parte Hearing:</u> The date the petition for protective order is filed to the date the protective order is issued, denied or a pre-issuance hearing is set.</p> <p><u>Pre-Issuance Hearing:</u> The date the petition for protective order is filed to the date the protective order is issued, denied.</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</b> <input type="checkbox"/> YES <input type="checkbox"/> NO</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
8	Criminal Misdemeanor	75% within 60 days 90% within 90 days 98% within 180 days  ✓ Criminal traffic cases 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, sentencing) The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.	
8	<b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO  <b>NOTES:</b>					

## 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.	Filing of complaint through disposition (e.g., dismissal, sentencing) The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.	
9	<b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO  <b>NOTES:</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</li> </ul>	<p>Filing of first charging document (e.g. information, indictment or complaint) in superior court through disposition (e.g. dismissal, acquittal or sentencing.) 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</li> </ul>

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

				<p>stated that more than 2% of the felony cases are complex cases 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>cases or creating rights for individual criminal defendants. 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</b> <input type="checkbox"/> YES <input type="checkbox"/> NO</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
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	<b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO  <b>NOTES:</b>					

## 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:                      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>1</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</li> </ul>	<p>The date of filing to the date of disposition by entry of judgment/decree or order. The following stay of proceedings will be excluded from the measurement: special actions, 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 maintenance, legal decision-making (custody) and parenting time.</p>

<sup>1</sup> Arizona Rules of Family Law Procedure

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

				<p>service and file the appropriate paperwork for a default judgment if service is obtained.</p> <p>An additional 90 days was added to the 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 custody/legal decision making, domestic support orders and/or 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</li> </ul>		
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## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

				<p>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.</p> <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><b>NOTES:</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 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                 </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.</p> <p>The following stay of proceedings will be excluded from the measurement: Servicemembers Civil Relief Act and pending juvenile cases.</p>	

## ARIZONA CASE PROCESSING STANDARDS PRELIMINARY RECOMMENDATIONS

				<p>Coconino County 33% of the post decree motions were custody and the workgroup believes that the percentage is more like 40% or 50% in Pima and Maricopa County.</p> <ul style="list-style-type: none"> <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>		
13	<p><b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO</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
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.	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>2</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. 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. The other 13 counties have to deal with all case types and probate cases may not be the highest priority.
14	<b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO  <b>NOTES:</b>					

<sup>2</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. The other 13 counties have to deal with all case types and probate cases may not be the highest priority.
15	<p><b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO</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
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)	No standard for Title 14 minor guardianship/ conservatorship cases to be developed, the timelines are set out by rule and statute in Arizona.
16	<b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO  <b>NOTES:</b>					

## 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>3</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	<b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO  <b>NOTES:</b>					

<sup>3</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><u>Adjudication Hearing:</u> 98% within 90 days of removal</p> <p><u>Permanency Hearing:</u> 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</b> <input type="checkbox"/> YES <input type="checkbox"/> NO</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	<b>APPROVE PRELIMINARY RECOMMENDATION</b> <input type="checkbox"/> YES <input type="checkbox"/> NO  <b>NOTES:</b>					

## STEERING COMMITTEE OVERVIEW

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### I. EXCLUDED TIME

#### A. NATIONAL MODEL TIME STANDARDS:

Courts need a common definition of when a case begins and when a case is disposed.

With few exceptions, these standards run from the **date of filing** to the **date of disposition** by entry of judgment.

##### **Excluded time:**

The running of time is suspended under any of these standards by such occurrences as:

- Filing of interlocutory appeal
- Federal bankruptcy proceedings during pendency of a civil matter
- Failure to appear and issuance of a bench warrant for a criminal defendant
- Treatment to restore the competency of a criminal defendant found not to be competent to stand trial.

##### **NOT Excluded Time:**

In Family law dissolution cases- The existence of a waiting period generally between 30 to 90 days should not deter courts from moving a case as far along in the process as expeditiously as possible before the waiting period concludes. This being said, waiting periods should be taken into account when establishing a time standard.

Requirements for mediation/arbitration and /or parenting classes as preconditions to a trial or issuance of judgment were taken into account for the model time standards.

#### B. ARIZONA CASE PROCESSING TIME STANDARDS:

Definition: Based on the national model time standards examples above, time should be excluded from the count if the court does not have control of the case and the court has to wait for some other court, agency or person to complete an act before they can proceed.

#### C. DISCUSSION: Examples of excluded time in Arizona:

- Stay for special action/appeal
- Stay for bankruptcy
- Diversion programs
- Warrant
- Rule 11 mental competency proceedings
- Stay for servicemembers civil relief act
- Stay for Conciliation (Petition for 60 day stay must be filed)

## **STEERING COMMITTEE OVERVIEW**

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**D. DISCUSSION:** Example of time that would NOT be excluded:

- 60 day waiting periods
- Mediation/Arbitration
- Alternative Dispute Resolution
- Conciliation Court (Not excluded unless 60 day stay is filed)
- Pending juvenile cases

**II. MEASUREMENT: STARTING THE COUNT**

**A. DATE OF FILING VERSUS DATE OF SERVICE**

**1. NATIONAL MODEL TIME STANDARDS:**

Especially when children are involved, courts should be vigilant to ensure that the early stages of dissolution cases do not fall prey to party caused delay. This includes timely service of process.

The national model suggests that in civil and family law cases an intermediate standard be set for completion of service of process. This encourages courts to monitor the performance of this critical procedural step and to take action- such as setting an early hearing for self represented litigants who have not filed a return of service or sending the plaintiff a notice that the case will be dismissed for failure to prosecute.

**2. ARIZONA CASE PROCESSING STANDARDS:**

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.

**B. DATE OF FILING VERSUS DATE OF ARRAIGNMENT**

**1. NATIONAL MODEL TIME STANDARDS:**

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. 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. Moreover speedy trial rules generally run from the date of arrest or arraignment to the start of the trial. Time standards are based on the period between the date on

## STEERING COMMITTEE OVERVIEW

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which the case is first filed with the court to the entry of the dispositional order (e.g. a dismissal, sentence).

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.

### **2. ARIZONA CASE PROCESSING STANDARDS:**

In some jurisdictions, a felony case may be initiated in the justice court and then transferred to the superior court. The superior court does not have control of the case until the case is transferred and a charging document has been filed. The justice courts have different CMS systems than the superior courts and it would be difficult to run reports and track a case between the different levels of court.

The date the charging document is filed in superior court would be the easiest date to track in the CMS systems. Justice Courts rarely dispose of a felony case so developing a standard for the Justice Courts is not crucial. AGAVE and ICIS case management systems track arraignment date, but that has more to do with speedy trial rules and the rights of the individual defendant. Case processing standards are based on the period between the date on which the case is first filed with the superior court to the entry of the dispositional order.

### **C. DATE OF REMOVAL AND DATE OF SERVICE**

#### **1. NATIONAL MODEL TIME STANDARDS:**

The national model time standards for Juvenile Neglect and Abuse cases only starts the count from the date of removal on the adjudication and permanency hearing.

#### **2. ARIZONA CASE PROCESSING STANDARDS:**

In Arizona, for the case type of Juvenile Neglect and Abuse 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.

### **III. RESPONSIVE PLEADING FILED OR DEFAULT JUDGMENT**

#### **A. NATIONAL MODEL TIME STANDARDS:**

The national model suggests that to avoid cases laying fallow for months or even years in civil and family law cases an intermediate standard be set for the filing of a responsive pleading by the defendant or the request of default judgment by the plaintiff. The trial courts should monitor cases to determine whether a responsive

## STEERING COMMITTEE OVERVIEW

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pleading has been filed within a reasonable passage of time after case commencement. The exercise of early court control in this fashion has been found to have a statistically significant correlation with shorter times to disposition in civil cases. In family law cases the failure of a party, properly served, to respond to the complaint is an indication that there are no contested issues and a default judgment should be entered.

### **B. ARIZONA CASE PROCESSING STANDARDS:**

The national model time standards set an intermediate standard in civil and family law cases for the filing of a responsive pleading or request for default judgment. In Arizona an intermediate standards was not been established but the trial courts should monitor cases to determine whether a responsive pleading has been filed within a reasonable amount of time after the case has been filed.

Currently, in Arizona Rule 38.1(d) ARCP states that in civil cases if a motion to set has not been filed within 9 months, the case will be set on an inactive calendar by the clerk. If a case remains on the calendar for 2 months, the case shall be dismissed without prejudice. The new rule petition would eliminate this section and (1) alter the default rule for case management from one based on Motions to Set and Certificates of Readiness to one based on scheduling orders and (2) alter the default trial setting system from one based on an “Active Calendar” kept by court administration to trial settings by assigned judges.

## 2012 ARIZONA CASE PROCESSING STANDARDS PROJECT



JUSTICE ROBERT BRUTINEL,  
STEERING COMMITTEE CHAIRMAN

### SUBMIT YOUR COMMENTS!

Model case processing time standards provide a reasonable set of expectations for courts, lawyers and the public. The Arizona Supreme Court Case Processing Standards Steering Committee is gathering input and feedback from all key justice partners regarding the establishment of case processing standards for Arizona courts.

#### Steering Committee Preliminary Recommendations

The Steering Committee has completed a review of the national time standards, Arizona rules and statutes and a preliminary recommendation for proposed case processing standards has been developed. These recommendations will be posted as a link from the committee's website on **February 15, 2013** and you are **invited to post your comments** at that time. Please feel free to share this website with members of the legal community in your jurisdiction.

#### Comment Period

The Steering Committee will review the comments posted on the website and make the appropriate revisions to the proposed case processing standards. A final draft of the proposed case processing standards will be presented to the following standing committees for recommendation to the Arizona Judicial Council: Committee on Superior Court; Limited Jurisdiction Committee; Committee on Juvenile Courts; Commission on Victims in the Courts; and Committee on the Impact of Domestic Violence in the Courts.

*Submit your comments online beginning February 15, 2013:*

<http://www.azcourts.gov/cscommittees/CommitteeonArizonaCaseProcessingStandards.aspx>

*For more information contact:*

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Arizona  
Supreme  
Court

