

**ARIZONA JUDICIAL COUNCIL**

Request for Council Action

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**Date Action  
Requested:**

October 27, 2016

**Type of Action  
Requested:**

Formal Action/Request

Information Only

Other

**Subject:**

Approval of Minutes

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**FROM:**

Lorraine Smith, Staff to the Arizona Judicial Council

**DISCUSSION:**

The minutes from the June 20, 2016, meeting of the Arizona Judicial Council are attached for your review.

**RECOMMENDED COUNCIL ACTION:**

Approve the minutes as written.

**ARIZONA JUDICIAL COUNCIL**  
JW Marriott Starr Pass Resort  
3800 W. Starr Pass Blvd.  
Tucson, Arizona 85745

**June 20, 2016**

**Meeting Room: Arizona Ballroom 8-12**

*Draft Meeting Minutes*

**Council Members Present:**

Chief Justice Scott Bales  
Judge Michael Brown  
Jim Bruner  
Judge Kyle Bryson  
David Byers  
Judge Louis F. Dominguez  
Judge Peter Eckerstrom  
Victor Flores  
Judge Charles Gurtler  
Athia Hardt  
Mike Hellon

Yvonne R. Hunter, J.D.  
Michael Jeanes  
Jack Jewett  
Gary Krcmarik  
Lisa Loo  
Judge David Mackey  
William J. Mangold, M.D., J.D.  
R. Tony Penn  
Judge Antonio Riojas, Jr.  
Judge Monica Stauffer

**Council Members Absent (excused):**

Judge Janet Barton  
Judge Rachel Torres Carrillo

George Weisz  
Judge David Widmaier

**Administrative Office of the Courts (AOC) Staff Present:**

Mike Baumstark  
Karl Heckart  
Susan Hunt  
Paul Julien  
Joe Kelroy  
Kevin Kluge  
Mark Koch

Jerry Landau  
Amy Love  
Alicia Moffatt  
Lorraine Smith  
David Withey  
Amy Wood

### **Presenters and Guests Present:**

Justice Robert Brutinel  
Ms. Patricia L. Cummins  
Mr. Martin Lynch

Vice Chief Justice John Pelander  
Justice Ann A. Scott Timmer  
Judge Larry Winthrop

Chief Justice Scott Bales, Chair, called the meeting to order at 10:00 a.m. and welcomed those in attendance.

### **Approval of Minutes**

The Chair called for any corrections to the minutes from the Council's March 24, 2016, meeting.

**MOTION: To approve the minutes from the March 24, 2016, meeting of the Arizona Judicial Council, as written.** The motion was seconded and passed. AJC 2016-05.

### **Welcome**

The Chair welcomed the Council's newest members: Hon. Charles Gurtler, Presiding Judge in Mohave County and Lisa Loo, President of the State Bar of Arizona.

### **Judicial Branch Budget Update**

Mr. Kevin Kluge, CFO and Director of the Administrative Services Division for the Administrative Office of the Courts (AOC), updated the Council members on FY 2017 budget appropriations and fund sweeps from special revenue funds totaling \$5M.

### **Commission on Technology (COT)**

Vice Chief Justice John Pelander, Chair of the COT, briefed the Council members on the history of the COT and activities at their recent annual meeting.

Mr. Karl Heckart, CIO and Director of the Information Technology Division for the AOC, spoke on FY 2016 court happenings, FY 2017 project priorities and future projects, and automation project status.

Mr. Kevin Kluge spoke on the Judicial Collection Enhancement Fund (JCEF) revenues, ongoing commitments, comparison of revenue to expense, and the projected year-end fund balance, subject to action of the Legislature. He asked the Council to approve the Judicial Collection Enhancement Fund (JCEF) FY 2017 budget request of \$14M and the JCEF probation budget of \$6M.

**MOTION: To approve the JCEF automation budget, as recommended by the COT, and the JCEF non-automation court programs budget and the JCEF probation budget, as recommended by the AOC Administrative Director and as appropriated by the Legislature, as presented.** The motion was seconded and passed. AJC 2016-06.

### **IT Security Standards**

Mr. Karl Heckart presented the COT's recommendations for minimum security standards for all courts, with phased implementation and an ad hoc cyber security subcommittee to provide governance, policy review, and oversight and asked for the Council's approval.

**MOTION: To approve the minimum security standards to take effect following a phased approach that ensures the most critical items are addressed first, as recommended by the COT.** The motion was seconded and passed. AJC 2016-07.

### **Juvenile Detention Standards Review/Comment**

Mr. Joe Kelroy, Director of the Juvenile Justice Services Division of the AOC, presented the history and overview of the standards. He shared information on the recommended updates to the standards and potential new costs associated with these revisions. Mr. Kelroy stated the standards are a draft document and will need to be vetted through the committee process before being approved by the Administrative Director of the AOC.

Judge Monica Stauffer expressed concern that certain proposals may not be supported by the Presiding Judges or Chief Probation Officers, including provisions regarding mechanical restraints, control over what happens in the courtroom, and the bi-weekly review process which may be onerous on probation staff.

Mr. Dave Byers noted the need to consider input from the juvenile court judges and to ensure consistency with the Supreme Court's action in August on a pending rule change request regarding mechanical restraints.

### **Arizona Code of Judicial Administration (ACJA)**

Mr. Joe Kelroy presented ACJA § 6-115: *Probation Records Retention* for the Council's approval. He noted the code section will establish an updated adult and juvenile probation records retention schedule, and the draft code has been vetted and approved by stakeholders.

Mr. Michael Jeanes questioned the need for permanent retention of the record and why would we need the probation record longer than the case record. Mr. Kelroy noted there was no prior discussion on this issue.

**MOTION: To approve ACJA § 6-115: *Probation Records Retention*, as presented, but ask that the permanent retention issue be revisited by those who worked on this code section and to bring back any revisions to the Council at a later date, if needed.** The motion was seconded and passed. AJC 2016-08.

### **Judicial Branch Legislative Update**

Mr. Jerry Landau, Director of Government Affairs and Ms. Amy Love, Legislative Liaison for the AOC, updated the Council on the past 2016 Legislative session.

### **Strategic Agenda Update**

Mr. Mike Baumstark, Deputy Director of the AOC, presented highlights of the “Advancing Justice Together” initiatives that have been completed during the past year and a preview of the many initiatives planned for the coming year.

### **Arizona Commission on Access to Justice Annual Report**

Judge Larry Winthrop, Chair of the Arizona Commission on Access to Justice, updated the Council on the work of the Commission to include accomplishments to date and current and anticipated initiatives in 2016-2017.

### **Trial Court Time Standards**

Justice Robert Brutinel, Chair of the Arizona Case Processing Standards Steering Committee, presented the proposed Arizona case processing time standards for small claims and juvenile delinquency and status offenses and asked for the Council's approval.

**MOTION: To recommend that the Arizona Supreme Court adopt final case processing time standards for small claims and juvenile delinquency and status offenses, as presented.** The motion was seconded and passed. AJC 2016-09.

### **Appellate Court Time Standards**

Justice Ann A. Scott Timmer, Chair of the Steering Committee on Arizona Appellate Case Processing Standards, presented the Committee's recommendations and asked for the Council's approval.

Judge Mackey expressed concern with the lack of court reporters and the trickle-down effect when the Court of Appeals is not generous with extensions. He suggested having a meeting to discuss this problem and look at solutions.

Judge Brown provided comment regarding court resources; standards which they don't control, i.e., preparation of record including the transcripts and briefs; and lack of

attorneys and court reporters. He noted that no other states have adopted these national standards. Judge Brown expressed concern with lack of wiggle room in the juvenile area given the exploding number of juvenile appeals coming their way, and stated these cases need first priority. He urged the Supreme Court, if these standards are approved, to look to see if they could trim a little bit more time off of the notice of finding to discretionary review. He stated he would vote against the motion, and suggested we stay with original recommendations from the Committee prior to the Supreme Court's review and revisions.

Judge Eckerstrom stated that standards are aspirational, and the creation of standards will help us address the very problems being raised and will lead to better tools.

Judge Gurtler expressed concern that the COA may be adopting a standard that might not be realistic. Mr. Byers stated that we should set the standards first and then fix the problems.

Justice Timmer noted that the Committee recommended that the standards be reviewed quarterly and annually, and they are not written in stone and can be modified if problems arise, i.e., resource issues.

Judge Riojas commented on appeals for limited jurisdiction courts to the superior court and the need to look at this standard as well.

**MOTION: To approve the appellate case processing standards, as presented.** The motion was seconded and passed (1 opposed). AJC 2016-10.

### **eFiling Fee Schedule**

Ms. Amy Wood, Manager for the Court Services Division of the AOC, presented the eFiling fee change proposal for the Council's approval.

**MOTION: To approve the new eFiling fee change proposal supporting system enhancements, as presented.** The motion was seconded and passed. AJC 2016-11.

### **Call to the Public**

The Chair made a call to the public.

Ms. Patricia L. Cummins provided public comment and distributed a draft motion for an expedited administrative order re: Rule 74: Arizona Rules of Family Law Procedure which would vacate all court orders assigning a parenting coordinator in 2015 immediately (release the 2015 appointments from the court-ordered bond).

The Chair stated that Ms. Cummins will need to accomplish this through the rule amendment process which is described on the Court's website and not an administrative order.

Mr. Martin Lynch provided public comment and distributed handouts outlining suggestions for improvements to the family court. He noted that he has filed a rule amendment re: ARFLP Rule 98 Juries in Family Court (simplified juries in family court). Mr. Lynch requested rules to provide for a review of processes which he believes are dysfunctional in the family court.

The Chair noted that terms of 3 members will end on June 30. The Chair thanked Mr. Jim Bruner, Ms. Yvonne Hunter, and Judge David Widmaier (not in attendance) for their service on the Council.

**MOTION: To adjourn the meeting.** The motion was seconded and passed. AJC 2016-12.

The meeting adjourned at 3:20 p.m.