

## **Steering Committee on Arizona Time Standards**

**SEPTEMBER 24, 2014**

**1:30 P.M. – 3:30 P.M.**

Conference Room 119A/B  
1501 West Washington Street  
Phoenix, Arizona, 85007

**APPROVED 4/16/15**

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**Present:** Justice Robert Brutinel, Mr. Kent Batty, Mr. Don Jacobson, and Mr. Bill Verdini.

**Telephonic:** Judge Peter Cahill, Ms. Elaina Cano (*Proxy for Andrew Klein*), Judge Jill Davis, Judge Charles Gurtler, Judge Eric L. Jeffery, Judge Mark Moran, Judge Anthony Riojas, and Judge Sally Simmons.

**Absent/Excused:** Judge Richard Fields, Judge Pamela Frasher-Gates, Mr. James Haas, Ms. Michelle Matiski, Judge Steven McMurry, Ms. Jane Nicoletti-Jones, Judge John Rea, and Mr. John W. Rogers.

**Presenters/Guests:** None

**Administrative Office of the Courts:** Ms. Cindy Cook, Ms. Kelly Gray, and Ms. Amy Wood.

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### **I. REGULAR BUSINESS**

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

The September 24, 2014 meeting of the Steering Committee on Arizona Time Standards was called to order at 1:30 p.m. by the Honorable Robert Brutinel, Chair, and attendance was taken.

Unfortunately, over the summer this Committee lost one of its members. Ms. Sandy Markham, Clerk of Yavapai County will be missed. Ms. Donna McQuality, the newly elected Clerk of Court for the Superior Court of Yavapai County has volunteered, and has the recommendation of her peers, to become a member of this Committee. The paperwork is being processed and awaiting review/approval from the chief justice. Welcome Ms. McQuality!

#### **B. Approval of Minutes**

The draft minutes from the April 24, 2014 meeting of the Steering Committee on Arizona Time Standards were presented for approval.

- Motion was made by Mr. Kent Batty to approve the draft meeting minutes of the April 24, 2014 meeting of this Committee. Seconded by Mr. Don Jacobson. Motion passed unanimously.

## II. REPORTS DEVELOPMENT UPDATES

### A. Administrative Orders

#### 1. Administrative Order 2014-81

In June of 2014, the Arizona Judicial Council (AJC) recommended approval of several case processing standards. As a result [Administrative Order 2014-81](#) was signed by Chief Justice Bales on August 13, 2014. The order adopted final case processing standards for the following case types:

Superior Court Civil  
Criminal Felony  
Juvenile Delinquency and Status Offense  
Juvenile Neglect and Abuse Permanency Hearing only  
Juvenile Termination of Parental Rights  
Criminal DUI Misdemeanor (Existing standard; justice and municipal courts)

On August 15, 2014 a memorandum was sent to presiding judges, court administrators, and clerks of court that set the first submission date for the Summary Time to Disposition report (e.g., case aging) for all the case types listed above. Additionally, on September 19, 2014, a separate memorandum was sent to the juvenile presiding judges, juvenile directors, dependency administrators, clerks of court, presiding judges, and court administrators that elaborated on the submission date and reporting specifications for the *juvenile* case types listed above. For ALL the above listed case types the first submission date is to be July 31, 2015, for the reporting period of March 1, 2015 - June 30, 2015. Thereafter, it is anticipated that annual submission of Summary Time to Disposition reports encompassing a full year will start in fiscal year 2016.

Throughout the process, this Committee has heard a number of concerns regarding the quality of data found in the case management systems. The lead time given allows ample time for each court to develop accurate reports. In the coming months, it will be important to review the case processing reports, verify the accuracy of the reports and make necessary corrections. To this end, regional training has

been completed for the Superior Court Civil and Criminal Felony AJACS reports. The regional training on Superior Court Civil and Criminal Felony AJACS reports conducted recently seems to have resonated with the participants. Attendees seem to more clearly understand how their data entry affects reporting. A webinar training will also be developed in the near future for new employees and AJACS court users. Follow-up assistance will be provided by AOC staff.

## **B. Reports Demonstration**

Ms. Cindy Cook presented information on the three (3) types of reports available in the AJACS, the purpose of each report, and the differences/similarities between reports. The following three (3) reports are generated in AJACS:

1. Criminal Statistical Reports
2. CourTool Reports
3. Time Standard Reports

Criminal Statistical Reports are SSRS reports that are submitted monthly to the AOC and include the following reports: Criminal Caseload by Defendant; Criminal Manner of Disposition; Criminal Caseload by Charge; and Criminal Manner of Sentencing. The purpose of these reports is to help courts make better operational decisions based on data, answer legislative and media questions, measure workload, and determine the lifecycle of a case.

The CourTool Reports are located in the AJACS case management system and are not submitted to the AOC. The reports can be run by the courts at any time and are useful in determining if a court is timely processing cases and identifying where improvements can be made. These reports are based on the National Center for State Courts CourTool Caseload Performance Measures. These reports offer the courts a balanced perspective on court operations. Arizona developed the following summary and detail reports:

1. Case Clearance Rates (Measure 2)
2. Time to Disposition (Measure 3)
3. Age of Active Pending Caseload (Measure 4)
4. Trial Date Certainty (Measure 5)

The Time Standard Reports are SSRS reports that measure the courts success in meeting the Arizona Case Processing Time Standards and manage/monitor active pending cases. Standards have been developed

for 19 case types in the justice, municipal and superior courts. The reports available include Time to Disposition Summary, Time to Disposition Detail, Age of Active Pending Summary, and Age of Active Pending Detail.

Ms. Cook described the differences and similarities between the reports.

**Differences:**

Statistical Reports:

- Reports by date range
- Clearance rate by charge
- Counts jury trials started (trials)
- Counts active and inactive pending cases.
- Reports are submitted to AOC

CourTools Reports

- Reports by judge
- Clearance rate by case
- Counts jury trials completed (continuances)
- Calculates age of pending
- Excludes time
- Calculates time at adjudication and re-adjudication

Time Standard Reports

- Reports by judge
- Calculate age of pending
- Excludes time
- Calculates time at adjudication
- No clearance rate or trial date certainty reports
- Reports are submitted to AOC

**Similarities:**

- Accurate data enables the courts to make better decisions
- Reports pull data from same case management system
- Reports pull data from case status table in AJACS
- Reports use same filing date and case status date
- Reports count one case one defendant

Ms. Cook went on to display sample case processing time standard reports in AJACS and explained excluded time. It was pointed out that counties not using AJACS may have issues with excluded time and those counties should consult their IT department when building their reports in other case management systems. The AOC is available to assist with determining what time should be excluded. Some of the columns on the reports are populated from the AJACS calendaring system. If the calendaring information is not entered in AJACS, or any other case management system, the columns on the report will not be populated with future hearing dates or track the number of continuances on a case.

**C. Report Development Updates**

Ms. Cindy Cook updated the Committee on the progress of the reports developed to measure the case processing time standards.

1. Standards Adopted

Standards have been adopted by Administrative Order 2014-81 for the following case types:

- Civil
- Felony
- DUI Misdemeanor
- Juvenile Delinquency and Status Offenses
- Juvenile Permanency Hearing
- Termination of Parental Rights

Reports have been developed in the AJACS case management system and training has been provided for the Civil and Felony case types. DUI Misdemeanor reports were developed in 2008, training has already been provided, and courts already report the required data.

Juvenile reports have been written for Juvenile Delinquency, Permanency Hearing, and Termination of Parental Rights. Ideally, the same process for submitting data to the AOC will be used for all case types including data from JOLTS.

## 2. Standards to be Adopted

### a. Juvenile:

#### i. Dependency: Adjudication Hearing

The Time to Disposition and Age of Active Pending Summary and Detail reports have been developed in JOLTS for this case type. Ms. Cook analyzed data from all 15 counties for this case type for the calendar year 2013. The statewide average for time to disposition of the cases from the date of filing was 81% within 100 days.

The statute and the provisional standard originally adopted the standard of 98% within 90 days and both start measuring from the date of service on the first guardian or parent. JOLTS does not have a field for service and the users are not entering this information into JOLTS. The courts are not currently meeting the standard, but the reports developed are different from the statute and standard. A meeting was held on May 15, 2014 with the Juvenile Workgroup and other juvenile users to discuss adjusting the standard. In this meeting it was decided that 10 days would be added to the standard for the time required for service.

Current Provisional Standard:  
98% within 90 days from date of service  
Recommended Standard:  
98% within 100 days from date of filing

Some Committee members stated that the addition of 10 days to the standard for service may not be enough. The standard may need to be adjusted at a later date to reflect accurately the average time it takes to serve a parent or guardian in Adjudication Hearings.

- Motion was made by Judge Peter Cahill to adopt the standard of 98% within 100 days for Juvenile Dependency Adjudication Hearings with a delayed effective date of July 1, 2015. Seconded by Judge Sally Simmons. Motion passed unanimously.

b. Family Law

i. Dissolution

The Time to Disposition and Age of Active Pending Summary and Detail reports have been developed in AJACS for this case type. AJACS users need to be trained to enter the data so that excluded time is captured on the reports. The reports are finished and scheduled to be deployed to Production in AJACS in October 2014. Pima and Maricopa County already have reports for family law cases. Unfortunately, Maricopa and Pima County reports do not currently exclude time. Each county will independently determine if they will change their current report to reflect excluded time.

Recommended Provisional Standard:  
75% within 180 days  
90% within 270 days  
98% within 365 days

Ms. Cook analyzed data from all 15 counties for this case type. The courts average 70% within 180 days, 84% within 270 days, and 93% within 365 days.

*NOTE: Pima County did not provide data for 270 days. There was one total for the number of cases disposed in 365 days. The percentage for 270 days will likely be 1% or 2% higher. Maricopa provided total number of cases and percentage of cases disposed for FY14 instead of FY13 no excluded time.*

The courts appear to be close to meeting the provisional standards developed by this Committee.

- Motion was made by Mr. Kent Batty to adopt the standard of 75% within 180 days, 90% within 270 days, and 98% within 365 days with a delayed effective date of July 1, 2015. Seconded by Judge Sally Simmons. Motion passed unanimously.

c. Probate

i. Administration of Estates

The Time to Disposition and Age of Active Pending Summary and Detail reports have been developed in AJACS. The reports are scheduled to be deployed to production in AJACS in October 2014. Pima and Maricopa Counties are developing reports, however the data provided does not exclude time for this case type.

Recommended Provisional Standard:

50% within 360 days

75% within 540 days

95% within 720 days

Ms. Cook analyzed data from all 15 counties for this case type. The courts average 48% within 360 days, 56% within 540 days, and 60% within 720 days.

*NOTE: Maricopa County provided data for fiscal year 2014 with no excluded time. Pima County's estimated time to disposition statistics are based on a random sample for fiscal year 2013 (10% of the Formal and Informal Probated Estate and Affidavits of Succession to Real Property cases). The 13 other Arizona counties provided data for fiscal year 2013.*

If data from Maricopa and Pima Counties were removed from the combined court data, the courts averaged 79% within 360 days (instead of 48%), 86% within 540 days (instead of 56%), and 89% within 720 days (instead of 60%). The reason for the disparity between the data for just 13 rural counties and the data for all 15 counties combined is because the Affidavit of Succession to Real Property cases are held open for a year in Pima and Maricopa county. In the 13 rural counties these cases are typically disposed within a few days. Maricopa and Pima Counties use an administrative

directive/process that holds open these cases for one (1) year in order to ease the processing of cases if a challenge is filed in the case. It is believed that the practice of holding open the case for one (1) year stems from the statute of limitations related to personal representative challenges.

It was pointed out that the process of keeping the cases open for one (1) year may not be an efficient business practice in Maricopa and Pima County. Ms. Cook will work with Maricopa and Pima Counties to determine the aim of the business process in question and will present findings in the next meeting of this Committee. It was suggested that the standard may need to be adjusted to accommodate the business practice.

- Motion was made by Mr. Bill Verdini to delay approval of the Probate Administration of Estates Time Standard until additional information is provided to this Committee regarding the business practice in Maricopa and Pima Counties of holding open Affidavit of Succession to Real Property cases for one year. Seconded by Mr. Kent Batty. Motion passed unanimously.

d. Traffic

i. Civil Traffic

In the last meeting of this Committee questions were raised about the achievability of the provisional standard based on data provided. Since the last meeting, the Municipal and Justice Workgroup met to discuss the provisional standard for traffic cases. Ms. Cook analyzed data from 55 limited jurisdiction courts in Arizona for the Civil Traffic case type (15 municipal and 15 justice using the AZTEC case management system, and 25 Maricopa justice courts). The courts average 44% within 30 days, 70% within 60 days, and 85% within 90 days.

*Note: The crystal report developed for the AZTEC courts included in this data sample pulled data based on the date of filing instead of the date of disposition. If the case was filed and disposed during FY13 it appeared on the report and was part of the statistical information presented. The AOC is working on a report that will pull the data from the date of disposition. For all courts in the data sample, the reports do not exclude time for pre-trial diversion programs such as defensive driving, and are not allowing extra time for tickets issued to out of state drivers.*

There was discussion regarding accuracy of the data provided and how this affects the decision to adopt a standard for this case type. It was pointed out that the data provided does not include excluded time and the reporting tools currently available are inadequate. It is anticipated that the numbers will improve as case management systems develop new reports that are capable of measuring excluded time and the time to disposition. The Committee felt it was important to implement a standard at this time, but still wants the option to review the standard as the shortcomings of the reports are addressed and the ability to generate reports is improved.

The workgroup is recommending that the percentages be lowered as followed.

65% within 30 days instead of 75%

80% within 60 days instead of 90%

95% within 90 days instead of 98%

- Motion was made by Mr. Don Jacobson to adopt the standard of 65% within 30 days, 80% within 60 days, and 95% within 90 days with a delayed effective date of July 1, 2015, with the caveat that this standard be reviewed when the reports provided by the limited jurisdiction courts case management systems provide reliable and accurate data. Seconded by Judge Anthony Riojas. Motion passed unanimously.

#### **D. Development Plan**

Ms. Cindy discussed the anticipated timeline for development of reports and adoption of additional Time Standards. The standards in Phase 1 have been adopted and the AOC is in the process of implementing the standards. The statistical information for the case types in Phase 2 were presented to the committee today and 3 of the 4 standards will be recommended for approval by the AJC in October. Standards for the case types in Phase 3 will be discussed at the next committee meeting.

- i. Phase 1: (April 2014 – March 2015)  
The case types in Phase 1 include Felony, Civil, Juvenile Permanency Hearings, Termination of Parental Rights, Delinquency, and DUI. Tasks include AJC Approval of provision standards (April 2014), report distribution and testing (May – July 2014), training on reports (August 2014), data clean up (September 2014 – February 2015), and implementation of standards (March 2015).

ii. Phase 2: (September 2014 – July 2015)

The case types in Phase 2 include Juvenile Adjudication Hearings, Dissolution, Probate Estate Administration, and Civil Traffic. Tasks include developing reports in AJACS, ICIS, AGAVE, and AZTEC, as well as testing of reports (July – September 2014), Steering Committee on Arizona Time Standards review (September 2014), AJC approval (October 2014), training on reports (November 2014), data clean up (December 2014 – June 2015), and implementation of standards (July 2015).

iii. Phase 3: (October 2014 – October 2015)

The case types in Phase 3 include Probate Mental Health Cases, Probate Guardianship/Conservatorship, Justice Civil, Misdemeanors, and Small Claims. Tasks include developing reports for AJACS, ICIS, AGAVE, and AZTEC, as well as testing of reports, (October 2014 – February 2015), Steering Committee on Arizona Time Standards review (April 2015), AJC approval (October 2015), training on reports and data cleanup (July – September 2015), and implementation of standards (October 2015).

iv. Phase 4: (July 2015 – March 2016)

The case types in Phase 4 include Civil Local Ordinances, Evictions, Criminal Post-Conviction Relief, and Family Law Temporary Orders. Tasks include developing reports for AJACS, ICIS, AGAVE, and AZTEC, as well as testing of reports, (July 2015 – September 2015), Steering Committee on Arizona Time Standards review (September 2015), AJC approval (October 2015), training on reports and data cleanup (November 2015 – March 2016), and implementation of standards (March 2016).

v. Phase 5: (October 2015 –October 2016)

The case types in Phase 5 include Family Law Post-Judgment Motions, and Protection Orders (All Courts; Ex parte, Contested and Pre-issuance). Tasks include developing reports for AJACS, ICIS, AGAVE, and AZTEC, as well as testing of reports (October 2015 – February 2016), Steering Committee on Arizona Time Standards review

(March 2016), AJC approval (July 2016), training on reports and data cleanup (July – September 2016) and implementation of standards (October 2016).

The term of the Committee ends on December 31, 2014. In the next couple of weeks a new administrative order will be signed by Chief Justice Bales extending the term of the Committee until December 31, 2015 or December 31, 2016.

### **III. NEW BUSINESS**

#### **A. Next Meeting Dates**

Ms. Cindy Cook proposed two dates/time for the next meeting: Thursday, April 23, 2015, 1:30 p.m. - 3:30 p.m. OR Thursday, April 16, 2015, 1:30 p.m. - 3:30 p.m. The Committee selected Thursday, April 16, 2015, 1:30 p.m. - 3:30 p.m. for the next meeting.

### **IV. ADJOURNMENT**

**A. Adjourned at 3:07 p.m.**

**B. Next Committee Meeting:**

Thursday, April 16, 2015  
1:30 p.m. - 3:30 p.m.  
Conference Room: 230  
State Courts Building  
1501 W. Washington St.  
Phoenix, AZ 85007