



## From the Presiding Judge

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The *Judicial Branch News* is an online newsletter published by the Media Relations and Community Outreach Department.

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."*



**Barbara Rodriguez Mundell**  
Presiding Judge

As part of the Superior Court's Master Space Plan to improve public safety and efficiency, the four remaining criminal trial divisions transferred from the Southeast Regional Court Facility in Mesa to Downtown Phoenix on December 1.

The move went smoothly and all four calendars are operating as planned.

Judges Daniel Martin, Richard Trujillo, Susanna Pineda and Connie Contes are now presiding over those calendars. Of the four judges, only Judge Contes followed her calendar to Downtown. Judges Emmet Ronan, Helene

Abrams, and Teresa Sanders, who previously held those calendars, remained at Southeast, handling either civil or family court matters.

The move was in the best interest of the court for many reasons. Not only was there a need to consolidate criminal court but there was also a need for more civil and family court calendars at Southeast. Family Court filings rose 4.2 percent in 2008 and civil court filings rose 30.1 percent. To tackle the rising caseloads, we have added two family court judges, two civil court judges and a judicial officer who will handle both family and civil court matters.

The first move occurred on July 6<sup>th</sup>, shortly after the retirement of Judge Silvia Arellano. Judge Arellano's calendar was moved from Mesa to Downtown and assigned to Judge Lisa Flores.

The main reason we centralized criminal trial divisions was to help reduce transportation costs for Maricopa County and make more efficient use of staff time. It will also benefit victims, police officers, witnesses and jurors. If numerous trials are ready to go on the same day, we will have more back-up criminal judges to handle overflow cases on the day scheduled for trial. Witnesses and potential jurors will no longer be inconvenienced by having to wait until another date for trial or make wasted trips to the courthouse.



## Message From the Presiding Judge - Continued

It's important to mention that most of the criminal cases at Southeast will remain at Southeast. In FY2008, of the 10,690 new criminal filings at Southeast, only 144 cases (1.3%) went to trial. In other words, a very low percentage of the cases require police officers and witnesses to travel to court. That same year, 6,801 cases (64%) were resolved in the Southeast Regional Court Center or Early Disposition Court. These cases will stay at the Southeast complex.

In 1998 and, again, in 2002, voters endorsed downtown criminal court consolidation. One of the authorized uses of the voter-approved Jail Excise Tax, as set out in the Arizona Statutes and the election publicity pamphlets, is consolidating criminal divisions of the superior court in the county to a common location.

The voter-approved move is not only a better way of doing business; it will also save taxpayer dollars.

### New Commissioner Assigned to IA Court



*Brian Kaiser*

Brian Kaiser was appointed as a Superior Court commissioner by Presiding Judge Barbara Rodriguez Mundell.

Commissioner Kaiser has been assigned to Initial Appearance Court. Prior to joining Superior Court, he was a litigation associate for *Squire, Sanders & Dempsey, LLP*. He also served as a law clerk for Arizona Supreme Court Justice Michael D. Ryan.

He holds a Juris Doctorate, *Cum Laude* from the Boston University School of Law and a Bachelor of Arts in Political Science from Chaminade University in Honolulu.

His naval career included work as a radio and television broadcast journalist, and assignments in places like Pearl Harbor and Diego Garcia, British Indian Ocean Territory. He also earned a Navy achievement medal.

### RCC Gets a New Judicial Officer



*Cynthia Bailey*

Presiding Judge Barbara Rodriguez Mundell appointed Cynthia Bailey as a Superior Court Commissioner.

Commissioner Bailey has been assigned to the Regional Court Center in Downtown Phoenix. Prior to joining Superior Court, she served two years as a deputy county attorney in the civil division of the Maricopa County Attorney's Office.

She earned a Juris Doctorate from the Arizona State University College of Law and a Bachelor of Science, *Magna Cum Laude*, in Business from ASU.

Her legal career included work in private practice, the Arizona State Senate and two stints in the Maricopa County Attorney's Office. She also was a criminal prosecutor in Grant County, Indiana.

# Court Departments

## JPD: The Evolution of Court Monitoring

In 1980, Maricopa County had a population of 1.5 million people and the Juvenile Probation Department monitored juveniles on House Arrest through the traditional method, Home Detention. Probation or Surveillance Officers went to a juvenile's home once a day to see if the minor was in compliance with their terms of release.

But in 2005, the Detention Alternative Unit began using Juvenile Electronic Monitoring (JEM) equipment to assist in the monitoring process. These devices used radio frequency to send alerts if the juvenile left their residence without the permission of the court. In 2008, there were more than 150 units in use by the court. This technology allowed one officer to monitor nearly double the number of minors than the traditional Home Detention program. This provided the court with much more information than was previously available. The traditional method could only verify that at one point in time on a given day, when the Surveillance Officer physically drove to the house, the minor either was or wasn't in compliance with their house arrest order. With JEM, JPD could now monitor minors around the clock.

*JPD - Continued on Page 5*

## Security Tip of the Month

**Watch out for tailgaters**, especially when entering or exiting the building, going through a secured door, or entering or exiting a secured elevator. Please stop the tailgater from entering and notify security if necessary at x63424.

**By Karen Westover  
Court Security**

## Rotation Reminders from the Law Library

The Law Library has a variety of resources to help you in your current assignment. One of the resources is provided by the *Bureau of National Affairs* (BNA). BNA publications are a "complete, authoritative way to keep up with the most significant cases and key legislative, regulatory, and pre-decisional developments, across the country, across all areas of the law." BNA titles for which the Law Library has a subscription include: *Criminal Law Reporter*, *Electronic Commerce*, *Employment Discrimination*, *Family Law Reporter*, *Health Law Reporter*, *Lawyers' Manual on Professional Conduct*, and *U.S. Law Week*.

In addition to the BNA publications, you can be placed on a routing list for the Table of Contents to a variety of legal periodicals. From the Table of Contents you can request copies of any articles. The list of periodicals include: *Dispute Resolution Journal*, *Estate Planning*, *Trusts & Estates*, *The Champion*, *The Prosecutor*, *American Journal of Family Law*, *ABA Journal*, *American Lawyer*, *Court Manager*, *Justice System Journal*, *Government Technology*, *Tech Connect*, *Judges' Journal*, *Employee Relations Law Journal*, *Journal of Taxation* and *Journal of State Taxation*.

In addition, the Law Library has compiled three bibliographies designed to help with rotations. These bibliographies cover all the various criminal law treatises, probate law treatises and family law treatises that are available in our library.

If you want to be added to any distribution list or if you would like a copy of any bibliography please contact Susan Armstrong at x63599 or [sarmstrong@sccl.maricopa.gov](mailto:sarmstrong@sccl.maricopa.gov). If you want Westlaw training or training on any other library database contact Susan Armstrong.

If you have questions or concerns about any books in your chambers or courtroom, please contact Valerie Lerma at x61647 or [vlerma@sccl.maricopa.gov](mailto:vlerma@sccl.maricopa.gov).

**By Susan Armstrong  
Law Library**

## Latest Commissioner Assignments

With Commissioner Lindsay Ellis retiring and Commissioner Cynthia Bailey taking her vacancy, the calendars will be assigned as follows:

Commissioner Ellis' civil/probate calendar will be assigned to Commissioner Colleen French (OCH 106); Commissioner David Cunanan's RCC calendar will be assigned to Commissioner Bailey (CCB LL4). Commissioner Cunanan will train Commissioner Bailey for two weeks.

# Training and Education

## Groups Recommend More Staff and Management Training

Last Spring a group of Superior Court employees participated in Employee Satisfaction Survey (ESS) focus groups. Over a series of meetings, we asked the focus groups to provide feedback on four key areas: communication, recognition, opportunities for advancement, and performance problems. The groups' responses suggested that while we are doing well in some areas, there is room for improvement. The groups felt that education could play a key role in closing communication gaps, preparing employees for career advancement, and addressing poor performance.

Training and staff development has responded to the Employee Satisfaction Survey focus groups' recommendations and developed a number of new training initiatives. The Human Resources team has developed a new management training series "HR Basics for Supervisors." Presentation skills are key in preparing for career advancement. The training department delivered a two day Faculty Skill Development program on the topic of Legal Information versus Legal Advice. We have expanded delivery options and increased classes that are available online and via "live streaming video." We continue to hold twice annual management seminars designed to strengthen our leadership abilities and help us better serve our departments. We appreciate the focus groups' candid feedback and will continue to follow their recommendations as we develop education programs.

**By Elizabeth Evans**  
**Training and Education Administrator**

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*JPD - Continued from page 3*

In 2008, the program had nearly 350 juveniles in Home Detention, and 150 on JEM. These juveniles were spread throughout the 9226 square miles of Maricopa County. With limited staff, it became clear JPD could no longer continue doing business the same way.

The first step in this process was to expand the JEM program and look at technology options for the future. One of the new technologies was Global Positioning Satellite technology (GPS). GPS devices provided some clear advantages over JEM technology. First JEM technology was only capable of monitoring one location for compliance, this created problems for juveniles and their families that had special circumstances such as joint custody or who relocated frequently. JEM also only provided the court with compliance information on the house arrest part of its orders, whereas GPS technology could also monitor additional locations, allowing the court to know about whether the juvenile went to school, TASC, counseling, etc..

In March of 2009, the Detention Alternatives Program began a pilot project with the Southeast Juvenile Intensive Probation (JIPS) Team to test the technology. The test was very successful and in May, Juvenile Probation Administration provided the court with GPS as a Detention Alternative Option. At the same time Home Detention was eliminated in a three phase reduction, beginning with the outer areas of Maricopa County and ending with the elimination of the program as of August 1<sup>st</sup>, 2009.

"GPS has been an effective tool that has decreased the need for detention," Superior Court Judge James Keppel said. "The GPS unit provides a constant reminder for the juvenile to comply with probation release conditions or terms of probation."

As of December 1<sup>st</sup>, 300 youth are in the GPS program. JPD uses GPS to monitor compliance with house arrest and other court orders 24 hours a day, seven days a week. The use of this technology has greatly enhanced the department's ability to monitor more kids, more effectively and more cost effectively than ever before.

**By Thomas Flavin**  
**Juvenile Probation**

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# News and Notes

## Employee Satisfaction Survey Time and Location

Monday	December 21, 2009	11:30 - 1:30	DTN	ECB Law Library 3rd Fl	Cordova Training Room
Tuesday	December 22, 2009	3 - 5 PM	DTN	ECB Law Library 3rd Fl	Cordova Training Room
Wednesday	December 23, 2009	11:30 - 1:30	DTN	ECB Law Library 3rd Fl	Cordova Training Room
Monday	December 28, 2009	10 AM - Noon	DTN	ECB Law Library 3rd Fl	Cordova Training Room
Tuesday	December 29, 2009	8 - 10 AM	DTN	ECB Law Library 3rd Fl	Cordova Training Room
Wednesday	December 30, 2009	3 - 5 PM	DTN	ECB Law Library 3rd Fl	Cordova Training Room
Monday	January 4, 2010	11:30 - 1:30	DTN	ECB Law Library 3rd Fl	Cordova Training Room
Tuesday	January 5, 2010	8 - 10 AM	DTN	ECB Law Library 3rd Fl	Cordova Training Room
Tuesday	January 5, 2010	11:30 - 1:30	DTJC	620 W. Jackson St	2nd Floor Trn Room #1
Wednesday	January 6, 2010	11:30 - 1:30	NERC	18380 No 40th St	#300 Multi Purpose Room
Wednesday	January 6, 2010	11:30 - 1:30	DUR	3131 W. Durango	Training Room #1164
Wednesday	January 6, 2010	3 - 5 PM	DTN	ECB Law Library 3rd Fl	Cordova Training Room
Thursday	January 7, 2010	11:30 - 1:30	DTN	ECB Law Library 3rd Fl	Cordova Training Room
Thursday	January 7, 2010	11:30 - 1:30	SEF	222 W Javelina, Mesa	Judges Dining Room

### Evacuations: What we Learned

Thank you to everyone who assisted and cooperated in our recent evacuation of the Downtown Phoenix Court Complex. Everything went very smoothly thanks to a collaborative effort. Here are a couple of things that we learned from the evacuation.

- Some of you left purses, keys or other important items inside the building. Please remember to take keys, purses and other important items with you when you evacuate. I have personally learned from experience to also take these items with me if I am going to a meeting or another building, just in case there is an evacuation when I am gone.
- Many judges and commissioners were not aware that Table One is the meeting place for all judicial officers evacuated from CCB, ECB and WCB. (In this case, judicial officers that met at Table One were then informed to move to OCH 6.)
- We learned that the Central Court Building communication system (on some floors) told staff to stay by the stairs and wait when it should be telling staff to evacuate. We are working with Firetrol to fix this problem.

**By Karen Westover**  
**Court Security**

### Another Successful Garfield Turkey Feast

The 14<sup>th</sup> annual Garfield Turkey Feast was held on November 19. This feast is a celebration of the partnership between the probation department and the surrounding Garfield community. All residents were invited to enjoy good food and a visit from Santa Claus.

The feast consisted of a turkey dinner and plenty of desserts. A gift basket was raffled and awarded to one of the local residents. Residents of the Garfield program, probation staff, their families, and Judge Karen O'Connor assisted in serving, setting-up, cleaning-up, and helping Santa. Manny Barron provided music for all to enjoy. Many probation staff attended and helped pull off the annual event. It was much appreciated by everyone who attended.

A special thanks to all the Garfield staff who were involved in the planning and coordinating for this very special event!

**By Janet Kasha**  
**Adult Probation**

# Court News

## Restitution Court: It's Time to Pay Up

On September 5, 2008, a historic event occurred for victims in Maricopa County. The first session of Restitution Court was held before Judge Roland Steinle. The purpose of the Court is to determine if a probationer is in contempt of court for nonpayment of restitution.

This is not a probation violation matter; it is a civil process to determine contempt. Since that first date, just over a year ago, the Court has expanded by adding a second judge, the Honorable Joseph Welty. Both judges hold monthly sessions in an effort to address "the worst of the worst" of the individuals who have failed to pay restitution. To date, a total of \$122,107 has been collected for victims. The typical cases appearing in Restitution Court are 6 to 15 months delinquent, are willfully not paying, and have refused to take responsibility. When a probationer appears in Restitution Court, the Judge will question him/her about income, expenses, and financial priorities. Once the questioning is completed, the Court has three options:

Direct the person to work with FINCOM to develop a repayment plan and return next month with an acceptable plan. This option usually includes an order to make payments while developing the plan.

Hold a contempt hearing and find the defendant in contempt, but allow him/her to remain free to develop a repayment plan with FINCOM and make a payment before returning to court the next month.

After holding the contempt hearing, find the individual in contempt and take him/her into custody, setting a purge amount that is usually equal to the delinquency. The person will stay in custody, with work release, until the purge is paid. The Court establishes a hearing date to determine what progress has been made.

The program has demonstrated such success in a short time that many counties have inquired and observed the Maricopa County Restitution Court and are considering integrating a Restitution Court into their court system. Coconino County is one of the first to establish a Restitution Court after observing Maricopa County's program.

Restitution Court is a good example of what can be accomplished when people address the major issues, think outside the box, and government agencies cooperate.

A special thank you to members of the FINCOM staff that have volunteered to assume Restitution Court duty: Samantha Berman, Judy Chacon, Sonia Cruz, John Helmrich, Lorraine Guier and Kendra Neal. If you have any questions about the program or would like to make referrals, please contact a FINCOM staff member or Stephen Hartley, program supervisor.

**Submitted by Stephen Hartley  
Adult Probation**

# Courtside

## Photo Highlights

### Seasons Greetings From:



*Judge Roland Steinle and Staff*



*Court Administration*



*Submitted by Anthony Weaver*

**Staff Development and Training**  
*(Photo taken during the department's holiday party)*



*Seasons Greetings*

**Court Security**