

ARIZONA JUDICIAL COUNCIL

State Courts Building
1501 W. Washington Street, Suite 119
Phoenix, AZ 85007

March 22, 2018

Meeting Minutes

Council Members Present:

Chief Justice Scott Bales	Judge Dorothy Little
Judge Janet Barton	Judge David Mackey
Judge Kyle Bryson	R. Tony Penn
David Byers	Steve Peru
Judge Louis F. Dominguez	Judge Keith E. Russell
Judge Peter Eckerstrom	Judge Monica Stauffer
Victor Flores	Judge Samuel Thumma
Judge Charles Gurtler	Lea Márquez Peterson
Athia Hardt	Judge Antonio Riojas, Jr.
Mike Hellon	Lori Higuera proxy for Alex Vakula
Michael Jeanes	George Weisz
Gary Krcmarik	

Council Members Absent (excused):

Ken Bennett	Lisa Urias
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Administrative Office of the Courts (AOC) Staff Present:

Candace Atkinson	Amy Love
Theresa Barrett	Pat McGrath
Mike Baumstark	Jessica Mueller
Stewart Bruner	Heather Murphy
Bert Cisneros	Brittany Pelly
Catherine Clarich	Marcus Reinkensmeyer
Jennifer Greene	Lorraine Smith
A.J. Gilman	Cindy Trimble
Don Jacobson	Kathy Waters
Paul Julien	Mark Wilson
Kevin Kluge	David Withey
Jerry Landau	

Presenters and Guests Present:

Claude Ah Sing
Mr. Ray Billotte
Vice Chief Justice Robert Brutinel
Lisa Deane
Mr. Rick DeBruhl

Paul Hallums
David Irons
Hugh Jones
Martin Lynch
Andrea Tazioli

Chief Justice Scott Bales, Chair, called the meeting to order at 10:00 a.m. and welcomed new members Mr. Steve Peru and Judge Keith Russell. The Chair presented a Certificate of Appreciation to Michael Jeanes, recently retired Clerk of Court member, for his service on the Council.

Approval of Minutes

The Chair called for any corrections to the minutes from the Council's December 14, 2017, meeting.

MOTION: To approve the minutes from the December 14, 2017, meeting of the Arizona Judicial Council, as presented. The motion was seconded and passed. AJC 2018-01.

Planning for the Next Strategic Agenda

Vice Chief Justice Robert Brutinel briefed the Council members on the process for the development of the next strategic agenda when he becomes Chief Justice in the summer of 2019. He asked for feedback on the proposed agenda and for volunteers to serve on the Strategic Planning Committee.

Department of Child Safety Warrants Project and Blood Draw Warrants Update

Mr. Ray Billotte, Court Administrator, Superior Court in Maricopa County presented information on eWarrants, an electronic portal that allows law enforcement to remotely seek and secure search warrants for blood draws from individuals suspected of Driving Under the Influence.

Mr. Billotte presented an update on the child removal order process, an electronic portal that will allow peace officers, child welfare investigators, and child safety workers to remotely seek and secure temporary custody orders pursuant to A.R.S. § 8-821.

State Bar Lawyer Finder Demo

Mr. Rick DeBruhl, Chief Communications Officer for the State Bar of Arizona demonstrated the new Lawyer Finder feature on the State Bar website scheduled to be launched in May 2018. Mr. DeBruhl explained that clients would post their case and specific needs on the site, and participating lawyers who pay a \$300 annual fee could apply to that individual in a process similar to Lending Tree. He noted that there would be no charge for lawyers to take a case pro bono.

Judicial Branch Budget Update

Mr. Kevin Kluge, Chief Financial Officer and Director of Administrative Services for the AOC presented an update on the judicial branch budget to include the FY 2019 legislative budget request.

Judicial Branch Legislative Update

Mr. Jerry Landau, Government Affairs Director for the AOC updated the members on the 2018 legislative session.

The Council took action on the following bills:

HB2356: juvenile court; jurisdiction; age

MOTION: To support HB2356: juvenile court; jurisdiction; age in terms of the basic policy decision and underlying bill. The motion was seconded and passed. AJC 2018-02.

HCR2032. Public retirement systems

Discussion: Judge Barton noted that she was not comfortable voting without an opportunity to share with her bench and present their position. She advised she would abstain. Judge David Mackey, Judge Charles Gurtler, and Judge Sam Thumma also abstained.

MOTION: To support HCR2032: public retirement systems, as presented. The motion was seconded and passed (4 abstained). AJC 2018-03.

SB1292: EORP; cost-of-living adjustment

MOTION: To support SB1292: EORP; cost-of-living adjustment, as presented. The motion was seconded and passed. AJC 2018-04.

HB2564: court fees; EORP; state contribution

Discussion: Mr. Michael Jeanes, representing the Superior Court Clerk's Association, noted that an effective date at the beginning of month or week would be preferable from an implementation standpoint.

MOTION: To support HB2564: court fees; EORP; state contribution, as presented. The motion was seconded and passed. AJC 2018-05.

Caseload Trends and Court Consolidation Implications

Mr. Humberto "Bert" Cisneros, Senior Statistical Analyst for the Caseflow Management Unit, Court Services Division of the AOC presented information on statewide filing trends for FY 2008-2017 in the Superior Court and Justice and Municipal Courts.

Pima County Consolidation

Judge Kyle Bryson spoke on the co-location taking place in Pima County with the Tucson City Court moving into the Pima County Consolidated Justice Court location. Judge Riojas spoke on the issue of what to do with the specialty courts in Pima County and what happens to prosecutors and public defenders who work there.

Pinal and Santa Cruz County Consolidations

Mr. Marcus Reinkensmeyer briefed the Council on consolidation efforts taking place statewide. He noted that resources are available to courts considering consolidating.

Harassment Policies Update

Chief Justice Bales reported that the 1992 harassment policy issued by then Chief Justice Stanley Feldman is being assessed and updated to reflect changes in the law, etc. He noted that a training program is also being developed. The Chair stated that he is contemplating a timetable to come back to the Council in June for approval and an announcement made at the annual Judicial Conference.

Arizona Code of Judicial Administration (ACJA)

ACJA § 5-205: Collections

Mr. Marcus Reinkensmeyer, Director of the Court Services Division for the AOC presented the proposed Fines, Fees, and Restitution Enforcement Program (FARE) enhancements and asked for the Council's support for the proposed code changes. Mr. Reinkensmeyer noted that staff will monitor and report back following implementation.

MOTION: To approve the proposed amendments to ACJA § 5-205: Collections, as presented. The motion was seconded and passed. AJC 2018-06.

ACJA § 7-205: Defensive Driving

Mr. Mark Wilson, Director of the Certification and Licensing Division for the AOC presented proposed changes to refine the concept of "substantially different" online curricula.

Public Comment:

Mr. Hugh Jones, Right Turn Traffic School noted that schools will need to know if their curriculum is substantially different as soon as possible. He also asked how a school owner would know if his curriculum is different than other schools, as they don't know what the other curriculum is.

Mr. Paul Hallums, EZ AZ Traffic School expressed concern with the subjectivity involved, i.e., writing styles, as well as the time needed to manage this on both sides.

Mr. Claude Ah Sing, Traffic School Management Services noted that the cost for multiple schools in video format is expensive. He stated the need to understand what substantially different means and asked that the same rules and processes apply across the industry. Mr. Ah Sing expressed concern with the challenges these changes will present to school owners.

MOTION: To approve ACJA § 7-205: Defensive Driving, as presented.

The motion was seconded and passed. AJC 2018-07.

Call to the Public/Adjourn

Mr. Martin Lynch provided public comment.

The meeting adjourned at 2:12 p.m.