

Final Draft for Approval

A Strategic Agenda for Arizona's Courts 2005-2010

Goal 1: Protecting Children, Families and Communities

Courts provide a fair and impartial forum for resolving disputes, ensure that those who violate laws are held accountable, serve to limit the arbitrary use of government power to deprive citizens of their rights, and ensure that those in need of protection due to age or infirmity are protected from physical or financial harm. Arizona courts are an essential component of a justice system that exists, in substantial part, to protect children, families, and the communities in which we live. To that end, this strategic goal, "PROTECTING CHILDREN, FAMILIES AND COMMUNITIES," includes four major areas of focus: abused and neglected children; victims of domestic violence; vulnerable persons; and juvenile and adult probation supervision and probation department employee safety.

1-A Abused and Neglected Children

There may be no greater exercise of governmental power, with the exception of the imposition of the death penalty, than the state's removal of children from their parents once allegations of abuse or neglect have been made. Courts are required to balance the protection of the child with the rights of the parent. Once intervention is deemed necessary, it is imperative that courts act swiftly and fairly to dispense justice, ensuring that all parents are given every reasonable opportunity to become responsible for the care of their children. If parents are unable to assume custody, courts and ancillary services must make every effort to find appropriate, permanent homes so that no child languishes needlessly in the custody of the state.

Governor Napolitano and the legislature have made reform of Arizona's child protection services a high priority. In particular, the reform involved providing more resources to investigate child abuse and a policy directive that protection of the child is the first priority when making child care placement decisions. This reform has resulted in an explosion in the number of children placed in out-of-home care. Courts must address the impact of these reforms not only on juvenile courts but also on family law and case processing in the courts.

Initiatives

Process child abuse and neglect cases in a fair and timely manner to ensure children have safe, nurturing, and permanent homes while protecting the rights of all parties.

- ❑ Obtain from the legislature and boards of supervisors the resources necessary for courts to keep up with the growth in dependency cases.
- ❑ Pilot test dependency case management procedures and, if successful, implement statewide.
- ❑ Encourage public and private agencies to increase efforts to recruit foster homes for children in need.
- ❑ Review and prepare an evaluation on the use of jury trials in termination of parental rights cases.
- ❑ Encourage public and private agencies to increase efforts to recruit adoptive families and expedite the certification process for children available for adoption.
- ❑ Provide continuing education to the judiciary on the impact of child abuse and neglect on children and families and the responsibility of courts to comply with the federal requirements of the Title IV-E provisions.
- ❑ Reprogram and deploy the dependency case management modules as part of the JOLTSaz project.

1-B Victims of Domestic Violence

Domestic violence affects thousands of Arizona citizens each year. Courts and probation departments observe the real impact such violence has, not only on the victims of the abuse, but also on the children who live with and witness violence in their own homes. It is important for judges and judicial staff to be knowledgeable and possess the skills necessary to process domestic violence cases swiftly and appropriately.

Initiatives

Develop and implement best practices and procedures to address domestic violence effectively and to reduce its impact on children and families.

- ❑ Expand probation services to the limited jurisdiction courts for domestic violence cases and create specialized caseloads where appropriate, to ensure offender compliance with court orders.
- ❑ Provide continuing education to the judiciary concerning the seriousness of domestic violence, the cycle of abuse, and its impact on families, particularly children, and the most effective methods for handling domestic violence cases.
- ❑ Implement changes to the domestic violence protection order petition and protection order repository to produce uniformity among courts and between states.
- ❑ Provide web-based online forms for petitions for orders of protection.
- ❑ Evaluate “domestic violence courts” used in Arizona and elsewhere to determine effectiveness and promote successful court models.

1-C Vulnerable Persons

As the population of our state continues to increase and age, courts often are called upon to appoint fiduciaries, licensed by the court, to aid those who need assistance in managing

their personal and financial affairs due to age or other infirmity. Courts must ensure, through effective oversight, policies, and training, that fiduciaries act in the best interests of those they serve and are held accountable for performing their duties properly.

Initiatives

Implement the re-engineering of probate case management statewide to ensure protection of elderly, mentally incapacitated, and other vulnerable persons.

- ❑ Secure additional resources necessary to decrease the amount of time required investigate and resolve complaints filed against private and public fiduciaries.
- ❑ Conduct audits of fiduciaries to ensure laws, rules, and code provisions applicable to fiduciaries are followed.
- ❑ Utilize automated case processing and uniform case management systems for probate cases.
- ❑ Provide continuing education to the judiciary on the effective oversight of probate and mental health cases.
- ❑ Re-engineer probate case management statewide to strengthen protection of elderly, mentally incapacitated, and other vulnerable persons.

1-D Probation Supervision

Persons who violate the laws of this state must be held accountable. Courts are required to determine the appropriate punishment for these individuals, within the context of existing laws, in order to deter crime and protect the public. If a court determines probation to be the most appropriate action, it must ensure that the offender not only is held accountable, but also is offered rehabilitative services designed to reduce or eliminate future criminal activity. Those offenders with histories of substance abuse or mental illness present a unique challenge, and innovative approaches, such as therapeutic courts, must be considered to reduce offender recidivism and promote public safety. Successful management of juvenile and adult probation populations requires following proven principles of effective community supervision and using treatment and rehabilitation programs supported by research and experience. It also requires using modern technology tools that are capable of providing accurate, relevant, and timely information.

It is equally important to provide a safe work environment to probation officers and other department staff who come into contact with offenders. Whether the contact is in the field or in a probation department office, the safety of the officer and staff must be a priority when allocating resources.

Initiatives

Provide a balanced approach to probation that focuses on holding probationers accountable, keeping communities safe, and providing treatment and rehabilitation services to offenders.

- ❑ Continue to enhance efforts through improved automation, skip tracing, and billing to collect restitution and fees from probationers.
- ❑ Require that probationers complete all conditions of probation, including required community service hours.
- ❑ Provide probation services to the limited jurisdiction courts for those convicted of sex offenses, domestic violence related offenses, and DUI offenses.
- ❑ Ensure the provision of appropriate treatment services for mentally ill offenders.

Develop innovative, effective methods to assist substance-abusing offenders, including the continued expansion of drug courts, to prevent additional contact with the justice system and ensure community safety.

- ❑ Expand statewide the use of drug courts and treatment in reducing substance abuse and recidivism in the justice system.
- ❑ Provide judicial education about the management and supervision of substance abusing offenders.
- ❑ Ensure offenders are appropriately screened for needs and risk to the community and that appropriate treatment and other services are provided.

Continue implementing and improving a comprehensive officer safety program to ensure the safety of officers and probation department staff.

- ❑ Monitor compliance with statewide policies on officer safety.
- ❑ Ensure that probation personnel receive on-going safety training.
- ❑ Advocate for the resources necessary to provide training and safety equipment to probation personnel.

Develop and implement statewide automated systems to assist probation departments in managing probation caseloads.

- ❑ Implement the Adult Probation Enterprise Tracking System (APETS) in all probation departments statewide.
- ❑ Develop and implement statewide (except Maricopa County) a new Juvenile On-Line Tracking System (JOLTS) and integrate it with the system used in Maricopa County.

Conduct research on offender management, treatment and rehabilitation programs used in Arizona to ensure best practices are utilized.

- ❑ Evaluate drug treatment outcomes for offenders referred to drug courts and those receiving treatment services through the Drug Treatment and Education Fund.

- Evaluate offender assessment practices used to determine appropriate supervision level and compare practices to “what works” principles of community supervision.

Goal 2: Providing Access to Swift, Fair Justice

Our judicial system is predicated on the belief that all citizens coming before the courts are entitled to equal justice, regardless of race, ethnicity, gender, age, or economic circumstance. To develop a fully impartial system of justice, courts must resolve cases swiftly and fairly because justice delayed may be justice denied. Memories fade, evidence is lost, and the accused may spend months or years in custody without having been found guilty of any crime. Courts must ensure that litigants and victims fully understand their rights and that those rights are protected. Courts must provide meaningful access to all, ensuring that no litigant is denied justice due to the lack of counsel or the inability to understand legal proceedings. To that end, this strategic goal, "PROVIDING ACCESS TO SWIFT, FAIR JUSTICE," focuses on the following areas: providing adequate funding for the Judicial Branch; implementing and maintaining modern technology to support the work of the Judicial Branch; addressing bias in the judicial system; ensuring enforcement of the rights of victims; providing meaningful assistance to self-represented litigants; creating user-friendly courts that effectively utilize technology and efficiently process and manage cases to resolve disputes in a fair and timely manner; and continuously examining processes and systems to find ways to improve how courts conduct their business.

2-A Funding for the Judicial Branch

A Judicial Branch can carry out the constitutional and statutory duties of the Branch only if it is adequately funded.

The bad economic times following the “9-11” terrorist attack demonstrated the vulnerability of the Judicial Branch to budget cuts and consequently resulted in significant funding and resource reductions. Budget cuts resulted in case delay, postponement or cancellation of essential investment in basic automation, high employee turnover, and higher probation caseloads. It will take years for the Judicial Branch to recover from these budget reductions.

The Judicial Branch depends on the support of the state legislature, county boards of supervisors, and city councils for its funding. The Judicial Branch must be accountable for how it spends public funds, and the funding entities must understand the importance of appropriately funding the Judicial Branch.

Initiatives

Develop strategies for improving the level and stability of funding for the Judicial Branch.

- ❑ Create a committee on Funding of the Courts to develop and recommend funding strategies.

2-B Technology and the Courts

The Arizona Judicial Branch has aggressively planned and, as funding permitted, implemented new technology projects to improve the provision and administration of justice. Core business systems that are in place must continue to be evaluated and updated to ensure effectiveness. Additionally, integration links between courts and key partners of state and local government are being built.

The next level of technology planning and investment involves digitizing records and making them available electronically to judicial officers, court staff, lawyers, litigants, and the public. Courts must plan for managing electronic case records from the point of filing (e-filing), through the life of the pending case, and beyond as required by court records retention schedules.

Initiatives

- ❑ Promote the use of technology within courts to facilitate the processing of cases in an efficient manner.
- ❑ Develop a plan with local courts for the replacement of aging, legacy court automation systems with modern technology.
- ❑ Continue to develop standards and policies for e-filing, electronic access to court records, and electronic record storage, backup and recovery.

2-C Fairness in the Judicial System

The judiciary aspires to develop and maintain a fair and impartial justice system. The court community should reflect the diversity of the public it serves at all levels and maintain open dialogue with all groups in order to increase respect for courts and understanding between courts and the public they serve.

Initiatives

Continue to strive for a justice system in Arizona that is free from actual or perceived racial, ethnic, gender, or economic bias.

- ❑ Enhance communication between the courts and minority communities.
- ❑ Provide continuing education to the judiciary and judicial staff on issues of cultural and racial diversity.

- ❑ Increase the diversity of the judiciary at all levels to reflect the communities it serves while maintaining the highest level of judicial qualifications.
- ❑ Address the over-representation of minority youth in the justice system through the "Building Blocks" initiative.

2-D Victims' Rights

For those directly impacted by crime, negotiating the criminal justice system can cause frustration. Courts must respond to the needs of victims while protecting the constitutional rights of both the accused and the victim. Courts must ensure that victims have the opportunity to exercise rights granted to them. Additionally, victims deserve to be treated with respect by all entities in the criminal justice system.

Initiatives

Ensure that the rights afforded victims of crime are enforced and that victims are informed and treated with dignity and respect.

- ❑ Create a subcommittee on victims and the courts as part the Arizona Judicial Council and a state-level position within the AOC to focus on issues involving victims and the courts.
- ❑ Provide continuing education of the judiciary and judicial staff about the rights and appropriate treatment of victims.
- ❑ Work in cooperation with law enforcement, prosecutorial agencies, defense counsel, and victims to ensure compliance with victims' rights provisions.

2-E Self-Represented Litigants

For many people, the cost of legal representation has become prohibitive, as evidenced by the ever increasing number of self-represented litigants appearing before the courts. To ensure that citizens have meaningful access and an opportunity to be heard, Arizona courts must develop alternative and more effective methods to provide assistance to litigants so that no one is denied justice because they lack the benefit of counsel.

Initiatives

Develop and implement effective ways to assist self-represented litigants.

- ❑ Develop and adopt Supreme Court Guidelines defining legal assistance, as distinguished from legal advice, so that judicial staff can provide appropriate legal assistance.

- ❑ Expand the Judicial Branch’s self-service center web site to include forms, instructions, and other information helpful to those who appear unrepresented in the limited jurisdiction and superior courts.
- ❑ Develop simple, easy to use, web-based interactive forms needed for dissolution and other domestic relations related cases, small claims, forcible detainer, and probate cases.
- ❑ Encourage the establishment of self-service centers in courts and encourage the expansion of pro-bono legal representation by members of the State Bar.

2-F User-Friendly Courts

To enhance public trust and confidence in the judiciary, courts must be truly accessible to those they serve and must address the public’s growing expectation of assistance in the area of self-representation. Moreover, as the age and diversity of Arizona's population continue to increase, courts must provide more language interpreters and assistance for the speech or hearing impaired. Public expectations concerning the timely resolution of disputes, particularly in divorce and child custody proceedings, continue to challenge courts. The continuing development of efficient case processing and management systems is designed to ensure the resolution of disputes in a fair and timely manner, thereby strengthening public confidence in the courts.

Initiatives

Provide an opportunity for those who appear before the courts to improve their understanding of the proceedings and their ability to communicate with the court.

- ❑ Implement programs to ensure the availability of qualified language interpreters for non-English speaking litigants.
- ❑ Implement programs to assist speech or hearing impaired litigants.
- ❑ Provide customer service training for judges and judicial staff.

Re-engineer domestic relations case processing to eliminate, where possible, the adversarial nature of dissolution and to provide prompt, fair, and more cost-effective methods to resolve dissolution and child custody matters.

- ❑ Implement Rules of the Supreme Court on domestic relations cases.
- ❑ Identify best practices from family court pilot programs in Maricopa, Pinal, and Coconino Counties and determine suitability for implementing in other parts of the state.

Develop case management procedures that reflect best practices for resolving disputes in a prompt, fair, and cost-effective manner

- ❑ Assist courts in the development and implementation of best practices for efficient case processing, including case management for judges.
- ❑ Develop innovative ways in which to use these methods to achieve more mutually satisfying results and to expedite case dispositions.

2-G Continuous Improvement

To better serve the public, courts must continuously develop innovative procedures to resolve civil disputes and dispose of civil and criminal cases in a fair, timely, and cost-effective manner. Litigants should not be forced to wait for resolution of issues such as the custody of children, their financial future, or their very freedom. While traditional adversarial methods of dispute resolution are appropriate for many cases, courts must continue to implement better and more cost-effective methods. For example, across the country and in Arizona, more specialty courts, some therapeutic by design, have been created. Drug, DUI, domestic violence, and mental health courts, to name a few, are gaining popularity as courts experiment with different ways to address problems unique to the offenders appearing in these courts.

Courts of limited jurisdiction, where more than 95 percent of all litigants find themselves, must not be left behind as the judiciary moves forward. Demands placed upon these courts have increased significantly over the years. To meet current demand and ensure public trust and confidence in the judiciary, Arizona courts will continue to expand case re-engineering efforts at all levels.

It is an unfortunate reality that violence occurs in courts around the country. Administrators and presiding judges in Arizona have been diligent, limited by available resources, in providing security in courthouse to deter violence, but no courthouse is immune from this possibility. Court leadership must continue to ensure that everyone who walks through the doors of a courthouse in Arizona is safe.

Initiatives

Develop and implement a plan to enhance the operations of limited and general jurisdiction courts.

- ❑ Encourage the upgrade of court facilities to better serve the public and provide adequate space for court staff and records.
- ❑ Continue to improve courthouse security to ensure the safety of those who use or work in the court system.
- ❑ Ensure all courts have put in place and practiced an emergency response plan and protocols.
- ❑ Implement the fines/fees and restitution enforcement (FARE) program.

Explore opportunities for re-engineering civil case processing to ensure that cases are resolved in a prompt, fair, cost-effective manner.

- ❑ Study case processing time standards and develop appropriate standards for all civil case types.
- ❑ Complete study on mandatory arbitration system and implement recommendations and rule changes approved by the Supreme Court.

Continue re-engineering criminal case processing to ensure fair and timely resolution of cases and to ensure that criminal justice agencies and the courts have accurate case and defendant information when and where it is needed.

- ❑ Dispose of 90 percent of felony cases within 100 days and 99 percent of cases within 180 days and, as necessary, achieve funding to meet these goals (Fill the Gap).
- ❑ Continue criminal case management re-engineering with emphasis on criminal case delay in non-urban counties.
- ❑ Develop strategy for re-engineering DUI case processing to expedite case dispositions.
- ❑ Develop and implement a strategy for the long-term support and expansion of integrated justice information systems.
- ❑ Study case processing time standards and develop appropriate standards for all criminal case types.

Review the process of keeping the court record to determine the most appropriate and cost-effective method to preserve the integrity of judicial proceedings and effectively utilize valuable court reporting resources.

- ❑ Implement the recommendations of the Keeping the Records Committee approved by the Arizona Judicial Council and Supreme Court.

Review experience with specialty courts around the country and in Arizona to determine which procedures should be replicated in Arizona.

- ❑ Create a Committee on Specialty Courts to evaluate effectiveness and viability of using the specialty court model in Arizona.

Review and make recommendations on ways to improve the Supreme Court's procedures for considering proposed rules revisions.

Goal 3: Improving Communication and Cooperation With the Community, Other Branches of Government, and Within the Judicial Branch

While the judiciary is a branch of government independent from the other two, it does not exist in isolation. Courts exist to serve the public and cannot serve effectively if meaningful communication among the branches, within the branch, and with the public does not take place. This strategic initiative, "IMPROVING COMMUNICATION AND COOPERATION WITH THE COMMUNITY, OTHER BRANCHES OF GOVERNMENT, AND WITHIN THE JUDICIAL BRANCH," focuses on enhancing judicial communication with the executive and legislative branches of state government, with all other levels of government, with the public, and with other courts.

The judiciary also should foster public understanding of the role of the judiciary and how it functions through community outreach and educational programs. The judiciary must make every effort to ensure voters, who decide on judicial election and retention, have sufficient information provided to them to make an informed choice at the voting booth.

Initiatives

Communicate effectively with other parts of the Judicial Branch, as well as with the Executive and the Legislative Branches, to improve communications and business relations.

- ❑ Foster a continuing relationship with the legislature through programs such as the "View from the Bench," which pairs legislators with judges for purposes of enhancing mutual respect for their respective roles.
- ❑ Foster a continuing relationship with the executive branch through regular communication on issues of mutual interest.

Communicate effectively with the communities we serve to ensure continuous improvement of the court in its service to the community.

- ❑ Conduct citizen summits in various locations to gather input from the general public, court users, and minority communities.
- ❑ Keep the public informed of court activities and initiatives through the use of the Judicial Branch web site and other means of outreach.
- ❑ Foster a continuing relationship with city councils and county boards of supervisors through regular communication on issues of mutual interest.

Communicate effectively with all parts of the Judicial Branch to promote better-informed policy making, improved collegiality, and intra-branch cooperation and participation in the administration of justice.

- ❑ Identify opportunities for the Chief Justice, Vice Chief Justice, and other members of the Supreme Court and executive management of the AOC to meet with Judicial Branch leadership and judicial system staff.
- ❑ Expand use of the Judicial Branch web site and email to provide information to judges and other judicial system staff and opportunities to provide input through electronic surveys.
- ❑ Convene meetings or conferences to provide opportunities for court leadership at all levels to discuss management issues and ways to expand local court participation in strategic planning and policy development.
- ❑ Prepare a plan, which includes an education component, on developing court leadership, management, and succession planning for all court levels.

Keep the executive and the legislative branches of government, as well as the public, informed of court operations, programs, and initiatives.

- ❑ Deliver an annual State of the Judiciary Address.
- ❑ Publish an annual report.
- ❑ Publish the Judicial Branch's strategic agenda.

Improve voter information provided by the Commission on Judicial Performance Review for merit selected judges who are standing for retention.

Develop educational programs and initiatives to improve the public's understanding of the role and functioning of the court.

- ❑ Explore feasibility of forming a partnership with the legislative and executive branches to broadcast oral arguments.
- ❑ Partner with the State Bar of Arizona to expand educational programs within schools, such as "We the People," to foster a greater understanding of the role of the courts in a constitutional system of government.
- ❑ Develop and implement opportunities for young people to observe courts in action and continue partnering with the State Bar to maintain and expand the "Law for Kids" website.
- ❑ Assist the public in developing a greater understanding of the functions and role of the Supreme Court and the Court of Appeals by conducting oral arguments and town halls in communities around the state.
- ❑ Develop programs to inform the public about judicial selection in Arizona.
- ❑ Create a Committee on the "Centennial Celebration of the Arizona Judiciary" to plan for and participate in the 2012 centennial celebration.

Develop jury selection procedures and management systems that provide a convenient, respectful, and meaningful experience for jurors.

- ❑ Educate the public about the importance of jury duty.
- ❑ Develop jury management procedures, including automated systems to assist jurors in scheduling jury service.
- ❑ Implement and publicize systems to promote compliance with the requirement to appear for jury duty.
- ❑ Increase juror compensation.
- ❑ Develop juror appreciation programs.
- ❑ Create juror exit surveys to obtain juror input.
- ❑ Compare Arizona's existing juror standards with new American Bar Association standards and update, as appropriate.

Goal 4: Being Accountable

The judiciary, like the executive and legislative branches of government, must be accountable to the public. This strategic initiative, "BEING ACCOUNTABLE," focuses on the obligation of the judiciary to ensure that staff at all levels are competent, professional, and customer service oriented; to establish standards by which court operations and performance can be measured; to keep all branches of government and the public informed of court operations, programs, and initiatives; and to develop a clear strategic agenda that fosters public trust and confidence. Confidence in our judges is at the heart of maintaining the public's trust. Allegations of misconduct must be investigated and resolved timely and fairly.

Initiatives

Recruit and retain a professional, well-trained, customer service oriented workforce to better serve the needs of the public.

- ❑ Advocate for competitive salaries and benefits for all court employees, including probation officers, judicial staff, and judicial officers.
- ❑ Enhance training and career opportunities to increase the knowledge and professionalism of staff.
- ❑ Update and enhance judicial education programs to require comprehensive, meaningful training of judges, judicial staff, and probation officers.

Assist the Chief Justice in the development, review, and implementation of the Strategic Agenda of the judiciary.

- ❑ Continue to encourage local courts to engage in setting strategic goals consistent with those established by the Judicial Branch Strategic Agenda.

- ❑ Continue strategic planning by committees and commissions of the Arizona Judicial Council.

Establish performance and operational standards and measures for courts.

- ❑ Review the ten core Trial Court Performance Measures developed by the National Center for State Courts and implement those measures determined to be beneficial to Arizona courts.
- ❑ Develop operational standards for courts.

Ensure the Commission on Judicial Conduct has sufficient resources to perform its constitutional duties fairly and timely.

Goal 5: Serving the Public by Improving the Legal Profession

The judiciary has long recognized the indispensable role of the legal profession in protecting individual rights and liberties in a free society. We continue in that tradition. Because the Supreme Court regulates the practice of law, however, the judiciary must determine how the legal profession can best serve the public. While the traditional adversarial system for resolving disputes succeeds in many cases, that system may not be desirable in all cases. This strategic goal, "SERVING THE PUBLIC BY IMPROVING THE LEGAL PROFESSION," requires examination of existing rules governing the practice of law, the attorney admission and disciplinary systems, and legal practices and procedures that encourage unnecessarily adversarial proceedings in and out of the courtroom.

Initiatives

Identify ways in which rules of procedure and the practice of law can be changed to promote a more economical, timely, and, where appropriate, less adversarial justice system to resolve civil cases.

- ❑ Identify case types that are most suitable for using less adversarial resolution proceedings.
- ❑ Identify existing rules governing the practice of law that, if changed, can reduce the cost of litigation, improve timeliness of case resolution, and provide less adversarial alternatives to dispute resolution.

Work in partnership with the State Bar and other entities to identify ways to improve the attorney admission process and the attorney discipline system to ensure the efficient, timely, and fair resolution of complaints.