

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
)  
AUTHORIZING A DUI CASE ) Administrative Order  
PROCESSING PROGRAM IN COCHISE, ) No. 2007 - 94  
COCONINO, GILA, GRAHAM, )  
GREENLEE, LA PAZ, MARICOPA, )  
MOHAVE, NAVAJO, PIMA, PINAL, )  
YAVAPAI, AND YUMA COUNTIES )  
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The continued examination of innovative ways to resolve Driving under the Influence (DUI) cases in a fair, timely, and cost-effective manner is important to the administration of courts of this state and the citizens that are served. In June 2007, a DUI Case Processing Pilot Program concluded with amazing results.

Due to the pilot program success, the project is being broadened. A number of counties will involve the entire body of limited jurisdiction courts, thereby enabling a more global approach to improving case processing across the entire criminal justice system.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the second phase of the DUI case processing program is established effective as of the date of this Order through June 30, 2008 (the project term) in the following limited jurisdiction courts:

**COCHISE COUNTY**

Bisbee Justice Court  
Benson Justice Court  
Bowie Justice Court

**COCONINO COUNTY**

Flagstaff Justice Court  
Williams Justice Court  
Fredonia Justice Court  
Page Justice Court  
Flagstaff Municipal Court  
Williams Municipal Court  
Page Municipal Court

**GILA COUNTY**

Globe Regional JP Court  
Gila Northern Regional JP  
Gila Southern Regional JP  
Hayden Municipal Court  
Globe Municipal Court  
Payson Municipal Court  
Winkelman Municipal  
Star Valley Municipal

**GRAHAM COUNTY**

Safford Justice Court  
Pima Justice Court  
Safford Municipal Court  
Thatcher Municipal Court

**GRAHAM (CON'T)**

Pima Municipal Court

**GREENLEE COUNTY**

Clifton Justice Court  
Duncan Justice Court  
Clifton Municipal Court

**MARICOPA COUNTY**

Hassayampa Justice Court  
San Marcos Justice Court  
Phoenix Municipal Court  
Mesa Municipal Court

**MOHAVE COUNTY**  
Kingman/Cerbat JP Court  
Lake Havasu JP Court  
Lake Havasu MN Court

**NAVAJO COUNTY**  
Holbrook Justice Court  
Winslow Justice Court  
Snowflake Justice Court  
Pinetop/Lakeside JP Court  
Kayenta Justice Court

**PIMA COUNTY**  
Marana Municipal Court

**PINAL COUNTY**  
Casa Grande Justice Court  
Eloy Justice Court  
Oracle Justice Court  
Superior Justice Court  
Apache Junction Justice  
Casa Grande Municipal

**YAVAPAI COUNTY**  
Mayer Justice Court  
Verde Valley Justice Court  
Prescott Justice Court  
Seligman Justice Court  
Yarnell/Bagdad Justice  
Prescott Municipal Court

**YAVAPAI (CON'T)**  
Jerome Municipal Court  
Chino Valley Municipal  
Camp Verde Municipal  
Dewey-Humboldt Muni

**YUMA COUNTY**  
Yuma Justice Court  
Somerton Justice Court  
Wellton Justice Court  
Yuma Municipal Court  
Somerton Municipal Court  
Wellton Municipal Court  
San Luis Municipal Court

IT IS FURTHER ORDERED that the following program requirements and procedures are adopted to implement the DUI case processing program in these courts:

**1. CASE MANAGEMENT PLANS**

- a. The presiding judge in each participating court shall develop a case management plan for processing its DUI cases in order to meet established performance standards.
  - 1) The plans shall be submitted to the presiding judge of the county and filed with the Administrative Office of the Courts (AOC) no later than January 31, 2008.
  - 2) The AOC will review each plan to ensure conformance with the requirements of this order and the goals of the project. The AOC will consult with courts as needed prior to the approval of the plan.
  - 3) Whenever possible, plans should be coordinated with all limited jurisdiction courts within a county.
- b. At a minimum, the DUI case management plan should contain:
  - 1) Baseline information from each court regarding the current age of the active and inactive pending caseload as well as the time to disposition of DUI cases disposed during the current fiscal year;
  - 2) The goal of resolving 85 percent of DUI cases within 120 days from the date of filing to disposition, and 93 percent of the cases within 180 days (*this is a performance measure that in no way impacts the rights of the defendant laid out in Rule 8, ARCrP*);

- 3) The court's policy on attendance addressing issues such as:
  - (a) Whether appearance by the State and Defense (including the defendant) will be mandatory; or
  - (b) Whether the court will allow the defendant to waive his appearance only if extraordinary circumstances exist (the plan must define extraordinary circumstances);
- 4) A description of how the court plans to manage its calendar to avoid scheduling conflicts;
- 5) The court's policy on continuances addressing common scheduling issues such as:
  - (a) Unknown schedules of all parties related to the case which may prevent scheduling firm dates;
  - (b) Attorneys scheduling multiple hearings on the same day in multiple locations; and
  - (c) The court automatically granting motions to continue;
- 6) In addition to the requirements of Rule 8.1, ARCrP, beginning with the first pre-trial conference and all subsequent proceedings, both the state and the defense (including *pro per* defendants) shall have their schedules available for the purposes of scheduling firm court dates and be prepared to inform the court of future available dates in accordance with local case management policy.
- 7) The steps necessary to accomplish the case processing time goal; and
- 8) The time needed for the court to meet this goal.

## 2. MONTHLY REPORTING REQUIREMENTS

- a. By January 1, 2008, the presiding judge of each participating court shall review the status of each active and inactive pending DUI case and ensure the existing data is accurate and complete.
- b. By January 1, 2008 each participating court shall report the number of active pending DUI cases and the age of pending caseload to the AOC.
- c. Beginning January 1, 2008 and continuing until the end of the project term, each pilot court shall uniformly count by defendant, track, and report DUI cases to the AOC on a monthly basis. At a minimum, each pilot court shall report the following statistics as defined in the National Center for State Courts CourtTools:
  - 1) Measure 2 – *Clearance Rate*: The number of outgoing cases as a percentage of the number of incoming cases.

- 2) Measure 3 – *Time to Disposition*: The percentage of cases disposed or otherwise resolved within established time frames: 1-30 days, 31-60 days, 61-90 days, 91-120 days, 121-150 days, 151-180 days, 181-210 days, 211-270 days, and 271 + days. Disposition times are to be measured beginning with filing date.
- 3) Measure 4 – *Age of Active Pending Caseload*: The age of the active cases pending before the court, measured as the number of days from filing until the time of measurement.

*Age of Inactive Pending Caseload*: The age of the inactive cases pending before the court, measured as the number of days from the filing until the time of measurement.

- 4) Measure 5 – *Trial Date Certainty*: The number of times cases disposed are scheduled for trial.
- d. The AOC shall compile the information submitted and create a monthly report to evaluate the progress of each pilot court and the program as a whole.

### 3. LOCAL CRIMINAL JUSTICE COMMITTEES

- a. Prior to implementation of the program, the presiding superior court judge and presiding justice of the peace shall establish a county-wide criminal justice committee to assist the court in implementing its DUI case management plan and resolve DUI processing issues that occur prior to filing through disposition of a case. The presiding judge of each participating municipal court may establish a local criminal justice committee or join the county-wide committee.
- b. Each local criminal justice committee shall include representatives of the judiciary, court administrators and court clerks, law enforcement agencies that cite into the court, prosecutors, public and private defense attorneys and probation officers and may include other members at the discretion of the appointing judicial officer.
- c. Local criminal justice committees shall meet on a regular basis to update, as needed, the DUI case management plan and identify and implement procedures that:
  - 1) Accelerate the completion of pre-filing documentation; and
  - 2) Ensure that fingerprints are taken at the time of the offense or establish a time and place that fingerprints can be taken; and
  - 3) Address complaints that are rejected by the court as untimely filed.
- d. Local criminal justice committees shall review the ATTC and consider the potential benefit of adding discovery information to the form.

#### 4. FINAL REPORT

- a. The presiding judge in each participating court, or the presiding justice of the peace if the county is participating as a whole, shall submit a final report no later than February 15, 2009 to the AOC. The report shall contain:
  - 1) A summary of case processing and data collection changes made by the court prior to the implementation of this program; and
  - 2) A description of the court's accomplishments during the pilot project; and
  - 3) A description of policies and procedures that worked and did not work; and
  - 4) A description of obstacles encountered by the court and what steps were taken to resolve them; and
- b. A description of how the court will continue to meet DUI case processing goals beyond the program term.
- c. Those courts that volunteered for this second phase of the DUI program are to be exempt from having to file a final report once this project is implemented state-wide.

Dated this 13th day of December, 2007.

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RUTH V. MCGREGOR  
Chief Justice