

The Arizona Superior Court in Pima County

Annual Report
Fiscal Year 2003





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Pima County
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Hon. John S. Leonardo
Presiding Judge
Superior Court in Pima County
110 West Congress
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Dear Judge Leonardo:

It is with pleasure that I transmit officially to you this report of the court's work during fiscal year 2002-2003. While no summary report such as this could capture all of the fine work done by the judges and employees of the Superior Court, this compilation provides an excellent overview of the court's achievements in that year.

As you well know, July 1, 2002 through June 30, 2003, was a year of financial hardship for the court, with the state budget cuts dominating our administrative focus. However, as this report demonstrates, the court was still able to accomplish much. The accomplishments are those of a great group of people, from judges down through entry-level employees. It is the hard work of all those individuals in very stressful times that has assured the success of this court in serving the public, the community and the state judiciary.

Sincerely yours,

K. Kent Batty

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Mission Statement

It is our purpose to provide the timely, fair and efficient administration of justice under law, in a manner that instills and sustains the public's confidence in the judicial system.

In 2001, the court's leaders committed to a planning process aimed at identifying the key areas where the court needed to improve and the goals necessary to motivate such improvement. The process produced the above mission/purpose statement, which included those core values that form the essence of what this court stands for:

- ▶ Integrity
- ▶ Fundamental fairness in all that we do
- ▶ Independent, principled decision-making by the judiciary
- ▶ Professionalism and respect, courtesy and compassion toward the public and toward each member of the court organization
- ▶ Responsiveness to the needs of the public including making the court's processes and facilities accessible to all residents of Pima County
- ▶ Commitment to improvement; openness to change; flexibility
- ▶ Hard work in a cooperative and rewarding environment.

These values and the mission statement established a foundation for court leadership's thinking about the court's most critical functions: fair and timely disposition of cases; case management; records management; jury management; public education and information; pre- and post-trial supervision of defendants; and court and staff administration. The process culminated in the development of four goals that clearly identified a better future for the court as well as maximizing service to the residents of Pima County:

- ▶ Renewing the commitment to the criminal case processing system.
- ▶ Developing policies and procedures to make better use of jurors' time.
- ▶ Clarifying the roles and responsibilities of bench presiding judges and presiding commissioner.
- ▶ Enhancing the working relationship with the Office of the Clerk of the Superior Court.

A committee of judges and administrators developed action items in order to achieve these goals. During FY 2003, implementation teams continued their work to bring these goals to fruition. The court's leadership recognizes that strategic planning must be a continual process, rather than just a one-time effort. Consequently, that process will be reinvigorated for FY 2004.

The Bench

The Arizona Superior Court in Pima County is the second largest superior court in the state. The bench comprises 28 full-time judges who are nominated for office by the Pima County Commission on Trial Court Appointments and appointed by the governor. Each judge stands for retention in office during a general election and serves a four-year term if retained. The court also has three full-time judges pro tempore, 16 full-time commissioners and one part-time commissioner who are appointed by the presiding judge of the court through a local merit selection process.



*Hon. John Leonardo
Presiding Judge*



Judges Cruikshank and Sabalos

Judges are assigned on a rotating basis to one of five benches or departments: criminal, civil, probate, family law and juvenile. A presiding judge leads each bench. Generally, judges maintain their bench assignments for two to five years. In FY 2003, Hon. Michael Cruikshank was appointed presiding judge for the criminal bench and Hon. Charles Sabalos assumed the responsibility of civil bench presiding judge. They joined Hon. Nanette Warner, family law bench presiding judge; Hon. Clark Munger, probate bench presiding judge and Hon. Hector Campoy, juvenile bench presiding judge.

Hon. Barbara Sattler was appointed as a judge pro-tempore in September 2002 and assigned to the juvenile court bench. Prior to her appointment, Judge Sattler was a magistrate for five years at Tucson City Court.

Court Jurisdiction

The court's jurisdiction extends to almost any type of case, except small claims, minor offenses and violations of city codes and ordinances. The superior court has jurisdiction over:

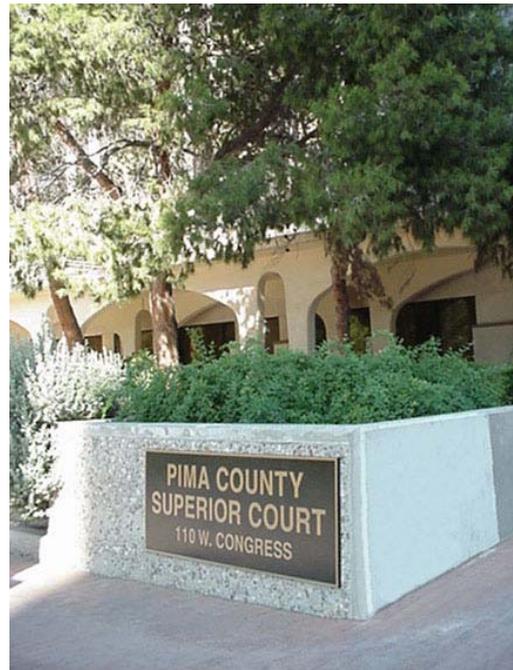
- ▶ Criminal felony and some misdemeanor cases;
- ▶ Civil cases involving sums of money in excess of \$10,000;
- ▶ Forcible entry and detainer cases;
- ▶ Dissolutions of marriage, adoptions and other family-related matters;
- ▶ Probate matters; and
- ▶ Appeals from limited jurisdiction courts throughout Pima County.

The juvenile court, as established under state law, is separately administrated by its presiding judge. The presiding judge of superior court designates the presiding judge of juvenile court, and assigns its judges and commissioners. It has jurisdiction over delinquent and incorrigible youth in Pima County, as well as matters involving dependent children who are the victims of abuse, neglect or abandonment. The juvenile court is located at 2225 East Ajo Way and is staffed by over 500 em-

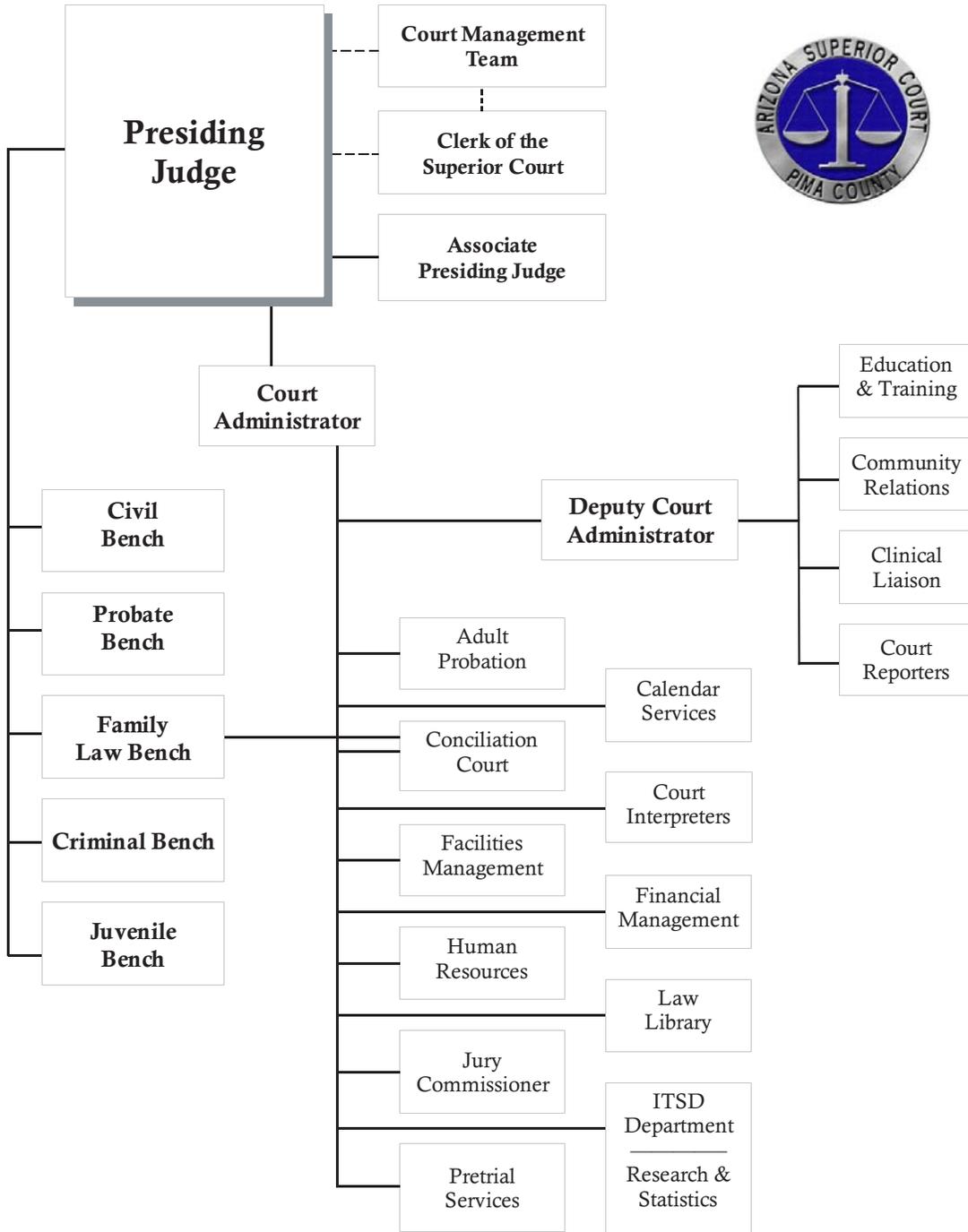
ployees. Rik Schmidt was appointed Director of Juvenile Court Services in January 2003, succeeding interim director Richard Wood.

Court Administration

Under the direction of the presiding judge, the court administrator is responsible for the non-judicial operations of the court. To that end, court administration's departments include: financial services, human resources, training and education, facilities management and information and technology services. Also reporting to the court administrator are adult probation, calendar services, court interpreters, the court reporters' pool, jury services, the county law library and pretrial services.



Organizational Chart ~ Administration



Financial Overview

Appropriations

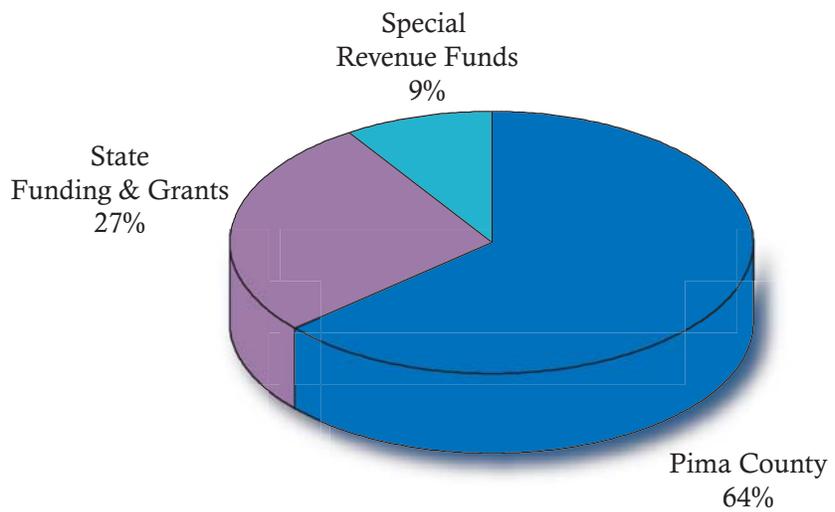
The court's budget for FY 2003 totaled nearly \$35.3 million, supported with funds received from Pima County, the state of Arizona, and special revenue funds. The special revenue funds included fees for probation, conciliation court, law library, and drug court. The court also benefits from grants, which in FY 2003 amounted to less than 1 percent of total funding. The charts to the right illustrate the level of funding received from each of these primary funding sources in FY 2002 and FY 2003.

As can be seen, the state's share of the court's overall funding declined by 3 percent between FY 2002 and FY 2003. This reflects the continuation of a trend that began during FY 2001. In fact, the state's share of overall court funding has declined by over 6 percent since FY 2000. In FY 2003, the primary recipient of these cuts was the court's adult probation department with cuts in state funding totaling \$1,029,891 or 6.8 percent of their aggregate funding during this period. Managing the impact of this funding reduction required the court to take dramatic steps in order to maintain the minimal level of probation services mandated by statute. These steps included the implementation of a hiring freeze, not only in the adult probation department but

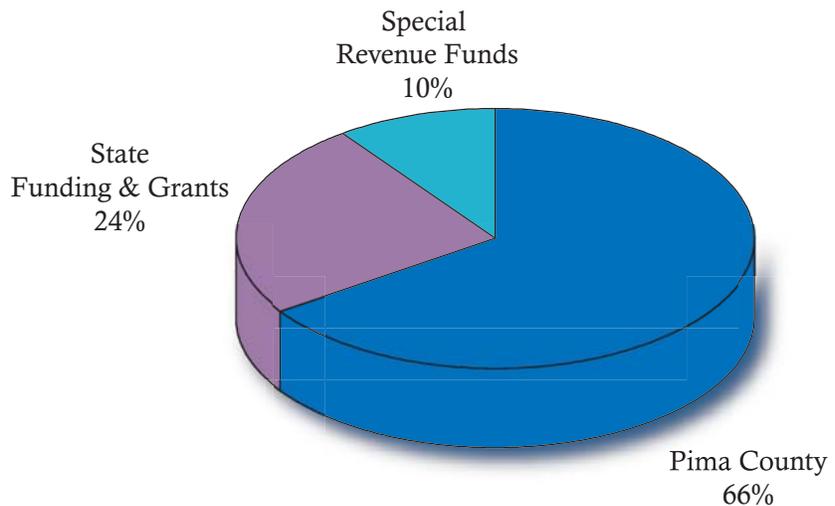
throughout the superior court. By the end of FY 2003, the court had approximately 50 vacant positions. In addition, the court initiated measures that called for severe restrictions on capital purchases, travel, training, and

other expenditures. Adult probation activities, such as dispatch, electronic monitoring, and satellite office security were curtailed or entirely eliminated. The court also discontinued probation services it had

Sources of Funding ~ FY 2002



Sources of Funding ~ FY 2003



provided for many years to the justice and juvenile courts. In addition, one-time cost saving measures initiated in other departments of the superior court provided approximately \$400,000 that was made available to support adult probation activities.

Despite austerity measures, in order to meet minimum mandated probation service levels, the court was compelled to expend contingency funds within its probation fee fund that had been built up over a period of seven years. Consequently, meeting these service levels in the future will continue to require a higher level of expenditure than can be sustained by current and projected probation fee revenues. To put this into perspective, expenditures in this fund have

increased 9.1 percent since FY 2002 and 61.9 percent since FY 2001. It is anticipated that this contingency fund balance will be entirely depleted by early FY 2005, unless prior levels of state funding are restored.

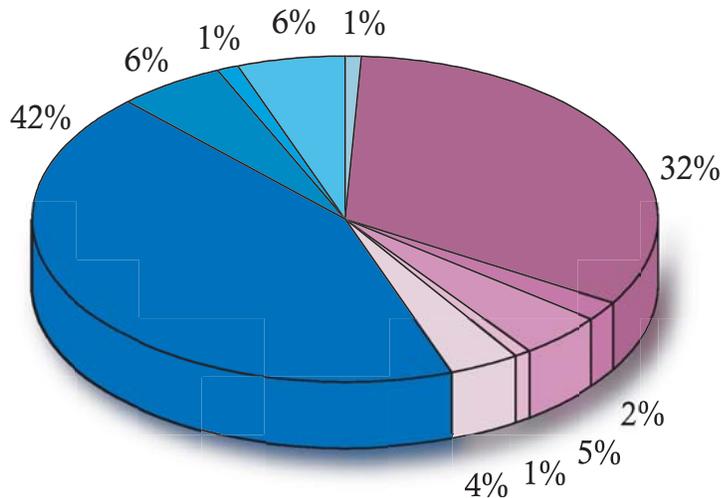
The table below illustrates changes that occurred in each primary funding source during FY 2003 as compared to FY 2002. In the case of county, state, and grant funding, the amounts are actual appropriations received from each source. In the case of special revenue funds, the amounts reflect actual expenditures rather than an appropriation as these funds are managed in an enterprise fashion. In other words, expenditure levels in special revenue funds are limited to total revenues that are collected for these purposes.

In FY 2003, appropriations from Pima County increased by \$684,385, amounting to a 3 percent increase over FY 2002. This increase comprised primarily funds for the annualization of salary increases approved during FY 2002 and for offsetting significant increases in employee benefit costs. In FY 2003, court-wide state funding declined by \$1,014,938 or 10.6 percent. This loss was offset by the previously discussed austerity measures combined with an increase in fee expenditures totaling \$292,229, which amounted to an increase of 9.1 percent. Grants received by the court declined by \$29,930 or 24.26 percent. This reduction is attributed to the unavailability of funding at the state and federal level.

Changes in Funding, by Source

Funding Source	FY 2002	FY 2003	Change
Pima County	22,484,293	23,168,678	+3.0
State Funding	9,537,943	8,523,005	-10.6
Special Revenue Funds	3,217,630	3,509,859	+9.1
Grants	123,366	93,436	-24.26
Total	\$35,363,232	\$35,294,978	-0.02

Program Expenditures ~ FY 2003



Function	Expenditure	Percent
Adult Probation	\$15,233,210	42
Judicial Services	11,605,620	32
Pretrial Services	1,974,260	6
Information Technology Services	1,964,079	6
Administrative Services	1,596,461	5
Conciliation Court	1,341,892	4
Calendar Services	631,453	2
Law Library	392,797	1
Jury Commissioner	284,294	1
Interpreter Services	271,011	1

Expenditure Areas

In FY 2003, superior court expenditures totaled nearly \$35.3 million. Functionally, these expenditures can be broken out as seen above.

these monies. Of particular interest during FY 2003, was the institution of the court automation and technology fee fund. It is envisioned that this

fund will provide necessary funding that will allow the court to provide for future technological improvements.

Revenues

Other than intergovernmental cost recovery activities, all court revenues are collected on behalf of the court by the Clerk of the Court. These revenues consist primarily of filing fees, fees for services, fines, penalties, surcharges, sanctions and forfeitures. The table to the right illustrates the primary revenues collected on behalf of the Superior Court during FY 2003.

It should be noted that, with the exception of special revenue funds such as the law library, conciliation court, adult probation, and drug court fee funds, the court does not retain

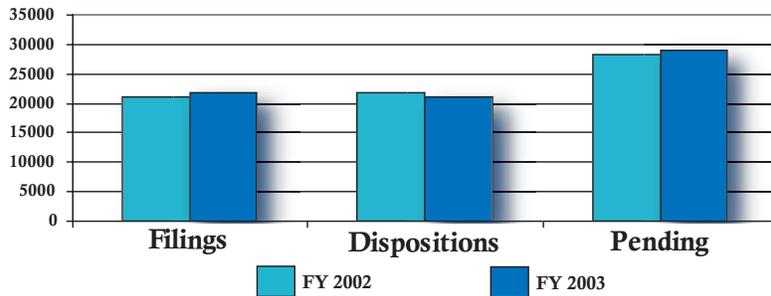
Primary Revenues ~ FY 2003	
Restitution	\$1,410,952
Civil Filing Fees	\$821,333
Law Library Fund	\$199,229
Domestic Relations Fund	\$724,482
Probation Fees	\$1,287,793
Criminal Fines	\$456,409
Drug Court	\$102,467
Judicial Collection Enhancement Fund	\$642,659
Superior Court Automation Fund	\$127,185

Statistical Overview

In FY 2003, 21,694 new cases were filed in the court, compared to 20,993 in FY 2002. This represents an increase of 3.4 percent over the preceding year. Case dispositions declined .16 percent from 21,093 to 21,059 and pending cases rose by 2.4 percent, from 28,284 to 28,953.

Family law cases made up 35 percent of the filings, 33 percent of the dispositions and 15 percent of the pending cases. Civil cases accounted for 32 percent of the filings, 33 percent of the dispositions and 15 percent of the pending cases. Criminal cases made up 23 percent of the filings, 25 percent of the dispositions and 11 percent of the pending cases. Probate cases made up 10 percent of the filings, 9 percent

Comparison of Court Filings, Dispositions and Pending Cases FY 2002 & 2003



of the dispositions and 59 percent of the pending cases, due to their natures.

Criminal Caseload

As depicted in the table below, there were 4,208 felony filings in FY 2003, an increase of 3.5 percent over FY 2002. Theft, burglary, robbery and drug filings continued to outrank all other charges filed. Criminal case dispositions decreased 1

percent over FY 2002, while the number of pending criminal cases decreased 8 percent. Of those felony cases disposed, 75 percent were closed by plea, 9 percent were closed by trial and the remaining 16 percent were dismissed. There were 323 jury trials commenced in FY 2003 compared to 493 in FY 2002, representing a decrease of 34.5 percent.

Overview of FY 2003 Criminal Caseload

FY 2003	Felonies	Misdemeanors & Unclassified	Appeals JP/City	Total
Pending 7/1/02	3,605	37	80	3,722
New Cases Filed	4,208	484	294	4,986
Total Caseload	7,813	521	374	8,708
Dispositions:				
Jury Trials Commenced	323			323
Court Trials Commenced	92			92
Pleas of Guilty	3,416			3,416
Dismissals/Removed	698	439	50	1,187
Affirmed/Reversed			246	246
Total Dispositions	4,529	439	296	5,264
Pending 6/30/03	3,284	82	78	3,444

Civil Caseload

As shown in the table below, there were 6,934 new civil case filings in FY 2003. This represents an increase of 12 percent over FY 2002. Case

dispositions increased 11 percent and cases pending at end of year increased 1 percent. Case filings decreased in all categories with the exception of Tort-Motor Vehicle and Unclassified Civil,

which increased 4 percent and 66 percent respectively. Civil trials commenced in FY 2003 decreased 17 percent over FY 2002 bringing the trial rate in civil cases to 2.16 percent.

Overview of FY 2003 Civil Caseload

FY 2003	Tort-Motor Vehicle	Tort-Non-Motor Vehicle	Medical Malpractice	Contracts	Eminent Domain	Lower Court Appeals	Non-Classified	Totals
Pending 7/1/02	1,211	711	185	1,079	92	46	904	4,228
New Cases Filed	1,616	523	93	1,517	135	58	2,992	6,934
Total Caseload	2,837	1,234	278	2,596	227	104	3,896	11,162
Dispositions:								
Transferred Out	22	66	3	41	0	25	82	239
Judgment Entered	1,147	516	92	978	177	40	1,788	4,738
Other Dispositions	495	155	55	651	19	13	537	1,931
Total Number of Dispositions	1,664	737	150	1,670	196	78	2,407	6,902
Pending 6/30/03	1,163	497	128	926	31	26	1,489	4,260

Family Law Caseload

The table below is an overview of the family law caseload. There were 7,537 family law case filings in FY

2003, a decrease of 2 percent over FY 2002. Case dispositions decreased 9 percent while pending cases increased 13 percent. Family law trials

commenced in FY 2003 increased 2 percent over FY 2002. Approximately 4.4 percent of the cases went to trial.

Overview of FY 2003 Family Law Caseload

FY 2003	Dissolution	Separation	Annulment	Paternity	Other Domestic	Total
Pending 7/1/02	2,131	33	21	843	736	3,764
New Cases Filed	4,637	83	65	1,082	1,670	7,537
Total Caseload	6,768	116	86	1,925	2,406	11,301
Dispositions:						
Transferred Out	10	0	0	2	15	27
Decrees Granted	3,042	48	25			3,115
Other Dispositions	1,376	25	37	1,390	1,082	3,910
Total Number of Dispositions	4,428	73	62	1,392	1,097	7,052
Pending 6/30/03	2,340	43	24	533	1,309	4,249

Probate Caseload

As depicted in the table below, 2,237 probate cases were

filed in the court in FY 2003, a decrease of 4 percent over last fiscal year. Dispositions of

probate cases have increased by 2 percent and pending cases have increased 2 percent.

Overview of FY 2003 Probate Caseload

FY 2003	Estate & Trust Administration	Guardianships & Conservatorships	Adult Adoptions	Total
Pending 7/1/02	6,289	10,225	90	16,604
Initial Petitions Filed	1,138	1,089	10	2,237
Total Caseload	7,427	11,314	100	18,841
Dispositions:				
Total Dispositions	928	913	0	1,841
Pending 6/30/03	6,499	10,401	100	17,000

Chief Probation Officer

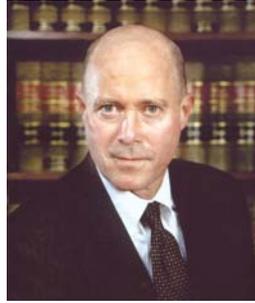
David F. Sanders was appointed as chief probation officer and began his employment with the court's adult probation department in January 2003. Mr. Sanders began his career as a probation officer at the municipal court in Kansas City, Missouri, in 1971. He served in the federal probation service from 1976 until his appointment here. Assignments were in the U.S. District Court, Western District of Missouri as a probation officer, senior officer and supervisor. He came to his new post at the court from the U.S. District Court, District of Nevada in Las Vegas, where he was chief probation officer since July 1992.

Mr. Sanders' predecessor, Don Stiles, retired as chief probation officer at the end of July 2002. Also leaving adult probation was executive director Diane McGinnis, who accepted the position of director of juvenile court services in Pinal County.

FY 2003 Challenges

The department receives a significant share of its funding from the state. Consequently the loss of state funds presented significant challenges. At fiscal year end the department had 48 vacancies and, through reorganization, the management structure

had been trimmed by approximately 43 percent.



Chief Sanders

As a result of budget cuts and personnel vacancies, the department disbanded its home confinement/electronic monitoring program in May 2003. This was an important program, used primarily as an intermediate sanction in response to noncompliant conduct by probationers.

Funding constraints also caused the downsizing of the department's communications center and a changeover to Nextel phone/radios rather than traditional radios, which were scheduled for upgrading.

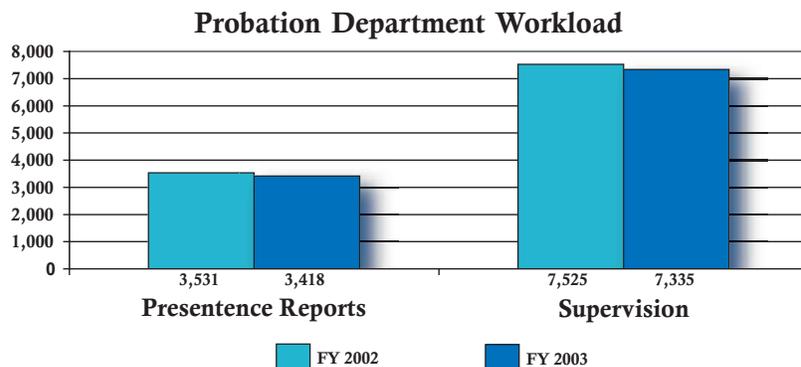
Services

One of the primary responsibilities of the probation department is supervision of defendants sentenced to probation. As shown in the chart below, the department provided services to 7,335 probationers in FY 2003, a decrease of 2.5 percent over FY 2002. This decrease is consistent

with local and national trends depicting a slight reduction in crime. Of those defendants placed on probation, approximately 70 percent were placed on "standard" probation while 30 percent were assigned to specialized caseloads.

Consistent with the decrease in probationers, there was also a 3 percent decrease in pre-sentence reports prepared for the court. Assessment center staff continued to produce such reports on incarcerated defendants on an accelerated timeline, with an average preparation time of 24 days. This resulted in a savings to taxpayers of over \$234,800 in daily costs for beds in the jail.

As a condition of probation, the majority of probationers performed supervised community service as a form of restitution and a part of their rehabilitation. The department referred probationers to over 150 pre-approved work sites, including non-profit agencies, the government, and community based organizations. This year, 223,649 hours were completed, which gave back to



the community \$1,151,792 in free labor (calculated using minimum wage).

As depicted in the table to the right, 29 percent of the defendants sentenced to probation this year were convicted of crimes involving illegal goods or drugs.

Under the direction of the Hon. Patricia Escher, the Substance Abuse Intervention Program was established in FY 2003. The program encompassed all of the defendants sentenced to drug court, as well as Propositions 200/302 defendants sentenced to standard probation. The goal of probation officers who supervised this population is to help them develop a drug-free, law-abiding, productive life by connecting them with appropriate substance abuse treatment and other counseling, and referring them to community, educational and vocational services.

The department recognized

Persons on Probation By Type of Crime

Crime Type	Number on Probation	Percent
Illegal Goods/Drugs	941	29
Person (assault, robbery, etc.)	857	28
Property Crime	798	26
Public Peace & Traffic	514	17

the key role education plays in the recidivism rate of adult offenders and provided a broad spectrum of in-house education programming for probationers, juveniles adjudicated to Adult Probation, defendants' families, and other adult at-risk members of the community. The LEARN (Literacy, Education and Resource Network) program provided instruction in literacy, GED (General Education Diploma), improved English proficiency and enhanced knowledge in parenting, cognitive and other life skills areas. The department provided education services to

884 adults and juveniles this year. A total of 94 adults passed their GED examinations, 12 were inducted into the National Adult Education Honor Society, 22 graduates were awarded Pima Community College scholarships, and 84 graduated from the cognitive skills program.

The department continues to provide specialized services to target specific probationer populations, such as those who drive under the influence of alcohol, have engaged in domestic violence, have special learning needs, and/or who suffer from mental illness.

Risk management and public safety are high priorities for the department. Operation Spotlight is a neighborhood safety/gun reduction initiative; the Absconder Team brings fugitives to justice; the Sex Offender Supervision Program uses surveillance and treatment to guard against recidivism. The DNA collection project resulted in the collection and storage of samples from thousands of probationers, as required by law for investigatory purposes.



The Drug Court Team administers the Substance Abuse Intervention Program

Statewide Committees

Members of the court's bench and staff are very active statewide on a variety of committees. During FY 2003, 43 judges and members of the court staff served on 58 committees across the state of Arizona. Those committees dealt with all aspects of the court system including administration, training, criminal law, family law and juvenile legal issues.

Among the members of the bench serving on statewide committees were: Judges Edgar Acuña, Deborah Bernini, Ted Borek, Christopher Browning, Hector Campoy, Patricia Escher, Charles Harrington, Jan Kearney, Virginia Kelly, Kenneth Lee, John Leonardo, Leslie Miller, Michael Miller, Clark Munger, Charles Sabalos, Stephen Villarreal, and Nanette Warner; and Commissioners Karen Adam, Suzanna Cuneo, Sharon Douglas, Margaret Maxwell, Karen Nygaard, and Stephen Rubin.

ABC News Program *State v*

ABC News all but completed the filming of two trials at the court as a part of its *State v.* series. The show's producers approached the court in the fall of 2002 about the filming and eventual broadcasting of several criminal trials held in Tucson.

ABC's goal in producing the program is to give the public a balanced and complete view of the trial process. The program is to serve as an educational tool for the viewer, allowing them to observe all aspects of the case including lawyer-client meetings, attorney preparation and the complete trial from opening statements through jury deliberations.

The program's producers looked for cases that were not necessarily high profile or easy for a jury to deliberate, but those that the viewers could relate to. Once a case was identified, the producers had to obtain permission from everyone involved, including the defendant, counsel,



A remote control camera is set up

jurors and the judge. ABC would have been required to abandon the project if at any point in the process, any party decided to opt out of the agreement.

Preparing the courtroom for filming was an arduous task. It took producers more than two days to setup cameras and microphones in the courtroom and jury deliberation room in a manner that was unobtrusive.

Filming initially started with the jury selection in *State v. Wendy Sue Anderson*, assigned to Judge Kenneth Lee. That trial ended abruptly in a mistrial during opening statements. In spite of the time devoted to setup and ABC having a full filming crew onsite, they recognized that mistrials are part of the process and returned when the trial was rescheduled a few months later. Anderson, charged with manslaughter, aggravated assault and criminal damage, was found guilty after seven days of testimony and deliberations.

ABC also filmed *State v. Joshua Sanora*, assigned to Judge Michael Alfred. Sanora was charged with attempted first-degree murder and aggravated as-

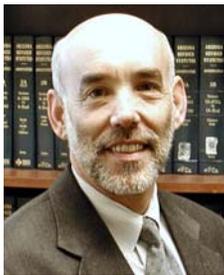


A look inside ABC's temporary control room

sault. The trial resulted in guilty verdicts after four days of testimony and deliberations. Both cases were scheduled for sentencing in November of 2003 and will be broadcast in the summer of 2004.

Judicial Honors

Pima County Juvenile Court Commissioner Stephen M. Rubin was elected to the position of secretary of the National Council of Juvenile and Family Court Judges—the first Arizona judge to serve as an officer of this national organization. Founded in 1937 by a group of judges, the NCJFCJ exists to bring awareness and sensitivity to children’s issues. It provides training and technical assistance to judges, court administrators and related professionals who work for the care of children and families. The election was held in July 2002 at the council’s conference in Boston, Mass. “I am honored and humbled,” he said. “I have enjoyed my work with the council and look forward to continued work toward improving the child welfare system in Arizona and throughout the country.”



Commissioner Rubin

The Arizona Family Support Council presented its “Judicial Officer of the Year” award to Commissioner Karen Adam. The Council is an independent organization of child support professionals dedicated to providing educational training to other child support professionals statewide. The council cited Commissioner Adam’s relentless dedication to understanding Arizona’s child support laws in an effort to provide fair and consistent rulings. Further, she was



Commissioner Adam

acknowledged for striving to keep the best interests of the children at the forefront of her rulings and her ability to work in a collaborative manner with attorneys, litigants and the Office of the Attorney General - Child Support Division.

The Arizona Bar Association honored Hon. Michael Miller, Div. 25, with its Member of the Year award in June 2003. This award is given to an attorney who has made extraordinary contributions to the programs and activities of the state bar in the prior year. Judge Miller received the award for his service



Judge Miller

as chair of the Ethical Rules Review Group. Through the efforts of this group, which included hundreds of hours of work over a two-year period, extensive changes were made to the code of professional conduct for lawyers in Arizona. Judge Miller has a Ph.D. in psychology and prior to his appointment to the bench spent 17 years in private practice, mainly in the areas of product liability, commercial and administrative health care law.

The Court was honored by the Volunteer Lawyers Program (VLP) as one of three recipients of the 2002 Streich Lang Award. Also receiving the 2002 Streich Lang Award were the Arizona Foundation for Legal Services and Education and the Pima County Bar Association. The Streich Lang Award was named for Quarles & Brady Streich Lang, in 1997, after the law firm donated funds to the VLP. Thereafter, the award has been given to a group or groups that have come together in order to provide financial support to the VLP.

Each of the three recipients of the 2002 Streich Lang Award provided financial support to the

VLP Advocates Project, which recruits and trains students from the James E. Rogers College of Law at the University of Arizona who, under the supervision of an attorney, review the pleadings of *pro per* (self-represented) litigants at family law default judgment hearings. The review by the students is designed to ensure that the *pro per* litigants have accurately calculated their child support prior to seeking the approval of a judicial officer.

Performance Appraisals Get a Face Lift

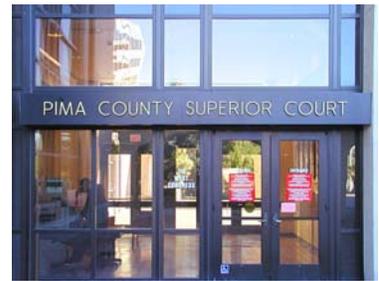
Employee performance appraisals were given considerable attention by court administration during FY 2003. The court contracted with human resources consultant Terry Curry, professor and director of the School of Labor and Industrial Relations at Michigan State University, in FY 2002 to provide performance management training to supervi-

sors and managers.

Committees were established to develop the appraisal form and formal training was conducted with all court employees prior to commencing the performance appraisal process.

Management has taken a significantly different approach in how performance appraisals are conducted in the court. Whereas supervisors used to meet with employees at the end of the year and discuss their performance, the new process is much more interactive. The employee and supervisor meet at the beginning of the rating period and work together to identify the employee's primary job responsibilities and goals for the year. Halfway through the rating period the employee and supervisor meet again to discuss the employee's progress and make any adjustments to goals and responsibilities as may be required.

The third and final meeting



New sign above the West entrance

is the formal appraisal that occurs at the end of the rating period. The supervisor assesses the employee's ability to perform his or her primary functions, working skills such as communication and decision-making, and whether the goals for the year were met. As a last step the supervisor and employee identify primary job responsibilities and goals for the next rating period. It is anticipated that by making this process more interactive, it will prove to be more valuable and meaningful for employees and managers within the organization.

Facilities Improvements

FY 2003 brought a continuation of long-awaited building improvements to the courthouse. Construction on the third floor to build three new courtrooms and judges' chambers began, as well as numerous offices and workspace for support staff.

The construction of a new hearing room in the county administration building for the board of supervisors made way for the construction of a new jury assembly room on the first



Mark Rosenbaum and Rafaela deLoera conduct performance appraisal training for superior court employees



Renovations to a sixth floor courtroom

floor. Finished in late August 2003, the assembly room, complete with televisions, computers, working tables, and a lounge, has been well received by jurors. Office space for the jury commissioner was created in the first floor space once occupied by the Clerk of the Court's legal records unit. Space for the legal records unit was created on the second floor for the purpose of storage of court files and trial evidence.

Construction of new hearing rooms for commissioners and secured hallways to their chambers and staff offices was also completed on the second floor of the court building.

When the courthouse was originally built in 1974 the most popular carpet and upholstery colors were a vibrant orange, yellow and avocado. Although unique, their appeal lost favor over the years and the furnishings themselves became quite worn. This led to a long awaited refurbishing project in the courtrooms on floors 4, 5 and 6 that neared completion at fiscal year end.

Legislation Impacts Death Penalty Cases

In June 2002 the United States Supreme Court ruled in Ring v. Arizona that sentencing a defendant to death would be a responsibility of the jury in Arizona. Until that ruling, a judge decided if evidence was sufficient to prove that an aggravating circumstance was significant enough to merit a death sentence.

Defendant Ring was convicted by a jury of felony murder occurring in the course of armed robbery. Under Arizona law, Ring could be sentenced to death by a judge following an aggravation/mitigation hearing. In that hearing, the judge determined the existence or nonexistence of "aggravating circumstances" and any "mitigating circumstances." At the sentencing hearing, the judge found two aggravating factors, as well as one mitigating factor and imposed the death penalty. On appeal, Ring argued that Arizona's capital sentencing scheme violated

the Sixth Amendment's jury trial guarantee by entrusting to a judge, rather than a jury, the finding of fact that could result in the imposition of the maximum penalty. The U.S. Supreme Court agreed.

In September 2002 then-Gov. Jane Dee Hull signed emergency legislation that gave Arizona juries full authority to sentence a murderer to death. If a jury decides against the death penalty, then a judge determines one of two life sentences to impose; natural life or life with the possibility of release in 25 to 35 years.

Ironically, Arizona instituted judge sentencing in death penalty cases to avoid problems with the U.S. Supreme Court. In 1972, the court struck down Arizona's death penalty statute on the ground that juries had "unfettered discretion" in choosing who would receive the death sentence. The practice, which Arizona had followed since territorial days, was to allow the jury that found a defendant guilty of



A third floor courtroom during the construction process



A Courts Are Us mock trial begins

a charge of first-degree murder to decide whether to impose life in prison or death. But the jury was given no guidance as to how to make that decision.

In response to the U.S. Supreme Court's 1972 decision, most states left death sentencing in the hands of juries, but enacted a list of aggravating and mitigating circumstances for them to consider when deciding the sentence. Arizona likewise enacted such a list, but to avoid even the hint of juror discretion, removed juries entirely from the sentencing phase. The Supreme Court approved the judge-sentencing system in a 1990 case called *Walton v. Arizona*.

But in 2000, the court decided *Apprendi v. New Jersey*. In a nutshell, Apprendi said that juries, not judges, must find any facts that increase a sentence beyond the statutory maximum. In Arizona, the statutory maximum sentence for first-degree murder was life—unless the judge found additional facts (aggravators) that made the offender eligible for the death penalty. Apprendi and Walton were in conflict, and,

in the Ring decision, the court sided with Apprendi. Jurors must now find aggravators and decide only the death sentence. The death sentence decision must be unanimous.

As a consequence of the Ring decision, the Arizona Supreme Court agreed to individually review the sentences of eight Pima County death row inmates to see whether juries should re-sentence them. In FY 2003, six of the inmates were returned to the court on remand. The inmates had appealed their death sentences, which had been imposed by judges before the Ring decision was announced.

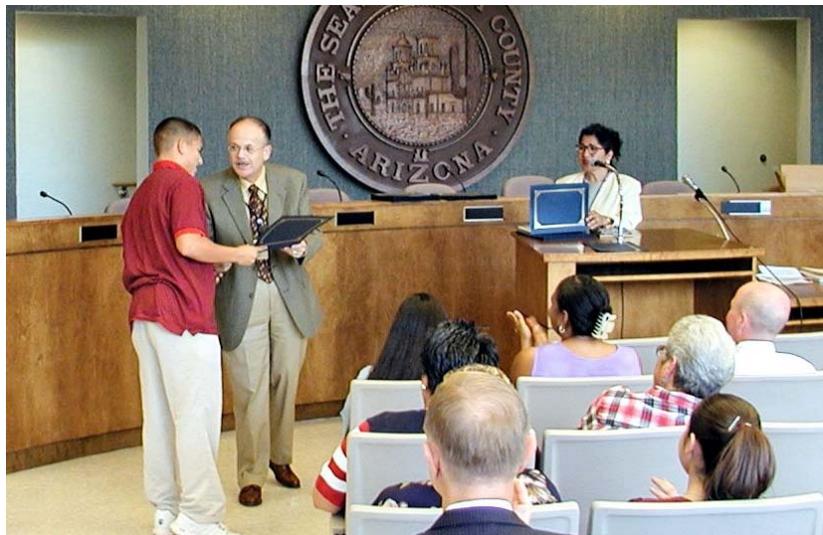
In a typical case, once a jury has rendered a guilty verdict, the same jury then will hear the aggravating and mitigating factors and decide on a life or death sentence. In the case of the re-sentencings it was not possible to

reconvene the jury that found the defendant guilty. Consequently, new jurors were empanelled for this process.

In non-Ring cases in early 2003, one jury sentenced a defendant to life, while a second jury re-sentenced the co-defendant to death. The death sentence, however, was vacated because of trial error.

Courts Are Us Program Marks 10th Year

For ten years the youth employment program known as Courts Are Us has marked the official start of the summer season for the court. The program was started in 1993 by retired Judge Norman Fenton in the wake of the Rodney King incident in Los Angeles. The resulting riots and the images of those events reported to the world by the media led Judge Fenton to



Courts Are Us participants are awarded certificates of completion by Judge Hector Campoy and Magistrate Margarita Bernal

conclude that it was imperative to educate young people in our community about the inner workings of the courts and the legal system.

Early on, a partnership was established with Tucson Youth Development to provide jobs for up to 30 teens. In addition to jobs at superior court, Courts Are Us participants have worked at the office of the Clerk of the Court, the Pima County Consolidated Justice Courts, Tucson City Court, the Pima County Attorney's Office and the Pima County Legal Defender's Office.

Funding for the program, which paid participating students \$5.15 per hour for 30 hours of work each week, was provided through grants and other funding sources obtained through Pima County government. During the summer of 2002, 29 students participated in the program. Each student was assigned

a supervisor who monitored their work, as well as provided training and instruction in the basic skills necessary for the students to perform the tasks to which they were assigned. The students were also paired with a lawyer in the community who served as a mentor and taught students about the inner-workings of the legal system.

In addition to on-the-job training, an educational component was added in FY 2003. Students were provided an overview of the court system and more specific information about the operations of the clerk's office, adult probation, court interpreters, court reporters, pretrial services operations, the role of the jury commissioner and how the court maintains its calendar of cases. The education program wrapped up with a mock trial, which afforded students the opportunity to play the roles of



Courts Are Us participants learn about court reporting

judge, bailiff, prosecutor, defense attorney, clerk, court reporter and juror in a simulated trial.

Speaker's Bureau

The judiciary plays an integral role in society. Therefore, the judges at superior court, as part of its effort to reach out to the community, developed a speaker's bureau in hopes of making the judicial system more understandable and accessible. Under the supervision of the court's Community Relations Committee, the speaker's bureau maintains a panel of judges available to speak on a wide variety of issues and topics to classes at local schools and before community organizations and groups in order to provide them with a better understanding of the judiciary. Members of the bench are prepared to address several topics including: judicial ethics, Arizona's court system, the juvenile justice system, Arizona jury reforms, career opportunities in the courts and new legislation regarding the death penalty.



Judge Frank Dawley explains the process to the Courts Are Us mock trial jury.

Court Calendars Go On-Line

During FY 2003, the court's information and technology services division (ITSD) developed several online daily court calendars as well as a variety of reports that serve the attorneys in the legal community. Electronic delivery provides criminal justice agencies with increased access to information. The searchable reports are available from any Internet-enabled computer. ITSD estimated that this project would save the printing of almost 2,000 pages a day, which equals 10,000 per week, or 500,000 pages (yes, a half million pages) per year! The annual savings in paper and supplies is estimated to exceed \$7,000.

Calendar Services

Planning continued during FY 2003 for implementation of a dual computer monitor system for calendar services. Development of the approach to limit the amount of paper flowing through calendar services began during FY 2002 with an experiment involving a pair of computer stations. The experiment demonstrated that the use of two monitors--one displaying imaged case file information and the other displaying calendar records available for updating new court dates--eliminated the need for printed case file information.

Installation of the dual monitors at each calendar services workstation was scheduled to begin in FY 2004.

Human Resources

The Human Resources (HR) Unit of the superior court handled day-to-day personnel matters, and inquiries from staff and the public regarding payroll, benefits, recruitment and selection, classification and compensation, and employee relations. The superior court began FY 2003 with 651 employees and ended the fiscal year with 612 employees. The decline was a result of a hiring freeze imposed by the court, due to budget cuts.

In October 2002, the human resources director reorganized the unit under a supervisor that was responsible for the day-to-day operations, including the supervision of five staff members. The reorganization proved necessary, after the consolidation of the adult probation and superior court HR units, to provide more direct supervision to staff and ensure that all of the critical areas of human resources were met. In that reorganization specific job descriptions were developed and implemented for each

staff member. The benefit derived for the reorganization was a clear understanding of individual responsibilities and duties, as well as consistent and timely oversight of the daily operations.

Due to the financial cutbacks, the recruitments and the number of applications processed were down. For FY 2003, HR processed 13 recruitments, hired 18 new employees, and processed 1,120 applications/resumes. A nationwide recruitment was conducted for the chief probation officer vacancy and the position was filled in January 2003.

HR filled 58 requests from judicial staff for bailiff coverage, and 21 requests for outside temporary agencies.

Conciliation Court

During FY 2003, Family Center of the Conciliation Court (FCCC) opened over 1,535 case files, provided direct clinical services to families, and also provided parental dispute resolution services to the court. This repre-



Linda Mullard and Bonnie Berlowe handle some of the criminal calendaring

sented an increase of 6 percent over the previous fiscal year filings. During the same period, FCCC lost a full-time mediator position due to statewide budget reductions.

In addition to providing its traditional family court services, FCCC continued its role as contract services administrator for the Judicial Supervision Program. During FY 2003 FCCC oversaw the negotiation of a new contract for the mandated parent information program, which reduced the price of the course to divorcing parents.

FCCC continued its commitment to community and professional education during the past year. Some highlights included presentations by staff at the Association of Family and Conciliation Courts Southwest Regional Symposia in November 2002 in Tucson, ongoing presentations in conjunction with the Pima County Bar Association of the "Considering Divorce?" program and presentations for the agency's Diversity Forum program.

FCCC began a court and grant-funded research project on domestic violence in the mediation population in collaboration with the University of Arizona Department of Psychology. With the assistance of a University of Arizona doctoral intern, a mediation client satisfaction survey was designed and administered. Results of the survey demonstrated high levels of parent satisfaction with FCCC's mediation program.

Pretrial Services Turns 30

Pretrial Services staff is responsible for interviewing defendants arrested in Pima County to determine their suitability for release from jail prior to trial. Staff have the authority to release defendants charged with certain misdemeanor offenses.

The origins of Pretrial Services stretch back to 1972 in the wake of the passage of the Federal Bail Reform Act of 1966. The statute provided criteria for use by judges when considering the eligibility of defendants for pretrial release. Prior to the pas-

sage of this Act, most defendants were released from jail by posting bond.

During FY 2003, the county misdemeanor arrests screened for pre-release eligibility totaled 12,584. By charge, 5,442 defendants were eligible for pre-release consideration. Pretrial services staff identified 3,562 of these defendants who were deemed suitable for pre-release, thus eliminating their unnecessary incarceration. For the defendants pre-released, 79 percent appeared at their scheduled court hearing. For the remainder of the defendants, those ineligible or identified as not suitable for pre-release, staff prepared written reports to the court regarding conditions of release.

Staff also developed information for felony initial court appearances. Arrested defendants were taken to jail, where staff members conducted a criminal history check, interviewed the defendant to determine community ties, assessed their risk to the community and determined the likelihood that they would appear at all scheduled court hearings. During FY 2003, there were 8,144 defendants arrested for felony charged offenses. Staff members provided the initial appearance court with information and recommendations on 99 percent (8,108) of those defendants.



Ford Nicholson talks with Conciliation Court participants



Linda Gorman, with Pretrial Services, talks with a Tucson Police officer

For those felony defendants not released at initial appearance court, staff conducted further investigations to determine, if with additional information, a defendant would be suitable for non-financial release. Either at the initiation of staff or in response to a defense attorney's filing of motion to modify conditions of release, an additional 1,453 new reports were submitted to the court for reconsideration of release conditions.

The court released 2,725 defendants into the custody of Pretrial Services. Services provided included advising the defendant of upcoming court dates, making referrals to community social services agencies, conducting drug and alcohol testing, transporting defendants to court hearings, and addressing any other issues that may arise during the pretrial period. Of the cases closed last fiscal year, 82 percent were closed successfully.

Jury Commissioner

The Jury Commissioner's Office summons and qualifies

prospective jurors for the Superior Court, Pima County Consolidated Justice Courts and county and state grand juries. By contract, the Jury Commissioner's Office also qualifies prospective jurors for service at Tucson City Court.

The Jury Commissioner's Office also maintains and updates the Pima County Master Jury List, which contains more than 676,000 names of registered Pima County voters and persons licensed by the Motor Vehicle Division of the Arizona Department of Transportation.

Jury service in Pima County lasts for one day or for the duration of one trial. During FY 2003, 114,240 jury summonses and qualification questionnaires were mailed to prospective trial jurors. Of those, 88,400 summonses were for service in superior court and justice court and 25,840 persons were summoned for Tucson City Court. Of the jurors reporting for service in the superior and justice courts, approximately 94 percent were drawn for jury panels.

Young Lawyers Volunteer Their Services

As part of the collaboration between the superior court, Southern Arizona Legal Aid and the University of Arizona College of Law, 16 second-year law students served as interns with the court this year, providing assistance to persons representing themselves (*pro pers*) in default di-

voiced proceedings.

The law students were responsible for reviewing paperwork prepared by the *pro pers* to make certain that child support payments were calculated correctly, ensure that all fees were paid and that the parties in the divorce action attended the parent education classes through Conciliation Court as required. Once the paperwork had been reviewed it was presented to the commissioner presiding over the hearing. Commissioner Dardis, who coordinated the program this year, commented that the program saves time for everyone involved and also provides valuable experience to the law students. The program gives the students an opportunity to think on their feet and work with real clients. In addition, the students learn about the importance of volunteering and the significant role it plays in this profession.



Potential jurors check in at the new jury assembly room

This report represents the achievements of employees working for Arizona Superior Court in Pima County. We extend special thanks to the following individuals for contributing to this annual report: Kathy Brauer, Suzy Bushman, Andy Dowdle, Kim Holloway, Laura Pate, Doug Kooi, Fred Mitchell, Mike Stafford, and David Sanders

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