Equal Justice Under Law

December 2014

Judicial Branch News

Court of Excellence

Norman Davis
Presiding Judge

This year has been one of growth and progress for the Maricopa County Superior Court bench. By the end of the year, the Court will have seen the creation of 3 new judicial divisions and the appointment of 14 new judges and commissioners to fill these new positions and vacancies occurring throughout the year. Two more vacancies are pending appointment of judges to replace judges retiring at year's end. While change is constant, the quality of our bench remains excellent, primarily due to the merit selection process utilized for both judges and commissioner appointments. One of the true pleasures of my job is to meet with and welcome new judges and commissioners to the Court immediately after their appointment. In every circumstance, I have been impressed with the wisdom of selecting judges and commissioners through a process designed to identify qualities and characteristics necessary for judicial impartiality and excellence.

Since the current merit selection process was adopted by Arizona voters 40 years ago, Maricopa County Superior Court has become one of the best, if not the preeminent, trial courts in the country primarily because of a bench that honors the rule of law, values fair and impartial justice, and constantly seeks innovation and efficiency in judicial process. Merit selection encourages these values, and avoids allegiance to political considerations, campaign contributors, or campaign promises that are so prevalent in other states that continue to select judges through a campaign and election process. In Maricopa County we can be justifiably proud that a merit selection process continues to produce men and women of excellence, achievement, and strong character to the bench.

Building on the strength of the merit selection process for judges, the Maricopa County Superior Court has mirrored that process for the appointment of Court Commissioners. Commissioner applicants complete an extensive application similar to judge applications, and are then thoroughly interviewed and vetted by the Superior Court Commissioner Nominating Committee before their final selection by the Presiding Judge. The strength of this process is validated by the fact that during the last 5 years, 48% of all vacant judgeships on the Maricopa County Superior Court have been filled by Court Commissioners all selected in this manner.

Trial courts in the United States are traditionally configured within county boundaries. Many people are surprised to learn that the Maricopa County Superior Court is the fourth largest trial court in the country based upon county population (3.8 million based on 2010 U.S. Census). Other large urban areas are larger than the Phoenix metropolitan area, but many have a number of smaller trial courts within multiple counties that comprise the metropolitan area. In Arizona 60% of the state's population resides in Maricopa County. With the recent creation of three additional judgeships, we will have 98 Judges and 59 Commissioners, allocated into five major departments as follows:

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Judicial Branch News

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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.

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Court of Excellence - Continued

	Judges	Commissioners
Family Court	27	11
Criminal	27	25
Civil/Tax	23	6
Juvenile	18	6
Probate/Mental Health	2	8
Special Assignment		3
Presiding Judge	1	
	98	59

If you have not already done so, I would encourage you to review the Court's recently published Annual Report, that highlights some interesting demographics and statistical information including some numbers that may remind you how many people that each of you impact every day in your work. For example, last fiscal year: 1,374,941 persons were screened through security into court buildings; 601,448 were summoned to be jurors in Maricopa County; an average of 2,853 hearings and 2,334 motions and events were heard or processed each day; and there were 29,704 adults on probation and 2,405 juveniles on probation.

This size allows our Court to combine resources and achieve many economies of scale such as development of in-house technical resources, better community access to legal services at regional centers, efficient judicial, administrative and probation programs, and departmental judicial assignments and efficiencies. Paraphrasing a recent consult that studied our system, we have been able to become remarkably more efficient by using our size and innovative spirit to leverage the growing demand for legal services in our community.

Over the years we have utilized technology at an ever-increasing rate to increase the efficiency of and access to legal services, organized judicial divisions into departments for increased efficiency, reduced the need and cost for many more judicial divisions by creating more commissioner courts with dedicated caseloads, greatly leveraged the ability of each judicial officer to handle many more cases by adopting processes and procedures to resolve disputes through arbitration, mediation, open negotiation, and settlement conferences, and have enlisted volunteers from the community to leverage the ability of the Court to broaden and improve the delivery of court services including: Court-Appointed Special Advocates (CASA) Program for juvenile dependency cases; the Guardian Review program for probate guardianship cases; Teen Court, Girl Scouts (Detention Troop), and Community Justice Panel programs of the Juvenile Probation Department; and programs in the Education Services and Restorative Justice Services of the Adult Probation Department. These and many other innovations have allowed our Court to adapt to increased growth and demand for court services, to continue operating at a high level during periods of financial crisis, and keep pace with our rapidly changing world and community expectations for legal services.

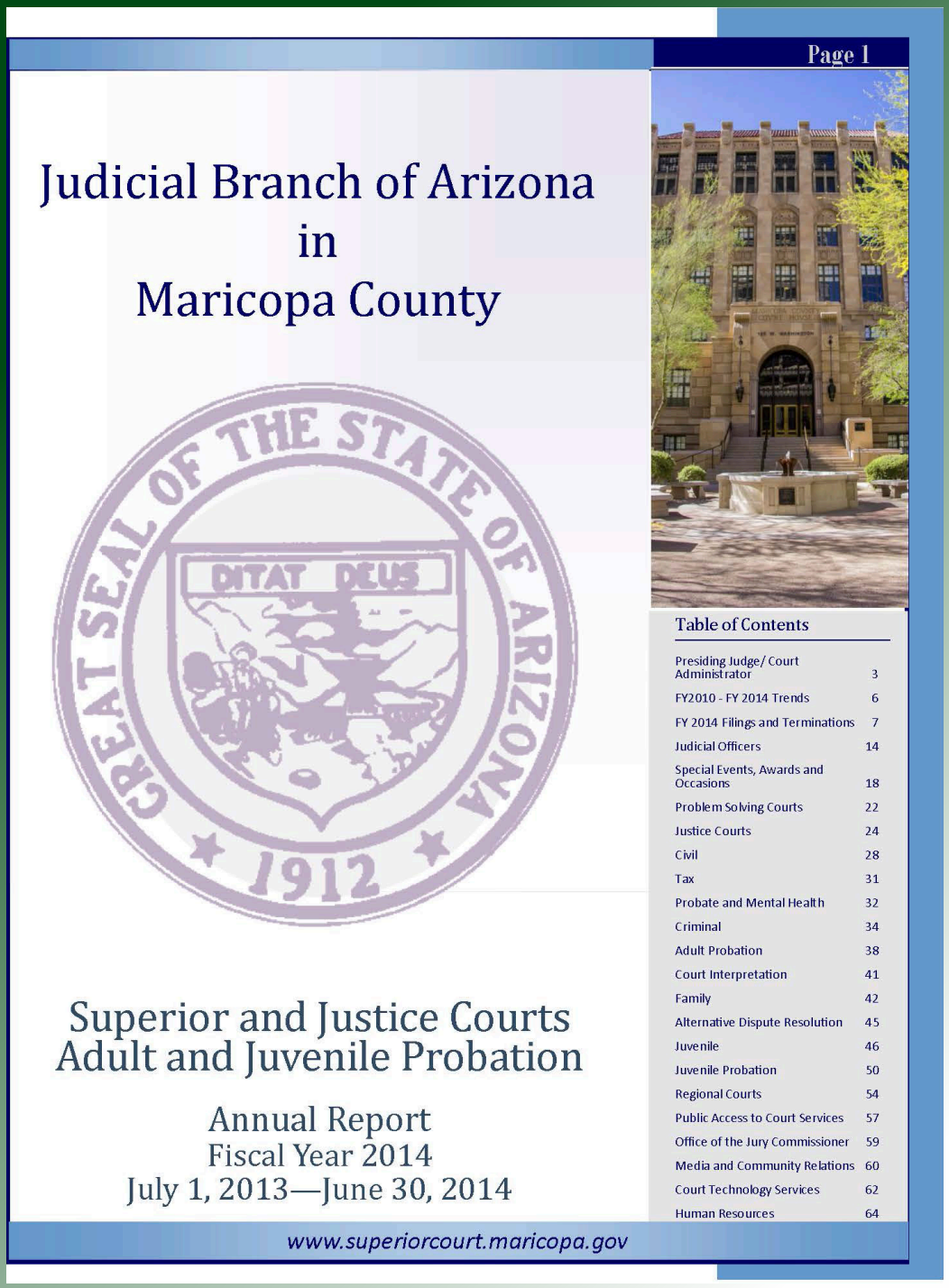
Despite the many innovations our Court has implemented over the years, the key strength of our Court remains the versatility, broad knowledge, and work ethic of our judicial officers, judicial assistants, bailiffs, administrative support personnel, and probation employees. One aspect of improving our versatility and knowledge base is our system that encourages rotation of work assignments. Each year in November the Presiding Judge invites judicial officers to submit their preferences for department and location assignments. These requests and the needs of the Court are carefully considered before final rotational assignments are announced in January to give sufficient time for calendar adjustments before the assignments become effective July 1. On occasion, vacancies and the needs of the Court require "mid-term" rotations to occur.

I am continually gratified by the response to rotations, innovation, and other changes by all of our judicial officers and Court personnel. Our Court takes pride in being not only a Court of excellence, but in striving to be the very best we can be. I am sincerely grateful to our 1,195 Superior Court personnel, 1,091 Adult Probation officers and employees, and 604 Juvenile Probation officers and employees, for the work each of you do every day to maintain the high standards of excellence expected by the Court, and more importantly, by each of you individually.

By Presiding Judge Norman Davis

FY2014 Annual Report is Now Online

To read the full report visit:
http://www.superiorcourt.maricopa.gov/MediaRelationsDepartment/docs/annual-report-2014.pdf



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Judicial Branch of Arizona
in
Maricopa County

Superior and Justice Courts
Adult and Juvenile Probation

Annual Report
Fiscal Year 2014
July 1, 2013—June 30, 2014

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FY 2014 Awards

- Adult Probation Department receives American Probation and Parole Association's President's Award 2013 for exemplary community corrections program.
- LaTeshia Jackson is named Juvenile Detention Officer of the Year
- Judge A. Craig Blakey is named Judge of the Year
- Manny Chavez is named Arizona Desktop Technician of the Year
- Judge Carey Hyatt is named recipient for Judicial Officer of the Year award for her work in Family Court
- Owen Gardner is honored for his contributions with the 2013 Clerk of the Year award in Family Court
- Merit Commission honors Administrative Services Director Phillip Hanley for his service as secretary to Judicial Merit Commission (2004-2013)
- Judge David Gass receives 2014 Justice Michael D. Ryan Award for Judicial Excellence
- Karen Arra, Vincent Funari, and Kelly Vail are named Best Public Information Officers by Phoenix News Times for the second year in a row

Employee Anniversaries

5 Years
Brad Franklin, Bailiff
Brian Kaiser, Court Commissioner

10 Years
Jo-Hua Liu, Judicial Clerk Supervisor
Melinda Manquero, Judicial Clerk Lead
Adam Felicetta, Judicial Clerk Lead
Brenda Aldaco, Case Administrator
Valerie Hughes, Judicial Clerk Associate

15 Years
Scott Homan, Surveillance Officer
Elizabeth Frey, Juvenile Probation Officer
Karyn Hart, Juvenile Probation Officer
Martin Chavez, Juvenile Probation Officer
Kawona Williams, Juvenile Probation Officer
Lee Yacuel, Juvenile Probation Officer
Yvonne Bohling, Judicial Clerk Senior

20 Years
Marialice Haney, Judicial Clerk Lead
Christine Austin, Court Conciliator
David Knopf, Juvenile Detention Ofcr Supv
Keith Kingren, Law Library Assistant
Kimberly Perry, Judicial Clerk Senior
Michael Bane, Juvenile Probation Officer Supervisor
Marat Petrosyan, Juvenile Detention Officer
Jane Miller, Judicial Clerk Supervisor

25 Years
Martin Dominguez, Web Designer/Developer
Nathaniel Hightower, Juvenile Probation Officer
Tamara McBride, Surveillance Officer
Joe Funk, Juvenile Probation Officer Supervisor

30 Years
Olivia Ramirez, Judicial Clerk Supervisor

31 Years
Otis Kirkwood, Juvenile Probation Officer

32 Years
Frank Groenewold, Juvenile Court Assistant Director

33 Years
Cindy Ingles, Judicial Assistant - Classified

** Information provided by Debbie Gilliland in the Human Resources Department.*

Commissioner Appointments

Presiding Judge Norman Davis appointed Sigmund Popko and Margaret LaBianca as Superior Court Commissioners. Commissioner Popko fills the vacancy created by Commissioner Kirby Kongable's retirement. Commissioner Popko is currently serving as a clinical professor of law at the Sandra Day O'Connor College of Law at ASU. Previously, he worked with Meyer, Hendricks, Victor, Osborn & Maledon, P.A. in Phoenix and Hirsh, Sherick & Murphy, P.C. in Tucson. He also served as a Judicial Law Clerk for the Arizona Supreme Court. Commissioner Popko will start with a Criminal IA assignment on January 5.

Commissioner LaBianca fills the vacancy created by former Commissioner Geoffrey Fish's judicial appointment. Commissioner LaBianca is a University of Arizona Law School graduate. She has years of experience litigating civil matters in the private sector. She will start with the Court on January 21, presiding over a Civil/Probate calendar.

2014 Garfield Turkey Feast

The Adult Probation Department (APD) celebrated the 19th Annual Turkey Feast on November 20 at the Garfield Probation Center. The celebration brings together the local community, law enforcement and the Judicial Branch for a holiday meal and an opportunity to mingle. Even Santa Claus took a break from his busy work at the North Pole to meet and greet the children at this gathering.

This year, a record 850 plates of turkey, mashed potatoes and corn were served to hungry guests. Volunteers served up pumpkin pie and chocolate cupcakes, baked and iced by Probation Supervisor Tammy Allen, for dessert. Many thanks to the 73 APD and Court staff members who volunteered to serve guests, bus tables and assist Santa distribute toys to more than 300 lucky children. Also, special thanks to the army of volunteers and organizations who made the Garfield Turkey Feast a memorable event.

By Probation Officer Supervisor Joe Pallo

Judicial Assistant Carol Sands Retires

Carol Sands, judicial assistant to Judge Sally Duncan, announced her retirement after 19 years of service.

Act of Kindness Returns 50-year-old Memories to Local Bricklayer

Submitted by Brenda Yanez, a spokeswoman for Torres Consulting and Law Group in Tempe.

Deep in the airshafts of the Maricopa County court building lay the answer to a 50-year-old question. A question that may never have been answered if not for a recent discovery.

Dennis Cahill, who comes from a long line of bricklayers, recently learned what happened to his missing wallet – a wallet that vanished while he was working on the Maricopa County east court building in 1963.

Cahill recalls finishing his shift and realizing he lost his wallet.

“I thought I lost it in a porta-potty,” says the retired Local 3 bricklayer. “I only had one dollar in the wallet.”

And while one dollar could buy Cahill a small dinner at the time, he opted not to conduct the messy porta-potty search.

More than 50 years later, a Caliente Construction worker tasked with helping renovate the Maricopa County east court building sees something in the same airshaft Cahill had been in the day his wallet disappeared.

The worker while removing asbestos and lead paint from the 5-foot deep, 30-foot wide and 180-foot high airshaft finds the lost wallet – totally intact. He promptly returned it to his superintendent

Caliente Construction Superintendent James Williams has worked in construction his entire life, and he hadn’t seen something like this come up.

“I was compelled to return the wallet to its rightful owner or family member. I think I would want someone to do the same if it was my father that had lost this,” says Williams.

Williams says he spent a couple of hours Googling Cahill’s name until he came up with a family member who he called right away. That family member put Williams in touch with Cahill’s son.

“I played cloak and dagger with the son until he was sure I actually had his father’s property and I was sure that he was really the son,” says Williams.

The wallet contains all the items Cahill was carrying with him that day on the job in 1963. He had a draft card, driver’s license, Social Security card, a bricklayers skill card, a picture of his former wife and infant son, and the infamous dollar bill – now worth about four dollars since it’s a collector’s item.

“Mr. Williams went through an incredible amount of effort to find me, and that says a lot about who he is as a person. One heck of a nice guy,” says Cahill.

Cahill now resides in Bear Flat a community about 20 miles from Payson. He says he’s going strong with life and is happy in his retirement because of his good union pension.

“I love socializing at the retirement home close to where I live. I’m really getting into this game called Mahjon,” says Cahill. Cahill proudly says that his support for his union is still strong.

His son, Jim Cahill, currently is the President of Bricklayers Local 3.

“I’ve been a contractor, member of the Tempe City Council, ran for Tempe mayor. I even have a senior center in Tempe named after me,” says Cahill.

“But I’ve always considered myself a bricklayer – and to this day I’m proud to say I’m a member of Bricklayers Local 3,” he says.

Judicial Officers Celebrate Appointments

Arizona Supreme Court Chief Justice Scott Bales delivers the oath of office to Superior Court Judge Timothy Thomason during his investiture ceremony in the Board of Supervisors Auditorium.

Presiding Judge Norman Davis delivers the oath of office to Commissioner Jane McLaughlin during her swearing-in ceremony in the Board of Supervisors Auditorium on December 5.

Presiding Judge Norman Davis delivers the oath of office to Commissioner Andrew Russell during his swearing-in ceremony in the Board of Supervisors Auditorium on December 5.

Commissioner Justin Beresky robes his wife, and fellow Commissioner Nicole Brickner, during her swearing-in ceremony in the Board of Supervisors Auditorium on December 5.

The Governor Appoints Four Judges to the Superior Court Bench

Governor Jan Brewer selected four judges to fill vacancies on the bench.

Judge Geoffrey Fish replaces Judge Eileen Willett who was appointed as a United States Magistrate for the District of Arizona.

Judge Fish served as a Maricopa County Court Commissioner from 2012-14, presiding over matters including guardianships, conservatorships, fiduciary appointments, will and trust disputes, civil lawsuits and receiverships. Prior to coming to the court, he was a partner with the firm Beresky & Fish (2001-12); Deputy County Attorney for Maricopa County (1999-01); sole practitioner at the Law Office of Geoffrey H. Fish (1998-99); a partner with Savage, Fumo & Fish PLC (1997-98); a partner at Fumo & Fish PLC (May – Sept. 97); and associate attorney at Craig K. Perry & Associates (1996-97). He graduated from Whittier School of Law (1996) and obtained a Bachelor of Arts in Political Science from the University of Arizona (1993).

To fill the vacancies from creation of Divisions 96, 97 and 98, the Governor appointed Jennifer Green, Frank Moskowitz and Jennifer Ryan-Touhill.

Prior to coming to the bench, Judge Green served as an Assistant United States Attorney for the District of Arizona (2008 – present); was a Deputy County Attorney for the Maricopa County Attorney's Office (2002-07); was Assistant Town Prosecutor for the Gilbert Prosecutor's Office (1998-02); and a law clerk for the Honorable Jon W. Thompson at the Arizona Court of Appeals, Division One (1997-98). She served as Section Chief of the Southwest Border Crimes Section; and personally argued three cases before the Ninth Circuit Court in San Francisco. She graduated from Arizona State University College of Law with a pro bono distinction and received the Alan A. Matheson Service Award (1997). She obtained a Bachelor of Arts in English, cum laude, from the Arizona State University Honors College (1994).

Before being appointed to the bench, Judge Moskowitz, practiced with the law firm Berk & Moskowitz (1999-14); worked for the firm of Smock & Weinberger (1996-99); and worked at O'Connor, Cavanaugh (1992-96) primarily on probate, trust and estate litigation, commercial litigation, personal injury and wrongful death cases, insurance defense, securities litigation, trademark litigation, anti-trust litigation, Indian law and business dissolutions. He earned his Juris Doctorate from Arizona State University (1992) and received a Bachelor of Arts in Economics from the University of Arizona (1989).

Before her appointment, Judge Ryan-Touhill was a partner at the Touhill Law Offices (2002 – 2014), practicing in juvenile and family law; and was Assistant Attorney General for the Arizona Attorney General's Office (1998-02). She served as a judge pro tem, a court-appointed best-interest attorney, a guardian ad litem and a parenting coordinator. Judge Ryan-Touhill obtained her Juris Doctorate (1997) and Bachelor of Arts in Special Education (1993) from Arizona State University.