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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."*



## Retirements Impact Superior Court Bench

Floodgates opened wide in June with a record number of Superior Court judges retiring from the bench in one sweep. The loss of eight judges leaving at the same time has a serious impact because each of them takes 20 years of judicial experience and efficiency, gained in an era of growth and innovation.

The departure of veteran Judges Dave Cole, Steven Sheldon, Dennis Dairman, Kenneth Fields, Jeffrey Hotham, Ron Reinstein, Jonathan Schwartz and Michael Wilkinson creates an unprecedented challenge for the court and the Governor.

Like other judges who have retired, this group of retiring judges has redirected their talents to new careers. Ron Reinstein is starting a new position with the Administrative Office of the Courts doing special projects, and will also do consulting work on various criminal justice and forensic issues.

Dave Cole is heading to a professorship with the Phoenix School of Law, after taking some time off to travel.

Steve Sheldon is going into private practice, joining family law expert Todd Franks, also after indulging in some travel.

"I've had a great time being a judge," Sheldon said. "I loved it. I'm leaving very satisfied."

Michael Wilkinson and Dennis Dairman are transitioning into true retirement. As Wilkinson describes his future, it will be spent enjoying family life. He foresees days of writing, traveling, reading and spending plenty of time at Brophy watching his son's softball games.

Kenneth Fields, Jeffrey Hotham and Jonathan Schwartz returned for a post-retirement stint on the bench – helping bridge the gap created by the flood of retirements, including their own. They, and perhaps others, are being called back for assignments that may last a few days or as long as many months.

From the onset each has agreed to cover their own - vacated - calendars which will somewhat soften the blow of eight judges leaving at once.

But why are so many judges leaving the bench? It doesn't pay – financially – to stay after becoming eligible for retirement.

After a Superior Court judge has been on the bench for 20 years (or has previous government retirement credits to use toward the 20-year service requirement), they begin to "lose" money.

Upon reaching eligibility, Superior Court judges qualify for 80 percent of their salary as retirement pay - about \$108,000.

One retiring judge said its "costs" a judge to remain on the bench once becoming eligible for full retirement. He noted it doesn't make financial sense to be able to receive \$108,000 without spending another day on the job, yet continue working for the \$28,000 difference between retirement pay and the amount paid to continue working fulltime.

And potential new, lucrative careers – in private practice, education, consulting – serve as a provocative lure for judges already receiving a comfortable annual retirement "salary."

## Message From the Presiding Judge



**Barbara Rodriguez Mundell**  
Presiding Judge

Prop 100 is being used as a weapon - not to hold proven illegal immigrants accused of serious crimes without bond - but as a political attack on Superior Court judges and commissioners.

The county attorney has held news conferences to point an accusatory finger at the court for performing its duties according to legal standards of the new law. He uses half-truths and

manipulated data as the basis of his accusations.

It is a fact that our judges and commissioners have been working to comply with the law since Prop 100's effective date. And most leaders in the criminal justice system are working collaboratively with the court to assure the law is followed while ensuring that everyone's constitutional rights are protected.

Prop 100, as passed by the voters, did not define the burden of proof that must be met for an individual to be held without bond. This omission created ambiguity about how to enforce the law. The Arizona Supreme Court stepped in to provide the standard to be used statewide – proof evident or the presumption great.

This is a very high standard. And the prosecutors have had difficulty meeting the burden in most of the cases set before the Superior Court judicial officers, often because a police officer is not available on short notice or because there are no records available from Immigration and Customs Enforcement.

Consequently, the Legislature is considering passing a law to lower the burden of proof and the Arizona Supreme Court is considering a Rule change to improve the procedures for handling Prop 100 cases. The Supreme Court invited comment on its proposed changes. The county attorney used this opportunity to continue the attack on the court. Statistics attached to the comments were a manipulatively disingenuous, selective snapshot.

Here's what we found:

- Statistics submitted by the county attorney don't give a true and accurate picture because they excluded the number of plea deals offered by the county attorney and case proceedings that were vacated (generally because the county attorney did not file charges against the individual).

- Their statistics excluded most Prop 100 cases handled by at least one judge.
- Many had been offered plea deals by the county attorney and had been placed on probation.
- Data was manipulated by including cases that had been dismissed because of lack of evidence.
- Case numbers were missing, incorrect or non-existent.
- At least six cases on the list were posted twice.
- Some bond amounts cited are incorrect. For example, instead of listing the correct bond of \$27,000, the list cites the bond at \$2,700.

Data kept by the Court, and made public weeks ago, shows marked differences from the county attorney's numbers. The court's review found 350 defendants were held non-bondable at their initial court appearance. At an evidentiary hearing held 24 hours later, where bond was reviewed, the prosecutor failed to prove in nearly 70 percent of the cases that the defendant was here illegally. In those cases, prosecutors asked for bond to be set, which the court did, based only on the pending criminal charge. The county attorney's office gave plea deals to 20 percent of the defendants on the condition that they would waive their *Simpson* hearing, but making them eligible for release.

Skewed statistics are not the only misrepresentations the prosecutor's office makes against the Superior Court. Let me correct the record:

- Spanish DUI Court is not a "race-based" court. This is an award-winning, post-conviction, probation program that succeeds in changing the behavior of individuals convicted of DUI. A lawsuit filed by the county attorney's office attempting to eliminate this award-winning program was recently dismissed by a U.S. District Court judge, ruling in the Superior Court's favor.
- Victims' Rights are protected. In fact, judges reiterate what victims' rights are at the start of criminal proceedings. And, earlier this year victims' representatives, including staff of the county attorney's office, participated in the court's Victims' Forum to assist in planning appropriate and innovative spaces for victims in the new criminal court tower.

The political rhetoric and bickering does not contribute anything worthwhile to the administration of justice and has been extremely destructive to the collaboration between hardworking attorneys and judges who have tried in earnest to make the system work.

# Judicial Branch Newsmakers

## Commissioners Appointed

Roger Hartsell joins the Court from a background in private practice. Commissioner Hartsell graduated from the University of California, Davis (B.A. Political Science) and Santa Clara University School of Law. He primarily practiced family law litigation in San Jose, California, before moving to Maricopa County.



*Roger Hartsell*

Before joining Superior Court as a Commissioner, Margaret Benny worked as an Arizona assistant attorney general since 1999.



*Margaret Benny*

Commissioner Benny graduated from the University of New Mexico School of Law in 1994.

## Judge Davis Receives NACM Honor

Judge Norman Davis received an honorable mention from the National Association for Court Managers for their Justice Achievement Award. Judge Davis was recognized for his role in establishing night and Saturday court at the Northeast Regional Court Center. He will be honored at a NACM conference on July 10 in Chicago.

## Judge Samuel Thumma Sworn In

On June 1, Judge Samuel Thumma was joined by his colleagues on the bench, former law partners and associates, family members, and friends during his investiture ceremony in the Board of Supervisors Auditorium in Phoenix.

Judge Thumma joined the Superior Court bench on May 29 and is assigned to Juvenile Court at the Durango Juvenile Court Center in Phoenix.

Prior to his judicial appointment, Judge Thumma had a taste of judicial work from his service as a Judge Pro Tempore. He also shared his legal expertise as an adjunct professor at the Arizona State University College of Law. Immediately before his gubernatorial appointment to the Superior Court bench, he served as a director at Perkins Coie Brown & Bain in Phoenix. His



*Supreme Court Justice Michael D. Ryan administers the oath of office to Judge Samuel Thumma.*

legal career focused primarily on commercial litigation, professional and business torts and contract disputes.

Before joining Brown and Bain, he clerked for Arizona Supreme Court Chief Justice Stanley Feldman and U.S. District Court Judge David Hansen, Northern District of Iowa. He also was an associate at Arnold & Porter in Washington D.C.

Judge Thumma received his law degree from the University of Iowa, College of Law.

## Joseph Kreamer Appointed to Superior Court Bench

Governor Janet Napolitano appointed Joseph Kreamer to serve on the Maricopa County Superior Court bench, replacing the spot vacated by the late Judge John Gaylord.

Prior to becoming a judge, he was a partner at Hopkins & Kreamer L.L.P. in Phoenix, and before that he

worked with the law firm of Snell and Wilmer in Phoenix.

Judge Kreamer received his Juris Doctorate from University of Arizona College of Law. In law school, he was a member of the University of Arizona Law Review and was appointed to the University of Arizona Supreme Court.

## Juvenile and Adult Probation Office Opens

Juveniles and adults on probation have a unique new facility now open at 333 W. Hatcher, where their probation officers, a variety of programs and unique initiatives are available to help them succeed, while keeping the community safer.

Interested neighbors, clients and others were invited to attend an open house on Thursday, June 14, to learn more about the enhanced services provided at the office, and meet some of the 25 adult and juvenile probation staff members who are working there.

Services offered include treatment, community restitution programs, job referrals, unique classes based on family and client need, drug testing and compliance monitoring. The officers provide standard probation supervision, juvenile intensive probation supervision and early intervention and domestic violence programs.

"The opening of this office shows the Court and probation's commitment to the Sunnyslope community and will serve to enhance public safety cooperation in the area," said Chief Adult Probation Officer Barbara Broderick.

Another important value to the expanded service for both adults and juveniles shows "we are maximizing the use of county resources while continuing to meet



Probation Officers (Left to Right) - Danielle Chacon, Michelle Kridler, Tony Mendoza, Cynthia Byrne, Mark Flores, Breht Stavn and Jessica Ward.

the needs for enhancing community safety," said Chief Juvenile Probation Officer Carol L. Boone.

Both probation chiefs complemented Maricopa County Supervisor Andrew Kunasek and the entire Maricopa County Board of

Supervisors for their positive support that assured the project's success. They also credited community support from John C. Lincoln Hospital and the Sunnyslope Village Alliance for their successful opening of the community-based office.

### Maricopa County Celebrates Probation Week

July 15-21, 2007 will be observed nationally as Probation, Parole and Community Supervision Week. Our court in particular will have a Probation Recognition Celebration on Wednesday, July 18, 2007 at 10am in the Board of Supervisors Auditorium. For over 100 years, officers have been supervising offenders to make our communities a safer place to live. These unsung heroes dedicate their lives to serving crime victims, assisting offenders with positive behavioral change, and holding offenders accountable for the wrong they have committed to our families, friends and communities. It is through their commitment to public safety that our communities are a safer place for our families.

They make a difference through monitoring and enforcing sanctions as well as providing treatment,

developing partnerships with other agencies and community groups, and by assisting offenders in their efforts towards leading a law-abiding life.

They are professionals who constantly acquire knowledge of what motivates offenders and apply that knowledge in the most effective way possible. The work they do has become multifaceted - their work goes well beyond supervision and surveillance of offenders - it has expanded to include working with victims in a much more involved capacity to ensure that restorative justice principles are addressed. All of this is done in an effort to ensure the highest level of public safety.

During this week, please help us honor and recognize the work these professionals do each and every day of the year.



Left to Right - Charles Adeleye, Jason Nunez and Jenny Urban.

Story submitted by Patricia Seguin  
Community Outreach Director

# Court Briefs

## News from around the Court

### Law Library

#### Research Tip of the Month: Library Bibliographies

Could you use a list of books and articles on a specific court-related topic? If so, the library is one step ahead of you. Check out our library bibliographies. We cover such topics as e-mail use policies, court security, and e-courtrooms. These bibliographies are available online at our website: [www.superiorcourt.maricopa.gov/lawlibrary](http://www.superiorcourt.maricopa.gov/lawlibrary).

Last month, we told you about our library research guides. So, you might wonder how the guides and bibliographies differ. The research guides tell you where to begin your research. The bibliographies bring the research to you rather than you doing the research with the use of a guide. If you have suggested topics for a bibliography or wish to request that an existing bibliography be updated, please let us know.

For more information on these bibliographies, please contact the Law Library at X63461, or [services@scll.maricopa.gov](mailto:services@scll.maricopa.gov).

Our mission is to provide the Court with timely, efficient, and reliable access to legal information! We welcome the opportunity to help you with your legal information needs.

**Story submitted by Jennifer Murray**  
Law Library Assistant Director

### Court Technology Services

#### Inserting a Hyperlink into an E-Mail

Oftentimes those of us working for the courts have the need to collaborate on projects and share documents such as Excel spreadsheets or Word documents. This can lead to documents being e-mailed back and forth, which not only generates confusion, but also uses up e-mail space; a valuable resource.

#### There is a better way...

Any type of a file, be it a Word, Excel, PDF, image file, or all others, can be hyperlinked to in an e-mail. Hyperlinking to documents as opposed to e-mailing them has several advantages:

- Hyperlinks take up zero additional space in e-mail – no bulky attachments!
- Users can keep a collaborative document in a centralized location on a shared drive.

As a result, users see an increase in both efficacy and efficiency.

**Story Submitted by Rob Vinciguerra, ITS Training Coordinator**

#### CTS Technical Support Services Manager Hired

A core value within Court Technology Services (CTS) is “*Customer Service – by serving the judiciary with respect, professionalism, and competence.*” CTS also employs the strategy of moving from “*good to great.*” The recent hiring of David Morris as the new Technical Support Services Manager within CTS is a recent action to further both the stated value and strategy. Previously, David worked with Intel and was responsible for their Help Desk that supported approximately 26,000 people.

David also has extensive management experience and recognizes the type of service customers expect of an IT organization such as our own.

The “Managing for Results” statistics over the last six months have revealed average customer satisfaction rates of 92% and 90% for the CTS Help Desk and the PC/Network Support teams respectively. While these statistics are good, we are thrilled to have David Morris on board to further our customer service value and strategy of moving from “*good to great.*”

## Court Interpreters Give New Meaning to Family Court

Sometimes words and expressions are lost in translation, especially when interpreting such intricate legal terms as *supervening indictment* and *motion in limine*.

But it's the responsibility of court interpreters and translators like John Griffin, and his two sons, Christopher, the oldest, and Ian, the youngest, to make sure that doesn't happen in Maricopa County Superior Court.

The Griffins are part of a highly-skilled team of court interpreters who serve as a crucial bridge between Spanish-speakers and English courtroom proceedings.

"We are expected to perform at a very high level. People are speaking fast, and we're dealing with people from different countries with different sayings," Christopher said. "We also have to interpret expert testimony, which requires us to have a certain level of expertise in many fields."

According to the Griffins, they utilize each other's expertise to perfect their own craft.

"There are many positives of working with my dad and brother," said Ian. "I feel we have an advantage because we regularly consult with each other on different techniques, strategies, words and points of view."

As a translator of documents, John spends most of his time in an office in Downtown Phoenix looking up words and conducting research; while, Christopher and Ian interpret in courtrooms in Phoenix and Mesa.



*John Griffin (right) with his two sons Ian (middle) and Christopher (left).*

"If I'm in a courtroom interpreting, and I don't know an expression, I'll text my dad to look it up. Being a translator, he spends most of his day in front of a computer and has a lot of dictionaries handy," Christopher said. "When you're interpreting in court, you have to be quick, and you don't have that luxury to do research."

Their dad, John, moved from the United States to Costa Rica in 1970 to work as a religious missionary. There he met his wife Vanessa, a native of Costa Rica and a Spanish-speaker. The two were married in 1975 and had two children, Christopher and Ian.

Growing up in Costa Rica, Christopher and Ian's first language was Spanish but dad did everything in his power to assure they learned English as well as Spanish.

"Even though I was a school

teacher in Costa Rica, I knew that I would never have the time to teach the boys properly at home. When they were in junior high school, we sent them to bilingual schools where they learned to read and write English," John said.

The focus on learning both languages eased the transition for the teenage boys when the family moved to Salem, Oregon in 1996.

"When we came to the U.S., Christopher and Ian knew enough English to fit right in to their schooling here," John said. "Most people don't know that English is technically their second language."

In 1999, John received his certification as an interpreter from the state of Oregon and began working as a medical interpreter and then later moved into the field of court interpreting. Chris and Ian soon followed his career path.

But it was Christopher, who was the first family member to move to Phoenix and join Maricopa County Superior Court in 2004. Nine months later their dad followed, and three years later Ian joined Superior Court.

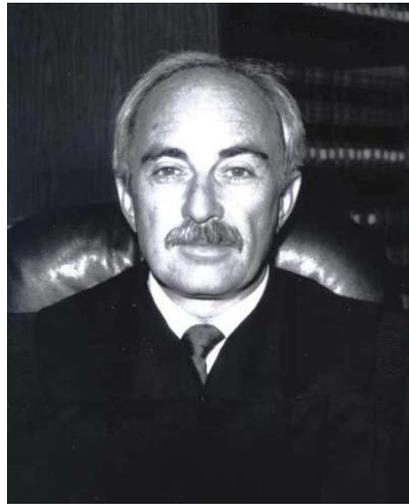
"When offering kudos to employees, managers often say 'I wish I could clone you.' In the case of the Griffins, that saying has taken a very literal meaning. Not two but three members of the Griffin family are currently working for Court Interpretation and Translation Services," said Raul Roman, manager of Court Interpretation and Translation Services.

"It's a pleasure to have such talented individuals as John, Chris and Ian working for our Court."

# Superior Court Turns Back the Clock

**Superior Court in Maricopa County will be losing Judges David Cole, Dennis Dairman, Jeffrey Hotham, Jonathan Schwartz, Steven Sheldon, Ronald Reinstein, Kenneth Fields and Michael Wilkinson in June to retirement.**

**Here are some photos found in their files from early in their judicial careers.**



**Judge Kenneth Fields**  
1990s



**Judge Ronald Reinstein**  
1980s



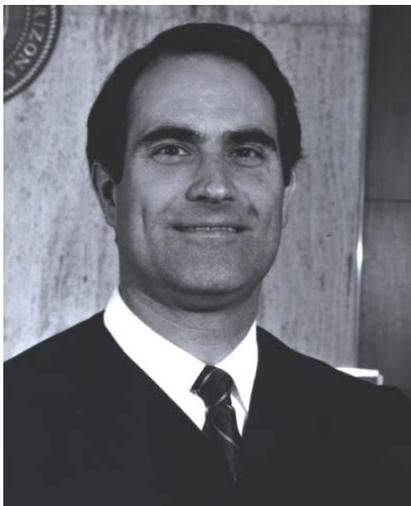
**Judge David Cole**  
1989



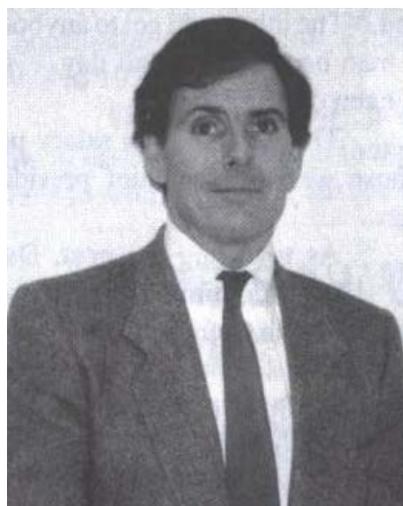
**Judge Jonathan Schwartz**  
1991



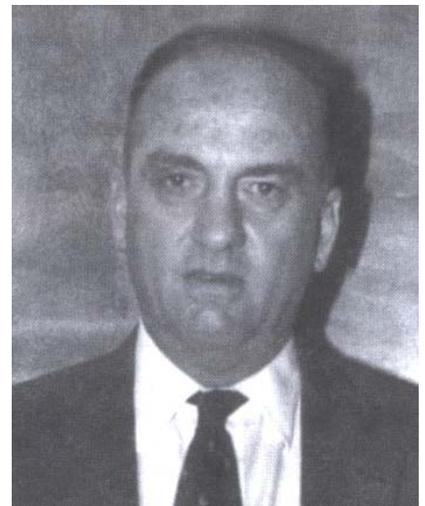
**Judge Michael Wilkinson**  
1980s



**Judge Jeffrey Hotham**  
1990



**Judge Steven Sheldon**  
1990



**Judge Dennis Dairman**  
1992

# Courtside

## Photo Highlights

### In the News



**Left** - Presiding Judge Barbara Rodriguez Mundell and Judge Louis Araneta listen to questions asked by representatives of the Hispanic media at a media forum held in the Old Courthouse.

**Below** - Judge William Brotherton watches Judge Samuel Thumma's investiture. Judge Brotherton's investiture is scheduled for June 29.

**Bottom Right** - Richard Cavazos of Court Security works his post at the Old Courthouse. Court Security screens an estimated 7,000 people a day.



After more than 30 years in the county system, both as an assistant county attorney and Commissioner, Nancy Lewis is retiring effective June 30. "She has served on every court assignment with distinction. While her leaving is a loss to us, we wish her well in her new endeavors," Presiding Judge Barbara Rodriguez Mundell said. The photo appeared in the 1991 issue of Trial Court News.

