



## National Adoption Day 2009

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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."*



Last Saturday, November 21<sup>st</sup>, a record-setting 278 children joined their forever families on National Adoption Day.

The total number of finalized adoptions marks a 36 percent increase from last year's event. In 2008, Maricopa County's National Adoption Day event ranked number one in the United States with 205 adoptions.

"It's gratifying to see how this event continues to grow each year," Presiding Juvenile Judge Norman J. Davis said. "Our community is fortunate to have so many families who open their hearts and homes to children who need them."

The event helps raise public awareness about the plight of children without families. Some of the children, who range in age from newborns to teenagers, are victims of abandonment, neglect and abuse.

"Most of the adopted children come from difficult circumstances, and National Adoption Day gives us all a chance to witness the joy in their faces and reflect on how these adoptions can provide them a new start in a safe and secure home," Judge Davis said.

The festive atmosphere of the event was heightened by a visit from the Phoenix Suns Gorilla mascot; the Cardinals mascot; face painting;



**The Phoenix Suns Gorilla with Juvenile Presiding Judge Norman Davis.**



**Big Red drops in to pay a visit to Commissioner Joan Sinclair during an adoption proceeding.**

games for kids; photos of the newly-created families; and cake and ice cream.

More than 34 judicial officers volunteered their Saturday to preside over the hearings at the Durango Juvenile Court Center.

# Scenes From National Adoption Day



# Newsmakers

## Administrator Wins Award

The National Center for State Courts named Marcus Reinkensmeyer, Court Administrator for the Judicial Branch of Arizona in Maricopa County, its recipient of the 2009 Warren E. Burger Award for Excellence in Court Administration.

The award is given annually by the NCSC to an individual who has made a significant contribution to the field of court administration through management and administration, education and training, or research and consulting.



*Marcus Reinkensmeyer*

"Marcus exemplifies the qualities that this award honors: professional expertise, leadership, integrity, creativity, innovativeness, sound judgment and someone who has taken decisive steps to improve the operation of courts that may have application to courts nationwide," Presiding Judge Barbara Rodriguez Mundell said. "He is the heart and soul of the Maricopa County Superior Court."

Reinkensmeyer joined the Maricopa County Superior Court management team in 1991 when he moved from Illinois, where he served as an assistant administrative director with the Administrative Office of the Courts. He also was a circuit court administrator, assistant superintendent of juvenile detention and a probation officer.

He holds a Bachelor's Degree from Michigan State University Honors College, a Master's Degree in Public Administration from Northern Illinois University and is Graduate Fellow of the Institute for Court Management of the National Center for State Courts. His awards include the Institute for Court Management's Award of Merit (1989) and the Supreme Court of Arizona's Distinguished Service Award (2003). Reinkensmeyer also served as the President of the National Association for Court Management (NACM) in 2008.

"I am both honored and a bit overwhelmed by this truly unexpected award. In my mind, the award is recognition of the strong team work, customer service focus and spirit of innovation in our courts," Reinkensmeyer said.

The National Center for State Courts, founded in 1971 by Chief Justice of the United States Warren E. Burger, is a non-profit organization dedicated to improving the administration of justice and provides leadership, research, technology, education and training to the state courts. The National Center also is taking the lead on several key issues facing the justice system.

## Court Visitors



Judge Barbara Rodriguez Mundell speaks to a delegation from Bernalillo County, New Mexico. The group included judges, court officials and attorneys who visited Superior Court to witness Maricopa County's felony criminal caseflow.



Five Korean Judges and two Court Administrators visited our court as part of the International Visitors Program of the National Center for State Courts.



Japanese Judges Taizo Yokoyama, Masato Takata and Ayaka Sato are visiting to observe court proceedings and learn more about our court.

## New Judge Q & A: Pamela Gates

**Q. What has surprised you the most about making the transition from a partner with Bryan Cave LLP to judge? Please explain.**

I have yet to have a call end with the following words, "What is the matter number for that?"

I recently went to Starbucks and for the first time I didn't think, "That took .3 hours."

**Q. Why did you want to become a judge?**

It is a rather long story (at least .5 hours), but when our second daughter was five days old, my doctors informed me that recent test results indicated I had cancer. Although 2 surgeries and 20 biopsies indicated I was cancer-free, the experience allowed me to focus on my priorities and evaluate whether I was living my life according to my own priorities or the priorities of others. Upon reflection and a few more years of experience, I decided to leave Bryan Cave and pursue my current position.



**Pamela Gates**

**Q. Who has been the biggest inspiration in your legal career?**

So many lawyers at Bryan Cave served as tremendous role models and mentors, including Sally Duncan and Meg Mahoney.

**Q. Do you have a favorite movie or television show in the court or legal genre? Please explain.**

My Cousin Vinny is my favorite movie in the legal genre. It makes me laugh every time I see it.

Vinny Gambini: How many fingers am I holding up?

Judge Chamberlain Haller: Let the record show that counselor is holding up two fingers.

Vinny Gambini: Your Honor, please!

\* \* \* \*

Vinny Gambini: Your Honor, may I have permission to treat Ms. Vito as a hostile witness?

Mona Lisa Vito: You think I'm hostile now, wait 'til you see me tonight.

Judge Chamberlain Haller: Do you two know each other?

Vinny Gambini: Yeah, she's my fiancée.

Judge Chamberlain Haller: Well, that would certainly explain the hostility.

**Q. If you had a day to spend with anyone (living or dead, real or fictional), who would it be and what would you do?**

My mother. I'd introduce her to our children and tell her about my life.

**Q. Do you own an IPOD? If so, what songs are currently in your playlist?**

Lady Gaga, Jay-Z, Black Eyed Peas, Carrie Underwood, Pink, Katy Perry, Madonna, Frank Sinatra, Marvin Gaye, Cold Play, Green Day, U2, R.E.M., Beatles, Michael Jackson, Stevie Wonder, Beyonce, and every show tune (because our 8 year old daughter participates in musical theatre).

## Taking Action, and Still Listening!

To briefly recap, moving forward with the results of last year's Employee Satisfaction Survey, five focus groups were formed that were comprised of fellow employees from various departments throughout the court system. Those focus groups discussed five primary subjects, **Communication, Recognition, Opportunities for Advancement, How Performance Problems are Dealt With, and What is Working.** Each focus group formulated lists of ideas and suggestions, and presented those via each groups' spokesperson to the Executive Team. The Executive Team was impressed. With that success, the spokespersons were asked if they would also present at the Judicial Administrators, Managers and Supervisors (JAMS) meeting in October, and they did a wonderful job.

Now it's time to bring you up to speed as to what is being done right now, what is being planned for the very near future, and what's in store within the next year!

Ideas and suggestions that have been implemented, in place, and in use *right now*:

*The Lateral Transfer Recruitment process*

*HR Basics for Supervisors*

*Employee Discounts – (e.g. free bus/transit cards, free parking, and numerous discounts for car rentals, cell phone plans, dining, entertainment, theme parks, etc.)*

*Judicial Branch Newsletter*

*Casual Fridays*

*Employee Satisfaction Survey Forums*

*Employee Focus Groups*

What's happening for implementation in the very near future (target date: January 2010):

*Court wide Recognition for Employees' Years of Service*

*"Bring it On" Brown Bag lunches with our Court Administrators*

*Monthly Employee Spotlight articles in the Judicial Branch Newsletter (Know a colleague with an interesting hobby or who has interest or done something noteworthy in your department? Let's get to know those we work with!)*

Ideas and suggestions targeted for implementation within the next year:

*Revamped HR Page*

*FAQs in lieu of the Hotline Q & A*

*Formal Recognition and Reward Program*

*Re-tooled Performance Evaluation*

*Mentoring Program*

As you can see, we've taken the ideas and suggestions brought to the forefront seriously, and have **big** plans to put more of your ideas and suggestions to work. More importantly, we need **to continue to hear from all of you** as we approach this year's upcoming *Employee Satisfaction Survey*. Not only is it imperative that we hear from you to make our work environment one you are proud of, we invite you to consider participating in the next round of focus groups to hear more about how we can do things better. All are encouraged to help us help each other be part of the solution. This year's *Employee Satisfaction Survey* is slated for sometime in December, and we sincerely look forward to hearing from you!

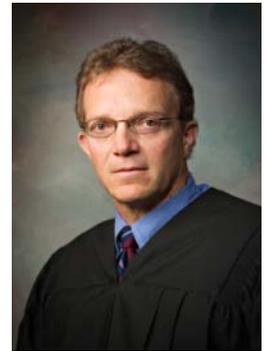
**Submitted by Beverly Dupree  
Administrative Services**

# Globe Boy Changes the Law of the Land

*Submitted by Judge Douglas Rayes*

Globe in 1964 was not unlike many U.S. small towns. Downtown bustled with well known American store staples like J.C. Penneys, Sears and J. W. Woolworths. Twelve year olds, like me, found it a safe and happy place to live. There were paper routes, little league baseball and Boy Scouts. My friends and I did not hesitate to walk to any corner of town, any time, day or night; at least until the 9:30 p.m. city curfew horn sounded. Although it was a sleepy town, events in Globe that year changed the interpretation of the U.S. Constitution as it is applied to children in the United States.

On Monday, June 8, 1964, a fifteen year old boy I met in Sunday school class, Gerald Gault, was taken into custody by Officer Flagg of the Gila County Sheriffs' office. A neighbor of Gerald's, Mrs. Cook, had complained that she had received an obscene telephone call. "The remarks or questions put to her were of the irritatingly offensive, adolescent, sex variety." Gerald was on probation at the time because he was present when another boy stole a wallet from a purse.



*Douglas Rayes*

When Gerald was arrested his parents were not notified. When he did not come home that evening, they searched the neighborhood, eventually learning that he had been arrested. A hearing was held the next day and again a week later, before Judge McGhee. In 1964 children were not considered to be persons under the Constitution. Because he was a juvenile, Gerald was not given notice of his charges, not advised of his right to counsel, not given the opportunity to confront or cross-examine the witnesses against him, was not afforded the privilege against self incrimination and had no right to appeal. This was all in accordance with Arizona law in 1964.

At Gerald's hearings Mrs. Cook, the complainant and recipient of the alleged phone calls, was not called as a witness. Gerald's mother was told by the judge that Mrs. Cook did not have to be there. Gerald's mother recalled that Gerald told the judge that he had only dialed the number and given the phone to his friend, who did the talking. Officer Flagg told Judge McGhee what Mrs. Cook told him about the calls (testimony which would have been inadmissible hearsay had Gerald been an adult) and that Gerald admitted making a lewd remark.

Had he been an adult, the crime for which Gerald was convicted, using vulgar, abusive or obscene language in the presence or hearing of a child or woman, would have carried a maximum sentence of \$5 to \$50 and imprisonment for not more than two months. However, the maximum penalties for adults did not apply to juveniles who were adjudicated delinquent. Fifteen year old Gerald was committed to the State Industrial School (juvenile prison; Fort Grant) until age twenty one unless sooner discharged by due process of law; a sentence of up to six years. Judge McGhee testified that he found Gerald delinquent because he was "habitually involved in immoral matters." He made that determination because of Gerald's probation status, Judge McGhee's vague recollection that two years earlier there had been an uncharged accusation that Gerald had stolen a baseball glove from another boy and Gerald's admission that he made other "silly or funny calls."

Gerald's case went all the way to the U.S. Supreme Court. In 1967 the Supreme Court issued the landmark decision, *In re Gault*, 387 U.S. 1 (1967), declaring that children are persons under the Constitution. The Court applied constitutional procedures to Gerald's delinquency proceedings and inspired rethinking of children's rights under the constitution. In reversing Gerald's judgment, the Court noted that in practically all states there are rights granted to adults which are withheld from juveniles. The Court stated "Under our Constitution, the condition of being a boy does not justify a kangaroo court." The Court also stated "It would indeed be surprising if the privilege against self-incrimination were available to hardened criminals but not to children."

*Continued on page 7*

## *Globe Boy Changes the Law of the Land - Continued*

*Continued from page 6*

I never learned how much time Gerald spent in Fort Grant before his release. He was about 20 the last time I saw him, working as a station attendant at the Texaco near the Hill Street School. If Gerald is still out there, I wish him well. Although Gerald's arrest took place in Globe over 45 years ago, his Supreme Court decision is still the law of the land and the leading case in the country on juvenile rights. The Gault decision guarantees that juveniles and other vulnerable members of the community are not treated as second class citizens.

### **Presiding Judge to be Named in 2010**

The selection process to appoint the Presiding Judge is underway. Judge Mundell's term will end on June 30, 2010.

Arizona Supreme Court Chief Justice Rebecca White Berch described the selection of the next presiding judge as one of the most important administrative decisions the Supreme Court will make affecting Maricopa County. According to Justice Berch, the job has grown increasingly complex. The duties require not only overseeing superior court operations, but justice and municipal courts as well. The presiding judge oversees juvenile and adult probation, works with the Board of Supervisors and other officials in the County, interacts with community groups, and works closely with the Administrative Office of the Courts, the Chief Justice, the legislature, and other presiding judges.

### **Adult Probation: Grant Awards 2009**

The American Recovery and Reinvestment Act provided a multitude of new grant programs to create and retain jobs, and it significantly increased the availability of grant funding. Maricopa County Adult Probation Department was successful in receiving seven grants worth over \$4 million. Here is a list of the grants APD received:

1. **Recovery Act: Combating Criminal Narcotics Activity Stemming from the Southern Border of the U.S.** (\$685,993)
2. **Recovery Act: Justice Assistance Grant (JAG) - Local** (\$344,440)
3. **Recovery Act: Edward Byrne Competitive Grant** (\$2,045,584)
4. **Adult Treatment Drug Courts** (\$300,000 per year)
5. **Bulletproof Vest Partnership Grant** (\$35,907)
6. **Justice Assistance Grant (JAG) – Local** (\$68,399)
7. **Drug, Gang & Violent Crime Control Program** (\$576,368)

**Submitted By Cathy Wyse  
Adult Probation**

### **Don't Forget Your COJET**

Have you received COJET credit for outside classes, seminars, or conferences you've attended since January 1<sup>st</sup> of this year?

For any missing credit, please submit your paperwork.

For college courses, please send me a copy of your grade and number of college credits along with a credit request form for each class completed. You must complete your COJET hours by December 15. This year, staff must complete eight hours, including one hour of ethics training. Judicial Officers must complete 16 hours, including one hour of ethics training.

To check your transcript, please go to:

<http://pathlore.maricopa.gov/stc/courts>

Select *Log on*, and then *Return to Home Page*, and finally *View Transcript*.

**Submitted by Sandy Velasquez  
Training and Development**

# Courtside

## Photo Highlights



**Top Left** - Supreme Court Justice Andrew Hurwitz delivers the oath of office to Judge Scott McCoy during his investiture ceremony on October 23 in the Board of Supervisors Auditorium.

**Middle Left** - Commissioner Lindsay Ellis hands the microphone to a participant of the Probate and Trust seminar. All probate judges and commissioners were available to speak to a group of 125 attorneys and public fiduciaries.

**Bottom Left** - (Left to Right) Commissioners Richard Nothwehr, Lindsay Ellis, Barbara Hamner and Michael Barth. The Probate / Civil commissioners and staff enjoyed a training session focusing on customer service. Maridel Soileau and Luz Cabada presented on how to provide legal information without giving legal advice. Several commissioners provided lunch with a chili cook-off.

**Bottom Right** - A photo taken from the Old Courthouse that shows the steel from the new Downtown Criminal Court Tower becoming part of the city's landscape.

