

# Arizona Supreme Court Steering Committee on Arizona Case Processing Standards

## September 12, 2013 Meeting Agenda

1501 W. Washington St. Phoenix, AZ 85007

State Courts Building, Conference Room 230

Conference Phone Number: 602-452-3288 OR 520-388-4330, ID# 5258

### Call to Order

10:00 a.m.	Announcements Introductions  Motion to Approve Minutes and Final Recommendations**	Hon. Robert Brutinel, Chair
<b>Arizona Case Processing Standards Final Recommendations (Handout) Summary Chart (Handout)</b>		

### Workgroup Updates

10:10 a.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>	Hon. Robert Brutinel, Chair
10:15 a.m.	Juvenile Workgroup <ul style="list-style-type: none"><li>➤ Neglect and Abuse</li><li>➤ Delinquency and Status Offense**</li></ul>	Hon. Peter Cahill
<b>Call for Motion Vote**</b>		

### New Business

10:25 a.m.	Update on Committee Presentations and AJC	Hon. Robert Brutinel, Chair
10:40 a.m.	Executive Summary <b>Executive Summary (Excerpt from Interim Report) (Handout)</b>	Hon. Robert Brutinel, Chair
<b>Call for Motion Vote**</b>		
10:55 a.m.	Interim Report <b>Interim Report (Handout)</b>	
<b>Call for Motion Vote**</b>		
11:10 a.m.	Action Plan <b>Action Plan (Handout)</b>	Hon. Robert Brutinel, Chair

### Presentations

### Old Business

### Call to Public

### Adjourn

11:25 a.m.	Motion to adjourn meeting.	
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**\*\*important voting items**

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

# Steering Committee on Arizona Case Processing

**Thursday, April 25, 2013**

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

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 106

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

**Absent/Excused:** Mr. James Haas, Judge Mark Moran, Mr. William "Bill" Verdini

**Presenters/Guests:** Patrick McGrath, AOC

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

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## **I. Regular Business**

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

The April 25, 2013 meeting of the Steering Committee on Arizona Case Processing Standards was called to order by Chair, Honorable Robert Brutinel at 10:02 a.m.

### **B. Approval of January 24, 2013 Minutes**

The chair called for any omissions or corrections to the minutes from the January 24, 2013, meeting; there were none.

- The draft minutes from the October 24, 2012, meeting of the Steering Committee on Arizona Case Processing Standards were presented for approval.
  - Motion approved by Mr. Kent Batty.
  - Motion was seconded by Mr. Donald Jacobson and passed unanimously.

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

The Steering Committee discussed the revisions to be made to the Arizona Case Processing Standards Preliminary Recommendations document. There were 103 views but only 5 comments received online through the comment forum from February 19, 2013 to March 29<sup>th</sup>, 2013. We will address the comments during our

review of the recommendations. Most of the revisions made to the standards were to the language for excluded time in civil and family law cases. The revised language will read as follows “*The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: special actions/appeals, bankruptcy and stays granted pursuant to the Servicemembers Civil Relief Act.* The Steering Committee also needs to discuss and recommend case processing standards for probate administration of estates cases and probate guardianship/conservatorship cases.

## **A. Superior Court Civil Workgroup: Judge John Rea, Chair**

### **1. Superior Court Civil Cases**

Discussion: No change to the standard. The following language for excluded time will be revised for all civil and family law case types.

- Motion made by Judge McMurry to revise the measurement to read as follows: “*The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: special actions/appeals, bankruptcy and stays granted pursuant to the Servicemembers Civil Relief Act.*”
- Seconded by Judge Pamela Gates. Motion passed unanimously.

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

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

Discussion: During the comment phase 2 comments were received regarding an increase in the number of days needed to process justice court civil cases. The courts expressed a concern that 75% of the cases cannot be disposed of within 120 days because of Rule 113(i), Justice Court Rules of Civil Procedure (JCRCP) which states “the action will be dismissed without prejudice if summons and complaint not served within 120 days of filing of complaint.” (These dismissals will take longer than 120 days to dispose and the judges will be hesitant to grant an extension of service). The workgroup had originally estimated that service on the defendant would occur within 30 days, this was deemed unrealistic by the courts and the workgroup determined that 60 days would be a more realistic estimate of the time needed for service. A determination was made that the time allowed for service on the defendant is out of the court’s control and the standards should be increased. Currently some of the larger courts are processing 40% of their cases within 210 days. Based on the current percentages the new proposed standard of 180 days would still be an aspirational but achievable goal that would encourage the courts to improve. The Steering Committee also noted that if the standard for justice courts is to be lowered in the future, Rule 113(i), JCRCP will need to be amended. The time allowed for service on the defendant is the same in both the superior and justice courts. Justice court cases are less complex and usually involve fewer defendants so the number of days needed for service could be reduced.

- Motion by Judge Steven McMurry to change the standard as follows:
  - 75% within **180 days** instead of 120 days

- 90% within **270 days** instead of 180 days
- 98% within **365 days** instead of 270 days

and to revise the measurement to read as follows: “The following “*may result in a stay of proceedings and the time elapsed* will be excluded from measurement: special actions/appeals, bankruptcy *and stays granted pursuant to the Servicemembers Civil Relief Act*”.

- Seconded by Judge Jill Davis. Motion passed unanimously.

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

Discussion: No change to the standard. A determination was made by the Steering Committee that commercial evictions should be specifically included in the standard. In the AZTEC case management system there are no special designations for commercial evictions versus residential evictions so it would be easier to write the time to disposition reports if commercial evictions are included in the standard. Same revisions will be made to excluded time.

- Motion made by Judge Antonio Riojas to include commercial evictions in the standard and to revise the measurement to read as follows: “The following “*may result in a stay of proceedings and the time elapsed* will be excluded from measurement: special actions/appeals, bankruptcy *and stays granted pursuant to the Servicemembers Civil Relief Act*”.
- Seconded by Mr. Don Jacobsen. Motion passed unanimously.

## **3. Civil Small Claims**

Discussion: Received 1 comment to increase the number of days needed to process a small claims case, but no changes were made to the standard. There is no right to appeal in small claims cases so the Steering Committee agreed to remove “special actions/appeals” from excluded time. Same revisions will be made to excluded time.

- Motion made by Judge Antonio Riojas to remove special actions/appeals from excluded time and to revise the measurement to read as follows: “The following “*may result in a stay of proceedings and the time elapsed* will be excluded from measurement: bankruptcy *and stays granted pursuant to the Servicemembers Civil Relief Act*”.
- Seconded by Mr. Kent Batty. Motion passed unanimously.

## **4. Civil Local Ordinances**

Discussion: No change to the standard, same revisions will be made to excluded time.

- Motion made by Judge John Rea to revise the measurement to read as follows: “The following “*may result in a stay of proceedings and the time elapsed* will be excluded from measurement: special actions/appeals, bankruptcy *and stays granted pursuant to the Servicemembers Civil Relief Act*”.
- Seconded by Judge Antonio Riojas. Motion passed unanimously.

## **C. Municipal and Justice Court Workgroup: Judge Antonio Riojas, Chair**

### **1. Civil Traffic**

Discussion: No change to the standard and same revisions will be made to excluded time. In addition Servicemembers Civil Relief Act will be added to the list of exclusions. The Steering Committee also recommends that parking tickets be excluded from the standard because a statewide designation would be difficult. Every city or county can designate a parking ticket as something different (e.g., petty offense, civil local ordinance violation or civil traffic).

- Motion made by Mr. Don Jacobson to exclude parking tickets from the standard and to revise the measurement to read as follows: “The following *“may result in a stay of proceedings and the time elapsed* will be excluded from measurement: diversion, special actions/appeals, *and stays granted pursuant to the Servicemembers Civil Relief Act”*.”
- Seconded by Mr. Kent Batty. Motion passed unanimously.

### **2. Protection Orders**

Discussion: Received 1 comment requesting a case processing standard of 14 days to conduct a pre-issuance hearing. No change was made to the standard. The Steering Committee had previously decided not to have an intermediate standard for pre-issuance hearings. The pre-issuance hearings will fall into the category of the 1% of ex parte hearings not held within 24 hours. Based on the removal of the intermediate standard for pre-issuance hearings, the Steering Committee recommends that the language “or a pre-issuance hearing is set” be removed from the Ex Parte Hearing measurement. The setting of a pre-issuance hearing is not a final disposition. A hearing will still need to be held and the order will need to be issued or denied. If the measurement is stopped at the setting of the pre-issuance hearing, the cases will not be tracked to see if the order was issued or denied, and these cases will just fall off the radar. The Committee on the Impact of Domestic Violence in the Courts (CIDVC) had some concerns that the 99% for ex parte hearings could not be met because individuals file the petition and leave before the hearing is held. The larger jurisdictions may leave the case open for as long as 30 days in case the petitioner returns. The members of CIDVC did not want to lower the percentage to 98% with 24 hours. We do not have any data on how many cases fall into these categories. The Steering Committee recommends that the standard and measurement be left alone and this issue will be revisited after we have more data.

- Motion made by Mr. Kent Batty to remove “or a pre-issuance hearing is set” from the Ex Parte Hearing measurement and change the language as follows: “The date the petition for protective order is filed to the date the protective order is issued *or denied*”.
- Seconded by Mr. Don Jacobson. Motion passed unanimously.

### **3. Criminal Misdemeanor**

Discussion: No change to the standard. A determination was made by the Steering Committee that petty offenses should be specifically included in the standard. The Steering Committee also recommends that the case processing standards for all criminal cases be applied when the case is initiated (e.g., filing of original charges) not at the time of disposition (e.g. dismissal or judgment and sentencing). In a criminal case, the case processing standard for the most severe offense listed on the charging document will be applied

- Motion made by Mr. Kent Batty to include petty offenses in the standard and to apply the case processing standards when the complaint is filed not when the case is disposed.
- Seconded by Mr. Don Jacobson. Motion passed unanimously.

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

Discussion: Received 1 comment requesting that the standard be lowered. No change was made to the existing Arizona standard. The DUI standard will be applied when the complaint includes a DUI charge.

- Motion made by Mr. Kent Batty to adopt the existing standard
- Seconded by Judge Eric Jefferies. Motion passed unanimously.

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

### **1. Criminal Felony**

Discussion: The Steering Committee recommends that the case processing standards for all criminal cases be applied when the first charging document is filed in superior court, not at the time of disposition (e.g. dismissal, acquittal or judgment and sentencing). In a criminal case, the case processing standard for the most severe offense listed on the charging document will be applied.

- Motion made by Judge Antonio Riojas to apply the case processing standards when the first charging document is filed not when the case is disposed.
- Seconded by Mr. Kent Batty. Motion passed unanimously.

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

Discussion: The Steering Committee recommends that the standard for post conviction relief be applied to the superior court only. The standard will not be applied to the justice and municipal courts. There are a small number of petitions filed in the justice and municipal courts and the petitions filed are unpredictable. If the number of filings increases the Steering Committee can review the adoption of the superior court standard for the justice and municipal courts.

- No revisions made to the preliminary recommendation.

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

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

Discussion: No change to the standard and same revisions will be made to excluded time. In addition appeals will be added to the list of exclusions. The Steering Committee also discussed the exclusion of time for pending juvenile cases. The example given was Child Protection Services (CPS) will stay the family law case until the juvenile case is resolved. The calculation of the excluded time would be the same as conciliation court or bankruptcy. The time would stop when the stay is granted in the family law case and start again when the juvenile case is resolved and an order lifting the stay is entered in the family law case.

- Motion made by Judge Pamela Gates to revise the measurement to read as follows: “The following “*may result in a stay of proceedings and the time elapsed* will be excluded from measurement: special actions/*appeals*, bankruptcy, conciliation court, pending juvenile cases and stays granted pursuant to the Servicemembers Civil Relief Act”.
- Seconded by Honorable Rosa Mroz. Motion passed unanimously.

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

Discussion: No change to the standard and same revisions will be made to excluded time.

- Motion made by Judge Pamela Gates to revise the measurement to read as follows: “The following “*may result in a stay of proceedings and the time elapsed* will be excluded from measurement: pending juvenile cases and stays granted pursuant to the Servicemembers Civil Relief Act”.
- Seconded by Mr. Kent Batty. Motion passed unanimously.

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

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

Discussion: After the last meeting, the Steering Committee sent this standard back to the workgroup for further discussion on the measurement and standard to be adopted. After review of the time to disposition reports available from the AJACS case management system and further discussion the Steering Committee is recommending the following standards:

**50% within 360 days**, instead of 75%

**75% within 540 days**, instead of 90%

**95% within 720 days**, instead of 98%

The Steering Committee recommends that formal probate cases, informal probate cases and the *affidavit of succession to real property* cases be included in the standard. The *affidavit of succession to real property* cases are handled by the probate registrar in one to three days. According to §14-1307 the presiding judge of the county can designate the clerk of court, court commissioner or a judge as probate registrar. It is typically the clerk of court

in most counties. The affidavits are being included in the standard because currently the CMS systems are tracking these cases and they account for a large number of the filings.

Finally, the Steering Committee recommends that the following language be adopted for the measurement: *Filing of application/petition for appointment of personal representative or probate of a will through closing of the decedent's estate (e.g. filing of closing statement, complete settlement or order approving final distribution or accounting). The following time will be excluded from measurement: stay for special actions/appeals and bankruptcy.* (See Preliminary Recommendations document).

- Motion was made by Judge John Rea to approve the above standard and measurement.
- Seconded by Mr. Kent Batty. Motion passed unanimously.

## 2. Probate Guardianship/ Conservatorship

Discussion: After the last meeting, the Steering Committee sent this standard back to the workgroup for further discussion on the measurement and standard to be adopted. The Steering Committee was unable to obtain statistical information from the courts regarding the average time to disposition. The time to disposition reports available in AJACS stop measuring when the guardianship is terminated not when the order appointing fiduciary is signed. The Steering Committee would like to note in the Executive Summary that there were several case types in which statistical data was not available or the data available was not verifiable. The Steering Committee still recommends the adoption of standards but the Steering Committee does not want to report on the court's progress until the case management systems have developed reports that will allow for the measurement of these standards. Currently, in the AJACS case management system there are event codes for the order of appointment for a guardian/conservator but a report has not been written that will count and total the event codes.

The Steering Committee made the determination that the appointment of the guardian can be accomplished within 90 days for the uncontested cases. The Steering Committee recommends that a second tier be added to the standard for contested cases. These are the cases where there is a disagreement as to whether a guardian/ conservator should be appointed or a disagreement as to who should be appointed as guardian/conservator. Many of these contested cases expand into issues of who is exploiting the ward, and may manifest into complex civil cases regarding nursing home abuse, medical malpractice and vulnerable adult cases.

The Steering Committee recommends the following standard:

**80% within 90 days**, instead of 98%

**98% within 365 days**

The Steering Committee recommends that Title 14 guardianship/ conservatorship of a minor and elder abuse cases be excluded from the standard. The timelines for minor guardianships are set out by rule and statute in Arizona and no standard needs to be established. Finally, the Steering Committee recommends that the following language be adopted for the measurement: *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.* (See Preliminary Recommendations document).

- Motion was made by Mr. Kent Batty to approve the above standard and measurement.
- Seconded by Ms. Sandra Markham. Motion passed unanimously.

### **3. Mental Health Cases**

- No revisions made to the preliminary recommendation.

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

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

- No revisions made to the preliminary recommendation.

### **2. Juvenile Neglect and Abuse**

- No revisions made to the preliminary recommendation.

### **3. Juvenile Termination of Parental Rights**

- No revisions made to the preliminary recommendation.

## **III. Executive Summary**

The Executive Summary is a brief overview of the case processing standards recommended for Arizona. It explains how the standards were developed, defines terms, identifies future reports that need to be developed and addresses overarching principles and concerns of the workgroups and Steering Committee when developing case processing standards. The Steering Committee discussed the following revisions to the Executive Summary:

Judge John Rea, Judge Kenton Jones and Judge Sally Simmons are to revise Paragraph 2 and 5 under Guiding Principles in the Executive Summary. The revisions are to address the concern that the standards are intended to apply to the system as a whole and not to any particular judicial calendar or assignment. An individual judge should not be penalized for failure to comply with the case processing standards when the judge recently inherited the cases through recusals, rotation on to a different calendar or reassignments.

The following language was proposed: The Steering Committee does not intend for case processing standards to be used as a basis for disciplining an individual judge for failure to comply with the standards. It would be misleading and unfair to base the

performance of any individual judge on case processing standards when the time-to-disposition reports run for case processing standards do not reflect how long a case has been assigned to a particular judge or the complexity of the case assigned. Rather, the standards are being developed as a management tool for the courts to determine how efficiently the cases are being processed through the system as a whole and identify where improvements can be made.

The time to disposition reports would not capture when the judge was assigned to a case. A separate judge history assignment report can be run in the AJACS case management system if the courts need data on when a case was assigned to a particular judge. The Steering Committee also suggested that the CourTools reports may provide some useful information or background on drafting the measurements.

Justice Brutinel and Cindy Cook agreed to draft a new paragraph in the Executive Summary that will address the concerns of the Steering Committee that the courts were unable to run accurate reports through the case management systems and the case processing standards were based on a limited amount of data. The Steering Committee studied the rules, statutes and business processes of the courts to try and develop realistic standards for Arizona courts. The Steering Committee recognizes that courts will be unable to measure their progress and that a final determination of whether the proposed standards are realistic cannot be made, until accurate time-to-disposition reports are developed. Therefore, it is recommended that these preliminary reports remain inaccessible to the public until the data has been validated and the standards have been revisited.

On page six of the Executive Summary under Future Considerations the second sentence in the second paragraph added “accurate” to the sentence. It reads as follows: “The development of an accurate time to disposition report will enable Arizona courts to define the concept of backlog and to identify a case “in backlog” as any case older than the case processing standard.” The Steering Committee also expressed concerns that the AJACS CourTools reports for the general jurisdiction courts are not accurate and do not exclude time.

The Summary of Recommendations chart in the Executive Summary included a column with the national model time standards as compared to the case processing standards being recommended for Arizona. The Steering Committee members recommended that the column with the national model time standards be removed and that only the Arizona case processing standards be included. A few of the Steering Committee members disagreed with the removal of the national standard because the Arizona case processing standards were initially derived from the national model. The final report will need to provide more details on how the Arizona case processing standards compare to the national model time standards and why there are differences.

- Motion was made by Judge Pamela Gates to delete the column on pages 3 – 5, that includes the national model from the Executive Summary.
- Seconded by Judge Rosa Mroz. Motion passed 12-3-0.

The Executive Summary will be presented to the Arizona Judicial Council (AJC) along with the Final Report. The Executive Summary will be useful as a quick reference and will not contain all the details included in the Final Report. The Executive Summary will be helpful when providing information to the media and when presenting to other Committees. If the Executive Summary is to be utilized as a quick reference we need the media and other agencies or groups to focus on the standards that were developed for Arizona and not focus on the difference between Arizona and the national model.

The Conclusion in the Executive Summary should reference that the details on the development of case processing standards are located in the Final Report.

Once the new or revised paragraphs have been added to the Executive Summary, the Executive Summary will be e-mailed to all the Steering Committee members for review and approval.

#### **IV. Future of Steering Committee**

Justice Brutinel spoke with the Chief Justice and the Vice Chief Justice and they have agreed to extend the term of the Steering Committee so that reports can be developed, the data can be validated and cleaned up, and training can be completed. Once the data has been validated the Steering Committee will revisit the case processing standards to determine if any revisions need to be made.

#### **V. Overview of Report Concepts**

Amy Wood, Caseflow Management Manager within the Court Services Division at the AOC discussed the following stages of software development:

Click on attached link to view PowerPoint presentation:

<http://www.azcourts.gov/Portals/74/CaseProcessing/MeetingMinutes/CaseProcessingStandardsPresentation42513.pdf>

- Scope –
- Requirements
- Design
- Programming
- Testing
- Pilot
- Release

The scope of the project is to develop statistical reports that will measure case processing standards. The first step is to identify all the case types and differentiate between limited and general jurisdiction case types. The next step is to identify what will be measured for each case type and what qualifies as excluded time. The specific reports to be created are the summary and detail reports for time to disposition and pending active cases.

The requirements for the reports will be based on the recommendations of the Steering Committee and the recommendations will not be final until the case processing standards have been adopted by the AJC. The final requirements will be shared with all non-ACAP CMS developers.

The AOC has developed CourTool time to disposition reports for the general jurisdiction courts. These reports will have to be modified so the information needed to measure case processing standards is captured.

The limited jurisdiction courts are on the cusp of transitioning from AZTEC to a new case management system and it would not be cost effective to create the reports in AZTEC. The AOC will utilize the Consolidated Case Index (CCI). The CCI replaces the data warehouse and has increased intelligence and more frequent updates. All the limited jurisdiction courts data can be fed into the CCI and the time to disposition reports can be generated from the CCI for ACAP and non-ACAP courts.

The business requirements will lay out what the case management systems should capture so that the same comparisons are being consistently made across the state. The measurements and exclusions recommended by the Steering Committee will also be utilized for the business requirements.

## **VI. AJACS Reports**

Pat McGrath, Automation Services Manager within the Court Services Division at the AOC gave a demonstration of the Measure 3 time to disposition and Measure 4 age of active pending cases CourTool reports that have been created in the AJACS case management system. He discussed modifications to the reports that will occur in the next release of the software and he showed the exclusion of time based on event codes entered in the CMS system. There will need to be some modifications made to the CourTool reports to produce reports that will measure the standards for case processing. (See handout in materials)

The age of active pending cases report shows all cases that have an open or re-open status and can be shown by judge. It will default into today's date; it gives a "snapshot" of what cases are pending right now. The time to disposition report shows the number of days that will be counted during the pendency of a case. For most case types, this is based on the time between the date on which the case is filed through the entry of the final dispositional order (e.g., a dismissal, judgment, and sentence) minus any excluded time.

The CourTools reports for AJACS could be utilized for other case types such as probate if the fields for case status are being utilized. For those case types where the existing reports cannot be modified new reports will have to be created. The first step in the creation or modification of existing reports will be the development of business requirements. Once the business requirements are finalized the AOC can establish a time frame for implementation. Currently, we have in-house developers vs. hiring out as we have done in the past. Once we take the business requirements to the developer, then the developer will be able to review and let us know how long it will take to program. Once programmed, then we will go into the testing and pilot phase of implementation.

The Steering Committee members were concerned that reports would not be released upon completion but the courts would have to wait until there is a new enhancement release for the case management system. Most reports are not dependent on data changes in the case management system. Therefore, the reports can be produced without a new release.

The Steering Committee recommends that a workgroup be created to modify the existing CourTool reports for the general jurisdiction courts. The workgroup should include 5 or 6 members from the GJCMS reports workgroup plus an additional member from Pima County and Laurie Allen from Maricopa County.

The Steering Committee recommends that a separate workgroup be created to develop new time to disposition reports for the limited jurisdiction courts. The workgroup should include members from the LJ AJACS workgroup and additional members from the Tucson, Mesa Project and Jennifer Gilbertson from Maricopa County.

Justice Brutinel has requested that a timeline for the development of reports be created once the user/business requirements group has met. The business requirements developed by the user groups will be available to all the courts so that standard reports can be created statewide. The Steering Committee will want to ensure that all the courts are measuring the standards in the same manner.

## **VII. Next Steps**

The preliminary recommendations for probate cases will be posted on the website and the link will be emailed to judges, clerks, court administrators and probate attorneys for comment. The final recommendations for the other case types will be presented at the standing committees. Justice Brutinel expressed his appreciation to those members who have agreed to present the standards to the standing committees. In October Justice Brutinel will present the final recommendations to the AJC for approval.

The Final Report will include the discussions and decisions made by the workgroups and Steering Committee. The members of each workgroup will review the case types assigned to them (e.g., the criminal felony workgroup will review the criminal felony and criminal post-conviction relief case types). The members of each workgroup will forward their comments to Cindy Cook and the Final Report will be discussed at the next meeting

Include the following on the September 12, 2013 meeting agenda:

Once the standards are approved by the AJC, what is the plan for distributing the case processing standards to the courts,? Should we present the standards at the judicial conference? What are the next steps?

## **VIII. Call to Public**

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

No one came forward to address the Steering Committee at this time.

**IX. Adjourn**

**A. Motion: To adjourn at 12:38pm.**

- Motion was seconded and passed unanimously.

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

Thursday, September 12, 2013

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

State Courts Building, Room 230

1501 W. Washington St., Phoenix, AZ 85007

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# ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

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**RED** = Changes adopted by the committee on 4/25/2013

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

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

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

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

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
2	Justice Court Civil Cases	75% within <b>180 days</b> instead of 120 days 90% within <b>270 days</b> instead of 180 days 98% within <b>365 days</b> instead of 270 days  ✓ Justice Court civil cases under \$10,000.00 will be included ✓ Superior Court civil cases will be excluded and have a different standard	Faster Standard then national general civil model time standard	The national model combines superior court cases and justice court cases under \$10,000.00 dollars in the case type standard General Civil. The workgroup has created separate standards for each court. <ul style="list-style-type: none"> <li>Discovery is not an issue in justice court civil cases so a shorter standard is appropriate.</li> </ul>	Filing of initial complaint through disposition (e.g., dismissal, judgment). The following <b>may result in a stay of proceedings and the time elapsed</b> will be excluded from measurement: special actions /appeals, bankruptcy and <b>stays granted pursuant to the Servicemembers Civil Relief Act.</b>	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 <sup>3</sup> to shorten 120 time period for dismissals.  Discussion thread for Comment on website: How much time is appropriate between a pretrial-conference/mediation and a scheduled trial date?
2	<p><b>FINAL RECOMMENDATION APPROVED</b></p> <p>Motion to adopt preliminary recommendation made by Judge Antonio Riojas, seconded by Sandra Markham. Motion passed 18-1-0.</p> <p><b>NOTES:</b> The statistical data for small counties may be skewed if there are only a couple of cases filed and one case falls outside the standards. Received 2 Comments that 75% of the cases cannot be disposed of within 120 days because of Rule 113(i), JCRCP which states “ the action will be dismissed without prejudice if summons and complaint not served within 120 days of filing of complaint. (These dismissals will take longer than 120 days to dispose and the judges will be hesitant to grant an extension of service).The judge also stated that in his court 90% of the cases are summary judgment or default cases. The committee made a determination that the time allowed for service on the defendant is out of the court’s control and the standards should be increased.</p> <p><b>Motion to adopt final recommendation with revised standard and language made by Judge Steven McMurry, seconded by Judge Jill Davis. Motion passed unanimously. ( See revisions in red)</b></p>					

<sup>3</sup> Justice Court Rules of Civil Procedure

## ARIZONA CASE PROCESSING STANDARDS FINAL 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.  ✓ <b>Commercial evictions are included.</b>	New Standard pursuant to AZ rules and statutes. The national model time standards include evictions in summary civil matters	These standards only apply to eviction actions in Justice Court. The rules and statutes for eviction actions in superior court are different and a small number of cases are filed in Superior Court.  The Superior Court will not develop a different standard. The eviction actions will be included with all other civil cases in superior court.	Filing of initial complaint through disposition (e.g., dismissal, judgment). The following <b>may result in a stay of proceedings and the time elapsed</b> will be excluded from the measurement: special action/ appeals, bankruptcy and <b>and stays granted pursuant to the Servicemembers Civil Relief Act.</b>	
3	<p><b>FINAL RECOMMENDATION APPROVED</b>                      Motion to adopt preliminary recommendation made by Judge Kenton Jones, seconded by Don Jacobson. Motion passed unanimously.</p> <p><b>NOTES:</b> Committee decided that commercial evictions should be specifically included in the standard. In looking at AJACS to write reports there are no special designations for commercial evictions versus residential evictions so it would be easier to write the time to disposition reports if commercial evictions are included in the standard.</p> <p><b>Motion to adopt final recommendation with revised language made by Judge Antonio Riojas, seconded by Don Jacobson. Motion passed unanimously. ( See revisions in red)</b></p>					

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
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## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

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

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

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

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

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

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENT
7	Protection Orders	<p><u>Ex Parte Hearing:</u> (<u>Intermediate Standard</u>) 99% within 24 hours instead of 100%</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>	<p>Different standard for Ex Parte Hearing (Intermediate Standard) but Arizona comports with the national model time standards for family law protection orders for Contested Hearing.</p>	<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 considered of 90% within 10 days and 98% within 30 days.. 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 <del>or denied.</del> <del>or a pre-issuance hearing is set.</del></p> <p><u>Contested Hearing:</u> The date the request for hearing is filed to the date the protective order is affirmed, modified or quashed.</p>	
7	<p><b>FINAL RECOMMENDATION APPROVED</b></p> <p>Motion to adopt preliminary recommended time standards, including the elimination of the intermediate time standard for pre-issuance hearing, made by Judge Pamela Gates, seconded by Judge Kenton Jones. Motion passed unanimously.</p> <p><b>NOTES:</b> The workgroup had originally proposed an intermediate standard for pre-issuance hearings of 90% within 10 days and 98% within 30 days. The Limited Jurisdiction Committee (LJC) had recommended that the pre-issuance hearing be changed to 90% within 14 days instead of 10 days. Pre-issuance hearings can be used at any time and, in some jurisdictions, are frequently used for neighbor and roommate disputes. The committee decided that an intermediate standard may not be needed for pre-issuance hearings and the issue should be re-visited at a later date when more data is available. <b>On May 14, 2013 CIDVC approved the standards but if the standards need to be revisited, CIDVC would recommend that a separate standard for pre-issuance hearings be developed.</b></p> <p><b>The committee recommends that the language “or a pre-issuance hearing is set” be removed from the Ex Parte Hearing measurement. This decision was based on the removal of the intermediate standard for pre-issuance hearings. The setting of a pre-issuance hearing is not a final disposition. A hearing will still need to be held and the order will need to be issued or denied. If the measurement is stopped at the setting of the pre-issuance hearing, the cases will not be tracked to see if the order was issued or denied. The Committee on the Impact of Domestic Violence in the Courts (CIDVC) had some concerns that the 99% for ex parte hearings could not be met because individuals file the petition and leave before the hearing is held. The larger jurisdictions may leave the case open for as long as 30 days in case the petitioner returns. The members of CIDVC did not want to lower the percentage to 98% with 24 hours. We do not have any data on how many cases fall into this category or how many courts this might effect. The committee recommends that the standard and measurement be left alone and this issue may be revisited after we have more data.</b></p> <p><b>Motion to adopt final recommendation with revised language made by Kent Batty, seconded by Don Jacobson. Motion passed unanimously.</b></p>					

# ARIZONA CASE PROCESSING STANDARDS FINAL 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. ✓ <b>Petty offenses are included.</b> ✓ 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, acquittal or judgment and sentencing). The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.	
8	<p><b>FINAL RECOMMENDATION APPROVED</b></p> <p>Motion to adopt preliminary recommended time standards, including amended measurement, made by Judge Sally Simmons, seconded by Judge Richard Fields. Motion passed unanimously.</p> <p><b>NOTES:</b> The Limited Jurisdiction Committee (LJC) stated that there are a number of cases that the time is extended because of informal diversions (e.g. case will be dismissed at next pre-trial hearing if fine is paid). May need to discuss the creation of event codes in the case management systems so that the time can be excluded for formal and informal diversions. <b>The Committee recommends that the case processing standards for criminal cases be applied when the case is initiated not at the time of disposition.</b> In a criminal case, the case processing standard for the most severe offense listed on the charging document will be applied. (e.g. case has a misdemeanor charge and a civil traffic charge and the misdemeanor charge is dismissed. In this scenario the case processing standard for misdemeanors would apply since this was the most severe offense listed on the charging document.)</p> <p><b>Motion to adopt final recommendation with revised language made by Kent Batty, seconded by Don Jacobson. Motion passed unanimously. (See revisions in red)</b></p>					

## ARIZONA CASE PROCESSING STANDARDS FINAL 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. The DUI misdemeanor case processing standard in Arizona exceeds the national standard for several reasons. First, there are substantial penalties involved, and a large number of these cases go to trial. Second, the discovery process is lengthy because of expert testimony and the required technical testing and re-testing of blood and breath by the crime labs. Third, the number of offenses for driving under the influence of prescription drugs has increased, and physician testimony must be included in the discovery process	Filing of complaint through disposition (e.g., dismissal, acquittal or judgment and sentencing). The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.	
9	<p><b>FINAL RECOMMENDATION APPROVED</b></p> <p>Motion to adopt preliminary recommended time standards, including amended measurement and reasons for deviation from the national model, made by Judge Peter Cahill, , seconded by Don Jacobson. Motion passed unanimously.</p> <p>Received 1 comment to increase the standard. No changes were made. The Committee recommends that the case processing standards for DUI Misdemeanors be applied when the case is initiated not at the time of disposition. If there is a DUI charge when the case is initially filed then the standards for DUI cases applies.</p> <p><b>Motion to adopt final recommendation made by Kent Batty, seconded by Judge Eric Jeffries. Motion passed unanimously.</b></p>					

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
10	Criminal Felony	<p>65% instead of 75% within 90 days 85% instead of 90% within 180 days 96% instead of 98% within 365 days</p> <p>✓ Death Penalty cases will be included as part of the 4% disposed after 365 days.</p>	<p>Different standard from national model time standards for criminal felony cases.</p>	<p>The percentage on the first tier was lowered 10% for the following reasons:</p> <ul style="list-style-type: none"> <li>• Based on local historical data the number of uncomplicated and easily resolved cases in superior court is lower than the national standard suggests.</li> <li>• In Arizona, many counties have two levels of court. If the measurement starts with the date the first document is filed in superior court this will eliminate all the case dispositions (e.g. dismissals or pleas) in justice court. As a result, a lower disposition rate in the first tier of cases will exist. The cases that are transferred to superior court will be more complicated and not as easily resolved.</li> </ul> <p>The percentage on the second tier was lowered 5% for the following reasons:</p> <ul style="list-style-type: none"> <li>• Based on historical local data 15% of the cases in the courts have one or two issues that require a longer timeline.</li> </ul> <p>The percentage on the third tier was lowered 2% for the following reasons:</p> <ul style="list-style-type: none"> <li>• The workgroup members stated that more than 2% of the felony cases are complex cases</li> </ul>	<p>Filing of first charging document (e.g. information, indictment or complaint) in superior court through disposition (e.g. dismissal, acquittal or judgment and 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 cases or creating rights for individual criminal defendants.</li> </ul>

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

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

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
11	<b>Superior Court</b> Criminal Post-Conviction Relief	94% instead of 98% within 180 days  ✓ Capital cases will be included as part of the 6% disposed after 180 days.	Different standard from national model time standards for post-conviction relief	The percentage was lowered 4% for the following reasons:  <ul style="list-style-type: none"> <li>• In many counties 4% to 5% of the cases go to trial.</li> <li>• The motion for post conviction relief based on a trial takes a longer disposition time than those based on plea agreements. The trial post conviction relief motion requires more preparation as it includes more testimony and evidence to be reviewed. The disposition will also be delayed if an evidentiary hearing is required.</li> </ul>	Filing of Petition for Post Conviction Relief through disposition (e.g., dismissed/denied or relief granted).	
11	<p><b>FINAL RECOMMENDATION APPROVED</b>                      Motion to adopt preliminary recommendation made by Judge Sally Simmons, seconded by Sandy Markham. Motion passed unanimously.</p> <p><b>NOTES:</b> The time to process the petition will also increase if there is a claim for ineffective assistance of counsel because the court must appoint counsel under Rule 32.5, Arizona Rules of Criminal Procedure.</p> <p><b>The Steering Committee recommends that this standard not be applied to justice and municipal courts. There are a small number of petitions filed in the justice and municipal courts and the petitions filed are unpredictable.</b></p> <p><b>No revisions made to preliminary recommendation</b> The case type was re-titled “Superior Court Criminal Post-Conviction Relief”</p>					

## ARIZONA CASE PROCESSING STANDARDS FINAL 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>	Different standard from national model time standards for Family law dissolution/ divorce/ allocation of parental responsibility cases	<p>An additional 60 days has been added to the first tier for the following reasons:</p> <ul style="list-style-type: none"> <li>• The national standards were established on the premise that many cases are disposed of quickly (i.e., within 120 days) with minimal court involvement. However, due to Arizona specific rules, early disposition, by the Court, due to lack of service and/or lack of prosecution occurs after expiration of the 120 day time frame set forth in the national standards.</li> <li>• <b>Dismissal for lack of service.</b> Based on Rule 40(I), ARFLP<sup>4</sup> the court cannot dismiss the cases for lack of service until after 120 days. Moreover, the court may grant the petitioning party additional time for service. Depending on the method of service, the respondent may have up to 60 days to file an answer.</li> <li>• <b>Dismissal for lack of prosecution.</b> Based on Rule 46(B), ARFLP the court cannot dismiss the case for lack of prosecution for 180 days.</li> <li>• <b>Self- represented litigants.</b> A large proportion of dissolution cases are filed by self-represented litigants. Consequently, many parties require additional time to effectuate proper service and file the appropriate paperwork for a default judgment if service is obtained.</li> </ul> <p>An additional 90 days was added to the second tier for the following reasons:</p>	<p>The date of filing to the date of disposition by entry of judgment/decree or order. The following <b>may result in a stay of proceedings and the time elapsed</b> will be excluded from measurement: special actions <b>/appeals,</b> bankruptcy, conciliation court, pending juvenile cases and <b>stays granted pursuant to the Servicemembers Civil Relief Act.</b></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>	The most important pre-trial step is the issuance of a temporary order to stabilize the financial and parenting situation pending final judgment. It is important for the safety, security and well-being of the spouses and children that an order be established early on to address child support, spousal support, legal decision-making (custody) and parenting time.

<sup>4</sup> Arizona Rules of Family Law Procedure

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

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

# ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

				attend a parenting education class.		
12	<p><b>FINAL RECOMMENDATION APPROVED</b></p> <p>Motion to adopt preliminary recommendation made by Kent Batty, seconded by Judge Peter Cahill. Motion passed unanimously.</p> <p><b>NOTES:</b> The workgroup increased the time to disposition in these cases but still has some reservations as to whether these standards will be achievable by the courts. The findings in family law cases are often complex and lengthy.</p> <p>After the reports are written and more data has been obtained, the committee would like to re-visit the standards to determine if these are standards that can be achieved by the courts and if not make adjustments.</p> <p>Members of the steering committee suggested that we change the name from “Arizona case processing standards” to Arizona case processing goals.” Standard is an absolute and has a more negative connotation if not met. Goals are more aspirational. None of the courts strive for mediocrity the committee needs to develop standards that will push the courts to do better.</p> <p>The committee wants the standards to be used as a management tool for the whole court not as a weapon against individual judges. The standards should not be utilized as a rule governing individual cases or creating rights for individual litigants.</p> <p>The committee stated that there are a large number of self-represented litigants in family court and would not revise Rule 40(I), ARFLP to shorten the time when a case can be dismissed for lack of service.</p> <p>The committee recommends that if a family law dissolution case is stayed because of a pending juvenile matter, the time will be excluded from measurement (e.g., child protection services files a stay on the divorce case until the juvenile matter is resolved).</p> <p><b>Motion to adopt final recommendation with revised language made by Judge Pamela Gates, seconded by Judge Rosa Mroz. Motion passed unanimously. ( See revisions in red)</b></p>					

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

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

## ARIZONA CASE PROCESSING STANDARDS FINAL 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.  ✓ <b>Affidavit of succession to real property cases are included.</b>	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>5</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 ( <b>e.g. filing of closing statement, complete settlement or order approving final distribution or accounting</b> ). The following time will be excluded from measurement: stay for special actions/appeals and bankruptcy.	The courts in Arizona do not have statistics available that can tell us whether the national standards are realistic or achievable. These standards should be viewed as aspirational goals not hard standards and should be subject to review once more data is available. Maricopa and Pima County are the only counties that have designated probate judges. <del>The other 13 counties have to deal with all case types and probate cases may not be the highest priority.</del>
14	<p><b>APPROVE PRELIMINARY RECOMMENDATION = YES</b></p> <p><b>NOTES:</b> The committee sent this standard back to the workgroup for further discussion on the measurement and standard to be adopted. After review of the time to disposition reports available from the AJACS case management system and further discussion the workgroup is recommending the standards above and the revised measurement. The <i>affidavit of succession to real property</i> cases are to be included in the standard. These cases are handled by the probate registrar in one to three days. According to §14-1307 the presiding judge of the county can designate the clerk of court, court commissioner or a judge as probate registrar. It is typically the clerk of court in most counties.</p> <p><b>Motion to adopt preliminary recommendation made by Judge John Rea, seconded by Kent Batty. Motion passed unanimously.</b></p>					

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

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

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

## ARIZONA CASE PROCESSING STANDARDS FINAL 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).	
16	<p><b>FINAL RECOMMENDATION APPROVED</b></p> <p>Motion to adopt preliminary recommendation made by Kent Batty, seconded by Judge Sally Simmons. Motion passed unanimously.</p> <p><b>NOTES:</b> These cases are statutorily driven and the national model time standard complies with Arizona law.</p> <p><b>No revisions made to preliminary recommendation</b></p>					

## ARIZONA CASE PROCESSING STANDARDS FINAL 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>6</sup> states the adjudication hearing will be held within 45 days if the youth is detained and 60 days if the youth is not detained. The national model sets out the following three tier case processing standards. <u>Youth in detention:</u> 75% within 30 days 90% within 45 days 98% within 90 days <u>Youth not in detention:</u> 75% within 60 days 90% within 90 days 98% within 150 days	Filing of petition through adjudication of delinquency or incorrigibility. The following time will be excluded from measurement: diversion, warrant time and competency proceedings.	
17	<p><b>FINAL RECOMMENDATION APPROVED</b></p> <p>Motion to adopt preliminary recommendation made by Judge Peter Cahill, seconded by Judge Sally Simmons. Motion passed unanimously.</p> <p><b>No revisions made to preliminary recommendation</b></p>					

<sup>6</sup> Arizona Rules of Juvenile Procedure

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
18	Juvenile Neglect and Abuse	<p><u>Adjudication Hearing:</u> 98% within 90 days of service</p> <p><u>Permanency Hearing:</u> 98% of children under 3 years of age within 180 days/6 months of removal 98% of all other cases within 360 days of removal</p>	Different standard that is faster than the national model time standards for juvenile neglect and abuse	<p>The statutes and rules in Arizona are stricter than the national model and Arizona has carved out different timelines for children under 3 years of age. Rule 55(B), ARJP states the adjudication hearing shall be completed within 90 days of <b>service</b> of the petition. and 60(C), ARJP sets out the timelines for the permanency hearing.</p> <p>The national model sets out the following three tier case processing standards.</p> <p>Adjudication Hearing: 98% within 90 days of removal</p> <p>Permanency Hearing: 75% within 270 days of removal 98% within 360 days of removal</p>	<p><u>Adjudication Hearing:</u> Date of service on a parent or guardian through a finding of dependency.</p> <p><u>Permanency Hearing:</u> Date of removal through permanent plan determination.</p>	<p><b>Date of removal versus date of service.</b> The national model time standards start the measurement for this case type with the date of removal. If we measure from the date of removal for case processing standards, this would conflict with the rules and statutes that base their timelines on the date of service. If a parent or guardian had to be served by publication the courts would not be able to meet the case processing standards if we start measuring from the date of removal. The workgroup recommends that Arizona stay consistent with the rules and statutes and start measuring from the date one of the parents is served. Both parents do not have to be served for the courts to proceed with the case.</p>
18	<p><b>FINAL RECOMMENDATION APPROVED</b></p> <p>Motion to adopt preliminary recommendation made by Judge Peter Cahill, seconded by Judge Sally Simmons. Motion passed unanimously.</p> <p><b>No revisions made to preliminary recommendation</b></p>					

## ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

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

## RECOMMENDATIONS FOR CASE PROCESSING STANDARDS

<b>CASE TYPE</b>	<b>NATIONAL MODEL</b>	<b>ARIZONA STANDARD</b>
Superior Court Civil Cases	75% within 180 days 90% within 365 days 98% within 540 days	The Committee recommends a different standard: <b>60%</b> within 180 days 90% within 365 days <b>96%</b> within 540 days
Justice Court Civil Cases	General Civil Standard includes both Justice and Superior Cases. 75% within 180 days 90% within 365 days 98% within 540 days	The Committee recommends a faster standard:  75% within <b>180</b> days 90% within <b>270</b> days 98% within <b>365</b> days
Justice Court Eviction Actions	Summary Civil Matters includes evictions. No separate standard for evictions.	The Committee recommends a faster standard: <b>98% within 10 days</b>
Small Claims	75% within 60 days 90% within 90 days 98% within 180 Days	The Committee recommends a different standard: 75% within <b>90</b> days 90% within <b>120</b> days 98% within 180 Days
Civil Local Ordinances	Complies with National Standard for Summary Civil Cases.	75% within 60 days 90% within 90 days 98% within 180 Days
Civil Traffic	Complies with National Standard for Criminal Traffic and Local Ordinances.	75% within 30 days 90% within 60 days 98% within 90 days
Protection Orders	Complies with National Standard for Contested Hearings.	Ex Parte Hearing: 99% within 24 hours. Contested Hearing: 90% within 10 days 98% within 30 days
Criminal Misdemeanor	Complies with National Standard.	75% within 60 days 90% within 90 days 98% within 180 days
Criminal DUI Misdemeanor	Standard for Misdemeanor cases includes DUI cases. No separate standard for DUI cases.	The Committee recommends that Arizona continue to use the existing case processing standards. <b>85% within 120 days</b> <b>93% within 180 days</b>
Criminal Felony	75% within 90 days 90% within 180 days 98% within 365 days.	The Committee recommends a different standard: <b>65%</b> within 90 days <b>85%</b> within 180 days <b>96%</b> within 365 days

## RECOMMENDATIONS FOR CASE PROCESSING STANDARDS

<b>CASE TYPE</b>	<b>NATIONAL MODEL</b>	<b>ARIZONA STANDARD</b>
Criminal Post Conviction Relief	98% within 180 days	The Committee recommends a different standard: <b>94%</b> within 180 days
Family Law Dissolution	75% within 120 days 90% within 180 days 98% within 365 days	The Committee recommends a different standard: 75% within <b>180</b> days 90% within <b>270</b> days 98% within 365 days
Family Law Post-Judgment Motions	98% within 180 days	The Committee recommends a different standard: <b>50%</b> within 180 days <b>90% within 270 days</b> <b>98% within 365 days</b>
Probate Administration of Estates	75% within 360 days 90% within 540 days 98% within 720 days	The Committee recommends a different standard: <b>50%</b> within 360 days <b>75%</b> within 540 days <b>95%</b> within 720 days
Probate Guardianship/ Conservatorship	98% within 90 days	The Committee recommends a different standard: <b>80%</b> within 90 days <b>98% within 365 days</b>
Probate Mental Health Cases	Complies with National Standard	98% within 15 days
Juvenile Delinquency and Status Offense	<u>Youth in detention:</u> 75% within 30 days 90% within 45 days 98% within 90 days <u>Youth not in detention:</u> 75% within 60 days 90% within 900 days 98% within 150 days	The Committee recommends a faster standard: <u>Youth in detention:</u> <b>98% within 45 days</b> <u>Youth not in detention:</u> <b>98% within 60 days</b>
Juvenile Neglect and Abuse	<u>Adjudication Hearing:</u> 98% within 90 days of removal <u>Permanency Hearing:</u> 75% within 270 days of removal 98% within 360 days of removal	The Committee recommends a faster standard: <u>Adjudication Hearing:</u> 98% within 90 days <b>of service</b> <u>Permanency Hearing:</u> <b>98% of children under 3 years of age within 180 days of removal</b> <b>98% of all other cases within 360 days of removal</b>
Juvenile Termination of Parental Rights	Complies with National Standard.	90% within 120 days 98% within 180 days



## EXECUTIVE SUMMARY

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

### INTRODUCTION

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

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

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

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

The courts have no control over the number of cases filed. A larger caseload for each judge may result in cases being scheduled farther into the future, with time to disposition inevitably increasing. The large urban and mid-sized courts experience a higher volume of filings that require more resources. To handle the increased workload, these courts have created specialty courts (e.g., drug court) or have dedicated personnel for processing certain types of cases. On the other side of the equation, the smaller

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

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

rural courts may have a lower volume of cases, but they also have fewer resources and face the challenge of handling a wide variety of cases without specialty courts or dedicated personnel.

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

The final challenge the committee faced in the development of case processing standards was that case management systems do not yet have ~~not yet~~ fully developed reports well-suited to the measures. Unable to rely on statistical data, the committee instead studied the rules, statutes and business processes of the courts to try to develop realistic case processing standards for Arizona courts. The committee recognizes that courts will be unable to measure their progress and that a final determination of whether the proposed standards are realistic cannot be made, until accurate time-to-disposition reports are developed.

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

## GUIDING PRINCIPLES

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

- Case processing standards should complement, rather than supplant, due process considerations. Waiting periods are deliberately built into some court procedures and processes in order to preserve parties' rights (e.g., to provide adequate notice, to conduct discovery, or to receive service of process). Case processing standards should not override such protections, but should guide the courts in the fair and timely disposition of cases.
- The case processing standards should encourage courts to move cases forward expeditiously and reflect the actual timeframes required for certain events statutorily mandated, existing resource limitations, and limitations contained in court rules for due process reasons. The committee is striving for incremental improvements to allow for changes in the legal culture and careful refinement of processes.
- Case processing standards are separate and distinct from statutory time limits imposed by the Arizona statutes, rules, or case law. Statutory time limits create rights for individual litigants. For example, the "speedy trial rule" in criminal cases establishes the right to a trial within a specified time, unless the time is waived.
- Case processing standards should enable courts to report the total time it takes cases to move from filing to disposition, as well as the amount of time the court has active control of the cases. Periods of time during which the court cannot move the case forward will be excluded in calculating the court's compliance with time standards.

- These case processing standards are being developed ~~only~~ as aspirational goals and as a management tool for the courts to determine how efficiently the cases are being processed through the system as a whole and to identify where improvements can be made. The committee emphasizes strongly that it would be misleading and unfair to evaluate the performance of any individual judge on the basis of these case processing standards. This is true for many reasons, including the fact that time-to-disposition reports used for case processing standards do not reflect whether a case has been assigned serially to multiple judges, or how long a case has been assigned to the current judge. Likewise, in considering individual cases, they do not account for the complexity of the case assigned, external factors such as the availability of the parties, or other matters beyond the control of the court.
- Case processing standards definitions and measures may differ from other mechanisms in place for statistical measures. In particular, these standards have no bearing whatsoever on the counting and calculation of judicial productivity credits that are defined by statute.
- Within each case type, a case processing standard of less than 100 percent is used. The committee recognizes that 1 to 4 percent of the cases will require more time to resolve (e.g., capital murder cases and highly complex multi-party civil cases requiring a trial). However, these cases should be monitored closely to ensure that they proceed to disposition without unnecessary delay.
- Achievement of time standards requires cooperation, communication, and commitment from multiple parties and agencies involved in the justice process. The courts should seek an ongoing dialogue with stakeholders to achieve a smooth implementation of case processing standards and should strongly encourage stakeholders to examine and refine current practices to achieve timely case resolution.

**Comment [AOC1]:** Add the word “serially” after the word “assigned.” Unless the committee thinks it’s clear that a reader would understand that cases are never set before a panel of multiple judges, this could be a bit ambiguous as written.

**SUMMARY OF RECOMMENDATIONS:**

<u>CASE TYPE</u>	<u>ARIZONA STANDARD</u>
Superior Court Civil Cases	60% within 180 days 90% within 365 days 96% within 540 days
Justice Court Civil Cases	75% within 180 days 90% within 270days 98% within 365 days
Justice Court Eviction Actions	98% within 10 days
Small Claims	75% within 90 days 90% within 120 days 98% within 180 days
Civil Local Ordinances	75% within 60 days 90% within 90 days 98% within 180 days
Civil Traffic	75% within 30 days 90% within 60 days 98% within 90 days
Protection Orders	<u>Ex Parte Hearing:</u> 99% within 24 hours. <u>Contested Hearing:</u> 90% within 10 days 98% within 30 days
Criminal Misdemeanor	75% within 60 days 90% within 90 days 98% within 180 days
Criminal DUI Misdemeanor	85% within 120 days 93% within 180 days
Criminal Felony	65% within 90 days 85% within 180 days 96% within 365 days
Superior Court Criminal Post Conviction Relief	94% within 180 days
Family Law Dissolution	75% within 180 days 90% within 270 days 98% within 365 days
Family Law Post-Judgment Motions	50% within 180 days 90% within 270 days 98% within 365 days

<b>CASE TYPE</b>	<b>ARIZONA STANDARD</b>
Probate Administration of Estates	50% within 360 days 75% within 540 days 95% within 720 days
Probate Guardianship/ Conservatorship	80% within 90 days 98% within 365 days
Probate Mental Health Cases	98% within 15 days
Juvenile Delinquency and Status Offense	<u>Youth in detention:</u> 98% within 45 days <u>Youth not in detention:</u> 98% within 60 days
Juvenile Neglect and Abuse	<u>Adjudication Hearing:</u> 98% within 90 days of service <u>Permanency Hearing:</u> 98% of children under 3 years of age within 180 days of removal 98% of all other cases within 360 days of removal
Juvenile Termination of Parental Rights	90% within 120 days 98% within 180 days

**DEFINITIONS:**

- **MEASUREMENT** - The number of days that will be counted during the pendency of a case to determine if the case processing standard has been met. For most case types, this is based on the time between the date on which the case is filed through the entry of the final dispositional order (e.g., a dismissal, judgment, and sentence).
- **EXCLUDED TIME** – Certain occurrences may happen that require the suspension of time and exclusion of days from the measurement. These occurrences disrupt the court’s control of the case and its ability to move the case forward. Occurrences that result in excluded time are:
  - Stay for special action/appeal
  - Bankruptcy stay
  - Participation in court-ordered diversion programs
  - Warrants
  - Rule 11 mental competency proceedings
  - Stay for Servicemembers Civil Relief Act
  - Stay for conciliation (petition for 60-day stay must be filed)
  - Pending juvenile cases [in family law cases](#)

- **INTERMEDIATE TIME STANDARDS** - Standards for completing critical decision points during the life of a case but not the final disposition (e.g., temporary order for child support in a dissolution case).
- **THREE-TIER MODEL** - The case processing standards are based on a three-tier model for a majority of the case types. The first tier consists of those cases that are disposed of with little court involvement and typically represents a large proportion of the cases. The second tier consists of those cases that are disposed of after resolution of one or two issues. The first two tiers are intended as points of measurement for effective management of pending cases. The third tier is the key to establishing a backlog measure and setting the expectation of the maximum time within which a case should be resolved. This typically includes the small percentage of cases that proceed to trial for a final resolution.

**FUTURE CONSIDERATIONS:**

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

- Time to Disposition Report – CourTools Measure 3 **is the number of days that will be counted during the pendency of a case to determine if the case processing standard has been met.**
- Age of Active Pending Cases Report – CourTools Measure 4 **is a measure of the age of cases currently pending and awaiting disposition.**

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

The first step in the development of statistical reports will be the establishment of case processing or business requirements for all the case types. These business requirements will be utilized by the courts to create the time to disposition and age of active pending cases reports for all the case management systems. This will ensure that all the courts are including the same information and measuring the cases the same way. Once the business requirements are finalized, the requirements will be provided to all non-ACAP courts and the AOC will establish a time frame for implementation of reports for those courts which are supported by the AOC.

the AOC can establish a time frame for implementation of reports for those courts which are supported by the AOC.

Additional steps will include the development, programming, and testing of reports and then the pilot phase of implementation. When the preliminary reports are released, the courts will need to validate that the data on the report is correct. If the report does not reflect the correct information the reports may need to be modified or the courts may need to enter additional codes or clean-up the data in the case management systems for the reports to display the correct information and clean up the data in their case management systems. Training on the utilization and correct entry of data into the case

**Comment [AOC2]:** I don't know what “clean-up the data” means. Maybe I'm the only one! But if not, this sounds more like slang or short hand for some more detailed process. It might be useful to have some detail about that process to show how complex it is. This same language appears in the paragraph below “CONCLUSION” as well.

management system will be provided if deemed necessary. ~~The courts will also need to identify training needs for entering data into the case management systems.~~

DRAFT

## CONCLUSION:

The committee recommends that the Arizona Judicial Council provisionally adopt the case processing standards pending: the development of reports; the validation and clean-up of data; and the completion of any necessary training. The committee further recommends that these ~~preliminary draft case management reports~~ remain inaccessible to the public until the data has been validated and the standards have been revisited.

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

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

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

See the Final Report for more details on the development of case processing standards for Arizona.

**Comment [AOC3]:** Rule 123(d) (6) Preliminary and Draft reports Concerning Court Operations: Pre-Decisional Documents. states "... Preliminary drafts of such reports, and pre-decisional documents relating to court operations, shall be open once such draft reports and such pre-decisional documents are circulated to any court policy advisory committee or the public for comment." Do we need an A.O.? think we are covered as long as we do not present preliminary or draft reports to an advisory committee.

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

**FINAL-INTERIM REPORT AND  
RECOMMENDATIONS OF THE  
ARIZONA CASE PROCESSING  
STANDARDS STEERING COMMITTEE**



*Submitted to the  
Arizona Judicial Council  
October 2013*



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Maricopa Superior Court, Judge

Honorable John Rea  
Maricopa Superior Court, Judge

Honorable Sally Simmons  
Pima Superior Court, Presiding Judge

## **ACKNOWLEDGMENTS**

I want to extend my sincere appreciation to the Arizona Case Processing Standards Steering Committee members for their considerable efforts in successfully addressing this challenge amid such an aggressive schedule. As a result of everyone's dedication, flexibility and collective input, I am pleased to present this final report and recommendations for case processing standards in Arizona.

Additionally, I want to extend my appreciation to Judge Ron Reinstein, Judge Mark Armstrong, Donna Hallam, Paul Julien, Kathy Sekardi, Kay Radwanski, Nancy Swetnam, Caroline Lutt-Owens, Chad Campbell, David Redpath, Nina Preston, Mark Meltzer, Jerry Landau and Cindy Cook who assisted in the preparation of the preliminary analysis of the rules and statutes.

We also want to remember the Honorable Sherry Geisler, Apache County, Presiding Justice of the Peace who died on December 7, 2012. She was instrumental in the development of case processing standards in the Justice Civil Case Types. She was known for her hard work and dedication to the judiciary and was viewed as a mentor and leader in the legal community.

Justice Robert Brutinel  
Committee Chair

## INTRODUCTION

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

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

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

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

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

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

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

The final challenge the committee faced in the development of case processing standards was that case management systems do not yet have ~~not yet~~ fully developed reports well-suited to the measures. Unable to rely on statistical data, the committee instead studied the rules, statutes and business processes of the courts to try to develop realistic case processing standards for Arizona courts. The committee recognizes that courts will be unable to measure their progress and that a final determination of whether the proposed standards are realistic cannot be made, until accurate time-to-disposition reports are developed.

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

## **FORMATION AND COMPOSITION OF THE COMMITTEE**

Chief Justice Rebecca White Berch established the Arizona Case Processing Standards Steering Committee on October 17, 2012. The committee is comprised of leaders from the superior, municipal and justice judiciary, a court clerk, court administrators, attorneys and a public member.

## **WORK OF THE COMMITTEE**

The committee was charged with reviewing the national model time standards for processing all major case types in limited and general jurisdiction courts and developing case processing standards for Arizona. The committee took into account statutory requirements, court rules, court jurisdiction and any other relevant factors when recommending state case processing standards.

To address the 19 case types the committee divided into seven workgroups based on their expertise in each case type. Each workgroup was assigned a chair and each workgroup held meetings or exchanged e-mails on the case processing standard that was appropriate for Arizona. The workgroups focused on the rules and statutes, business practices and the statistical data that was available for some of the courts. Many of the members researched and gathered statistical data or information from their courts so that a determination could be made as to how quickly the cases are currently being processed. The chair of the workgroup or a member of the committee presented the preliminary recommendations to the following standing committees: 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.

In order to gather input and feedback from all key justice partners regarding the establishment of case processing standards for Arizona courts the preliminary recommendations were posted on a website. A link to the website was sent to the clerk's of court, court administrators, judges, state bar association, prosecutor's office, public defender's office, attorney general's office and other members of the legal community so that these individuals could post their comments regarding the case processing standards being proposed for Arizona.

The workgroups reviewed the comments posted on the website and made the appropriate revisions to the proposed case processing standards prior to final approval by the whole steering committee. A final draft of the proposed case processing standards were 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.

## GUIDING PRINCIPLES

- Case processing standards should complement, rather than supplant, due process considerations. Waiting periods are deliberately built into some court procedures and processes in order to preserve parties' rights (e.g., to provide adequate notice, to conduct discovery, or to receive service of process). Case processing standards should not override such protections, but should guide the courts in the fair and timely disposition of cases.
- The case processing standards should encourage courts to move cases forward expeditiously and reflect the actual timeframes required for certain events statutorily mandated, existing resource limitations, and limitations contained in court rules for due process reasons. The committee is striving for incremental improvements to allow for changes in the legal culture and careful refinement of processes.
- Case processing standards are separate and distinct from statutory time limits imposed by the Arizona statutes, rules, or case law. Statutory time limits create rights for individual litigants. For example, the "speedy trial rule" in criminal cases establishes the right to a trial within a specified time, unless the time is waived.
- Case processing standards should enable courts to report the total time it takes cases to move from filing to disposition, as well as the amount of time the court has active control of the cases. Periods of time during which the court cannot move the case forward will be excluded in calculating the court's compliance with time standards.
- These case processing standards are being developed ~~only~~ as aspirational goals and as a management tool for the courts to determine how efficiently the cases are being processed through the system as a whole and to identify where improvements can be made. The committee emphasizes strongly that it would be misleading and unfair to evaluate the performance of any individual judge on the basis of these case processing standards. This is true for many reasons, including the fact that time-to-disposition reports used for case processing standards do not reflect whether a case has been assigned serially to multiple judges, or how long a case has been assigned to the current judge. Likewise, in considering individual cases, they do not account for the complexity of the case assigned, external factors such as the availability of the parties, or other matters beyond the control of the court.
- Case processing standards definitions and measures may differ from other mechanisms in place for statistical measures. In particular, these standards have no bearing whatsoever on the counting and calculation of judicial productivity credits that are defined by statute.
- Within each case type, a case processing standard of less than 100 percent is used. The committee recognizes that 1 to 4 percent of the cases will require more time to resolve (e.g., capital murder cases and highly complex multi-party civil cases requiring a trial). However, these cases should be monitored closely to ensure that they proceed to disposition without unnecessary delay.

**Comment [AOC1]:** Add the word "serially" after the word "assigned." Unless the committee thinks it's clear that a reader would understand that cases are never set before a panel of multiple judges, this could be a bit ambiguous as written.

- Achievement of time standards requires cooperation, communication, and commitment from multiple parties and agencies involved in the justice process. The courts should seek an on-going dialogue with stakeholders to achieve a smooth implementation of case processing standards and should strongly encourage stakeholders to examine and refine current practices to achieve timely case resolution.

**SUMMARY OF RECOMMENDATIONS:**

<u>CASE TYPE</u>	<u>ARIZONA STANDARD</u>
Superior Court Civil Cases	60% within 180 days 90% within 365 days 96% within 540 days
Justice Court Civil Cases	75% within 180 days 90% within 270days 98% within 365 days
Justice Court Eviction Actions	98% within 10 days
Small Claims	75% within 90 days 90% within 120 days 98% within 180 days
Civil Local Ordinances	75% within 60 days 90% within 90 days 98% within 180 days
Civil Traffic	75% within 30 days 90% within 60 days 98% within 90 days
Protection Orders	<u>Ex Parte Hearing:</u> 99% within 24 hours. <u>Contested Hearing:</u> 90% within 10 days 98% within 30 days
Criminal Misdemeanor	75% within 60 days 90% within 90 days 98% within 180 days
Criminal DUI Misdemeanor	85% within 120 days 93% within 180 days
Criminal Felony	65% within 90 days 85% within 180 days 96% within 365 days
Superior Court Criminal Post Conviction Relief	94% within 180 days
Family Law Dissolution	75% within 180 days 90% within 270 days 98% within 365 days
Family Law Post-Judgment Motions	50% within 180 days 90% within 270 days 98% within 365 days

<b><u>CASE TYPE</u></b>	<b><u>ARIZONA STANDARD</u></b>
Probate Administration of Estates	50% within 360 days 75% within 540 days 95% within 720 days
Probate Guardianship/ Conservatorship	80% within 90 days 98% within 365 days
Probate Mental Health Cases	98% within 15 days
Juvenile Delinquency and Status Offense	<u>Youth in detention:</u> 98% within 45 days <u>Youth not in detention:</u> 98% within 60 days
Juvenile Neglect and Abuse	<u>Adjudication Hearing:</u> 98% within 90 days of service <u>Permanency Hearing:</u> 98% of children under 3 years of age within 180 days of removal 98% of all other cases within 360 days of removal
Juvenile Termination of Parental Rights	90% within 120 days 98% within 180 days

**DEFINITIONS:**

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

## FINDINGS AND RECOMMENDATIONS:

➤ The committee found this collaborative project to be beneficial in understanding the different processes and procedures ~~in~~ at each court level that will affect the timely disposition of cases. Although the courts have similar charges, each has uniquely different operations and procedures relating to technology and case processing. Despite the independent roles of each court, an integrated global approach to addressing the implementation of case processing standards may prove to be valuable and should be continued as these recommendations are implemented and future improvement opportunities are identified.

**Comment [AOC2]:** Not sure what this means purposes? KB

➤ The National Center for State Courts developed model time standards for 15 case types in the general and limited jurisdiction courts. The case types were divided into five case categories: civil, criminal, family law, juvenile, and probate. The committee found that Arizona should develop case processing standards for 19 case types. The additional case types include justice court civil cases with a \$10,000 or lower dollar amount; justice court eviction actions; civil local ordinance cases, and driving under the influence (DUI) misdemeanor cases.

➤ The committee found that the five case categories are appropriate for Arizona, but in analyzing the cases, Arizona must also consider in which jurisdictions the cases are filed. In Arizona, a case can be filed in justice, municipal or superior court, depending on case type. The different levels of court in Arizona affected the case processing standards that were developed.

➤ The committee recommends that the measurement for time standards in civil and family law cases start at the time of filing, consistent with the national standards and not at the time of service on the defendant/respondent. The committee ultimately agreed that the time of filing is the most easily identifiable starting point. In Arizona, a case will be dismissed if not served within 120 days. This time was included in the count when determining the appropriate standards for Arizona.

**Comment [AOC3]:** Since this section seems to be written about CV cases, perhaps it should clarify that. If not, then you'll need to change the "service on the defendant" phrase to be more generic.

- The committee found that it would be very difficult to write accurate time to disposition and age of active reports if the measurement of the case starts on the date of service instead of the date of filing. The date of service is not an easily identifiable field in the case management systems. The data would have to be pulled when the service returns are entered as a case event.
- The committee found that if we measure from the date of service, there would be the added complexity of cases with multiple defendants and service by publication. The case management reports currently available are written so that measurement begins at the date of filing. The date of filing is an easily identifiable field that is consistently entered by the courts.
- The committee found it important for the courts to control cases at the earliest stages, including the service of process step. Courts should monitor their cases to ensure that dissolution cases do not fall prey to party-caused delay in the early stages, especially when children are involved.

- The committee found that the trial courts should monitor cases to determine whether responsive pleadings have been filed within a reasonable amount of time after case initiation. In family law cases, the failure of a properly served party to respond to the petition is an indication that there are no contested issues and a default judgment should be entered.
  - 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 by each court for the filing of a responsive pleading by the defendant/respondent or the request ~~of~~-for default judgment by the plaintiff/petitioner. This encourages courts to monitor the performance of this critical procedural step and to take action as needed. A court can take action by setting an early hearing for self-represented litigants who have not filed a return of service or sending the plaintiff/petitioner a notice that the case will be dismissed for failure to prosecute. 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.
- The committee recommends that for criminal felony cases the measurement for case processing standards start when the first charging document is filed in superior court, rather than the arraignment date.
- The committee found that 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 case management systems than the superior courts, and it would be difficult to run reports and track a case between the different levels of court.
  - The national model importantly 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 which the case is first filed with the court to the entry of the dispositional order (e.g., a dismissal, acquittal or judgment, and sentencing).
  - 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 controlled by that court.
  - The date the charging document is filed in superior court is the simplest date to track in the case management systems. Justice courts rarely dispose of felony cases, so developing a standard for the justice courts is not crucial; however, the committee does believe the data for the felony cases that start in justice court should be collected. The

AGAVE<sup>3</sup> and ICIS<sup>4</sup> case management systems track arraignment date, which is more significant in relation to speedy trial rules and the rights of the individual defendant.

- The committee recommends that for criminal misdemeanor cases the measurement for case processing standards start with the filing of the complaint ~~and end with through~~ disposition (e.g., dismissal, acquittal or judgment, and sentencing).

~~➤ The committee recommends that the case processing standard for criminal cases be applied when the first charging document is filed in justice, municipal, or superior court and not at the time of disposition. If the most severe offense listed on the charging document is a felony, then the felony case processing standards would be applied. The final disposition of the felony offense does not matter (e.g., if a defendant was initially charged with one count of felony trafficking and two counts misdemeanor possession and the felony charge was dismissed or reduced to a misdemeanor when disposed, the felony case processing standard would still be applied).~~

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~~➤ The committee recommends that when the reports for the case management systems are developed the case processing standard for criminal cases be applied when the first charging document is filed in justice, municipal, or superior court and not at the time of disposition. If the most severe offense listed on the charging document is a felony, then the felony case processing standards would be applied. (e.g., if a defendant was initially charged with one count of felony trafficking and two counts misdemeanor possession and the felony charge was dismissed or reduced to a misdemeanor when disposed, the felony case processing standard would still be applied).~~

- The committee recommends that in Arizona, for the case type of ~~Juvenile juvenile Neglect neglect~~ and ~~Abuseabuse~~, the measurement for the adjudication hearing will start on the date of “service on a parent or guardian” instead of the date of removal so that the standards are consistent with Arizona rules and statutes.

- The committee noted that the national model time standards for ~~Juvenile juvenile Neglect neglect~~ and ~~Abuse abuse~~ cases start the count from the date of removal on the adjudication hearing.
- The committee recognizes that the case management systems used by Arizona’s superior courts do not currently track cases from the date of service. However, this information is captured or can be captured through event codes in the case management systems. Both parents do not have to be served for the court to proceed with the case. The reports written for the case management systems will track and start measuring on the date the first service return is filed with the court.

- The committee recommends that ~~in Arizona~~, for the case type of ~~Juvenile juvenile Neglect neglect~~ and ~~Abuseabuse~~, the measurement for the permanency hearing will start on the date of removal so the standards are consistent with Arizona rules and statutes.

<sup>3</sup> AGAVE is the Pima County case management system

<sup>4</sup> ICIS is the Maricopa County case management system

- The committee noted that the national model time standards for ~~Juvenile-juvenile~~ ~~Neglect-neglect~~ and ~~Abuse-abuse~~ cases start the count from the date of removal on the permanency hearing.
- The committee recognizes that the case management systems used by Arizona's superior courts do not currently track cases from the date of removal. However, this information is captured or can be captured in the case management systems.

➤ The committee recommends that the following time be excluded from ~~the count in Arizona case processing time~~ if the court does not have control of the case and must wait for some other court, agency, attorney, or person to complete an act before the court can proceed.

- Excluded time ~~in Arizona~~ includes:
  - ✓ Stay for special action/appeal
  - ✓ Stay for bankruptcy
  - ✓ Diversion programs
  - ✓ Warrant
  - ✓ Rule 11 mental competency proceedings
  - ✓ Stay granted pursuant to the Servicemembers Civil Relief Act
  - ✓ Stay for conciliation (petition for 60-day stay must be filed)
  - ✓ Pending juvenile cases in family law cases

**Comment [AOC4]:** Do we want to include a recommendation for when the excluded time begins and ends? For example, for stays, it could be when the notice of stay is filed with the court, but I not sure how courts find out when stays are lifted.  
  
OR should we just include in the business requirements for reports?

**Comment [AOC5]:** It needs to be made clear when this applies; otherwise it appears that juvenile cases are excluded altogether.

➤ The committee recommends that the following time, having been taken into account when establishing case processing standards for Arizona, NOT be excluded from the count.

- Time that is NOT excluded:
  - ✓ 60-day ~~waiting period~~ in dissolution of marriage and legal separation cases
  - ✓ Mediation/arbitration
  - ✓ Alternative dispute resolution
  - ✓ Conciliation Court (Not excluded unless 60-day stay is filed)
  - ✓ Parent education classes

**Comment [AOC6]:** Waiting for what?

- The national model for family law dissolution cases does not exclude waiting periods. The existence of a waiting period generally between 30 to 90 days should not deter a court from moving a case as far along in the process as expeditiously as possible before the waiting period concludes. However, waiting periods should be taken into account when establishing a time standard.
- Requirements for mediation, arbitration, or parenting classes as preconditions to a trial or issuance of judgment were taken into account for the model time standards.

## CIVIL CASE CATEGORY

### I. Superior Court Civil Cases

- A. The committee recommends that Arizona adopt a different standard from the national general civil model time standard:

**60% within 180 days**, instead of 75%

**90% within 365 days**

**96% within 540 days**, instead of 98%

- ✓ Complex cases such as medical malpractice will be included as part of the 4% of cases disposed after 540 days.
- B. **Measurement:** Filing of initial complaint through disposition (e.g., dismissal, judgment)
- C. **Excluded Time:** The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: special actions/appeals, bankruptcy, and stays granted pursuant to the Servicemembers Civil Relief Act.
- D. **Reasons for Different Standard:**
- The committee recommends that the percentage on the first tier be lowered by 15 percent based on the following findings:

- The national model combined superior court cases and justice court cases under \$10,000 in the General Civil case type standard. Arizona has different levels of court, with the superior courts run independently from the justice courts. The superior courts have different case management systems and have no control over events that occur in the justice court.
- 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.
- In FY11 59 percent of the total statewide civil cases were filed in justice court. In Arizona a separate case processing standard is being developed for the justice court civil cases in which 75 percent of their cases are disposed within 180 days.
- 75 percent of the statewide 59 percent would be resolved in 180 days based on the justice court standard. This equates to 53 percent of the total statewide civil filings. Statewide 47 percent of the remaining cases would require a longer disposition time. (Statewide FY11 total civil filings equal 400,476<sup>5</sup>. Justice court civil cases were 236,184 (59 %). Justice court will dispose of 75 percent of the civil filings within 180 days which equals 212,566).
- Based on FY11 example: Justice court disposes of 212,566 or 75 percent of their cases within 180 days; Superior courts dispose of 98,575 or 60 percent of their cases within 180 days. Total for state would be 311,141 resolved within

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<sup>5</sup> Arizona Annual Data Report

180 days which is 78 percent of the statewide civil caseload as compared to the 75 percent national model time standard for general civil cases.

- The committee recommends that the percentage on the third tier be lowered by two percent based on the following findings:
  - The workgroup members stated that more than two percent of the civil cases require a trial or involve complicated evidentiary issues and four percent is a more accurate representation of the percentage of cases.

**E. Other Findings and Recommendations:**

- The committee recommends that a separate case processing standard for medical malpractice cases not be developed. Timelines are included in the Arizona rules and statutes and standards are unnecessary.
- The committee recommends that a separate case processing standard for eviction cases not be developed in superior court cases. The majority of eviction actions are handled in the justice courts and the timelines for disposition of an eviction action are included in the Arizona rules and statutes. The justice courts developed a separate case processing standard for eviction actions. The justice court standard will not be applied to the superior courts because the rules and statutes provide longer timelines for the superior courts.
- The committee is not addressing rule changes at this time but recognize that some changes may have to be made in the future
  - Rule 4 (i), ARCP<sup>6</sup> allows the court to dismiss the complaint after 120 days for lack of service on the defendant. If the courts want to shorten the time to disposition this rule may need to be amended so that less time is allowed for service.
  - R-13-0017 Petition to Amend Arizona Rules of Civil Procedure 16, 16.1, 26, 37, 38, 38.1,72,73,74 and 77 was a new rule petition filed this year to amend Rule 38.1, ARCP on the inactive calendar and motion to set. If the rules are amended this could affect the case processing standards.

**2. Justice Court Civil Cases**

- A. The committee recommends that Arizona adopt a faster standard than the national general civil model time standard:

**75% within 180 days**  
**90% within 270 days**, instead of 365 days  
**98% within 365 days**, instead of 540 days

- ✓ Justice court civil cases under \$10,000 will be included.
- ✓ Superior court civil cases will be excluded and have a different standard.

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<sup>6</sup> Arizona Rules of Civil Procedure

B. **Measurement:** Filing of initial complaint through disposition (e.g., dismissal, judgment)

C. **Excluded Time:** The following may result in a stay of proceedings, and the time elapsed will be excluded from measurement: special actions/appeals, bankruptcy, and stays granted pursuant to the Servicemembers Civil Relief Act.

D. **Reasons for Faster Standard:**

➤ The committee recommends that the justice courts have a separate, shorter standard than the superior courts based on the following findings:

- The national model combined superior court cases and justice court cases under \$10,000 in the General Civil case type standard. Arizona has different levels of court, with the superior courts run independently from the justice courts. The justice courts have different case management systems and have no control over events that occur in the superior courts.
- Based on comments received from the judiciary, the committee recommends that 75 percent of the civil cases filed in justice courts be adjudicated within 180 days because no action can be taken by the court until the 120<sup>th</sup> day. Rule 113(i), JCRCP<sup>7</sup>, states “the action will be dismissed without prejudice if summons and complaint not served within 120 days of filing of complaint.”
- The committee made a determination that 60 days is a realistic estimate of the time needed for service. The time allowed for service on the defendant is out of the court’s control, and this delay should be included in the case processing standards developed for Arizona courts.
- If the standard remains 75 percent within 180 days, a court will be able to grant an extension for service when it is requested and still meet the case processing standards. Many litigants are self-represented, and the courts do not want to make the parties re-file in order to meet the standard.
- The committee also found that large collection law firms are not timely filing their applications for default judgment because of their own backlog, and a 180-day standard will allow for that delay.
- The change made to the first tier resulted in a 90-day increase to both the second and third tiers. Even with this increase, these two tiers are still lower than the national model. The standards are lower because the cases in justice courts rarely have any discovery issues.

E. **Other Findings:**

➤ The committee noted that the statistical data for smaller counties may be skewed if only a couple of cases are filed and one case falls outside the standards.

➤ The committee noted that if the standard for justice courts is to be lowered in the future, Rule 113(i), JCRCP, will need to be amended. The time allowed for service on the defendant is the same in both the superior and justice courts. Justice court cases are less complex and usually involve fewer defendants, so the number of days needed for service could be reduced.

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<sup>7</sup> Justice Court Rules of Civil Procedure

3. **Justice Court Eviction Actions:**

A. The committee recommends that Arizona adopt a new standard pursuant to Arizona rules and statutes. The national model time standards include evictions in summary civil matters:

**98% within 10 days**

- ✓ Residential rental of a dwelling unit, Chapter 10: A.R.S. §33-1304; Mobile Home, Chapter 11: A.R.S. §33-1402; Rental of RV in RV Park >180 days Chapter 19: A.R.S. §33-2101; and General Landlord Tenant Chapter 3: A.R.S. §33-381 are included.
- ✓ Commercial evictions are included.

B. **Measurement:** Filing of initial complaint through disposition (e.g., dismissal, judgment)

C. **Excluded Time:** The following- may result in a stay of proceedings, and the time elapsed will be excluded from the measurement: special action/ appeals, bankruptcy, and stays granted pursuant to the Servicemembers Civil Relief Act.

D. **Recommendation for New Standard:**

- The committee recommends that these standards apply to eviction actions in justice court only. 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.

E. **Other Findings:**

- The committee recommends that commercial evictions be specifically included in the standard. In the AJACS case management system, which is used in 13 Arizona superior courts, there are no special designations for a commercial eviction versus a residential eviction.
- The committee noted that pursuant to 50 USC § 531, an eviction action may be stayed for a period of 90 days under the Servicemembers Civil Relief Act.

4. **Small Claims Cases**

A. The committee recommends that Arizona adopt a different standard from the national model time standards for summary civil matters:

**75% within 90 days**, instead of 60 days  
**90% within 120 days**, instead of 90 days  
**98% within 180 days**

B. **Measurement:** Filing of initial complaint through disposition (e.g., dismissal, judgment)

C. **Excluded Time:** The following may result in a stay of proceedings, and the time elapsed will be excluded from measurement: bankruptcy and stays granted pursuant to the Servicemembers Civil Relief Act.

D. **Reasons for Different Standard:**

➤ The committee recommends that an additional 30 days be added to the first two tiers based upon the following findings:

- Service by mail is allowed in justice court cases, and this will add approximately two weeks to the timeline.
- In some counties, these cases are sent to mediation, which will add 30 days to the timeline. Approximately 50 percent settle in mediation.
- 75 percent of the cases do not end in a default. The national model includes evictions and civil local ordinances in this case category, and they have faster dispositions.

E. **Other Findings:**

➤ The committee recommends that special actions/appeals should be removed from excluded time. See § 22-504(B), which states that no appeal can be filed on a small claims case.

➤ The committee recommends that the date of filing be used for the starting measurement instead of date of service. 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.

5. **Civil Local Ordinances**

A. The committee recommends that Arizona adopt the same standard as the national model time standards for summary civil matters:

**75% within 60 days**  
**90% within 90 days**  
**98% within 180 days**

B. **Measurement:** Filing of initial complaint through disposition (e.g., dismissal, judgment)

C. **Excluded Time:** The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: special actions/appeals, bankruptcy, and stays granted pursuant to the Servicemembers Civil Relief Act.

D. **Other Findings:**

➤ The committee recommends that Civil Local Ordinances adopt their own standard and not adopt the same standard as the Civil Traffic or Small Claims case types.

- The committee determined that a case with zoning issues could be disposed of within the six-month timeframe. In most instances, the city or county has worked with the individuals for years before filing a lawsuit. Compliance hearings would occur after disposition and not affect the standards.

## 6. *Civil Traffic*

- A. The committee recommends that Arizona adopt the same standard as the national model time standard for criminal traffic and local ordinances:

**75% within 30 days**  
**90% within 60 days**  
**98% within 90 days**

- ✓ Civil local ordinance cases are excluded.
- ✓ Photo-radar tickets are excluded.
- ✓ Parking tickets are excluded.

- B. **Measurement:** Filing of Arizona Traffic Ticket and Complaint (ATTC) or by long-form complaint through disposition (e.g., dismissal, judgment)
- C. **Excluded Time:** The following may result in a stay of proceedings, and the time elapsed will be excluded from measurement: diversion, special actions or appeals, and stays granted pursuant to the Servicemembers Civil Relief Act.
- D. **Other Findings:**
- The committee recommends that parking tickets be excluded from the standard because a statewide designation would be difficult. Every city or county can designate a parking ticket as something different (e.g., petty offense, civil local ordinance violation, or civil traffic).
  - The committee recommends that photo radar tickets be excluded from the standard. These are a small percentage of the cases and may require additional service time.
  - The committee noted the following on the civil traffic case type:
    - Civil traffic tickets are the largest category of cases in the state and that 60-65 percent of the tickets are paid electronically.
    - There are no inherent delays in the volume of cases being processed.
    - The courts can shorten the time to disposition by authorizing the county clerk to provide 15, 30, or 45-day extensions to the defendant. This practice will cut down on the number of motions filed so that the defendant is allowed to complete traffic school, obtain proof of insurance, or travel from out of town.
    - The courts can shorten the time to disposition on traffic cases by assigning some of the traffic tickets to civil hearing officers.
    - Some of the counties do experience spikes in the number of filings based on holidays, tourism traffic, first snowfall, and enforcement efforts by the police department.

**CRIMINAL CASE CATEGORY**

**7. Criminal Misdemeanor**

A. The committee recommends that Arizona adopt the same standard as the national model time standard for 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.

B. **Measurement:** Filing of complaint through disposition (e.g., dismissal, acquittal, or judgment and sentencing)

C. **Excluded Time:** The following time will be excluded from the measurement: warrant time, Rule 11 competency issues, diversion, and special action/appeals.

D. **Other Findings:**

- The committee recommends that the following comment be added to the standard:  
**COMMENT:** 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.
- The committee recommends that diversions be excluded from the measurement. To exclude the time a defendant is on diversion, the codes in the case management systems will have to be identified or created.
- The committee recommends that the reports developed for the case management systems apply the -case processing standards ~~for criminal cases be applied~~ when the case is initiated, not at the time of disposition. ~~In a criminal case, T~~the case processing standard for the most severe offense listed on the charging document will be applied. ~~The final disposition of the misdemeanor offense does not matter~~ (e.g., if the defendant was initially charged with one count misdemeanor possession and one count speeding, and the misdemeanor charge is dismissed at sentencing, the misdemeanor case processing standard would still apply.) If a misdemeanor DUI is included in the original complaint then the case processing standard for Misdemeanor DUI cases will apply.

**8. Criminal Misdemeanor Driving Under the Influence “DUI” Cases**

A. The committee recommends that Arizona continue to use the existing case processing standards as follows:

**85% within 120 days**

**93% within 180 days**

- ✓ Criminal misdemeanor cases are excluded
- ✓ Criminal traffic cases are excluded.
- ✓ Criminal local ordinance cases are excluded.

- B. **Measurement:** Filing of complaint through disposition (e.g., dismissal, acquittal, or judgment and sentencing)
- C. **Excluded Time:** The following time will be excluded from the measurement: warrant time, Rule 11 competency issues, diversion, and special action/appeals.
- D. **Reasons for Different Standard:**
- The committee recommends that Arizona adopt the existing DUI case processing standards and not include DUI cases with the misdemeanor case type as proposed in the national model time standards.
  - The Arizona courts put time and effort into developing a case processing standard that is aspirational but still realistic for Arizona. The DUI misdemeanor case processing standard in Arizona exceeds the national standard for several reasons:
    - There are substantial penalties involved, and a large number of these cases go to trial.
    - The discovery process is lengthy because of expert testimony and the required technical testing and re-testing of blood and breath by the crime labs.
    - The number of offenses for driving under the influence of prescription drugs has increased, and physician testimony must be included in the discovery process.
- E. **Background:**
- The DUI Case Processing Program started in the summer of 2005. Chief Justice Ruth V. 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. The newly developed case processing standards and other recommendations designed to improve DUI case processing were successfully piloted in 11 courts. This included the development of business requirements and statistical reports for the case management systems so the courts could determine where improvements needed to be made. The standards were further refined during the pilot, and in 2007, Phase II was implemented through Administrative Order 2007-94. By May 2008, all justice and municipal courts in Arizona were participating in the DUI Program, and it is still in place today.

**9. Criminal Felony**

- A. The committee recommends that Arizona adopt a different standard from the national model time standards for criminal felony:

65% within 90 days, instead of 75%  
85% within 180 days, instead of 90%  
96% within 365 days, instead of 98%

~~Death penalty cases will be included as part of the 4% disposed after 365 days.~~

**Comment [AOC7]:** Do we really need to state this? Isn't it understood? Leaving it invites making a list of other case types that fall into the 4%.

Maybe we want to leave this alone, it is included on other case types?

B. **Measurement:** Filing of first charging document (e.g., information, indictment, or complaint) in superior court through disposition (e.g., dismissal, acquittal, or judgment and sentencing.)

C. **Excluded Time:** The following time will be excluded from the measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.

D. **Reasons for Different Standard:**

➤ The committee recommends that the percentage on the first tier be lowered by 10 percent based upon the following findings:

● ~~Based on local historical data, the percentage number of uncomplicated and easily resolved cases in superior court is lower than the national standard suggests. 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.~~

➤ The committee recommends that the percentage on the second tier be lowered by five percent based upon the following findings:

● Based on historical local data, 15 percent of the cases in the courts have one or two issues that require a longer timeline.

➤ The committee recommends that the percentage on the third tier be lowered by two percent based upon the following findings:

● The workgroup members stated that more than two percent of the felony cases are death penalty or complex cases, and four percent is a more accurate representation of the percentage of such cases.

● 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.

E. **Other Findings and Recommendations:**

➤ The committee recommends that 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 shall not begin until the case is transferred to superior court and the first charging document or information is filed in superior court.

- The committee recommends that a report be written that will track the number of felony cases filed in justice court prior to transfer to superior court.
- The committee recommends that if the first charging document (e.g., complaint, information, or indictment) is filed directly into superior court, the measurement shall begin when the charging document is filed. If a warrant is issued, this time will be excluded from the count.

- The National Model Time Standards discourage the use of the arraignment date for establishing 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. 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 that court controls.

- The reports written for the AJACS<sup>8</sup> case management system only contemplate tracking the filing of the first document in superior court.

- The reports developed for the case management systems should apply the case processing standard when the case is initiated, not at the time of disposition. This would be the most serious offense listed on the first charging document filed in justice, municipal, or superior court. (e.g., if the defendant was initially charged with one count felony trafficking and two counts misdemeanor possession, and the felony charge is dismissed or reduced to a misdemeanor at sentencing, the felony case processing standard would still apply).

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- ~~The committee recommends that the case processing standards for criminal cases be applied when the case is initiated, not at the time of disposition. In a criminal case, the case processing standard for the most severe offense listed on the charging document will be applied. The final disposition of the felony offense does not matter (e.g., if the defendant was initially charged with one count felony trafficking and two counts misdemeanor possession, and the felony charge is dismissed or reduced to a misdemeanor at sentencing, the felony case processing standard would still apply).~~

Comment [AOC8]: I don't understand the concept we're trying to get across. Is it really that "we begin tracking cases from the time they are initiated"?

## 10. Criminal Post-Conviction Relief

- A. The committee recommends that Arizona adopt a different standard from the national model time standards for criminal post-conviction relief:

**94% within 180 days**, instead of 98%

- ✓ ~~Capital cases will be included as part of the 6% disposed after 180 days.~~

Comment [AOC9]: Why make this distinction? The committee wanted to address capital cases so the reader does not think they have just been forgotten. Has been included below if removed here.

<sup>8</sup> AJACS is the case management system for 13 of the 15 Superior Courts in Arizona

B. **Measurement:** Filing of petition for post-conviction relief through disposition (e.g., dismissed or denied or relief granted)

C. **Excluded Time:** No excluded time

D. **Reasons for Different Standard:**

- The committee recommends that the percentage be lowered by four percent based upon the following findings:
  - In many counties, four to five percent of the cases go to trial. Capital cases will be included as part of the 6 percent of cases disposed after 180 days.
  - The motion for post-conviction relief ~~following~~based on a trial takes longer to dispose of a longer disposition time than those based on plea agreements. ~~The trial post conviction relief motion requires more preparation as~~ it requires more preparation and -includes more testimony and evidence to be reviewed.
  - Disposition will be delayed if an evidentiary hearing is required.
  - Disposition will be delayed if there is a claim for ineffective assistance of counsel because the court must appoint counsel under Rule 32.5, Ariz.R.Crim.P.<sup>9</sup>
- The committee recommends that this standard not be applied to justice and municipal courts. There are a small number of petitions filed in the justice and municipal courts, and the number of petitions that may be filed is unpredictable. The case type was re-titled “Superior Court Criminal Post-Conviction Relief.”
- The committee noted that based on the timeline created by the court rules, 180 days would not be long enough if extensions for good cause are routinely granted by the courts.
- The committee also noted that there is no statistical data available for the post-conviction relief case type. A new report will have to be created in the case management systems. In order to write the report, the courts will need to identify or create codes to track when the petition or motion is filed and disposed in an existing case.
- The committee recommends that this standard be revisited when more data is available.

#### **FAMILY LAW CASE CATEGORY**

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

A. The committee recommends that Arizona adopt a different standard from the national model time standards for dissolution cases:

**75% within 180 days**, instead of 120 days

**90% within 270 days**, instead of 180 days

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<sup>9</sup> Arizona Rules of Criminal Procedure

**98% within 365 days**

- ✓ Includes legal separation and annulment cases.
  - ✓ Excludes adoption cases.
- B. **Measurement:** The date of filing to the date of disposition by entry of judgment/decree or order.
- C. **Excluded Time:** The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: special actions /appeals, bankruptcy, conciliation court, pending juvenile cases, and stays granted pursuant to the Servicemembers Civil Relief Act.
- D. **Reasons for Different Standard:**
- The committee recommends that an additional 60 days be added to the first tier based upon the following findings:
    - 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.
    - **Dismissal for lack of service.** Based on Rule 40(I), ARFLP <sup>10</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.
    - **Dismissal for lack of prosecution.** Based on Rule 46(B), ARFLP the court cannot dismiss the case for lack of prosecution for 180 days.
    - **Self-represented litigants.** A large proportion of dissolution cases are filed by self-represented litigants. Consequently, many parties require additional time to effectuate proper service and file the appropriate paperwork for a default judgment if service is obtained.
  - The committee recommends that an additional 90 days be added to the second tier based upon the following findings:
    - **Conciliation, mediation and ADR referrals.** 10 to 15 percent 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.
    - **Disputed Issues.** The second tier of cases will mostly include cases with strongly contested issues regarding custody/legal decision making, domestic support orders and/or division of assets and debts. Business valuations, custody

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<sup>10</sup> Arizona Rules of Family Law Procedure

evaluations, additional services such as substance abuse monitoring require additional time. Consequently, the court is unable to dispose of the cases in 180 days. In addition, the second tier of cases includes a large percentage of self-represented litigants in dissolution cases and the court process is occasionally delayed when these individuals are not prepared and the required paperwork has not been completed.

- **Parent education programs.** 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.

**E. Intermediate Standard:**

- The committee recommends that Arizona adopt an Intermediate Standard for Temporary Orders. The Arizona standard is different from the national model intermediate standard:

**90% within 60 days,  
98% within 120 days,** instead of 60 days

- ✓ Only pre-decree temporary orders are included.

**F. Intermediate Measurement:** The date the motion for temporary order is filed to the date of disposition by entry of a temporary order.

**G. Intermediate Excluded Time:** No excluded time

**H. Other Findings:**

- The committee finds that the issuance of a temporary order to stabilize the financial and parenting situation pending final judgment is the most important pre-trial step. It is important for the safety, security and well-being of the spouses and children that an order be established early on to address child support, spousal support, legal decision-making (custody) and parenting time.
- The committee increased the time to disposition in these cases but still has some reservations as to whether these standards will be achievable by the courts. The findings in family law cases are often complex and lengthy.
- The committee finds that there are a large number of self-represented litigants in family court and would not revise Rule 40(I), ARFLP to shorten the time when a case can be dismissed for lack of service.
- The committee noted that there is very little statistical data available. The reports available in AJACS and the other case management systems for dissolution cases will have to be modified and the data will need to be verified and cleaned-up.
- A new report will have to be written in the case management systems for temporary orders. In order to write the report the courts will need to identify or create codes to track when the motion is filed and disposed in an existing case.

- The committee recommends that the standards be revisited when more data is available.

## 12. Family Law Post-Judgment Motions

- A. The committee recommends that Arizona adopt a different standard from the national model time standards for family law post-judgment motions:

**50% within 180 days**, instead of 98%  
**90% within 270 days**  
**98% within 365 days**

- B. **Measurement:** The date of filing a post-decree or post-judgment petition to the date of disposition by entry of judgment or order.
- C. **Excluded Time:** The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: pending juvenile cases and stays granted pursuant to the Servicemembers Civil Relief Act.
- D. **Reasons for Different Standard:**
- The committee recommends that the percentage be lowered and two tiers be added based upon the following findings:

- **Child support post-judgment petitions (single-issue) versus custody post-judgment petitions (multi-issue).** A significant percentage of post-decree petitions involve more than one issue. Single-issue petitions to modify child support or spousal maintenance will likely be resolved in 180 days. However, under Arizona rules, parties must obtain and serve the orders to appear for all post-decree petitions other than petitions to modify legal decision making. Under Arizona Rules, a party must comply with the requirements for Rule 91D, ARFLP for all post-decree petitions to modify legal decision-making. Due to Arizona specific service requirements, the court cannot dispose of cases for lack of service and/or lack of prosecution until after 120 days or 180 days respectively. Moreover, custody post-judgment cases take more time as various evaluations and pretrial services may be ordered.
- **Statistical data.** There was very little statistical information available on the number of post-decree motions that involve child support only versus custody. In one county 33 percent of the post-decree motions were custody and the committee believes that the percentage is more like 40 or 50 percent in the larger counties.
- **Custody Modifications.** 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.

- The committee noted that a new report will have to be written in the case management systems for post-judgment motions. In order to write the report the courts will need to identify or create codes to track when the motion is filed and disposed in an existing case.

- The committee recommends that the standards be revisited when more data is available.

### 13. Protection Orders

- A. The committee recommends that Arizona adopt a different standard for the Ex Parte Hearing (Intermediate Standard) but that Arizona adopts the same standard as the national model time standards for family law protection orders for contested hearing.

Ex Parte Hearing: (Intermediate Standard)

**99% within 24 hours**, instead of 100%

Contested Hearing:

**90% within 10 days**

**98% within 30 days**

- ✓ Injunctions Against Harassment and Injunctions Against Workplace Harassment are included.

#### B. Measurement:

Ex Parte Hearing: The date the petition for protective order is filed to the date the protective order is issued or denied.

Contested Hearing: The date the request for hearing is filed to the date the protective order is affirmed, modified or quashed.

#### C. Excluded Time: No excluded time

#### D. Reasons for Standard:

- The committee recommends 99 percent instead of 100 percent of ex parte hearings to be held in compliance with state law based on the following findings:
  - Rule 6(B), ARPOP<sup>11</sup> states that a judicial officer shall **expeditiously** schedule an ex parte hearing for a protective order involving a threat to personal safety... Expeditiously is not really a standard that can be measured.
  - The committee found that *Ex parte* hearings typically are conducted on the same day the plaintiff files the petition. At the close of the *ex parte* hearing, regardless of whether the request is granted or denied, the case is completed. However, the law allows the court to schedule a pre-issuance hearing in situations where the judge feels there is inadequate information on which to base the order and wants to hear from both parties. Statute requires pre-issuance hearings to be scheduled within 10 days with reasonable notice to the defendant.
  - The committee found that in some jurisdictions a case may not be resolved within 24 hours because the petitioner leaves the courthouse after filing the petition but before the hearing is held. The one percent will allow for these

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<sup>11</sup> Arizona Rules of Protective Order Procedure

lapses in time. Some jurisdictions leave these cases open for a period of time so the petitioner can return and follow through.

- The committee is not recommending an intermediate standard for pre-issuance hearings at this time but has suggested that the Committee may want to re-visit this issue at a later date when more data is available. The pre-issuance hearing can be ordered by the judge at any time but is often used for neighbor and roommate disputes.
- The committee recommends that Arizona adopt the same standard as the national model time standards for family law protection orders for contested hearings based on the following findings:
- Arizona’s protective order laws are significantly different than those of most other states. First, Arizona law allows the plaintiff up to a year to have the order served on the defendant. Some orders are served immediately, others weeks or months later, and others never.
  - Second, in Arizona, there is no final hearing automatically scheduled at the time the initial order is issued. Most states require both parties to appear in court within a relatively short time (10-15 days) at which time testimony is taken and the court decides whether to keep the order in place for an extended time.
  - Under Arizona law, a second hearing occurs only if the defendant asks for one. The defendant can make this request at any time while the order is in effect. If the defendant does request a hearing, it must be conducted within 5 or 10 days, depending on whether exclusive use of the parties’ residence is at issue. With this statutory timetable, Arizona courts should be able to achieve disposition of 98% of its protective order cases within 30 days unless continuances are extended beyond this time period.

**E. Other Findings:**

- In Arizona order of protection cases may be filed in justice, municipal or superior court. The majority of the order of protection cases are filed in the justice and municipal courts. These courts would not place the order of protection cases in the family law category. In order to stay consistent with the national model time standards the committee has placed orders of protection in the family law category.

***PROBATE CASE CATEGORY***

***14. Probate Administration of Estates***

- A. The committee recommends that Arizona adopt a different standard from the national model time standards for probate administration of estates:

**50% within 360 days**, instead of 75%

**75% within 540 days**, instead of 90%

**95% within 720 days**, instead of 98%

- ✓ Formal and informal probate cases are included.
- ✓ Affidavit of succession to real property cases are included.

B. **Measurement:** Filing of an application or petition for appointment of personal representative or probate of a will through closing of the decedent's estate (e.g., filing of closing statement, complete settlement or order approving final distribution, or accounting.)

C. **Excluded Time:** The following time will be excluded from measurement: stay for special actions, appeals, and bankruptcy.

D. **Reasons for Different Standard:**

➤ The committee recommends that the percentages on all three tiers be lowered based on the following findings:

- **Contested cases.** There are a large number of contested cases that extend the processing time.
- **Consolidated cases.** 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, that take longer to resolve.
- **Personal representatives.** The personal representative is responsible for closing the estate. The personal representative may have to deal with some time-consuming issues, such as selling businesses and real properties, finding heirs and assets, and dealing with tax issues. These issues adversely affect the timeline.
- **Dismissal by court.** Based on Rule 15.2(A), ARPP,<sup>12</sup> the court must wait two years and 90 days after the initiation of a case to dismiss the case when no closing statement has been filed.
- **Statistical data.** There was very little statistical information available, but based on a survey of the courts, the percentages were lowered accordingly.

E. **Other Findings:**

➤ The *affidavit of succession to real property* cases are handled by the probate registrar in one to three days. According to A.R.S. § 14-1307, the presiding judge of the county can designate the clerk of court, court commissioner, or a judge as probate registrar. In most counties, the probate registrar is the clerk of court or someone employed by the clerk of court.

**15. Probate Guardianship/Conservatorship of Incapacitated Adults**

A. The committee recommends that Arizona adopt a different standard from the national model time standards for probate guardianship or conservatorship of incapacitated adults:

**80% within 90 days**, instead of 98%  
**98% within 365 days**

- ✓ Excludes guardianship or conservatorship of a minor and elder abuse cases.

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<sup>12</sup> Arizona Rules of Probate Procedure

- B. **Measurement:** Filing of petition for appointment of guardian or conservator through denial of the petition or issuance of a court order appointing fiduciary on a non-temporary basis.
- C. **Excluded Time:** No excluded time
- D. **Reasons for Different Standard:**
  - The committee recommends that the percentage be lowered and that a second tier be added based on the following findings:
    - The appointment of the guardian can be accomplished within 90 days for uncontested cases. A second tier was added for contested cases.
    - Contested cases consist of cases where there is a disagreement as to whether a guardian or conservator should be appointed or a disagreement as to who should be appointed as guardian or conservator.
    - Many of the contested cases expand into issues of who is exploiting the ward.
    - There was very little statistical information. The time to disposition reports available in the AJACS case management system stop the measurement when the guardianship is terminated not when the order appointing fiduciary is signed. The standards were lowered based on a survey of the courts.
- E. **Other Recommendations:**
  - **Minor Guardianship or Conservatorship Cases:** The committee recommends that no case processing standards for Title 14 minor guardianship or conservatorship cases be developed for Arizona. The timelines are set out by rule and statute in Arizona.

**16. Probate Mental Health Cases**

- A. The committee recommends that Arizona adopt the same standard as the national model time standards for probate mental health cases:
  - 98% within 15 days**
  - ✓ Petitions for court ordered treatment are included
  - ✓ Petitions for court ordered evaluation are excluded
- B. **Measurement:** Filing of petition through disposition (e.g., patient released or issuance of a court order for treatment)
- C. **Excluded Time:** No excluded time
- D. **Other Findings:**
  - A.R.S. § 36-535(B) requires that a hearing must be held within 6 business days after a petition for court ordered treatment is filed. The hearing can be continued for a maximum of 30 days by the patient and a maximum of 3 business days by the petitioner. The committee noted that the hearings on the petitions for court-ordered treatment are rarely continued.

**JUVENILE CASE CATEGORY**

**17. Juvenile Delinquency and Status Offense**

- A. The committee recommends that Arizona adopt a different standard that is faster than the national model time standards for juvenile delinquency and status offense.

Youth in detention:

**98% within 45 days**, instead of 75% within 30 days, 90% within 45 days and 98% within 90 days

Youth not in detention:

**98% within 60 days**, instead of 75% within 60 days, 90% within 90 days and 98% within 150 days

- B. **Measurement:** Filing of petition through adjudication of delinquency or incorrigibility.
- C. **Excluded Time:** The following time will be excluded from measurement: diversion, warrant time, and competency proceedings.
- D. **Reasons for Different Standard:**
- The committee recommends that Arizona adopt one tier instead of the three tiers proposed by the national model based on the following finding:
    - The legal culture in Arizona for juvenile cases has been structured so that cases are resolved in a timely manner. Rule 29(B), ARJP<sup>13</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 standards should mirror the timelines set out in the rules.

**18. Juvenile Neglect and Abuse**

- A. The committee recommends that Arizona adopt the national model for adjudication hearings in juvenile neglect and abuse cases but that the measurement begins on the date of service instead of the date of removal.  
The committee also recommends that Arizona adopt a different standard based on the age of the child that is faster than the national model time standards for permanency hearings in juvenile neglect and abuse cases.

Adjudication Hearing:

**98% within 90 days of service**, instead of removal

Permanency Hearing:

**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**, instead of 75% within 270 days of removal and 98% within 360 days of removal

- B. **Measurement:**

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<sup>13</sup> Arizona Rules of Juvenile Procedure

Adjudication Hearing:

Date of service on a parent or guardian through a finding of dependency.

Permanency Hearing:

Date of removal through permanent plan determination.

C. **Excluded Time:** No excluded time

D. **Reasons for Different Measurement and Standard:**

- The committee recommends that a different measurement be adopted for adjudication hearings based on Rule 55(B), ARJP which states the adjudication hearing shall be completed within 90 days of **service** of the petition.
- The committee recommends that a different standard be adopted for permanency hearings based on the following findings:
  - 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 60(C), ARJP sets out the timelines for the permanency hearing.

E. **Other Findings and Recommendations:**

- The committee recommends that Arizona stay consistent with the rules and statutes and start measuring the adjudication hearing 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.
  - If only one parent has to be served to start the measurement this may be easier to track as the count may begin when the first service return is entered in the system.
  - The national model time standards start the measurement for Juvenile Neglect and Abuse adjudication and permanency hearings with the date of removal. If we measure the case processing standards for the adjudication hearing from the date of removal, this would conflict with the rules and statutes in Arizona 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 committee recommends that Arizona stay consistent with the national model and the Arizona rules and statutes and start measuring the permanency hearing from the date of removal.
  - The tracking of cases from the date of removal has also been identified as an issue for JOLTS<sup>14</sup> and the case management systems but, the date of removal is captured or can be captured in the case management systems.

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<sup>14</sup> JOLTS is the Juvenile Online Tracking System, a statewide juvenile probation and dependency management system developed by Maricopa County Juvenile Court in 1979. It is currently installed in every juvenile court and detention center in Arizona.

**19. Juvenile Termination of Parental Rights**

- A. The committee recommends that Arizona adopt the same standard as the national model time standards for juvenile termination of parental rights cases:

**90% within 120 days**

**98% within 180 days**

- B. **Measurement:** Filing of Motion/Petition for Termination of Parental Rights through entry of dismissal or order of termination
- C. **Excluded Time:** No excluded time
- D. **Other Findings and Recommendations:**
- **Adoption Cases:** The committee recommends that no case processing standards for adoption cases 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.
  - **Minor Guardianship/Conservatorship Cases:** The committee recommends that no case processing standard for Title 8 minor guardianship/ conservatorship cases be developed, the timelines are set out by rule and statute in Arizona.

## FUTURE CONSIDERATIONS:

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

- Time to Disposition Report – CourTools Measure 3 is the number of days that will be counted during the pendency of a case to determine if the case processing standard has been met.
- Age of Active Pending Cases Report – CourTools Measure 4 is a measure of the age of cases currently pending and awaiting disposition.

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

The first step in the development of statistical reports will be the establishment of case processing or business requirements for all the case types. These business requirements will be utilized by the courts to create the time to disposition and age of active pending cases reports for all the case management systems. This will ensure that all the courts are including the same information and measuring the cases the same way. Once the business requirements are finalized, the requirements will be provided to all non-ACAP courts and the AOC can establish a time frame for implementation of reports for those courts which are supported by the AOC.

Additional steps will include the development, programming, and testing of reports and then the pilot phase of implementation. When the preliminary reports are released, the courts will need to validate that the data on the report is correct. If the report does not reflect the correct information the reports may need to be modified or the courts may need to enter additional codes or clean-up the data in the case management systems for the reports to display the correct information, and clean-up the data in their case management systems. Training on the utilization and correct entry of data into the case management system will be provided if deemed necessary. The courts will also need to identify training needs for entering data into the case management systems.

**Comment [AOC10]:** I don't know what “clean-up the data” means. Maybe I'm the only one! But if not, this sounds more like slang or short hand for some more detailed process. It might be useful to have some detail about that process to show how complex it is. This same language appears in the paragraph below “CONCLUSION” as well.

## CONCLUSION:

The committee recommends that the Arizona Judicial Council provisionally adopt the case processing standards pending: the development of reports; the validation and clean-up of data; and the completion of any necessary training. The committee further recommends that these ~~draft preliminary case management~~ reports remain inaccessible to the public until the data has been validated and the standards have been revisited.

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

Courts that adopt model time standards, measure compliance, take steps to promote compliance, and take steps to effectively govern, organize administer and manage their court system are well positioned to request and justify the resources needed to enable the courts to hear and dispose of cases in a timely manner.<sup>15</sup>

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

See the Final Report for more details on the development of case processing standards for Arizona.

**Comment [AOC11]:** Rule 123(d) (6) Preliminary and Draft reports Concerning Court Operations: Pre-Decisional Documents. states "... Preliminary drafts of such reports, and pre-decisional documents relating to court operations, shall be open once such draft reports and such pre-decisional documents are circulated to any court policy advisory committee or the public for comment." Do we need an A.O.? think we are covered as long as we do not present preliminary or draft reports to an advisory committee.

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<sup>15</sup> *Model Time Standards for State Trial Courts*, p. 51, Richard Van Duizend, David C. Steelman, Lee Suskin, National Center for State Courts, adopted August 2011.

# REPORTS



## Reports

- General jurisdiction
- Limited jurisdiction



## Program

- Non-ACAP Courts
- ACAP Courts



## Test

- Verify data on reports
- Correct data/new codes

# IMPLEMENTATION

Focus Group

- Identify rule and process changes
- Best practices/case management plans

Release

- Committee to revisit time standards
- Best practices/case management plans

Train

- Judicial Conferences
- Statewide broadcast- COJET

**CASE PROCESSING STANDARDS ANALYSIS  
JUVENILE - NEGLECT AND ABUSE**

**National Center for State Courts Model Time Standards:**

Adjudication Hearing: 98% within 90 days of removal  
 Permanency Hearing: 75% within 270 days of removal  
 98% within 360 days of removal

**Measurement:** Date of removal through adjudication

**Arizona Juvenile – Neglect and Abuse**

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a **different** standard:

**Adjudication Hearing:**  
**98% within 90 days of service**

**Measurement:** Date of service on a parent or guardian through a finding of dependency.

**Permanency Hearing:**  
**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**

**Measurement:** Date of removal through permanent plan determination.

Arizona Rules and Statutes	Timelines under Statute and Rule
<b>Petition Filed:</b> A.R.S. <sup>1</sup> § 823(B)(6)  A.R.S. § 824(A) Rule 50, ARJP <sup>2</sup>  A.R.S. § 8-842(A) Rule 52, ARJP  A.R.S. § 8-844(A) Rule 53 and 54, ARJP	<p style="text-align: center;"><b><u>(Measurement Starts Here)</u></b></p> <p><b><u>Petition filed 72 hours from removal:</u></b> If a child is taken into temporary custody, a written statement must be provided to the parents that the child will be returned within <b>72 hours</b> unless a dependency petition is filed.</p> <p><b><u>Preliminary Protective Hearing:</u></b> Held within <b>5-7 days</b> of removal.</p> <p><b><u>Initial Dependency Hearing:</u></b> Only held if parents fail to appear at the preliminary protective hearing. Must be held <b>21 days</b> from service of petition.</p> <p><b><u>Settlement or Pretrial Conference or Mediation:</u></b> A settlement conference may be held for the purpose of identifying and resolving issues in a non-adversarial manner. If settlement is not reached, a pretrial conference may be held prior to the dependency adjudication hearing.</p>
<b>Adjudication Hearing:</b> A.R.S. § 8-842(C) Rule 55(B), ARJP	<p><b><u>Adjudication Hearing:</u></b> The dependency adjudication hearing shall be completed within <b>90 days</b> of service of the petition. Hearing may be extended <b>30 days</b> for good cause shown.</p>

<sup>1</sup> Arizona Revised Statutes

<sup>2</sup> Arizona Rules of Juvenile Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>A.R.S. § 8-845 Rule 56(B) ARJP</p>	<p><b><u>Disposition Hearing:</u></b> Shall be held within <b>30 days</b> of the dependency adjudication or in conjunction with the hearings above. <b>(Measurement Stops Here for Adjudication Hearing.)</b></p>
<p><b><u>Permanency Hearing:</u></b> A.R.S. § 8-862(A) Rule 60(C), ARJP</p>	<p><b><u>Permanency Hearing:</u></b></p> <ul style="list-style-type: none"> <li>• Within 30 days of disposition if no reunification services ordered.</li> <li>• Within <b>6 months</b> of removal if child is under 3 years of age</li> <li>• Within <b>12 months</b> of removal on all other cases</li> </ul> <p><b>(Measurement Stops Here for Permanency Hearing.)</b></p>

**CASE PROCESSING STANDARDS ANALYSIS  
JUVENILE - DELINQUENCY AND STATUS OFFENSE**

**National Center for State Courts Model Time Standards:**

**Youth in detention:**

75% w/in 30 days  
90% w/in 45 days  
98% w/in 90 days

**Youth not in detention:**

75% w/in 60 days  
90% w/in 90 days  
98% w/in 150 days

**Measurement:** Filing of petition through adjudication

**Arizona Juvenile – Delinquency and Status Offense**

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a faster **different** standard:

**Youth in detention:**

**98% within 45 75 days**

**Youth not in detention:**

**98% within 60 135 days**

**Measurement:** Filing of petition through **disposition** adjudication of delinquency or incorrigibility. The following time will be excluded from measurement: diversion, warrant time and competency proceedings.

Arizona Rules and Statutes	Timelines under Statute and Rule
<b>Petition to be filed:</b> Rule 25(B)(1), ARJP <sup>1</sup>  Rule 25(B)(2), ARJP  Rule 25(C), ARJP	<p><b><u>Detained Youth:</u></b> Petition filed within <b>24 hours</b> of detention.</p> <p><b><u>Non-Detained Youth:</u></b> Petition filed within <b>45 days</b> of submission of the referral to the prosecutor. The time for filing a petition is extended for an additional <b>30 days</b> pending further investigation by the prosecutor. Only one <b>30-day extension</b> is granted unless good cause shown.</p> <p><b><u>Diversion:</u></b> The time limit for filing the petition is tolled during the term required to comply with diversion. A petition shall be filed not later than <b>30 days</b> after the matter is resubmitted to the prosecutor for action.</p>
<b>Advisory Hearing:</b> Rule 28(B)(1), ARJP  Rule 28(B)(2), ARJP  Rule 28(E), ARJP	<p style="text-align: center;"><b>(Measurement Starts When Petition Filed)</b></p> <p><b><u>Detained Youth:</u></b> Advisory hearing shall be held within <b>24 hours</b> of filing petition</p> <p><b><u>Non-Detained Youth:</u></b> Advisory hearing shall be held within <b>30 days</b> of filing petition</p> <p><b><u>Disposition Hearing:</u></b> Following an admission, the court shall adjudicate the juvenile delinquent or incorrigible and proceed with disposition</p>

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

Arizona Rules and Statutes	Timelines under Statute and Rule
	hearing or set a disposition hearing.
<b>Adjudication Hearing:</b> Rule 29(B)(1), ARJP  Rule 29(B)(2), ARJP	<b><u>Detained Youth:</u></b> Adjudication hearing held within <b>45 days</b> .  <b><u>Non-Detained Youth:</u></b> Adjudication hearing held within <b>60 days</b> . <b>(Measurement Stops Here)</b>
<b>Disposition Hearing:</b> Rule 30(B)(1)(a), ARJP  Rule 30(B)(1)(b), ARJP	<b><u>Detained Youth:</u></b> Disposition hearing held within <b>30 days</b> of adjudication of delinquency or incorrigibility  <b><u>Non-Detained Youth:</u></b> Disposition hearing held within <b>45 days</b> of adjudication of delinquency or incorrigibility