



## Budget Update

By Marcus Reinkensmeyer, Court Administrator

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The *Judicial Branch News* is an online newsletter published by the Media Relations and Community Outreach Department. The newsletter is also available on the Court's Intranet site at: <http://courts.maricopa.gov/publicInfo/newsLetter/index.asp>

If you wish to contribute to this newsletter, please send articles, news items, photos or other correspondence to: [karra@superiorcourt.maricopa.gov](mailto:karra@superiorcourt.maricopa.gov).

*"Committed to the Timely, Fair and Impartial Administration of Justice."*



Presiding Judge Barbara Mundell has signed the FY 09 budget agreement with county management, and the judicial branch budget plan is now pending approval by the Board of Supervisors.

The Superior Court budget agreement does not include any reduction in force of filled positions, unpaid work furlough days or reduced hours for full-time staff. This holds true for the tentative budget agreements for justice courts, adult probation and juvenile probation as well.

Due to the economic downturn, tax revenues are lagging at both the state and the county levels. This spring, the court and county departments enacted a permanent 5% county budget reduction in administration starting in the current fiscal year, FY 08. Further budget cutbacks are planned for the upcoming fiscal year, beginning this July (FY 09).

The court's FY 09 budget includes substantial reductions in planned expenditures, while still maintaining essential judicial branch services. Some 37 staff positions are being eliminated in superior court administration, but all of the targeted positions are vacant or will soon be vacant through natural attrition. Similarly, the Adult and Juvenile Probation departments are eliminating 62.5 and 4 vacant positions, respectfully.

# Message From the Presiding Judge



**Barbara Rodriguez Mundell**  
Presiding Judge

Fiscal responsibility is a goal court and county leaders always strive to provide to our taxpayers. And during times of fiscal challenges, that goal becomes more critical in assuring tax dollars are spent wisely.

Over the past several months as we have focused on the court's building needs, it has become apparent that construction of a criminal

court tower must move forward.

The media - in turning its collective critical eye on government spending - agrees that now is the appropriate and fiscally responsible time to utilize available resources to construct a new courthouse for our current and future needs.

The *Arizona Republic* provided me the opportunity to submit a "My Turn" guest column about the courtroom crisis we're facing for criminal cases. An editorial that was titled, "Building court tower makes fiscal sense," preceded my column.

The *Republic's* editorial supports our philosophy that it is not wise to wait, and noted:

"A recession is a good time to initiate public capital projects, taking advantage of presumable lower labor costs and land prices and putting more construction jobs into the economy, not to mention all the heavy equipment rentals and food vendors' sales."

And our county supervisors are credited by the *Republic* for making "a prudent fiscal decision by going ahead with a new criminal-court tower. In the end, it will save us money and convenience."

I agree. It makes good fiscal sense to move forward.

As I said in my guest column, the criminal justice system moves on without regard to economy or tax revenues. In fact, in hard times, crime often escalates. Keeping the public safe, delivering speedy justice and protecting the rights of victims are key components of the new courthouse.

Growth in criminal caseloads has already resulted in a crisis. This year - 44,700 new felony cases are expected to be filed in our court. This is 6,101 more than the 38,599 filed last year. In 1998, there were only 24,708 new felony cases. Superior court will soon run out of courtrooms to keep up with this criminal case surge.

More importantly, we have run out of courtrooms next to inmate holding cells needed to keep the public as safe as possible and prevent escapes in the courthouse.

Faced with this caseload growth, the court became a major innovator in creating new ways to resolve cases. In 1998, it took 106 days to close 50% of our felony cases. By 2007, it took 44 days to close 50% of our felony cases.

We know of no other major urban court in the United States that disposes of half of its felony cases in 44 days.

But we are reaching maximum capacity. We must keep the courthouse from becoming the bottleneck in the justice system. That is why the new courthouse space is being designed to promote innovations for efficient case flow and increased safety.

Arizona is the first state to put a Victims' Bill of Rights in our Constitution. Those rights include being treated with dignity and respect and receiving a speedy trial. Arizona law also requires courthouses that minimize contact between victims and defendants and their witnesses and families.

This courthouse's design will be another first for Arizona — the American model courthouse to address victims' rights by providing safe, dignified and private spaces for crime victims. The public's money will be well spent — a courthouse that is safer for victims is safer for everyone.

What if the new courthouse is put on hold?

Taxpayers foot the bill for jail costs of over \$73 per day per inmate. If we slide back to the 106 days it took to resolve half of the criminal cases in 1998, hundreds of millions of dollars could be wasted in just a few years.

We are not willing to waste millions of dollars while delaying justice. A new criminal courthouse is critical to keeping up with the rising criminal caseload, keeping the community safe and realizing the ideals of justice – for all.

# Newsmakers

## Commissioner Named Superior Court Judge

Over the past 10 years, Judge Edward Bassett served as a Maricopa County Superior Court Commissioner, assigned to family, criminal, civil, probate and mental health court cases. On Tuesday, March 25, he celebrated his appointment as a Superior Court Judge during investiture ceremonies held in the Board of Supervisors Auditorium in Phoenix.

Arizona Supreme Court's Chief Justice Ruth V. McGregor administered the oath of office to Judge Bassett. State and county elected officials, fellow judges, court commissioners, attorneys, family and friends attended the ceremony, honoring the newest judge to be appointed to the Superior Court bench in Maricopa County.

Judge Bassett is a native New Yorker who moved with his family to Tucson in 1966. He earned a Bachelor of Arts Degree in Journalism from the University of Arizona. He worked as a reporter for the Tucson Citizen while attending college, and for a while after he graduated. But he set a new goal and enrolled in law school, receiving his juris doctorate in 1981 from Columbia Law School where he was a Harlan Fiske Stone scholar.

He relocated to Seattle, Washington where he spent four years in a general civil and criminal practice before returning to Arizona. In 1986, he joined the Office of the Maricopa County Public Defender and spent the next four years as a trial attorney. He then moved to the Arizona Court of Appeals, Division One, where he served as a staff attorney specializing in criminal cases. He was appointed as a Superior Court Commissioner in 1998, and spent the next decade in a variety of assignments. He served as Presiding Commissioner from 2004 until 2007.

Judge Bassett has been a member of the executive council of the Arizona Judge's Association and the State Bar's Mental Health and Elder Law section.

## Court Counsel to Chair State Bar Subcommittee

Jessica Gifford Funkhouser, Special Court Counsel, has been named as chair of the State Bar of Arizona's Consumer Information and Education Task Force subcommittee.

Funkhouser will be responsible for overseeing a subcommittee that will review the services and information the Bar and legal profession provide to Arizona citizens regarding hiring legal counsel.

Commissioner Carolyn Passamonte and Community Outreach Director Patricia Seguin have been chosen by the State Bar to sit on the subcommittee with Funkhouser. Their new duties will begin later this month.

## Library Assistant Director Elected to National Post

Jennifer Murray, the Law Library Assistant Director and Self-Service Center Administrator for Superior Court, has been elected chair of the Council of Chapter Presidents for the American Association of Law Libraries. She will be responsible for administration and coordination of the 30 chapters within the AALL.

The American Association of Law Libraries was founded in 1906 to promote and enhance the value of law libraries to the legal and public communities, to foster the profession of law librarianship, and to provide leadership in the field of legal information.

# Budget Update Continued

## *Budget Update - continued from page 1*

Our judicial branch budget strategy continues along two interrelated tracks: 1) enhancement of court generated revenues; and, 2) streamlining of court operations and maximizing the use of our limited resources. For the judicial branch, this round of streamlining involves the following measures, comprising an \$8.8 million dollar expenditure reduction:

- Elimination of several senior level administrative posts including general counsel, capital litigation attorney, conciliation director, human resources manager, court security manager and program managers.
- Closure of several security screening stations and reduced public building hours, allowing the elimination of 12 court security staff positions.
- Staffing reductions in case processing, administrative services (human resources, purchasing and payroll), the bailiff and reporter pools and other areas of court administration.
- Adult and Juvenile Probation eliminated vacant positions in the areas of Probation Officers, Surveillance Officers, Pre-sentence Screeners and Justice System Clerks.
- Reduced spending for outside training, travel, supplies and vendor services.

On the revenue front, major collection efforts are underway in the justice courts, superior court, adult probation and juvenile probation. Working with the Board of Supervisors, the court is planning fee increases for Self Service Center forms, probate cases and the current probation surcharge on traffic cases. Additionally, new user fees are under consideration for family court services, including fees for parent education classes, conciliation services and "no show" fees. The County's Office of Management and Budget is giving the judicial branch full credit for the projected new revenues in establishing a structurally balanced budget for FY 09.

We are leaving an "intelligent hiring freeze" in place for court administration positions for the next several months. Under this arrangement, we examine position vacancies as they arise, and determine whether the critical job functions can somehow be covered by other staff or process improvements. For public safety and other critical positions, we are seeking a waiver from the hiring freeze. For now, we are also seeking a blanket waiver for division positions (JA's and bailiffs), court interpreters, probation and detention officers and some other critical staff functions. Were it not for the hiring freeze, enacted in November 2007, we would be facing a true reduction in force (layoffs) in the new fiscal year.

During the course of the freeze, many court staff have taken on additional duties with no additional compensation, both in their assigned departments and for other departments. We are truly grateful for the dedicated service of these staff, who work so hard to provide quality judicial branch services.

On behalf of the court leadership, let me also take this opportunity to thank our judicial officers and staff for all of the ideas that you have offered for budget savings. We are following up on every one of your ideas, finding that many of the suggestions will result in significant efficiencies and cost savings.

Although we are fortunate to have a workable plan for now, the long-range fiscal situation remains uncertain due to budget problems at the state level. We are monitoring the situation closely and will keep you informed.

# Court News and Notes

## Adult Learning Theory

By Robert Vinciguerra, Technology Trainer

At CTS, oftentimes we find ourselves in a position where we are required to coach or train a member of the Judicial Branch on aspects of a new technology, website, report, hardware usage, or application. However, other staff members will not always “get” the concept or instruction that is being explained to them. That could be, in part, because adults are very fussy learners and it is difficult for them to retain new information. Fortunately, applying aspects of *Adult Learning Theory* can help change that.

The following is a list of several basic points of adult learning, including challenges, and suggestions to overcome them:

- Unlike children who can be told that the reasoning for a particular rule is “because that’s the way it is,” adults do not respond well to that kind of instruction, and as a result, may psychologically resist processes that are not well understood because they tend to be viewed as an attack on intelligence, competence, or both. The solution is to provide adults with as much background and historical information as possible, even if it is sometimes irrelevant. Adults find knowledge to be empowering, and knowing the “whys” behind a rule makes it easier to follow.
- “What does this have to do with me?,” is a phrase that an adult might utter when new technology is introduced. Adults need to know the relevance and importance of new technology. For example, it is not enough to show a user how to operate Microsoft Word; the user needs to know how to use that program to complete specific job tasks.
- Adult learners have tremendous ego, come from a wide range of backgrounds and have different experiences, knowledge, self-direction, interests, and competencies. As a result, if a trainer takes the time to learn some background information about a student, the training can be customized to that individual’s needs. Thus retention will be greater. This can be as simple as asking in what department a staff member works.
- Transfer of knowledge to adults is not an automated process, and must be conveyed by a facilitator in two-way communication. The recipient must feel an element of control and prefers inclusion as part of the solution. A simple way to achieve this effect, for example, is allow the adult to try the new procedure on his or her own, without doing it for them. Once given instruction, allow the learner to practice on his or her own with supervision.
- Some adults do not accept criticism, and any comments viewed as negative may prevent an adult from continuing to learn. Facilitators should refrain from telling a learner “that’s wrong,” even if they are incorrect. Another way to approach the same situation might be to use verbiage such as “that’s really good, but...”

It is crucial to ensure that all Trial Court employees can use and understand the technology required for optimal performance of their daily job functions. The best way to ensure information retention is to be attentive to their unique learning needs and guide them to understanding.

### Research Tip of the Month

Submitted by Jennifer Murray, Law Library

#### Maricopa County Legal History

Have you ever wanted to know more about the history of our Court and the legal community in Maricopa County? Would having some interesting factoids about the Court at your fingertips make your conversations with the public more interesting? The Law Library has some interesting resources that can give you exactly that information.

A new book, *A Legal History of Maricopa County* by Stan Watts, was published by Arcadia Publishing in 2007. This slim volume is jam-packed with fascinating pictures and anecdotes about our local legal history. Two other books that provide excellent information are *History of the Courthouses of Maricopa County and the Judges Who Have Served There*, authored by Warren McCarthy in the 1980s, and *The Bench and The Bar: A History of Maricopa County’s Legal Profession* by Earl Zarbin in 1991.

In addition to these books, the Law Library has other resources that can be helpful when trying to gather historical information on the Court. We recently established an archive of news clips and public relations materials for current judicial officers. We also can assist in developing a research strategy for locating historical periodicals.

While the Law Library strives to provide current legal information, remember that we can provide historical information as well. If you need our assistance in gathering such information, contact us in person at the Library’s second floor in the East Court Building, by telephone at 602-506-3461, or by email at [services@sccl.maricopa.gov](mailto:services@sccl.maricopa.gov).

## New Judge Q and A: Dean Fink

*Judges who have joined the bench over the past several months are being featured in a question-and-answer feature that runs regularly in the Judicial Branch News.*

**Judge Fink, who served as a Superior Court Commissioner before being appointed to a judgeship, is assigned to Family Court in the Central Court Building, Phoenix.**

**Q. You served as a court commissioner for three years before you were appointed to be a judge. What is different about being a judge from serving as a commissioner? Were there many surprises? Please explain.**

There is little difference between the two jobs. In terms of work, the types of things I do on a daily basis are really very much the same. But, as a Judge, I get to focus on one area of the law. As a Commissioner, I had a mixed calendar and had to handle matters from Civil, Probate, and Tax at the same time – so there was a greater diversity of case type on that assignment. Also, as a Judge I get to hire my own staff who can rotate with me when I move from assignment to assignment. As a Commissioner, I had to leave my staff behind when I rotated, which was no fun. I get paid a little more as a Judge, and now I stand for retention elections. Apart from these administrative differences, the jobs are the same.



*Judge Dean Fink*

**Q. Many newly appointed judges joke that performing the job of a judge is easier than the application process. How do you describe the application process?**

The experience is a grueling one. It is not uncommon for applicants to have to make multiple applications before they are appointed. There are occasional judicial applicants who are appointed on their first try. But that does not happen for the majority. Most people who apply are aware of this, and will make multiple attempts. I was motivated to keep applying because I love working at the Court, and I want to be able to contribute at my greatest capacity.

**Q. What is the best job you ever had? Why?**

Honestly, this is the best job I've ever had. I find this job to be challenging and extremely rewarding. I enjoy it much more than being an attorney, because I get to resolve disputes rather than take sides in the dispute. I feel working toward a resolution is more suited to my skill set and personality traits. And, the people who work with me in the courthouse are terrific.

I am concerned that the truthful answer may be a bit boring, so let me tell you about my second favorite job. When I was in college, I worked as a lifeguard at a public pool in Peoria, Arizona. That was a great job. Most of my co-workers were friends before I started the job, so we had a lot of fun. What could be better than a job where you get to work in swim trunks and get a tan?

**Q. What's your favorite quote? (This can be something poignant, or something you tell your friends that makes them roll their eyes, or just a great quote seared into your memory).**

I'm no Shakespeare aficionado, but he did write my favorite quote. In Act I, Scene 3 of "Hamlet," Polonius gives this advice to his son, Laertes:

*Those friends thou hast, and their adoption tried,  
Grapple them unto thy soul with hoops of steel.*

## Judge Samuel Thumma Receives Leadership Award

The American National Red Cross has awarded Grand Canyon Chapter Volunteer, Judge Samuel Thumma, with the organization's highest honor, the Leadership Award. Judge Thumma received the award at the chapter's Community Leaders Breakfast which was held at the Arizona Club in Phoenix on April 8.

The Leadership Award recognizes distinguished volunteer service performed at the local or regional level for several years with or on behalf of the American Red Cross. Recipients are volunteers and employees who make specific, extraordinary and measurable contributions to the organization.

On March 28, national award recipients were recognized at the American Red Cross National Convention which was held in Baltimore, Maryland. "We're here to spotlight our most dedicated colleagues, to applaud what they have done and what they will undoubtedly continue to do," national chair of volunteers Kate Forbes said during the event.

Judge Thumma's connection to the Red Cross dates back to his childhood when his parents recruited him to help with blood drives in rural Iowa where he grew up. He became a chapter volunteer 12 years ago. He served as the chapter's board chairman from 2002-2004 and was a role model in incorporating and elevating focus on diversity initiatives.

On the regional level, the attorney assisted other Red Cross chapters in addressing critical governance and legal issues. Judge Thumma's service as vice-chair of the National Resolutions Committee ensured the needs of local chapters were communicated at the highest level of the Red Cross.

"In every instance that we've called upon Sam to assist in a delicate situation, he has demonstrated incredible response, compassion and superior communication and interpersonal skills," said Todd Langley, Grand Canyon Chapter Volunteer.



Red Cross executives present Superior Court Judge Samuel Thumma (middle) a Leadership Award at the Community Leaders Breakfast in Phoenix.

## Law Day Celebrates 50 Years

Maricopa County Superior Court is celebrating the 50<sup>th</sup> Anniversary of Law Day on May 1<sup>st</sup> by holding a panel discussion on "The Rule of Law: Recognizing the Importance of an Impartial Judiciary."

The panel discussion will be held from noon to 1:30pm in the Board of Supervisors Auditorium, 205 W. Jefferson St., Phoenix.

Panelists include: Presiding Judge Barbara Rodriguez Mundell; Judge Pendleton Gaines; Judge Maurice Portley, Arizona Court of Appeals, Division One; Daniel McAuliffe, State Bar of Arizona President; and Ed Novak, State Bar of Arizona President-Elect. The program will be moderated by Tim Eigo, Editor of *Arizona Attorney Magazine*.

For 50 years, May 1 has been set aside to celebrate Law Day. The focus of Law Day 2008 is to explore the meaning of the rule of law and the importance of an impartial judiciary that guarantees due process and a fair trial according to law; ensures that judges in a democratic political system are seen as being above politics in order to ensure that their rulings are, first of all, respected, and second, implemented.

The rule of law is not just a matter of concern to lawyers and judges; it affects people from all walks of life and in all fields of endeavor. It is essential that all of us care about the rule of law and strive to be active participants in the civic life of our community.

Please join us as we celebrate Law Day!

*"There is no liberty, if the power of judging be not separated from the legislative and executive powers. ... Liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments."*

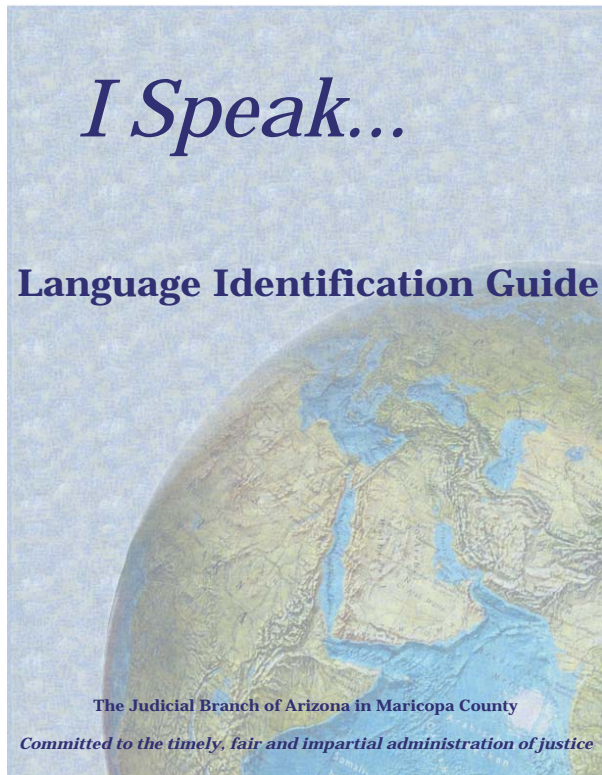
**Alexander Hamilton, The Federalist No. 78**

*"The Constitution protects judicial independence not to benefit judges, but to promote the rule of law."*

**William Rehnquist  
U.S. Supreme Court Chief Justice**

## Title VI Compliance

# Booklet Helps Staff Identify Different Languages of Courthouse Customers



In April, the Judicial Branch of Arizona in Maricopa County distributed 100 *I Speak* booklets to the clerk's office, court and probation departments to help staff identify the language of court customers who don't speak English. The book lists the words *I Speak* in more than 60 different languages, and provides limited English

proficiency speakers the opportunity to look at and point to the language they speak so that court staff can get them the appropriate help.

According to Deputy Court Administrator Karen Westover, this booklet is one of many steps the court is taking to ensure compliance with Title VI and to improve access to the court.

"The Court is exploring funding and grant opportunities to obtain telephonic language assistance for the more than 60 different languages," Westover said.

The *I Speak* language guide is modeled after a language identification guide published by the Ohio Office of Criminal Justice Services. The idea was presented earlier in the year to court administrators by Bruce Adelson, a consultant who was hired to help Superior Court meet Title VI compliance. Title VI, part of the Civil Rights Act of 1964, declares that: *discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving Federal financial assistance and authorizes and directs the appropriate Federal departments and agencies to take action to carry out this policy.*

Many thanks to Vincent Funari and Nicole Garcia for their work in producing the booklet. If you would like to receive a copy, please contact Nicole Garcia at (602) 372-1311 or the booklet is on the Court intranet page at:

<http://courts.maricopa.gov/resources/interpret/index.asp>

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*Q and A: Dean Fink - continued from page 5*

Basically, Polonius is telling his son to keep his tried and true friends very close and maintain those relationships. I think this is great advice, and something I try to do. That's why I love this quote.

**Q. If you had a day to spend doing only what you want to do - how would you spend it?**

I would spend the day with good friends by a resort pool in a tropical setting (like Hawaii, Mexico, or something). The day would also involve a really good book and an umbrella drink or two. I would cap it off with a terrific dinner. Sounds perfect, doesn't it?

**Q. What goal haven't you yet reached?**

Retirement - that would include a summer place in a cooler location by the ocean, and my winter home here. I also want to travel to all 50 states and all 7 continents. I have 14 states and 3 continents left. Oh, and I want to host "Saturday Night Live," but that one's probably a long shot.

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# Courtside

## Photo Highlights



**Top Left-** A group of judges from Kyrgyzstan take pictures in the lobby of the Central Court Building. The visiting judges were here to observe jury selection.

**Lower Left** – Karen Jensen (right), Judicial Assistant Trainer who works for Judge Anna Baca, presents a retirement gift to Stephenie Ball (left), former judicial assistant to Judge Timothy Ryan. Ball retired and moved to Illinois.

**Below** – Trial Courts Training and Education Administrator Elizabeth Ncube introduces Federal Magistrate and, former Superior Court Judge, Larry Anderson during a class on the federal court system in Change of Venue's Table One.

**Bottom Right** – Supreme Court Chief Justice Ruth V. McGregor swears-in Judge Edward Bassett during investiture ceremonies in Phoenix.

