



Night Court Open for Business

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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.

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



Superior Court officials weren't the only ones celebrating the successful start of night and Saturday court at the Northeast Regional Court Center a few weeks ago.

Litigants arrived in a steady stream on opening night. Several of them left smiling, and even one danced in the hallway with her mom outside of the courtroom where Judge Norman Davis had just finalized her divorce.

She joyfully terminated a short-term marriage that counseling failed to restore.

It wasn't as festive inside the courtroom as cases were called for each "decree on demand" hearing. But it was certainly effective, as each of the pending divorce cases heard was finalized.

Each litigant was provided ample opportunity to explain the reason for seeking the divorce, to detail any settlement agreement that had been reached and describe parenting time decisions. And each got what they wanted – a court order dissolving a marriage that was "irretrievably broken with no likelihood of reunification."

All of the cases were interesting. Each was unique. In every instance the spouse initiating the divorce represented himself or herself. The opposing spouse did not contest the divorce, which is a prerequisite for scheduling a "decree on demand" case in night court.



Court customers appreciate the new night and Saturday hours at the Northeast Regional Facility.

One husband told Judge Davis that he was married almost three years and the relationship was finished. He acknowledged that he knew about conciliation services and counseling being available. Bottom line: "Did it help? No." He left the courtroom as a single man again.

A 27-year marriage ended with the testimony of a wife who detailed a once happy family that had disintegrated into two estranged spouses with two adult children and a 12-year-old. She presented a parenting plan giving her sole custody. She laid out what financial agreements were made, including child support. Then, without showing any emotion, she silently left the courtroom moments after the court agreed to her decision and granted the divorce.

A most unusual ending of a marriage came after both parties acknowledged they would continue to live together as a couple and

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Message From the Presiding Judge



Barbara Rodriguez Mundell
Presiding Judge

A term that has become popular recently is “cultural competency.” What does it mean? I had to look it up on the internet because my dictionary didn’t have such a phrase. It is defined as: “the willingness and ability...to value the importance of culture in the delivery of services to all segments of the population.”

As you look at me, what do you see? You see a woman. Perhaps you see me also as a Latina. Research in the field of social cognition or social thinking tells us that within a fraction of a second of meeting another person, our brain identifies her or

him by race, then sex, then age, in that order.

This research also shows that we look at people with our characteristics as individual, and we tend to look at others as “all of the same.” This is how we get to remarks such as: “That is how women are.” Or “men are always like that.” And, research shows that preferences we quickly develop as young children - for those who are like us - become the lens’ through which we view our world during our lifetime. So how do we break the cycle of stereotyping others? I suggest five steps that might lead us along the road to “Cultural Competency.”

Step 1 - Become Aware of Differences and Do Not Be Afraid of Them

Lack of awareness of differences can be disastrous, so we need to challenge our pre-judgments and be open to curiosity.

If we shrank the earth’s population to a village of 100 people, here is what the village would look like:

- 57 Asians, 21 Europeans and 8 Africans
- 52 Females and 48 Males
- 70 Non-White and 30 White
- Six would possess 59% of the wealth, and all would be from the United States
- 70 would not be able to read
- 50 would suffer from malnutrition
- 80 would live in substandard housing
- Only 1 would have a college education
- Only 1 would own a computer.

Step 2 – Learn All We Can About Each Other As Though Our Lives Depend On It, Because They Do!

If we think this has nothing to do with us, we need to think again. What happens around the world, impacts all of us. Did you know that if all families in China had a refrigerator, the gases produced would totally destroy the ozone layer over the entire planet? Statistics that are closer to home show these changes between the 2000 U.S. census and the 2004 census:

- Only the percentage of persons who identified themselves as White, decreased
- The populations of those who identified themselves as “minorities” increased from the 2000 census.

When we look at census statistics of persons who were not U.S. citizens at birth:

- These citizens comprise 12% of the entire U.S. population
- 54% of all “foreign-born” persons were from Latin America
- 25% were from Asia
- 13% were from Europe

The U.S. population is:

- 28.4% Hispanic or Latino
- 3.6% African American
- 2.7% Asian
- 1.6% Native American
- 62.3% White

We can be sure that the next census will reflect even larger numbers of persons who are non-White.

Step 3 – Drop Our Stereotypes and Don’t Make Assumptions

It is important to acknowledge that the population in our country is changing because people of different backgrounds and cultures see behaviors, attitudes and values very differently. For example:

- Laughing is usually a sign of happiness, but in Japan it can indicate confusion, insecurity or embarrassment.
- It is good manners for dinner guests in some Asian and Central American countries to leave immediately after dinner. Lingered indicates lack of sufficient food.
- In Germany, tardiness is generally considered very rude. However, in many Mediterranean/European countries it is normal to arrive to an event 30 minutes late or more.
- Many Native Americans will not make eye contact with someone in a position of authority, out of respect.
- The “firm handshake” that is often expected in the Anglo culture, is generally not used by Native Americans or Hispanics.
- In Africa, it is a compliment to tell a female friend she has put on weight: it means she is healthy. But say that in the United States? I don’t even want to go there!

This is important because we assume too often that when a person acts or gestures in a certain way, he or she means the same thing we do, and that is all too often not the case.

Step 4 – Begin to Play and Work and Live with Persons of Different Races, Cultures and Ethnicities

The best way to be comfortable with people, especially those different from oneself, is to be with them and near them.

That is why we have to be vigilant that our workforce accurately and adequately reflects our population. We must, to some degree, look like and be like the people we serve, so that the citizens are comfortable with us as their public servants. If our workforce is always out of sync with our population base, we will not know the needs of those we are committed to serve.

Step 5 - Cultural Competency Is Not a Puzzle to Be Solved, but Rather A Mystery to Be Lived

We need to care for and love each other as one race - The Human Race.

We would never think that our brain is more important than our heart, or our hand better than our foot, or that our lungs are too much trouble wanting air all the time. We know our body works because all of it, all of the time, is in total sync, even though the parts are so different.

We are on a journey to learn about and accept each other. Let compassion be our companion and fairness be our friend.

As you look at another person do not think about what you see think about who you see. That is “Cultural Competency.”

Judicial Branch Newsmakers

Administrators Rotate to New Assignments

Outlined below is a listing of Court Administration personnel that will be rotating into new assignments. Within the next several weeks each will begin to leave their current assignment to transition into their new role, while assisting those taking over for them.

	Prior Assignment	Current Assignment
Peter Kiefer	Criminal Court Administrator	SE Regional Administrator
Bob James	Jury/Customer Service	Criminal Court Administrator
Deborah Primock	Criminal Court Administration	Family Court/Conciliation
Carol Westwood	Procurement/Finance	Criminal Court Administration
Mitch Michkowski	Civil Court Administrator	Civil/Jury
David Jacobs	SE Conciliation Supervisor	Civil Court Administration

The Civil Department adds another manager to assist Mitch Michkowski with civil case management, department operations and special projects as he adds jury to his responsibilities. Brian Karth is preparing to take a more active role in jury and Ernie Heitmuller will continue in his role as deputy manager. The next year for the jury operation promises to be especially challenging with plans for a new computer system.

Judge Norman Davis Honored in Sedona

Judge Norman Davis was given the "Outstanding Contribution to Family Law in Arizona" award by the Arizona Chapter of the Association of Family and Conciliation Courts. The award was presented during a ceremony in Sedona.



Judge Norman Davis

Judge Davis was recognized for implementing 26 of the 29 goals and objectives identified by the Graecean report. He has helped many children and their families by streamlining the entire case processing in family court and removing unnecessary delays.

Former Deputy County Attorney Hired as Commissioner

On February 2, Presiding Judge Barbara Rodriguez Mundell announced the hiring of Charles Donofrio III as commissioner.

Donofrio III, a former deputy county attorney with the Maricopa County Attorney's Office, will start on March 5. He will be trained for assignment in Initial Appearance Court to take Commissioner James Morrow's calendar



Charles Donofrio III



Maricopa County Juvenile Probation Department Special Supervision Unit team received a Showcase in Excellence Award from the Arizona Quality Alliance for developing a process that is having a positive impact in working with adjudicated juvenile sex offenders. From 2002 to 2005, recidivism rate among juvenile sex offenders has decreased from 30 percent to 11 percent.

Court Briefs

News from around the Court

Judge Araneta Takes Over MCBA Presidency

In addition to handling his Juvenile Court caseload, Judge Louis Araneta is serving a one-year term as president of the Maricopa County Bar Association (MCBA). The organization's membership includes judges, private attorneys, government lawyers and others.

Judge Araneta has been on the Superior Court bench for 17 years, serving first as a court commissioner from 1990 until 1993 and became a judge in September, 1993. He has served on Family Court, Criminal Court and Civil Court and is currently assigned to Juvenile Court.

Q: What qualities do you have as a judge that will best serve you in your role as MCBA president?

Trying to be a good listener and focusing on the issue at hand. The dedication of the attorneys, judicial officers and paralegals who give their effort and time to volunteer their services to the Board of Directors and divisions and sections of the bar inspires me to try to do a good job this year as president.

Q: As MCBA President, what goals have you set to achieve in 2007?

I consider 2007 to be a year for rebuilding and growth for MCBA both literally and figuratively.

Immediate and pragmatic goals include:

- Returning in the spring to our remodeled and enlarged offices and meeting rooms at our building at 303 East Palm Lane in Phoenix.
- Return to full staffing.
- Have MCBA continue to

operate within its budget for projected revenues and expenses.

Longer term goals, assuming the Board agrees, include having MCBA collaborate more closely with sister bar organizations and Community Legal Services and the Volunteer Lawyers Project.

Maricopa County has a vibrant legal community. There are many sister bar organizations which also endeavor to serve the needs of their members and offer opportunities of service to their members. I would like to see closer interaction among MCBA, the State Bar of Arizona, the Arizona Asian American Bar Association, the Maricopa County Chapter of the Arizona Women Lawyers Association, Los Abogados Hispanic Bar Association, Hayzel B. Daniels African American Bar Association, East Valley Bar Association, Scottsdale Bar Association and the West Maricopa County Bar Association. Perhaps talking about



Judge Araneta hands Judge Potts her gavel at her investiture

"I consider 2007 to be a year for rebuilding and growth for MCBA both literally and figuratively."

Judge Louis Araneta

collaboration is the first step forward.

Q: How would you summarize your mission for MCBA?

My mission is to help MCBA serve as a vehicle of service for the benefit of its members, the legal profession, the judicial system and the public.

CASA

To recruit more Court Appointed Special Advocates, the CASA Program was awarded a \$25,000 grant from the Gila River Community to spend on advertising.

With the grant, CASA plans on spending \$18,500 on a six-page advertisement in the Sunday Edition of the Arizona Republic. The target date for the advertisement is March 25th, the week that kicks off Child

Abuse Awareness Month.

The Dallas, Texas CASA Program spent more than \$22,000 on a similar six-page insert in the Dallas Morning News. That advertisement gained the Dallas CASA program 193 volunteer applications.

Submitted by Justine Grabowsky

Court Briefs

News from around the Court

New Juvenile Database Set for February

Implementation of a new Juvenile case database will begin at the end of February 2007. Since early 2006, Court Technology Services has been working closely with juvenile professionals in determining and building a new juvenile application in iCIS (integrated Court Information System).

The major customers using the database include Judges and

Commissioners, Juvenile Court Administration, Clerk of the Court and Juvenile Probation.

iCIS offers the entire Juvenile Department many progressive and innovative benefits. iCIS will increase work productivity through the storing, retrieval, and display of information. These enhancements are exciting to demonstrate. iCIS also offers intuitive navigation, fast data entry methods, and integration

with juvenile departments.

Soon staff members will begin receiving notification for training to prepare for the implementation. Once implementation occurs, CTS will continue to support all staff members by being onsite to quickly address questions, and continue to assist juvenile staff in becoming more acquainted with iCIS.

Story submitted by Doug McKenzie

Law Library

Tip of the Month: State Bar publications available online

Chances are you fit into one of two categories: (a) you don't know the State Bar of Arizona has legal publications, or (b) you use these publications in print only. So you could be surprised to know that many of the State Bar publications are available in an online searchable format. The Superior Court Law Library offers this online access to State Bar publications through Loislaw, one of our many electronic resources.

The State Bar publications can be an extremely helpful legal research tool. The topics vary widely, but here are some example titles:

- Arizona Appellate Handbook
- Arizona Attorney
- Arizona Civil Remedies
- Arizona Employment Law Handbook
- Arizona Probate Code Practice Manual

If you use Westlaw or Lexis, you might have checked either of these computer-assisted legal research

providers for this content. But you would not find it there. That's because Loislaw has the exclusive right to provide access to these publications in an electronic format. Loislaw offers other publications as well including various legal treatises and unannotated state statutes.

To learn how to locate and use Loislaw, please contact the Law Library at X63461 or services@scll.maricopa.gov. We have a handy guide that tells you exactly how to use Loislaw to access these publications, and, we are ready to send it to you!

If you have questions about this or other Law Library services, please let us know. And, remember that our mission is to provide the Court with timely, efficient, and reliable access to legal information! So, the next time you find yourself needing to do legal research, think of the Law Library. Legal research is our specialty.

Story submitted by Jennifer Murray

Family Court

In an effort to reach out to a growing number of self represented litigants, the Family Court Department implemented a workshop to assist litigants with completing court documents.

The first workshop will cover the topic of the Petition to Stop or Change Order of Assignment. The department has been aware of the common misfiling of this form. The instructors will not be able to provide the litigants with legal advice during the workshop, however, litigants will receive legal information to assist them in making an informed decision regarding their Family Court matter.

The workshops will be held on the second and fourth Friday of the month in the Self-Service Center located in the East Court Building in Phoenix.

Litigants are instructed to arrive at 8:30 a.m. for registration and the workshop will begin promptly at 9:00 a.m.

Submitted by Shannon Branham

Investitures

Two Judges Sworn In



Arizona Supreme Court Chief Justice Ruth McGregor swears in Judge Whitten

Superior Court Judge Christopher Whitten was honored during an investiture ceremony on January 19 in the Maricopa County Board of Supervisors Auditorium in Phoenix. The judge's experience includes serving as a law clerk with the state Court of Appeals, working as a Deputy County Attorney and working seven years in private practice. He earned his Bachelor of Science degree in 1988 at the University of Arizona. In 1991, he graduated from the University of San Diego School of Law.



Arizona Supreme Court Chief Justice Ruth McGregor swears in Judge Potts

Judge Karen Potts celebrated her appointment to the Superior Court bench during an investiture ceremony on January 26 in Phoenix. Prior to joining the bench, she spent 18 years in private practice that began in 1985. Her initial work as a lawyer was as an assistant attorney general for Arizona. Judge Potts graduated from Arizona State University Law School in 1980. For the last three years, she taught Legal Studies at Phoenix College. Judge Potts is assigned to the Family Court at the Southeast Facility in Mesa.

Former Judge Dies at the Age of 97

Retired Judge Kenneth C. Chatwin, who served on the Maricopa County Superior Court bench from 1962 to 1979, died at the age of 97 on January 16.

Prior to joining the bench, Judge Chatwin practiced law for 15 years in Arizona State and Federal Courts. He was admitted to practice before the United States Supreme Court and the United States Court of Military Appeals in Washington D.C.

During WWII, Judge Chatwin was called to active duty from 1941 to 1945. He was a member of the Office of the Undersecretary of War in Washington D.C. and the Eighth Air Force and Air transport Command in Washington D.C. and England. After the war, he was an Air Force Reserve Commanding Officer before retiring from the military in 1969.

Judge Chatwin received his Bachelor of Arts degree from Arizona State Teachers College in 1935 and his Juris Doctorate from George Washington University Law School in 1942. He is survived by his two daughters Rita Mitchell and Kathryn Jossie, half brother LaVal Chatwin, seven grandchildren and 31 great grandchildren.



The Hon. Kenneth C. Chatwin

Superior Court Judge Pamela Franks Retires

Another veteran Superior Court judge has announced plans to retire from the bench.

Judge Pamela Franks, who has served on the bench since 1989, will retire March 22.

During her 18-year career on the Superior Court bench, Judge Franks served a significant amount of her tenure in Juvenile Court: from 1991 to 1993, from 1998 to 2001 and since 2003 to present. From 1998 until 2001 she was the Juvenile Associate Presiding Judge.

She also served as Probate Presiding Judge from 1995 until 1998. Other assignments make up the remainder of her time on the bench, including two years each in the Civil Department, Family and Criminal Court.

Judge Franks clerked with the Arizona Supreme Court upon graduation from the University of

Arizona College of Law. She worked for then Justice Frank X. Gordon Jr. It was he who swore her in as a judge 10 years later.

From the Supreme Court law clerk job, she went into private practice in 1979 with the firm of Henry, Kimerer and LaVelle. Two years later, she became a public lawyer, working seven years as an assistant federal public defender. She returned a short while to her earlier firm, that became Allen, Kimerer and LaVelle. And within a year, she was appointed to the bench.



Judge Pamela Franks is sworn in by then-Supreme Court Justice Frank X. Gordon Jr. in 1989.

Judge Franks is a fellow of the Arizona Bar Association. She is a member of the National Association of Women Judges and the Arizona Women Lawyers Association.

Night Court Open for Business - Continued

continue to parent their daughter together. The divorce was a financial necessity, they admitted. All of which greatly troubled Judge Davis.

Upon further questioning they met the legal requirements and got their divorce. They were headed back home, together, as they walked out of the courtroom.

There was no doubt in the case of a man seeking divorce from his wife of 26 years - from whom he was separated for nearly 20 years. He said there was nothing he could do to patch up the relationship. And he testified that there was "no reasonable prospect of reconciliation." Judge Davis granted the legal finale of the marriage.

Each of these newly-divorced individuals of the opening session of night court gratefully thanked Judge Davis, as he pronounced the dissolution of the their marriage.

He wished each of them "good luck."

There was at least one litigant who brought evidence to the courthouse that she had undeniably moved on with her life. After walking out of the courtroom, she met a young man who had been waiting in the hallway, near the exit. They embraced, and walked into the parking lot with arms around each other.

Good luck.

The Family and Juvenile Courts are offering night and Saturday hours as part of a pilot program to provide court customers the opportunity to alternative schedules for court proceedings. The innovative plan will be evaluated for possible expansion to other court sites around the Valley.

San Tan Set to Open

A unique new courthouse will be open and operational in April. It is the first courthouse in Maricopa County constructed to solely house multiple justice of the peace courtrooms under one roof.

A ribbon-cutting ceremony celebrates the opening of the new facility - the San Tan Regional Court Center - at 10 a.m., Tuesday, April 3. The 43,000 square foot building is at 201 East Chicago Street, Chandler.

The four judges and courts located in the building include: Presiding Justice of the Peace John Ore, of the University Lakes Justice Court ; Judge Keith Frankel of the San Marcos Justice Court; Judge Sam Goodman, San Tan Justice Court; Judge Elizabeth Rogers of the Kyrene Justice Court.

Courtside

Photo Highlights

In the News



Left - Renee Harris of Court Administration sings with the county's choir at Maricopa County's Diversity Celebration event in Phoenix. **Bottom Right** - Presiding Judge Barbara Rodriguez Mundell joins other dignitaries in the groundbreaking of the San Tan Regional Court Center in Chandler in 2005. The court center is scheduled to open next month. **Top Right** - A group of college journalism and political science professors from Indonesia visit Superior Court. The group is part of a foreign exchange program with Arizona State University.



Presiding Judge Barbara Rodriguez Mundell speaks to a group of Maricopa County employees at a Diversity Celebration event in Phoenix. Judge Mundell was last year's recipient of the Maricopa County Diversity Champion Award.

