



Court Prepares for Budget Cuts

By Court Administrator Marcus Reinkensmeyer

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

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



The slowing economy is impacting state, county and local governments. Lower sales tax revenues, along with other faltering revenue sources, are making it necessary to cut expenditures as we strive to maintain essential judicial branch services.

County management has asked the courts and all county entities to develop 5, 10 and 15 percent budget cutback scenarios by February 1, prior to our budget submission in late February. Our budget strategy will likely involve revenue enhancement measures (such as possible new and increased user fees), targeted cutbacks and "intelligent" hiring freezes. We do not plan to do across-the-board reductions, as we are obligated to provide mandated court services.

Over the next few weeks, our court management team will work with judicial officers and staff to analyze potential savings and ways to minimize the impact of these cutbacks. Our goal is to provide a sound plan for the executive management team and justice courts administration to present to Presiding Judge Barbara Rodriguez Mundell for her consideration. Our first priority is protecting the vital and necessary functions that we perform, as well as the staff that provide them. Apart from the recent 5 percent reduction in our administrative component and closure of some security screening stations, we have made no determinations regarding the prioritization of court functions or potential cutbacks.



Hiring Freeze in Effect

The Maricopa County Board of Supervisors approved an immediate hiring freeze for the judicial branch, elected and appointed county departments. The implementation of this freeze is one strategy for reducing the projected county budget shortfalls.

The hiring freeze allows for exceptions when a vacant position is necessary to perform critical functions. If you have a current recruitment or cert list for a critical position, and have not yet made an offer, we will need to get approval before we fill the vacancy. Judicial Branch Human Resources will be contacting hiring managers directly to discuss their vacancies and/or current recruitments.

In anticipation of the budget cutbacks, we have already slowed some job recruitments and have held some vacancies. By continuing to hold vacancies as they occur, we hope to be able to minimize the impact of next fiscal year's potential budget reductions on our current staff.

Message From the Presiding Judge



Barbara Rodriguez Mundell
Presiding Judge

Financial challenges facing the state and county are certain to have an impact on our court and the services we provide. We must be cautious that we don't compromise our mandated responsibilities that assure timely, fair and impartial administration of justice to every individual the court serves.

I welcome 2008 with nine goals and objectives. I invite you to join me in meeting the new challenges by creating new opportunities between now and 2010.

1. Provide safe and accessible county-wide court facilities. We should continue to implement the Court's 2003 Master Space Plan that can save resources through the construction of the downtown criminal courthouse.
2. Enhance jury service for Maricopa County residents by re-instituting the court's "Proximity Weighted Summoning" system, which provides for jurors to be called for service at the courthouse closest to their home, whenever possible. A public comment period ends on Feb. 18 and then the plan will be submitted to the Arizona Supreme Court for approval.
3. Develop and implement a true Master Calendar System to ensure timely management and trial date certainty for all criminal felony cases.
4. Redefine and enhance the role of McJustice (Maricopa County Justice Coordinating Committee) in justice system planning and coordination. Restructuring committees and streamlining communications are the essential keys for success.
5. Expand e-filing to all case types and include initial pleadings in electronic format. Work in collaboration with the Clerk of the Superior Court's Office and Justice Courts.
6. Revitalize the Civil Fast Track Program (to assure efficient and cost-effective adjudication of pending civil cases) by restoring sufficient judicial resources in the Civil Department.
7. Develop a system to fully analyze and properly implement new legislation with enhanced planning capabilities.
8. Broaden public access to court services. This may be achieved through the National Center for State Courts' CourTools survey, an enhanced new court web-site, expanded prompt-generated court forms accessible on the Internet, regional court sites and a comprehensive review of the requirements of Title VI of the Civil Rights Act of 1964 to provide assistance to court customers with limited English proficiency.
9. Enhance public safety; heighten offender accountability; improve victim services; and implement Evidence Based Practices in adult and juvenile probation services.

I encourage each of you to help me meet the challenge to improve court programs, court access and court service so we may continue to enjoy our reputation as one of the best trial courts in the country.

Judicial Rotations

Presiding Judge Barbara Rodriguez Mundell has announced Superior Court's annual judicial rotations, which will occur during the yearly statewide judicial conference in mid-June.

The new assignments will affect 21 of the court's 95 judges and 7 of the 58 court commissioners. There may be some additional changes, Judge Mundell said. The departmental presiding judges are not changing.

The affected judges and their new assignments are:

- **Judge Christopher Whitten**, who is currently handling a civil calendar at the Southeast Court Facility in Mesa, moves to the downtown Phoenix court complex to assume the criminal calendar currently being handled by **Judge Michael Gordon**.
- Judge Whitten's civil calendar goes to **Judge Louis Araneta**.
- Judge Araneta's Southeast juvenile court calendar moves to **Judge Robert Houser**.
- Judge Houser's civil calendar at the Northeast Regional Court Center in northeast Phoenix is assumed by **Judge Robert Budoff**.
- Judge Budoff's downtown family court calendar is reassigned to **Judge Robert Miles**.
- Judge Miles' downtown civil calendar is reassigned to **Judge Joseph Heilman**.

Additional judges' rotations include:

- **Judge Linda Akers**, currently assigned to a criminal calendar in downtown Phoenix, moves to the Southeast Juvenile Court calendar currently handled by Judge Oberbillig.
- Judge Akers' criminal calendar is assumed by **Judge Janet Barton**.
- Judge Barton's complex civil case calendar is reassigned to **Judge Peter Swann**.
- Judge Swann's downtown civil calendar is assumed by **Judge Robert Oberbillig**.

Three judges are rotating assignments among themselves. They are:

- **Judge Pendleton Gaines** assumes the downtown criminal calendar currently assigned to Judge Klein.
- Judge Gaines' complex civil calendar is reassigned to **Judge Douglas Rayes**.
- Judges Rayes' downtown civil-special assignment calendar becomes **Judge Andrew Klein's** calendar.

Another three-way rotation involves:

- **Judge Kristin Hoffman**, currently on a civil calendar, takes the downtown criminal calendar presently assigned to **Judge Jeanne Garcia**.
- Judge's Hoffman's downtown civil calendar is assumed by **Judge Kenneth Mangum**.
- Judge Mangum's downtown family court calendar is acquired by **Judge Michael Gordon**.

The final judges' rotations include:

- **Judge Michael Jones**, who currently is assigned to a civil calendar at the Northeast Regional Court Center, moves downtown, taking the criminal calendar that is now being handled by **Judge Joseph Heilman**.
- Judge Jones' calendar is reassigned to **Judge Eddward Ballinger**. Judge Ballinger also retains his responsibilities as Superior Court Northeast Regional Court Presiding Judge.
- Judge Ballinger's family case calendar at Northeast is reassigned to **Judge Carey Hyatt**.
- Judge Hyatt's downtown civil calendar is assumed by **Judge Jeanne Garcia**.
- **Judge Paul Katz** and **Judge Brian Hauser**, both assigned to the Northeast court center are swapping calendars. Judge Katz assumes Judge Hauser's calendar of family cases and Judge Hauser takes Judge Katz' civil case assignment.

Rotations continued on page 4

Civil Administration

Complex Civil Litigation Law Clerk/Staff Attorney Assumes Post

Elizabeth Goodman recently began her duties as the Complex Civil Litigation (CCL) Law Clerk. Elizabeth (Lisa) is a graduate of Boston College Law School and is a member of the State Bars of Arizona, Massachusetts and Rhode Island. Lisa comes to the Civil Department with experience in civil litigation at a private law firm and, prior to accepting the position, was employed at Community Legal Services in Maricopa County as a Staff Attorney. Lisa also studied abroad in Spain, where all of her classes were conducted in Spanish. Lisa's bi-lingual skills are an additional asset which she brings to the position.

With Lisa's introduction, some outside of the Civil Department might ask, "What is Complex Civil Litigation and what are the duties of the CCL Law Clerk?"

Complex Civil Litigation cases are matters that can follow certain criteria such as: (1) They involve complex legal issues, they often involve multiple parties, particularly plaintiffs—and they usually involve high dollar amounts of requested damages; (2) The most prevalent complaints filed are Construction Defect, Breach of Contract and Product Liability cases.

Some of these cases are class action lawsuits with a large number of plaintiffs requesting damages. These matters can involve hundreds of plaintiffs.

Maricopa County instituted a Complex Civil Litigation Pilot program in 2002, which is grant funded with additional CCL filing fees for certain expenditures. The program was recently extended through December 2008. Since inception, cases are accepted into the program at the request of one of the parties, subject to review and approval of the Presiding Civil Judge.

That brings us back to the duties of the CCL Law Clerk. Lisa is responsible for assisting the three civil judges assigned to this program with the research and case management of these cases. Those judges include: Janet Barton, John Buttrick and Pendleton Gaines. The discovery involved in these cases can be voluminous and the related research intense. The Law Clerk also assists in writing draft opinions, staffing cases with the judges, sitting in on court hearings and, at times, having contact with the attorneys representing the parties in these complex matters. The CCL Law Clerk also assists in maintaining oversight of the calendaring of matters involved in these cases.

In terms of value to the program, the CCL Law Clerk's research and Judicial support is significant to the effectiveness of the program.

Submitted by David Jacobs and Mitch Michkowski
Civil Court Administration

Photo on Page 8

Judicial Rotations (continued from page 3)

Superior Court Commissioners getting new assignments are:

- **Commissioner Stephen Kupiszewski**, who is at the Northeast Regional Court Center handling a family court calendar, relocates to the Northwest Regional Court Center and assumes Commissioner Newcomb's caseload that includes family and civil matters.
- Commissioner Kupiszewski's family court calendar is reassigned to **Commissioner Mina Mendez**.
- Commissioner Mendez' current assignment on the Early Disposition Court/Regional Court Center calendar at the Southeast facility goes to **Commissioner Margaret Benny**.
- Commissioner Benny's assignment on the Family Night Court calendar at the Northeast Regional Court Center is going to **Commissioner Richard Albrecht**.
- The Initial Appearance Court assignment in downtown Phoenix that Commissioner Albrecht is currently handling goes to **Commissioner Kirby Kongable**.
- The probation violation calendar being handled by Commissioner Kongable is being assumed by **Commissioner Frank Johnson**.
- **Commissioner Casey Newcomb** is assuming the "floating" calendar that Commissioner Johnson is currently handling. That calendar utilizes a commissioner to fill in where needed on a variety of calendars.

Outstanding Teacher

Probation Employee Named Outstanding Teacher

Lindell W. Rhodes won the Arizona State Department of Education “Outstanding Arizona Adult Education Program Administrator”.

In December, the Arizona Department of Education hosted a state-wide Adult Education Conference which is held every two to three years. At the conference, the Department of Education presented awards for “Outstanding Arizona Adult Education Teacher, Support Staff and Program Administrator(s).” There were dozens nominated for their outstanding work with under-educated adults in Arizona. Some were nominated in groups, others individually. Maricopa County Adult Probation had nominees in the teacher, support staff and administrator competitions. The APD Education Program teaching and support staff nominated Lindell Rhodes for “Outstanding Arizona Adult Education Program Administrator.” Once again, MCAPD’s quality education program and staff rose above the other Arizona competitors.

Lindell became certified and started teaching adults 30 years ago (1977) in Oklahoma. Lindell was also the chairperson of the American Probation and Parole Association’s Adult (and Juvenile) Education Committee for many years and was the chairperson of the Arizona Supreme Court, Administrative Office of the Courts, LEARN Advisory Committee. He has graduated from Arizona Department of Education’s first Professional Development Leadership Academy (PDLA), is a member of the initial Arizona Adult Education PDLA Task Force, and is presently in the National Department of Education’s Leadership Excellence Academy

During his 13 plus years with the Adult Probation Department, he has challenged the norm. He partnered with innovative staff at Phoenix Elementary School District #1 to provide adult education classes for our clients who had children attending Garfield Elementary School and opened an education center at the County Homeless campus.

The Education Program assists students in acquiring knowledge and skills necessary for them to become productive members of society. Lindell ensures that evidence-based instruction provides the knowledge necessary for academic advancement to include transitioning into college level classes. He has partnered with Community Colleges for free or low-cost classes. Since 1998, four teachers have won the Arizona Supreme Court Administrative Office of the Court’s Adult LEARN Teacher of the Year, and the program has won the LEARN Adult Education Program of the Year three times.

**Submitted by
Vicki Biro
Adult Probation**

**Save the Date:
Judicial Photo Day
Wednesday, February 6, 2008**



Court Briefs

Probate Recognized in National Report

Superior Court's Probate Department was recognized recently in a national report for its proactive practices in protecting vulnerable persons.

The new report, "Guarding the Guardians: Promising Practices for Court Monitoring," recognizes Superior Court as one of the exemplary courts with excellent guardianship monitoring practices. The report includes up-close snapshots of the way visionary judges and court administrators approach particular problems, and tips from experienced public officials, such as "How to Spot a Guardianship Going Bad."

The following is an excerpt from the report:

"Maricopa County, Arizona, seeks creatively to maximize staff and technological resources in the face of a growing caseload. Highlights include rigorous case management, staff investigators and accountants, trained volunteer monitors, use of bonding and restricted accounts to secure assets, and a database to track and flag key case events."

Presiding Probate/Mental Health Department **Judge Karen O'Connor** said, "This national report details our probate department's management structure and practices while promoting it as a model for a successful monitoring system. It recognizes the innovative nature of the system and the importance of a strong and supportive administration. Our Court should be proud of this recognition and equally proud of all of the dedicated individuals in the department who continue to protect those in our community who cannot protect themselves."

You can find the report online at: http://www.aarp.org/research/legal/guardianships/2007_21_guardians.html

Justice Court Collections

Residents who owe fines in Maricopa County Justice Courts are urged to pay them as soon as possible to avoid any surprises on their state tax returns.

As part of their new 2008 collections initiative, Justice Courts are reporting unpaid court fines to a statewide collection program that will automatically deduct that amount from a defendant's state tax returns. Justice Courts will begin reporting outstanding fines to the collection program by the end of January.

"It is not just about the money. It is more about holding people accountable for their actions and generating respect for the law," **Presiding Justice of the Peace John Ore** said.

Defendants who fail to meet payment deadlines can also expect to pay extra court fines. Justice Courts will add a \$30 civil traffic default fee and a \$45 warrant fee for criminal matters. Added to these late fees is a \$20 time payment fee. If outstanding fines are not paid within 60 days, defendants will pay an additional private collection rate fee of 19 percent.

Also, under the collection program, defendants will not be allowed to register their vehicles until all fines are paid, and will be required to pay a \$30 car registration hold fee.

"Defendants with unpaid traffic fines should immediately contact the proper Justice Court and take care of the matter before this new program takes effect," said **Terry Stewart**, Director of Administrative Services for Justice Courts. "Waiting only means that defendants will need to pay more in the long run."

**Story submitted by Dennis Metrick
Justice Court Services**

Three Security Screening Stations Close

Due to budget cutbacks, the following security screening stations, are closed:

- Central Court Building South Entrance

Staff wishing to enter the central court building from Madison Street can still do so using the bridge walkway from the Madison Street parking garage to the Central Court Building (second floor).

- East Court Building, East Entrance

Please use the front entry of the East Court Building, which has employee entry and will now add attorney express lane access.

- Southeast Adult Court, South Entrance

Please use the employee entry on the west side of the courthouse or the public/employee entrance on the north side of the building.

Research Tip of the Month

Legal Forms 101

If you know the Self-Service Center doesn't have just the legal form that a self-represented litigant requires, don't turn them away empty handed. Refer them to the Law Library instead. We have many resources for sample legal forms that just might suit the litigant's need.

The first place our law librarians look for legal forms unavailable through the Self-Service Center is our own library website. From our site, we link to many Arizona-specific legal forms that are available online through other Arizona governmental entities such as the Clerk of the Court or the Arizona Supreme Court. Forms we can provide online include Petitions for Post-Conviction Relief and Notices of Filing Foreign Judgments.

The next step in our search to locate forms is the wide variety of formbooks owned by the library. Did you know that there is a multi-volume set of books entitled Arizona Legal Forms? This set offers many forms that aren't available online including sample complaints, a petition for annulment, and a joint pre-trial statement.

Finally, we have access to a variety of form databases in Westlaw. While the forms available on Westlaw are not Arizona-specific, they can at least be a starting point for the litigant.

And, if all else fails, we have a listing of various legal form stores, their addresses and telephone numbers throughout the Phoenix metropolitan area.

For more information about finding legal forms or any other library services, please contact the Law Library at (602) 506 - 3461, or services@scll.maricopa.gov. Our mission is to provide the Court with timely, efficient, and reliable access to legal information! And, we welcome the opportunity to help you with your legal information needs.

Story submitted by Jennifer Murray
Law Library

Administrator Named to Phoenix Planning Committee

Deputy Criminal Court Administrator **Christopher Bleuenstein** was appointed by Phoenix Mayor Phil Gordon to the Central City Village Planning Committee on December 12th for a two year term.

The Central City Village Planning Committee activities include: identifying areas or provisions of the General Plan text which need refinement and updating; identifying problems and needs related to implementation of the General Plan; defining in greater detail the intended future function, density and character of sub-areas of the village; commenting on proposals for the new zoning districts or land use districts. The Central City Village encompasses the area south of McDowell, North of the Salt River, East of I-17, and west of SR 143.

Judges Set to Visit the Legislature

The View from the Bench program continues to be a resounding success. Throughout the months of November and December of 2007 and January of 2008, a total of 17 legislators came to our various court locations to "shadow" our judicial officers. During the months of January, February and March of 2008 our judicial officers reciprocate by "shadowing" legislators during the legislative session. As many as 37 judicial officers are visiting the legislature during this year's legislative session.

Courtside

Photo Highlights



Top Left - Judge Dean Fink (right) is sworn in by Arizona Supreme Court Chief Justice Ruth McGregor.

Below - Judge Randall Warner is robed by his family at his investiture.

Bottom Left - Newly hired Complex Civil Litigation Law Clerk Elizabeth (Lisa) Goodman. *(Story on page 4)*



C³ Coming
this
Spring