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JUSTICE PROGRAMS OFFICE

**BJA Criminal Courts Technical Assistance Project: TA Report No. 7-179**

**Recommendations Relating to the  
Development of Specific DCM  
Applications, Judicial Policies and  
Administrative Directives for  
Improved Caseflow Management in the  
Fulton County (Atlanta), Georgia  
Superior Court**

**Summary Observations and Recommendations:  
Memorandum Report**

**CONSULTANTS:**

**Judge Jeffrey Coker (Ret.)  
Alan Slater**

**February 2012**

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CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT

A PROGRAM OF THE BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE

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- (3) *Maricopa County (Phoenix) Arizona Superior Court Case Management Plan*
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  - (b) Memorandum: Criminal Department Monthly Statistical Report for April 2011



# AMERICAN UNIVERSITY

W A S H I N G T O N , D C

## MEMORANDUM

SCHOOL OF PUBLIC AFFAIRS  
JUSTICE PROGRAMS OFFICE

**TO:** Chief Judge Cynthia D. Wright and Court Administrator Yolanda Lewis  
**FROM:** BJA Criminal Courts Technical Assistance Project  
**SUBJECT:** Recommendations Relating to the Development of Specific DCM Applications, Judicial Policies and Administrative Directives for Improved Caseflow Management in the Fulton County (Atlanta), Georgia Superior Court: Summary Observations and Recommendations. (BJA CCTAP Assignment No. 7-179)  
**DATE:** February 7, 2012 [Draft submitted: October 3, 2011]

The following report summarizes the observations and recommendations resulting from a problem-definition site visit conducted by the Bureau of Justice Assistance Criminal Courts Technical Assistance Project (CCTAP) at American University to the Fulton County Superior Court in Atlanta, Georgia on May 18-20, 2011 by consultants Judge H. Jeffrey Coker (ret.) and Alan L. Slater, joined by Richard B. Hoffman of CCTAP Project staff. This visit was conducted in response to a technical assistance request submitted by Court Administrator Yolanda Lewis, on behalf of the court, for assistance in development with the court of (1) specific DCM Applications; (2) judicial policies and administrative directives for improved caseflow management, and (3) in implementation of specific court performance measures, including CourtTools.

This report is organized in three sections: (1) summary background on the request, the consultants assigned, and the preliminary technical assistance site visit; (2) a summary of the consultants' observations, analysis of the issues relevant to provision of the technical assistance requested, and preliminary assistance provided; and (3) recommendations regarding the nature of follow up technical assistance which the CCTAP can provide over the next three months to support the Court's caseflow management improvements in the three areas of requested assistance. A final section is provided summarizing the consultants' observations and recommendations over the longer term.

A draft of this report was submitted on October 3, 2011 for review in terms of accuracy and adequacy in addressing the needs generating the Court's technical assistance request. Further communication with the Court in January 2012 indicated that no follow up technical assistance was desired at that time. This memorandum report is therefore being submitted as the final report of the CCTAP's technical assistance services.

## I. INTRODUCTION

### A. Technical Assistance Request

The Fulton County Superior Court, which includes almost all of the City of Atlanta as well as several smaller entities, is the largest general jurisdiction court in Georgia and has the highest caseload. Its jurisdiction includes felony-level criminal cases, general jurisdiction civil cases and

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analyze its criminal justice system, including jail overcrowding, delays and backlogs. This analysis and consequent recommendations resulted in a report called the “Fulton County Justice Partners 2011 Justice System Response and Recommendations”. The major issues driving criminal justice system case processing delays, backlogs and costs in the Court, as well as impacting jail overcrowding, have been well-analyzed and are fairly well-known and relatively clearly stated and well-documented.

By letter dated March 7, 2011, Fulton County (Atlanta, Ga.) Superior Court Administrator Yolanda Lewis requested technical assistance, stating that the court is “interested in developing a means to implement circuit specific applications of differentiated case management programs, as well as judicial policies and administrative directives to govern our caseflow management processes more efficiently. Finally, we are interested in implementing CourTools and court specific performance management standards.”

The Project assigned two experienced judicial administration consultants, the Hon. H. Jeffrey Coker, retired Presiding Judge of Coconino County (Flagstaff, Ariz.) Superior Court, and Alan L. Slater, who recently retired after serving for many years as Executive Officer (Court Administrator) of the Orange County, Calif., Superior Court. Judge Coker has provided both technical assistance as well as training for judges and court staff in caseflow management; Mr. Slater has also been involved in similar activities, and from managing his own court as well as serving as co-chair of the Conference of State Court Administrators—National Association for Court Management Joint Technology Committee, is also recognized as an expert on implementing court technology. They were joined by Richard B. Hoffman, Esq., an experienced court administrator and consultant, who directs the Court Management Initiative for the BJA Criminal Courts Technical Assistance Project and is a Research Associate Professor at American University.

Both consultants, joined by Mr. Hoffman, visited the court on May 19 and 20, and met with Chief Judge Cynthia D. Wright, who was joined by Judges Alford J. Dempsey, Jr. and Constance C. Russell, who together represent the Court’s Court Technology Committee, Case Management Committee and Caseflow Management Unit, and Court Administrator Lewis and members of her senior staff. The team also met with the members of the case management team that processes the non-complex criminal calendar as part of the Court Administrator’s office.

## **B. Background**

In the Fulton County Superior Court, judicial assignments are made to judges who handle Civil and Complex Criminal (15), Non-Complex Criminal (7), Family Law (3). Judges are supported in their courtrooms and chambers by staff attorneys, case managers, court reporters, and judicial assistants. Case assignments are primarily governed by “Judicial Policies” adopted by the judges that establish the policies and procedures for various case and calendar management functions.

An important factor in planning has been the status of the Fulton County Jail, which has been under federal court oversight for many years. One result of the overcrowding has been political pressure on the Superior Court to “do its part” in the County’s focus on reducing the jail population. However, it is also clear that the jail overcrowding itself as well as the overlapping

jurisdictional issues complicating the early processing of persons arrested, ultimately adds to reduced efficiency and congestion for the Superior Court. The Court has a pre-trial services unit which has some limited ability to address criminal cases once they have entered the Superior Court caseload, but the unit's ability to have a greater effect on the felony caseload in Fulton County is hampered by jurisdictional issues and lack of efficiency at the earliest stages of case processing, commencing with the arrest.

### **C. Focus of The Technical Assistance Site Visit**

The focus of the technical assistance site visit was to meet with Ms. Lewis, Chief Judge Wright, and other judges, administrators, staff members and others involved in the local justice system to provide recommendations to the court as to how the resources of the CCTAP might be used to support the three tasks identified in Ms. Lewis's technical assistance request as well as for improving caseload management.

## **II. ISSUES DISCUSSED DURING THE SITE VISIT AND OBSERVATIONS**

### **A. Overview**

In general it appears that, for both complex and non-complex criminal cases, the trial rate in the Fulton County Superior Court is reasonably low, but the time and process to effect a disposition by plea seems convoluted and unnecessarily extended, requiring more (and costly) appearances by the defendant than should be necessary to resolve the case. The team heard that a high percentage of defendants have multiple cases that are not necessarily "packaged" together into the ultimate disposition in the Superior Court. It appears that having multiple cases slows down the ultimate disposition by plea in the Superior Court and adds to the number of appearances on calendars by defendants that do not result in dispositions. Approximately 30-40 percent of cases are assigned to the wrong docket in the Superior Court and must be reassigned and that a high percentage of cases have to have "resets" or continuances due to a variety of factors. These inefficiencies waste both judicial and staff resources and also seem to be encouraged by structural issues in the criminal justice system and by a lack of coordinated policy direction. Most of the policy changes that would improve felony criminal case processing in Fulton County could be accomplished by the Superior Court if the Court is willing to take on the leadership role and is able through that leadership to achieve the cooperation of all the justice agencies in Fulton County.

### **B. Issues Discussed**

***Need for A Caseload Management System.*** Fulton County, Georgia, is a jurisdiction that has been visited on multiple occasions over the years by multiple consultants in repeated efforts in the past to help this Court ascertain where its problems are and how to solve them.<sup>1</sup> While this

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<sup>1</sup> See two reports prepared approximately a decade ago by The Justice Management Institute (Denver, Colo.): Mahoney & Hoffman, *Improving Caseload Management in the Fulton County Superior Court: Report and Recommendations* (2000) and Mahoney & Hoffman, *et al., Improving Caseload Management in Fulton County Superior Court: Phase II Report and Recommendations* (2001).

Court has made changes which have helped move certain cases through the system faster (non-complex cases) it does not have a caseload management system, other than as individually implemented by specific judges, nor does it have an information/data gathering system such that it can either ascertain its present status and/or determine whether it has been making progress over the years. The combination of these two factors makes it extremely difficult for this Court to know whether the changes it has implemented over the years have given it the results it hopes to achieve or solved the problems identified by any of the prior studies. The Non-Complex Case program has, with very few resources dedicated to it, managed to have a positive impact on a substantial number of cases. However, this program was developed not as part of an overall case management system, but rather in response to the singular issue which seems to drive much of what happens in this Court: jail overcrowding.

Because jail overcrowding has been the main driving force, cases with in-custody defendants have come to dominate the Court's attention. The result is that out-of-custody cases tend to languish, out-of-custody defendants do not get either consequences or services in a timely fashion and, as often happens, the out-of-custody defendants then have more time to re-offend. This creates a vicious circle of "case breeding" which makes the Court's problems even worse.

It is clear that this Court is in desperate need of a uniform caseload management system used by all of its judges, and a data and information gathering system which will support the caseload management system. This Court is in the process of adopting a new data and caseload information system. Hopefully this new system will be able to tell the Court where it stands and help it come up with the kind of data and reports that will assist it in setting realistic goals and developing a new caseload management system.

There was strong desire expressed by several of the judges that this Court move away from the "being studied" status to a "getting it implemented" status. There is a general acceptance of the fact that this Court is understaffed in both judges and staff and will not be getting more resources any time soon. There are methods of effective case flow management that can help this Court make the most of the resources that it has.

***Judicial Leadership.*** It was clear from the interviews that some of the judges understand the basic tenets of a case flow management system:

- Early judicial involvement;
- Early realistic plea offers;
- Prepared and committed attorneys that communicate with one another;
- Realistic goals and time frames coupled with the expectation that they will be complied with;
- Early exchange of disclosure and plea offers;
- Continuances not liberally granted;
- Certainty in the Court's calendar, and an understanding by all that commitments made are expected to be met;
- Every Court hearing is used to accomplish something in the case which moves the case towards resolution, and every opportunity is seized to dispose of the case;
- Motions are resolved expeditiously and well before a trial setting;

- Emphasis is put on performing the tasks that get cases resolved, rather than focusing on a trial date that rarely happens.

Unfortunately, in many courts, working hard is not always the same as working effectively. The effectiveness of modern case flow techniques are now tried and tested, and recognized to work for courts and judges generally, regardless of their history. These techniques reduce the judge's work load because they substantially reduce the number of unproductive hearings.

However, barriers to resolving the lack of efficiencies in the criminal justice system include a full range of political, fiscal, structural and organizational issues. The Chief Judge of the Fulton County Superior Court has a full regular caseload. It appears that such a heavy caseload limits her (or that of any other Chief Judge, as the term is two years, with additional terms possible) ability to spend the time required to lead the Court and represent the Court and its policies in the high level intergovernmental relationships that impact the criminal justice system in Fulton County. The full caseload also appears to affect the Chief Judge's ability to provide oversight and management of the Superior Court's calendar management and case processing on a day to day basis. The Chief Judge, unlike the Chief Judges in most metropolitan courts, does not have the authority to assign the work of the court to its various judges. This common responsibility of chief or presiding judges around the country is often governed by state or local rules of court, but provides the Chief Judge with the discretion to assign cases and calendars as necessary to best manage the work of the court as a whole.

***Range of Caseflow Management Practices Among Judges.*** Also, in the present system in the Fulton County Superior Court, the trial date is the date to which everyone seems to be working even though their trial rate is something less than 5%. The combined effect of having judges untrained in a uniform case flow management system, doing their own thing, working toward a goal (trial) that rarely takes place, results in a system where only portions of the Court are working efficiently at the desired result of moving the cases through the system as expeditiously as possible, and the goal for the Court as a whole is not being uniformly achieved.

Additionally, when there is no uniform case processing system, the attorneys, staff and the public are always adjusting their practices to try and meet the different demands and expectations of different judges. While the judges are "independent" in the sense that they are elected officials, they are part of a system of justice that should not be made more complex, confusing, expensive and slow just because some judges do not want to be part of a uniform system. Effective case flow techniques are fairly basic and have been adopted by judges of all experience levels and skill sets.

The Superior Court either cannot produce full statistics of criminal case processing or has chosen to release very limited statistical reports. For example, the Court reported for 2010 that it had disposed of more Non-Complex Criminal Cases than were received: 7,120 received, 7,329 disposed; similarly, Criminal Complex Cases showed 3,811 assigned and 4,359 disposed. There has also been a very positive report on the impact of the Backlog Reduction program in resolving a large number of old cases, even though it is not entirely clear exactly how backlog was defined or whether the program will be repeated as needed.

### C. Additional Administrative Issues

There appears to be a problem regarding probation revocations as to scheduling and conducting hearings, especially when a new crime has been committed. This Court could benefit tremendously from considering a separate Probation Revocation Court. Some judges insist on having some of their probation revocation cases returned to them. It is entirely understandable why this happens and the merit of it: judges do not want defendants “working the system” by telling a different judge the same old story, thus avoiding being held accountable. However, unless a process is developed to consolidate and expedite the probation violation and new case, delay and multiple hearings are assured. The solution in most jurisdictions, especially of this size, is to have a team made up of a prosecutor, defense attorney and judge that specifically handle all probation violation and probation violations coupled with new violations. The prosecutor handling these cases must have wide discretion to make reasonable plea offers and dispose of the cases at the earliest opportunity. This specialized court requires that judges “let go” of some of the practices they have had in the past even if there is good reason for them. The quicker these defendants can either get the services they need, or out of the local jail to a state institution, the better for the health of the Court, the public and the defendants.

Dealing with these kinds of issues requires attention both to statistics and information systems. Following Ernest Friesen’s long stated maxim of “What you count, counts” in that the decision on what is measured directly impacts behavior, the Court needs, in addition to the caseload management reports that the Court currently generates or receives from the Fulton County criminal justice system, additional reports that clearly illustrate the time and appearance factors for the criminal defendants. These can provide some impetus to make positive changes. Since the Superior Court’s management of the criminal caseload begins only after the case processing of the other justice partners, including the first appearance in the Atlanta Municipal Court or other courts of first instance, with different prosecutorial, defender, and pretrial agencies at that level, it is critical that the case management statistics relied upon clearly document each step and the time and number of appearances for defendants from arrest through final disposition. The number of appearances per a final disposition by plea can then be analyzed to identify where unnecessary time delays or appearances by the defendant without efficient and effective results create overall delay and cost that can be reduced with more efficient case processing. Training and cross-training within the Superior Court as well as between Superior Court staff, the Clerk of the Court and the other justice agencies in Fulton County would help to focus on the issues that can be employed to improve the overall process.

The Fulton County Justice Partners Report<sup>2</sup> clearly shows that much of the analysis has been done and that change can be effected if all the agencies are willing to work together to accomplish that goal. Jail overcrowding can often be relieved as a by-product of focusing on more efficient and effective case processing rather than focusing just on jail overcrowding itself. Interviews with the Judges, the Court Administrator and her staff, and the Case Managers helped the team to identify a number of issues that the Superior Court may address in improving its operations. There was a clear focus on improving and standardizing training of court staff. Coordinating training with the Clerk of the Court’s managers and staff would help to improve communication between and would help them focus on the improvement of mutually dependent

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<sup>2</sup> Fulton County Justice Partners, *2011 Justice System Response and Recommendations* (2011).

processes, so that each agency is not waiting on the other to complete tasks that are in the critical path impacting the case flow and case disposition. In that the Court's case managers and the Clerk of Court do not have access to the same information and capabilities in the use of their current "Banner" system. this appears to be a jurisdictional issue between the Clerk of the Court, the Court staff, and the County IT staff, but it seemed very artificial. Despite that, these jurisdictional separations and resistances have plagued the Fulton County justice system for many years and if the different components, especially the Court, cannot focus on resolving them, the County Commission needs to take steps to get these bottlenecks cleared through negotiation or its own authority, since the component agencies have proved largely unable to deal with these conflicts.

#### **D. Technology**

Fulton County has opted to implement the Tyler Technologies' Odyssey Product Suite for its criminal justice system. The Fulton County Superior Court will participate with the County and the other justice partners to implement the Tyler system to support its case processing activities. The Superior Court relies upon the Fulton County IT Department for its technology services and only maintains a small internal technology staff. The Tyler Odyssey system is certainly among the best of the case management software products for courts and criminal justice agencies. Tyler has been selected for numerous statewide court case management systems, as well as for both large and small trial courts throughout the country.

Implementing a new case management system provides both a unique time sequence and a critical opportunity to implement necessary changes and improvements in a court's case flow management practices and procedures. The Superior Court can make sure that the technical and operational requirements for the new Tyler Odyssey System enable both Court staff and Clerk of Court staff to have the access they need to perform all their functions effectively. In addition, strategic planning techniques and business process re-engineering (BPR) methods and tools should be employed by the Court to help identify the common goals, objectives and strategies that would improve operations and create a method for obtaining consensus and collaborative change management.

Modern court case management systems can be fully integrated with criminal justice partner systems such as prosecution, defense, probation, jail management, etc. In addition, efficient electronic case processing, document management and electronic filing (e-filing) can be integrated to relieve the barriers to efficiency caused by paper-based systems. Many courts around the country have in recent years changed their case file records management and case processing model to embrace a "paper on demand" approach in which all case files are electronic and paper documents are only printed when it is necessary. Modern systems have been designed to use integrated technologies that include the document and system security required to support e-filing, electronic case processing and the maintenance and integrity, including immutability, of court records. Substantial savings in courthouse space, time and court staff resources have been clearly documented through the implementation of these technologies. In addition, the implementation of a new case management system provides a terrific opportunity for a court's judges and staff to engage in both a critical policy review as well as in the use of Business Process Re-engineering (BPR) to evaluate existing case management practices and implement

practice improvements enabled through the use of enhanced technology. Courts have historically maintained practices that represent “the way we have always done it” and the opportunity to re-evaluate and streamline those practices is most valuable when new policies and procedures can be incorporated into the design and features of a new case management system.

Tyler’s Odyssey system can be constructed to provide all the necessary software tools to implement modern case management best practices. The Fulton County Superior Court ought to consider engaging in both strategic planning activities as well as the use of business process reengineering (BPR) as tools to maximize its readiness for the new Tyler system. One example that was discussed with Court staff on the team’s visit was the use of performance management software that created user friendly information delivered in the dashboard format. The team joined Superior Court Judges and staff in viewing a demonstration of Threshold Consulting’s Justice PM software solution while on the site visit. This solution provides dashboards encompassing the NCSC CourTools that is based upon the national trial court performance standards. This software appeared to be very impressive in the delivery of critical information regarding caseloads for the Court as a whole as well as for individual judges and court support functions, including measurement against time standards and key case processing milestones. The JusticePM staff indicated that they have experience integrating their product with the Tyler Odyssey system. It appears courts have had positive experience with the JusticePM software. In addition, Tyler Technologies also has the capability of delivering the CourTools dashboards if desired by their clients. Use of these CourTools dashboards is an excellent way to provide easy to view information and critical management data to the Court, tailored for use by the Chief Judge and other judges who manage calendars, as well as for the court administrator and the various levels of management and supervisory staff.

**E. Relationships With Other Justice System Components: Prosecutors, Defense Attorneys, and the Clerk of Court**

The Fulton County Justice Partners Report was a most encouraging indicator of the ability of the principal component agencies and units in the justice system to begin to work together to address common problems, of which the perennial issue of jail overcrowding is the principal engine driving the need for the partners to work together.

*District Attorney.* The Court has stated on many occasions the judges’ view that the District Attorney files far too many cases, many of which are insubstantial and get dismissed at some point in the process. This is a problem not unique to this Court. The net result is that it takes judicial and attorney resources to address these insubstantial cases as they wend their way to ultimate resolution. This Court needs to conduct a survey of the number of cases that are dismissed or resolved short of plea or trial, determine how many hearings are wasted on these cases, and present this information to the District Attorney. For as much as the “numbers” are important to the District Attorney, certainly the wasted time of his Deputy District Attorneys, Public Defenders as well as the Judges and Court staff is meaningful as well.

There is also a strong perception that the Deputy District Attorneys do not have sufficient discretion to plead out cases without their supervisor’s approval and that obtaining this approval contributes to the length of time a case takes to get resolved. Similarly, the initial plea offers that

are offered are felt by many to be entirely too harsh. The combined effect of this is that cases have a tendency to drag on far too long in the process before a “just” result is reached.

In all criminal justice systems there is predictability as to what will happen to the vast majority of cases because they usually fit into a pattern of both facts and plea policies of the local District Attorney and the Court. Almost from the start, the outcome of these routine cases can be predicted. Investing time and resources in having numerous hearings on a case where the outcome can be predicted very early is a waste of everyone’s time and, more importantly, keeps the attorneys and judges from having time to work on cases that really need their attention.

Assigning an experienced prosecutor with the authority and support to refuse to file weak cases and appropriately charge cases at the early screening phase of the case is critical to any efficient case flow system. Similarly, vesting deputy district attorneys with sufficient authority to offer reasonable pleas and resolve cases on routine cases is absolutely essential to resolving cases at the earliest opportunity with the fewest number of hearings. It bears emphasizing that every hearing that is either unnecessary or does not move a case forward acts like an anchor slowing the Court and process down and wasting everyone’s time.

The team was told that there is insufficient staffing in certain areas of the District Attorneys’ office and how this lack of staffing, particularly in the noncomplex court cases and special assignment cases, is slowing the process down. Whether this is a budgetary or management decision is unclear. It was felt that the Deputy District Attorneys are very busy but cannot keep up with the workload. The effect is that the Court’s process is slowed. The team heard that the Deputy District Attorneys are so busy that they do not properly fill out paperwork on a newly arrested defendant with a pending case such that the new case gets assigned to the right judge. The case then gets assigned to the wrong judge and it takes time and resources to get the case straightened out and to the right judge.

Apparently, for reasons not related to the individual facts of each case, the District Attorney's office has taken a position that it will not stipulate to a bond in any given case. This approach results in judges’ (and attorneys’) time being occupied by needless bond hearings. While it is probably too much to expect the District Attorney to stipulate to a certain bond, perhaps the prosecutors could agree that the judge could consider a uniform bond schedule. Eliminating unneeded bond hearings would free up the judges to do other more critical work.

***Defense Attorneys.*** The concern expressed about defense counsel seems to center around their lack of preparation and or lack of skill level to be handling the complexity of cases that they were assigned. Similarly, there was a concern that entirely too many continuances were being sought because of conflicts in their schedules. All of the attorneys within the Fulton County system need to be trained to have the understanding that when they make commitments to the Court, they will be kept and if they are not, there will be consequences. Concurrently, and as a quid pro quo, the attorneys should have input to the Court in setting goals and time frames within which to achieve those goals. Once the goals and time frames have been collaboratively set, compliance should be the rule rather than the exception.

**Clerk's Office.** This team did not have an opportunity to communicate directly with the Clerk of the Court. However, it was noted that, as a result of a historical separation of duties, the Clerk no longer has a representative in the courtroom during hearings that can generate orders and other Court paperwork while the hearing is being conducted. The personnel that are in the courtroom while courtroom proceedings take place, have a "view only" capability which precludes them from being able to generate paperwork that can move the case forward when it is most effective to do so. It is recommended that a working group be established made up of representatives from the Clerk's Office as well as the Court Administrators with the goal to identify where the paperwork log jams are and come up with solutions. This Court is in the process of adopting a new information system, and it will be imperative that there be close communication between the Clerk of the Court and Court Administration such that accurate data is uniformly entered into the system in such a way that there is confidence in the data, and accurate reports can be generated. It may require the County Commission and possibly statutory amendment to clarify some of these conflicts, in that they have persisted for many years.

#### **F. Technical Assistance Provided Subsequent to The Site Visit**

In response to a request made at discussions conducted during the site visit, Mr. Slater transmitted to Court Administrator Lewis information "... regarding the role of the Supervising Judge of the Criminal Division of the Superior Courts in California. I am attaching two groups of sections of the California Rules of Court. The first group, Rules 10.602 through 10.610, will provide background and context regarding the role, authority, and duties of a Presiding Judge of the Superior Court, the duties of all judges of the court and the duties of the Court Executive Officer. The second group, Rules 10.950 through 10.953, specifically address the duties and responsibilities of the Supervising Judge of the Criminal Division." (Attachment 1)

Judge Coker sent the following materials in response to a similar request: "a summary of our process for setting up settlement conferences and a flow chart on our case flow system. Of note in the flow chart are the time standards that we have set for the performance of specific tasks." (Attachment 2) He also transmitted the caseflow plan of Maricopa County (Phoenix), along with criminal statistics formats and an order regarding calendar practice. (Attachment 3)

### **III. RECOMMENDATIONS FOR FOLLOW-UP TECHNICAL ASSISTANCE**

#### **A. Short-Term Technical Assistance**

**Court Requests 1 and 2: *Develop circuit-specific applications of Differentiated Case Management (DCM) and develop judicial policies and administrative directives to govern caseflow processes***

##### Potential Technical Assistance:

A. CTAP Consultant to work with (a) court's caseflow management committee or similar panel to design preliminary case classifications for a criminal DCM system, preliminary tracks for those cases that appear preliminarily amenable to pilot testing a DCM approach, (b) court and

other justice agencies (prosecutor, public defender) to refine DCM track plan; and (c) identify and draft appropriate implementation policies and directives.

B. As a preliminary step to working with the caseflow Committee and other justice system officials to develop the design of the DCM plan, the CCTAP could also conduct a strategic planning session with the Superior Court leadership to develop the outline and timetable for an overall caseflow management improvement program for the Court, building on prior consultant recommendations and of which the DCM plan would be one component. An additional component of this plan would be the articulation of performance standards that could then be addressed in more detail through a separate component of the technical assistance dealing with the use of CourtTools (see below.)

Comment:

The Superior Court's existing caseflow management committee should consider developing plans to implement major improvements in the process through which civil and criminal cases move through the court. To improve calendar management of random assignment to judges, the Superior Court can develop a process to separate civil cases based on an analysis of how much judge time they require and then create a master calendar for the criminal caseload or a hybrid calendar that handles all the pretrial readiness issues and then sends the cases that are trial-ready to a criminal trial judge's calendar.

The success of the Felony Fast Track process and the Non-Complex Criminal calendar has shown that there are ways of dealing with the criminal caseload effectively. "The Court's total pending felony caseload was reduced by 44 percent from inception of the Fast-Track Calendar in May 2006 to May 2009. That represents a drop of some 3,500 pending felony cases, from more than 8,000 in 2006 to some 4,500 in 2009."<sup>3</sup> Nevertheless, the existing calendar management of random assignment is weak and relies on ineffective case management schemes. There are many options: an effective early plea and sentencing program could probably take away all but the most serious cases from their individual calendars, much as the Non-Complex criminal calendar has proceeded to this goal, under the direction of the judges.

***Court Request 3: Implement CourtTools and court specific performance management standards***

Potential Technical Assistance:

First: As an outgrowth of the proposed strategic planning meeting referenced above, the CCTAP can provide a consultant to work with a committee of the court to identify specifically the performance measurement standards the Court will use and the management information and reports the Court will need to measure adherence to these performance standards.

Second, assuming this first element of technical assistance is conducted, the CCTAP can also assign a consultant familiar with the information system now being designed and implemented in

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<sup>3</sup> Fulton County Superior Court Annual Report 2009, p. 26.

the Superior Court to assist the court (1) in assuring that data needed for measurement of court-specific management standards will be obtainable and (2) in designing specific performance measures for implementation using the capabilities of the new system and the reporting the Court has identified needed. (See above)

Comment:

In order to have the capability of generating appropriate data on which to base measurement of court performance standards, the Superior Court, with the assistance of the new IT system, will need to produce comprehensive statistics showing the caseload volume and speed with which cases are processed. Statistics needed include age of cases closed each year and pending at yearend. The new system will also need to enable measurement of the frequency with which and reasons for continuances or adjournments being granted. Optimally, in line with the expressed desire of the Court Administrator, data should be obtained to use the CourTools performance measures.

The Court Administrator and her management and IT staff need to be proactive in defining their requirements for system functionality, management information and the criteria for system performance to be delivered by the new Tyler Odyssey System. The opportunity to identify and create these requirements that the system must provide will ultimately assist both Tyler Technologies and the Court to meet all the critical expectations and avoid having to make costly changes after the delivery and implementation of the system. This can include the specifications for all the standard reports and for the ad hoc reporting functions that the Court will require to manage its caseload. While this new system is being delivered by the Fulton County IT Department, it is absolutely imperative that the Superior Court, as the ultimate user of the system, have its needs met. Having a mutual understanding of the Court's requirements will minimize functionality and terminology issues and costly modifications post implementation.<sup>4</sup>

It was not clear to the team whether the Tyler System is being delivered with an integrated document management system or whether the Court desires, when implementing the Tyler system, to move towards implementing "paper on demand" and electronic files and e-filing as part of, or along with, the Tyler system implementation. Acquiring this system and capability will offer a whole range of potential efficiencies, process improvements, and information management capabilities, if the Court chooses to use them.

## **B. Observations and Recommendations For The Longer Term**

The entire disjointed manner in which criminal cases proceed to and through the court requires significant revamping if real improvement is to be achieved. Since criminal cases that ultimately reach the Superior Court first proceed through municipal-level prosecutorial offices and courts prior to arrival at the Fulton County District Attorney's Office, planning for this change will

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<sup>4</sup> The team is putting together a compilation of reports that are derived from Minnesota's statewide case management system that are used in the management of cases by both the statewide Administrative Office of the Courts, as well as Minnesota's largest trial court, the 4<sup>th</sup> Judicial District Court, serving all of Minneapolis and Hennepin County. These should be ready for transmittal to the Superior Court Administrator and her staff shortly.

necessitate involving all county-level and local-level stakeholders, optimally using the mechanism of the Fulton County Justice Partners.

The Superior Court needs to be given through statute supervisory responsibility for the entire magistrate first-appearance function for felonies and empowering the judicial officer(s) who take on that function to make all the critical decisions at one omnibus hearing within 48 hours, including probable cause, release-upon-recognizance (ROR), early release on supervision or electronic monitoring and/or other conditions, bail/bond amount (requiring the District Attorney to provide information directly in court or to make a later motion in Superior Court to change the release status if appropriate), appointment of counsel, and consolidating cases based upon policy direction and information from the IT system that the arrestee has other outstanding cases.

These functions all seem to be carried more efficiently in other jurisdictions and they could be implemented in Fulton County if the Superior Court is willing to take the lead and policy direction to work with the District Attorney, County Public Defender, the Sheriff, and the County Commission to accomplish these goals, which would simplify an unduly complex process that only slows the movement of cases and defendants through the system. Other courts have implemented “case packaging” which consolidates the assignment of all the pending cases for a defendant countywide regardless of the courthouse where the original cases were filed. This policy directive saves a huge amount of judge and staff time as well as jail and defendant transportation time and cost. One county that developed it was recently named as the Honorable Mention runner up for the Justice Achievement Award of the National Association for Court Management.

There is no question that this Court has worked hard in trying to “make do with less” for many years. With the prime directive being the control of jail population rather than design of an efficient caseflow management system, a series of stop-gap solutions have been devised that, while partially successful, have not and cannot stave off the need for an integrated case flow system. It is time for such a system. While a uniformly used caseflow management system will not magically solve critical underfunding forever, it will allow the Court to make maximum use of the resources it has.

Although it would appear valuable to establish a task force of stakeholders led by the Judiciary, which would look at the system as a whole with the task of coming up with a criminal caseflow management system that sets timelines, events, goals and cut off dates that all participating justice system components can agree to, we are not making such recommendation for Fulton County at this point., We heard from several sources that this approach has been tried in the past without success. It is suggested then that the Judges seize the initiative and, under the leadership of the Chief Judge, form a group of interested and motivated judges tasked with getting input from all of the judges and then developing a criminal caseflow management system for their Court based on tried and tested principles of caseflow management. This system can incorporate the process that has been led by a Senior Judge to address the backlog of older cases. Once the plan has been fully vetted by the Judges, it can then be circulated for comment to the other Fulton County Justice Partners: the District Attorney, Defense Bar, the Clerk of the Court and other affected entities (Probation, Law Enforcement etc.), revised where needed and then adopted.

This approach requires strong leadership as well as a determined commitment by the Judiciary to stop being divided and to resolve long-standing and deleterious differences with both the District Attorney and the Clerk of Court as to how the case management process should function. The public expects and deserves a uniform system that works by an objective standard, not a system that is bogged down in confusing expectations, inconsistent procedures and hearings that accomplish nothing. Some Courts are so overwhelmed by the workload that they are paralyzed from taking the steps necessary to putting their own house in order. This Court does not appear to be such a Court. It recognizes that while the jail may be too small and the Court does not have the resources it needs, it can do a better job of the things it has control over. It has dedicated Judges that know they have a problem and really want to do what they can to step out of the past.

#### **IV. NEXT STEPS**

The proposed technical assistance is designed to be planned and delivered during the October 15, 2011 – May 15, 2012 period. Although most of the proposed assistance will require on site visits by CCTAP consultants and appropriate Fulton County judicial leaders and staff, interim meetings may be conducted by conference call and/or Skype.

If the Court desires to proceed with the proposed plan for follow up technical assistance planning will need to begin promptly in order for services to be completed within the remaining timeframe for the project's activities.

#### Attachments:

- (1) *California Rules of Court.*
  - (a) Rules 10.602 through 10.610 (provide background and context regarding the role, authority, and duties of a Presiding Judge of the Superior Court, the duties of all judges of the court and the duties of the Court Executive Officer.
  - (b) Rules 10.950 through 10.953 (specifically address the duties and responsibilities of the Supervising Judge of the Criminal Division)
- (2) *Criminal Settlement Conferences Procedure.* Coconino County (Flagstaff), Arizona Superior Court: [Summary of process for setting up settlement conferences and flow chart on caseflow system used in the Coconino County (Flagstaff), Arizona Superior Court. Of note in the flow chart are the time standards set for the performance of specific tasks.]
- (3) *Maricopa County (Phoenix) Arizona Superior Court Case Management Plan*
  - (a) *Administrative Order No. 2010-089. Maricopa County (Phoenix), Arizona Superior Court: In the Matter of the Master Calendar Case Management System.* [Caseflow plan of Maricopa County (Phoenix), Arizona Superior Court along with criminal statistics formats and an order regarding calendar practice.]
  - (b) Memorandum: Criminal Department Monthly Statistical Report for April 2011

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ATTACHMENT ONE

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## **Rule 10.602. Selection and term of presiding judge**

### **(a) Selection**

(1) *Courts with three or more judges* Each court that has three or more judges must select a presiding judge. Selection of the presiding judge may be by secret ballot. The court should establish an internal local rule or policy for the selection of the presiding judge and assistant presiding judge, if any.

(2) *Two-judge courts* In a court having two judges, the selection of the presiding judge must conform to Government Code section 69508.5. If selection cannot be agreed on and neither judge has at least four years of experience, the senior judge must hold the office of presiding judge until both judges have at least four years of experience.

*(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2005.)*

**(b) Requisite experience and waiver** 140A presiding judge must have at least four years of experience as a judge, unless this requirement is waived by a majority vote of the judges of the court. Nomination and selection of a presiding judge should take into consideration the judge's: (1)

Management and administrative ability;

(2) Interest in serving in the position;

(3) Experience and familiarity with a variety of trial court assignments;

(4) Ability to motivate and educate other judicial officers and court personnel;

(5) Ability to evaluate the strengths of the court's bench officers and make assignments based on those strengths as well as the best interests of the public and the court; and

(6) Other appropriate factors.

*(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2005.)*

### **(c) Term**

A presiding judge in a court with two judges must be elected for a term of not less than one year. A presiding judge in a court with three or more judges must be elected for an initial term of not less than two years. The presiding judge may be elected for additional terms. The court may change the duration of the initial or additional term by local rule or policy so long as the initial term is not less than the duration specified in this rule. A presiding judge may be removed by a majority vote of the judges of the court.

*(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2005.)*

### **(d) Assistant presiding judge and acting presiding judge**

(1) The court may elect an assistant presiding judge.

(2) If the court's internal local rule or policy does not provide for the designation of an acting presiding judge to serve if the presiding judge is absent or unable to act, the presiding judge must designate one.

(3) The court should provide the assistant presiding judge with training to foster an orderly succession to the office of presiding judge.

*(Subd (d) amended effective January 1, 2007; previously amended effective January 1, 2005.)*

### **(e) Caseload adjustment** 141

To the extent possible, the judicial caseload should be adjusted to provide the presiding judge with sufficient time and resources to devote to the management and administrative duties of the office.

*Rule 10.602 amended and renumbered effective January 1, 2007; adopted as rule 6.602 effective January 1, 2001; previously amended effective January 1, 2005.*

**Advisory Committee Comment**

The internal local rule described in this rule relates only to the internal management of the court, and as such is exempt from the requirements in rule 10.613. (See rule 10.613(j).)

### **Rule 10.603. Authority and duties of presiding judge**

#### **(a) General responsibilities**

The presiding judge is responsible, with the assistance of the court executive officer, for leading the court, establishing policies, and allocating resources in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public. The presiding judge is responsible for:

- (1) Ensuring the effective management and administration of the court, consistent with any rules, policies, strategic plan, or budget adopted by the Judicial Council or the court;
- (2) Ensuring that the duties of all judges specified under rule 10.608 are timely and orderly performed; and
- (3) Ensuring that the court has adopted written policies and procedures allowing the presiding judge to perform efficiently the administrative duties of that office.

*(Subd (a) amended effective January 1, 2007.)*

#### **(b) Authority**

(1) The presiding judge is authorized to:

- (A) Assign judges to departments and designate supervising judges for divisions, districts, or branch courts;
- (B) Apportion the business of the court, including assigning and reassigning cases to departments;
- (C) Call meetings of the judges; 142
- (D) Appoint standing and special committees of judges;
- (E) Act as the spokesperson for the court;
- (F) Authorize and direct expenditures from the court's Trial Court Operations Fund; and
- (G) Perform all acts necessary to accomplish the duties specified by the rules of court.

(2) No local rule or policy may limit the authority of the presiding judge as granted in the rules of court.

*(Subd (b) amended effective January 1, 2007.)*

#### **(c) Duties**

##### **(1) Assignments**

The presiding judge has ultimate authority to make judicial assignments. The presiding judge must:

(A) Designate a judge to preside in each department, including a master calendar judge when appropriate, and designate a presiding judge of the juvenile division and a supervising judge for each division, district, or branch court. In making judicial assignments, the presiding judge must take into account the following:

- (i) The needs of the public and the court, as they relate to the efficient and effective management of the court's calendar;
- (ii) The knowledge and abilities demanded by the assignment;
- (iii) The judge's judicial and nonjudicial experience, including specialized training or education;
- (iv) The judge's interests;
- (v) The need for continuity in the assignment;
- (vi) The desirability of exposing the judge to a particular type of assignment; and
- (vii) Other appropriate factors. Judicial assignments must not be based solely or primarily on seniority; 143

- (B) Assign to a master calendar judge any of the duties that may more appropriately be performed by that department;
- (C) Supervise the court's calendar, apportion the business of the court among the several departments of the court as equally as possible, and publish for general distribution copies of a current calendar specifying the judicial assignments of the judges and the times and places assigned for hearings;
- (D) Reassign cases between departments as convenience or necessity requires; and
- (E) Designate a judge to act if by law or the rules of court a matter is required to be presented to or heard by a particular judge and that judge is absent, deceased, or unable to act.

## *(2) Judicial schedules*

- (A) The presiding judge must adopt a process for scheduling judges' vacations and absences from court for attendance at schools, conferences, workshops, and community outreach activities, and must prepare a plan for these vacations and absences from court.
- (B) The plan should take into account the principles contained in standards 10.11 10.13 (on judicial education) and standard 10.5 (on community activities) of the Standards of Judicial Administration.
- (C) The presiding judge must review requests from judges for time absent from court and may approve any request that is consistent with the plan and with the orderly operation of the court.
- (D) The presiding judge must allow each judge to take two days of personal leave per year. Personal leave may be taken at any time that is approved by the presiding judge.
- (E) The presiding judge must allow the following number of days of vacation for each judge annually:
  - (i) 24 days for judges with less than 7 years of service as a California judge;
  - (ii) 27 days for judges with at least 7 but less than 14 years of service as a California judge; and
  - (iii) 30 days for judges with 14 or more years of service as a California judge.
- (F) The presiding judge may authorize a judge to take more time off than is specified in (c)(2)(E) as justified by extraordinary circumstances, if the circumstances are documented and the authorization is in writing.<sup>144</sup>
- (G) The presiding judge, in his or her discretion, may allow a judge to take additional vacation days equal to the number of vacation days that the judge did not use in the previous year, up to a maximum of 30 such days. A court may, by local rule, establish a lower maximum number of such days. This paragraph applies only to vacation days accrued after January 1, 2001. It does not affect any unused vacation days that a judge may have accrued before January 1, 2001, which are governed by local court policy, nor does it create any right to compensation for unused vacation days.
- (H) The court must, by local rule, define a day of vacation. Absence from court to attend an authorized education program, conference, or workshop for judges, or to participate in Judicial Council or other authorized committees or community outreach activities, is not vacation time if attendance is in accordance with the plan and has the prior approval of the presiding judge. Absence from court due to illness is not vacation time. This rule does not limit the time a judge may be absent from court when unable to work because of illness.
- (I) To ensure compliance with the plan, the presiding judge must establish a system to monitor judges' absences from court and maintain records of those absences.

## *(3) Submitted cases*

- The presiding judge must supervise and monitor the number of causes under submission before the judges of the court and ensure that no cause under submission remains undecided and pending for longer than 90 days. As an aid in accomplishing this goal, the presiding judge must:
- (A) Require each judge to report to the presiding judge all causes under submission for more than 30 days and, with respect to each cause, designate whether it has been under submission for 30 through 60 days, 61 through 90 days, or over 90 days;

- (B) Compile a list of all causes under submission before judges of the court, designated as the submitted list, which must include the name of each judge, a list of causes under submission before that judge, and the length of time each cause has been under submission;
- (C) Circulate monthly a complete copy of the submitted list to each judge of the court;
- (D) Contact and alert each judge who has a cause under submission for over 30 days and discuss ways to ensure that the cause is timely decided;145
- (E) Consider providing assistance to a judge who has a cause under submission for over 60 days; and
- (F) Consider requesting the services of the Administrative Office of the Courts to review the court's calendar management procedures and make recommendations whenever either of the following conditions exists in the court for the most recent three months:
  - (i) More than 90 civil active cases are pending for each judicial position; or
  - (ii) More than 10 percent of the cases on the civil active list have been pending for one year or more.

#### (4) *Oversight of judicial officers*

The presiding judge must:

- (A) *Judges* Notify the Commission on Judicial Performance of:
  - (i) A judge's substantial failure to perform judicial duties, including any habitual neglect of duty, persistent refusal to carry out assignments as assigned by the presiding judge, or persistent refusal to carry out the directives of the presiding judge as authorized by the rules of court; or
  - (ii) Any absences caused by disability totaling more than 90 court days in a 12-month period, excluding absences authorized under (c)(2);
- (B) *Notice* Give the judge a copy of the notice to the commission under (A) if appropriate. If a copy is not given to the judge, the presiding judge must inform the commission of the reasons why so notifying the judge was deemed inappropriate;
- (C) *Commissioners*
  - (i) Prepare and submit to the judges for consideration and adoption procedures for receiving, inquiring into, and resolving complaints lodged against court commissioners and referees, consistent with rule 10.703; and
  - (ii) Notify the Commission on Judicial Performance if a commissioner or referee is disciplined or resigns, consistent with rule 10.703(k).146
- (D) *Temporary judges* Be responsible for the recruitment, training, supervision, approval, and performance of temporary judges as provided in rules 2.810–2.819 and rules 10.740–10.746; and
- (E) *Assigned judges* For each assigned retired judge:
  - (i) Complete a confidential evaluation form;
  - (ii) Submit the form annually to the Administrative Director of the Courts;
  - (iii) Direct complaints against the assigned judge to the Chief Justice, by forwarding them to the attention of the Administrative Director of the Courts, and provide requested information in writing to the Administrative Director of the Courts in a timely manner; and
  - (iv) Assist the Administrative Director in the process of investigating, evaluating, and making recommendations to the Chief Justice regarding complaints against retired judges who serve on assignment.

#### (5) *Personnel*

- (A) The presiding judge must provide general direction to and supervision of the court executive officer, or, if the court has no executive officer, perform the duties of the court executive regarding personnel as specified in rule 10.610(c)(1).
- (B) The presiding judge must approve, in writing, the total compensation package (salary and all benefits) offered to the court executive officer at the time of the executive officer's appointment and any subsequent changes to the executive officer's total compensation package.

(6) *Budget and fiscal management*

The presiding judge must:

- (A) Establish a process for consulting with the judges of the court on budget requests, expenditure plans, and other budget or fiscal matters that the presiding judge deems appropriate;
- (B) Establish responsible budget priorities and submit budget requests that will best enable the court to achieve its goals;<sup>147</sup>
- (C) Establish a documented process for setting and approving any changes to the court executive officer's total compensation package in a fiscally responsible manner consistent with the court's established budget; and
- (D) Approve procurements, contracts, expenditures, and the allocation of funds in a manner that promotes the implementation of state and local budget priorities and that ensures equal access to justice and the ability of the court to carry out its functions effectively. In a court with an executive officer, the presiding judge may delegate these duties to the court executive officer, but the presiding judge must ensure that the court executive officer performs such delegated duties consistent with the court's established budget.

(7) *Meetings and committees*

The presiding judge must establish a process for consulting with the judges of the court and may call meetings of the judges as needed. The presiding judge may appoint standing and special committees of judges as needed to assist in the proper performance of the duties and functions of the court.

(8) *Liaison*

The presiding judge must:

- (A) Provide for liaison between the court and the Judicial Council, the Administrative Office of the Courts, and other governmental and civic agencies;
- (B) Meet with or designate a judge or judges to meet with any committee of the bench, bar, news media, or community to review problems and to promote understanding of the administration of justice, when appropriate; and
- (C) Support and encourage the judges to actively engage in community outreach to increase public understanding of and involvement with the justice system and to obtain appropriate community input regarding the administration of justice, consistent with the California Code of Judicial Ethics and standard 10.5 of the Standards of Judicial Administration.

(9) *Planning*

The presiding judge must:

- (A) Prepare, with the assistance of appropriate court committees and appropriate input from the community, a long-range strategic plan that is consistent with the plan and policies of the Judicial Council, for adoption in accordance with procedures established by local rules or policies; and<sup>148</sup>
- (B) Ensure that the court regularly and actively examines access issues, including any physical, language, or economic barriers that impede the fair administration of justice.

(10) *Appellate records*

The presiding judge is responsible for ensuring the timely preparation of records on appeal.

- (A) The presiding judge ordinarily should delegate the following duties to the executive officer:
  - (i) Maintaining records of outstanding transcripts to be completed by each court reporter;
  - (ii) Reassigning court reporters as necessary to facilitate prompt completion of transcripts; and
  - (iii) Reviewing court reporters' requests for extensions of time to complete transcripts in appeals of criminal cases.

(B) After reasonable notice and hearing, the presiding judge must declare any reporter of the court who is delinquent in completing a transcript on appeal not competent to act as a reporter in court, under Government Code section 69944.

(11) *Local rules*

The presiding judge must prepare, with the assistance of appropriate court committees, proposed local rules to expedite and facilitate court business in accordance with Government Code section 68071 and rules 2.100, 3.20, and 10.613.

*(Subd (c) amended effective July 1, 2010; previously amended effective January 1, 2001, January 1, 2002, January 1, 2006, July 1, 2006, and January 1, 2007.)*

**(d) Delegation**

The presiding judge may delegate any of the specific duties listed in this rule to another judge. Except for the duties listed in (c)(5)(B) and (c)(6)(C), the presiding judge may delegate to the court executive officer any of the duties listed in this rule that do not require the exercise of judicial authority. The presiding judge remains responsible for all duties listed in this rule even if he or she has delegated particular tasks to someone else.

*(Subd (d) amended effective July 1, 2010; previously amended effective January 1, 2007.)*

*Rule 10.603 amended effective July 1, 2010; adopted as rule 6.603 effective January 1, 2001; previously amended effective January 1, 2002, January 1, 2006, and July 1, 2006; previously amended and renumbered effective January 1, 2007.149*

**Rule 10.605. Executive committee**

In accordance with the internal policies of the court, an executive committee may be established by the court to advise the presiding judge or to establish policies and procedures for the internal management of the court. An executive committee may be appointed by the presiding judge to advise the presiding judge.

*Rule 10.605 renumbered effective January 1, 2007; adopted rule 6.605 effective January 1, 2001.*

**Rule 10.608. Duties of all judges**

Each judge must:

(1) Hear all assigned matters unless:

(A) He or she is disqualified; or

(B) He or she has stated in writing the reasons for refusing to hear a cause assigned for trial, and the presiding judge, supervising judge, or master calendar judge has concurred;

(2) Immediately notify the master calendar judge or the presiding judge on the completion or continuation of a trial or any other matter assigned for hearing;

(3) Request approval of the presiding judge for any intended absence of one-half day or more, within a reasonable time before the intended absence;

(4) Follow the court's personnel plan in dealing with employees; and

(5) Follow directives of the presiding judge in matters of court management and administration, as authorized by the rules of court and the local rules and internal policies of the court.

*Rule 10.608 amended and renumbered effective January 1, 2007; adopted as rule 6.608 effective January 1, 2001; previously amended effective January 1, 2006.*

**Rule 10.610. Duties of court executive officer**

**(a) Selection**

A court may employ an executive officer selected in accordance with procedures adopted by the court.

**(b) General responsibilities** 150

Acting under the direction of the presiding judge, the court executive officer is responsible for overseeing the management and administration of the nonjudicial operations of the court and allocating resources in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public.

*(Subd (b) amended effective January 1, 2007.)*

**(c) Duties**

Under the direction of the presiding judge and consistent with the law and rules of court, the court executive officer must perform the following duties, where they are not inconsistent with the authorized duties of the clerk of the court:

(1) *Personnel* Provide general direction to and supervision of the employees of the court, and draft for court approval and administer a personnel plan for court employees that complies with rule 10.670. The court executive officer has the authority, consistent with the personnel plan, to hire, discipline, and terminate nonjudicial employees of the court.

(2) *Budget* Make recommendations to the presiding judge on budget priorities; prepare and implement court budgets, including accounting, payroll, and financial controls; and employ sound budget and fiscal management practices and procedures to ensure that annual expenditures are within the court's budget.

(3) *Contracts* Negotiate contracts on behalf of the court, in accordance with established contracting procedures and all applicable laws.

(4) *Calendar management* Supervise and employ efficient calendar and case flow management systems, including analyzing and evaluating pending caseloads and recommending effective calendar management techniques.

(5) *Technology* Analyze, evaluate, and implement technological and automated systems to assist the court. 151

(6) *Jury management* Manage the jury system in the most efficient and effective way.

(7) *Facilities* Plan physical space needs, and purchase and manage equipment and supplies.

(8) *Records* Create and manage uniform record-keeping systems, collecting data on pending and completed judicial business and the internal operation of the court, as required by the court and the Judicial Council.

(9) *Recommendations* Identify problems, recommending procedural and administrative changes to the court.

(10) *Public relations* Provide a clearinghouse for news releases and other publications for the media and public.

(11) *Liaison* Act as liaison to other governmental agencies.

(12) *Committees* Provide staff for judicial committees.

(13) *Other* Perform other duties as the presiding judge directs.

*(Subd (c) amended effective January 1, 2007.)*

*Rule 10.610 amended and renumbered effective January 1, 2007; adopted as rule 6.610 effective January 1, 2001.*

**Rule 10.611.**

**Rule 10.950. Role of presiding judge, supervising judge, criminal division, and master calendar department in courts having more than three judges**

The presiding judge of a court having more than three judges may designate one or more departments primarily to hear criminal cases. Two or more departments so designated must be the criminal division. The presiding judge may designate supervising judges for the criminal division, but retains final authority over all criminal and civil case assignments.

*Rule 10.950 amended and renumbered effective January 1, 2007; adopted as rule 227.1 effective January 1, 1985.*

**Rule 10.951. Duties of supervising judge of the criminal division**

**(a) Duties**

In addition to any other duties assigned by the presiding judge or imposed by these rules, a supervising judge of the criminal division must assign criminal matters requiring a hearing or cases requiring trial to a trial department.

*(Subd (a) amended effective January 1, 2007.)*

**(b) Arraignments, pretrial motions, and readiness conferences**

The presiding judge, supervising judge, or other designated judge must conduct arraignments, hear and determine any pretrial motions, preside over readiness conferences, and, where not inconsistent with law, assist in the disposition of cases without trial.

*(Subd (b) amended effective January 1, 2008; previously amended effective January 1, 2007.)*231

**(c) Additional judges**

To the extent that the business of the court requires, the presiding judge may designate additional judges under the direction of the supervising judge to perform the duties specified in this rule.

**(d) Courts without supervising judge**

In a court having no supervising judge, the presiding judge performs the duties of a supervising judge.

*(Subd (d) amended effective January 1, 2007.)*

*Rule 10.951 amended effective January 1, 2008; adopted as rule 227.2 effective January 1, 1985; previously amended and renumbered effective January 1, 2007.*

**Rule 10.952. Meetings concerning the criminal court system**

The supervising judge or, if none, the presiding judge must designate judges of the court to attend regular meetings to be held with the district attorney, public defender, representatives of the local bar, probation department, court personnel, and other interested persons to identify and eliminate problems in the criminal court system and to discuss other problems of mutual concern.

*Rule 10.952 amended and renumbered effective January 1, 2007; adopted as rule 227.8 effective January 1, 1985.*

**Rule 10.953. Procedures for disposition of cases before the preliminary hearing**

**(a) Disposition before preliminary hearing**

Superior courts having more than three judges must, in cooperation with the district attorney and defense bar, adopt procedures to facilitate dispositions before the preliminary hearing and at all other stages of the proceedings. The procedures may include:

- (1) Early, voluntary, informal discovery, consistent with part 2, title 6, chapter 10 of the Penal Code (commencing with section 1054); and
- (2) The use of superior court judges as magistrates to conduct readiness conferences before the preliminary hearing and to assist, where not inconsistent with law, in the early disposition of cases.

*(Subd (a) amended effective January 1, 2007; previously amended effective June 6, 1990, and January 1, 1991.)*232

**(b) Case to be disposed of under rule 4.114**

Pleas of guilty or no contest resulting from proceedings under (a) must be disposed of as provided in rule 4.114.

*(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 2001.)*

*Rule 10.953 amended and renumbered effective January 1, 2007; adopted as rule 227.10 effective January 1, 1985; previously amended effective June 6, 1990, January 1, 1991, and July 1, 2001.*

ATTACHMENT TWO:

*Criminal Settlement Conferences Procedure*  
Coconino County (Flagstaff), Arizona Superior Court

[Summary of process for setting up settlement conferences and flow chart on caseflow system used in the Coconino County (Flagstaff), Arizona Superior Court. Of note in the flow chart are the time standards set for the performance of specific tasks.]

# Criminal Settlement Conferences Procedure

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Effective Date: March 1, 2010

A request for a settlement conference is communicated to the Judicial Assistant either by the Court Tech immediately after court or by email from the attorneys to the Judicial Assistant in that division.

The Judicial Assistant then emails both attorneys of record, their secretaries, and Judge Coker with the case info (case #, name, charges, attorneys) and a request to the attorneys for available dates and times. The secretaries for the attorneys should have, and if not, request a copy of Judge Coker's availability from the Judicial Assistant. The Judicial Assistant will also include the next scheduled court date in the email.

Judge Coker insists that the attorney of record for both sides, or someone with authority to settle the case, be present at the settlement conference.

The attorneys will have 5 days to email dates to the Judicial Assistant (beginning from the date of the request, to within a two month period).

The Judicial Assistant will check Judge Coker's availability on AJACS (The court's central calendar) and schedule a date and time. If none of the dates match, the Judicial Assistant will send out one more email and request dates out one more month. If the Judicial Assistant cannot match the calendars, a date will be set at their discretion.

The Judicial Assistant will schedule the settlement conference in AJACS and notify Judge Coker, the attorneys, secretaries, the jail and interpreter if applicable. The Judicial Assistant will include in the email the next scheduled court date so the attorneys, if needed, can ask to continue that date past the settlement conference date.

The defense attorney will submit any mitigation to the county attorney 5 days prior to the settlement conference.

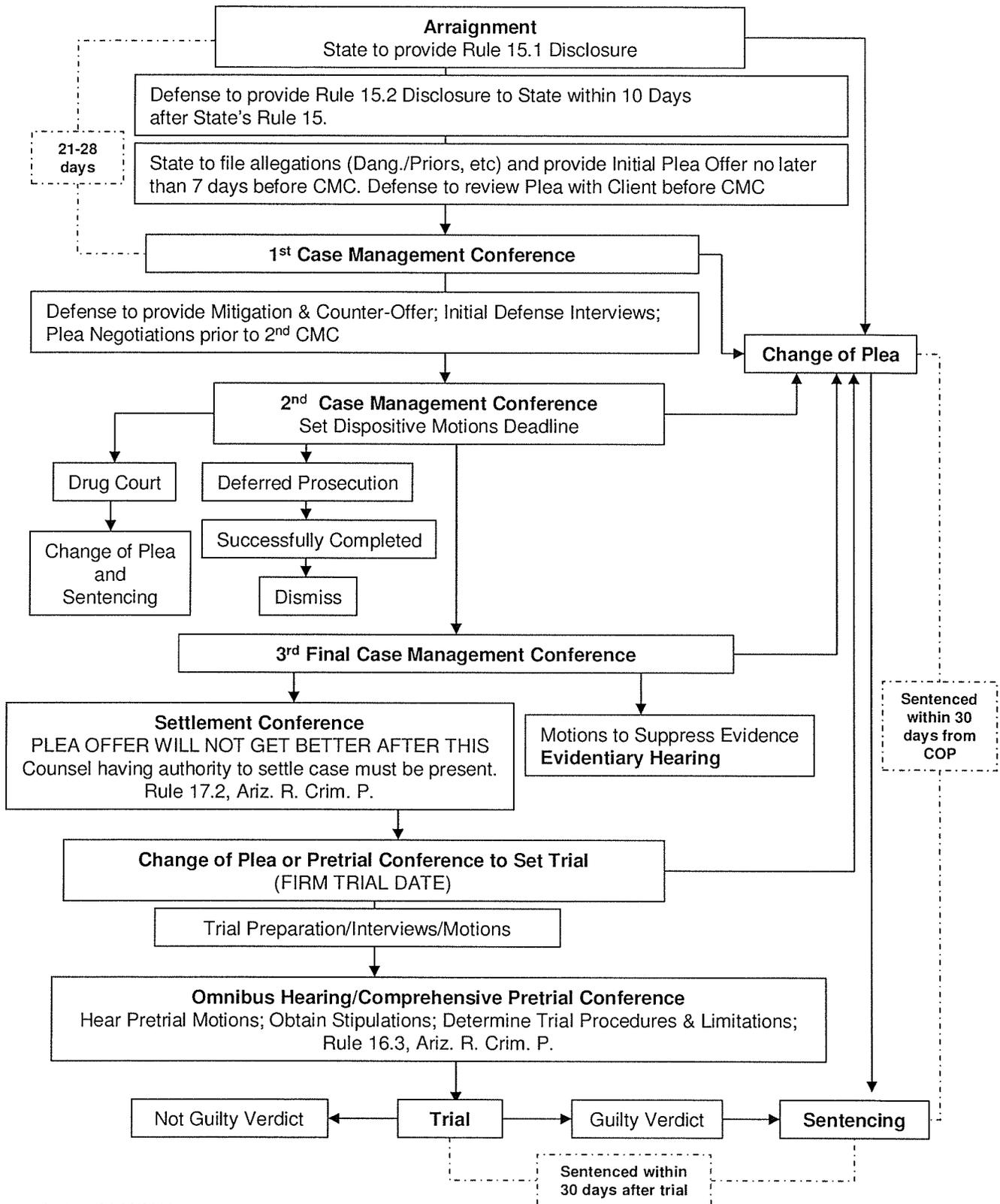
If there is a conflict or a need to reschedule the settlement conference, the attorneys/secretaries will notify the Judicial Assistant and Judge Coker by email (or phone if within one day) as soon as possible and include available dates for rescheduling. **No formal motion to continue is required.** The Defense attorney is responsible for notifying the interpreter if applicable. The Judicial Assistant will notify the jail and will clear Judge Coker's schedule in AJACs for that date and time.

All emails from all parties will reference the case number, defendant's name and attorney's names.

The Judicial Assistant's will try to schedule in two-hour increments as close together in a day as possible in order to maximize Judge Coker's time.

Judge Coker will send out a weekly update listing the times and dates of all set settlement conferences, a list of all pending cases (those waiting to be set), as well as his availability. Judge Coker's calendar module on AJACS will be updated regularly by Court Admin to reflect available dates and times. When choosing a date in AJACS, the Judicial Assistant's will not override a conflict in Judge Coker's calendar, but will find another date and time.

# Coconino County Felony Criminal Caseflow Outline



ATTACHMENT THREE

*Maricopa County (Phoenix) Arizona Superior Court Case Management Plan*

- (a) *Administrative Order No. 2010-089. Maricopa County (Phoenix), Arizona Superior Court: In the Matter of the Master Calendar Case Management System.*  
[Caseflow plan of Maricopa County (Phoenix), Arizona Superior Court along with criminal statistics formats and an order regarding calendar practice.]
- (b) Memorandum: Criminal Department Monthly Statistical Report for April 2011

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF THE MASTER	)	ADMINISTRATIVE ORDER
CALENDAR CASE MANAGEMENT	)	NO. 2010-089
SYSTEM	)	(Replaces No. 2009-107)
_____	)	

On July 6, 2009, the Superior Court implemented the Master Calendar case management system for designated criminal cases in the downtown criminal divisions. That same year, Administrative Order 2009-107 was promulgated to establish the processes and procedures by which the Master Calendar operated. After a year of operation, the Criminal Department judges determined that modifications be made to continue the commitment to the timely, fair and impartial administration of justice. Therefore, in order to manage the Master Calendar system,

IT IS HEREBY ORDERED:

1. Vacating Administrative Order 2009-107 as of September 1, 2010.
2. Criminal cases as designated in the Master Calendar Operations Protocol shall be assigned to the Master Calendar and managed in accordance with the Master Calendar Operations Protocol.
3. Pursuant to Rule 8.5 of the Rules of Criminal Procedure, any motion to continue must include the specific reasons for the requested continuance. To assist the Court, the Parties may also want to include the following information immediately below the caption:
  - ✓ Arraignment date:
  - ✓ Original last day:
  - ✓ Current trial date:
  - ✓ Requested new trial date:
  - ✓ Length of continuance requested:
  - ✓ Number of continuances granted before this continuance:
  - ✓ If the motion is filed less than 5 days before trial, the reason(s) for its untimeliness,

and shall be handled as follows:

- a. Cases assigned to the Master Calendar: Motions to continue the trial date shall be decided by:

1. The assigned Master Calendar Commissioner if the motion is filed after Arraignment but before the last event with that Commissioner. If a motion is filed during that period for continuing a case's last day to coincide with a new case involving the same defendant, the Master Calendar Commissioner may extend the last day of the older case to the last day of the newer case. The Master Calendar Commissioner may also extend or recalculate the last day in situations where the defendant has been returned from Rule 11 Court, from a Bench Warrant, when either side has been permitted to withdraw from a plea, or when reinstatement of prosecution from TASC occurs.
2. The Case Management Judge who is managing the case if the motion is filed after the last event heard by the assigned Master Calendar Commissioner. If granting the motion results in a trial date past the original last day, the Master Calendar Case Management Judge who granted the motion should issue the standard "Trial Continuance Past Original Last Day Minute Entry" and endorse the Criminal Department Presiding Judge or his/her designee.
  - b. Capital cases: The motion shall be ruled on by the Criminal Department Presiding Judge or his/her designee.
  - c. Cases assigned to an individual criminal judge: A motion to continue the trial date shall be ruled on by the assigned judge. If granting the motion results in a trial date past the original last day, the judge who granted the motion should issue the standard "Trial Continuance Past Original Last Day Minute Entry" and endorse the Criminal Department Presiding Judge or his/her designee.
4. Sections 3a and 3c of this Administrative Order will remain in effect until June 30, 2011.

IT IS FURTHER ORDERED that this Administrative Order expires automatically without further Order on a date ten (10) years from the date of issuance in accordance with Arizona Administrative Code, Section 3-402(C), unless sooner modified, amended or replaced.

Dated this 30th day of August, 2010.

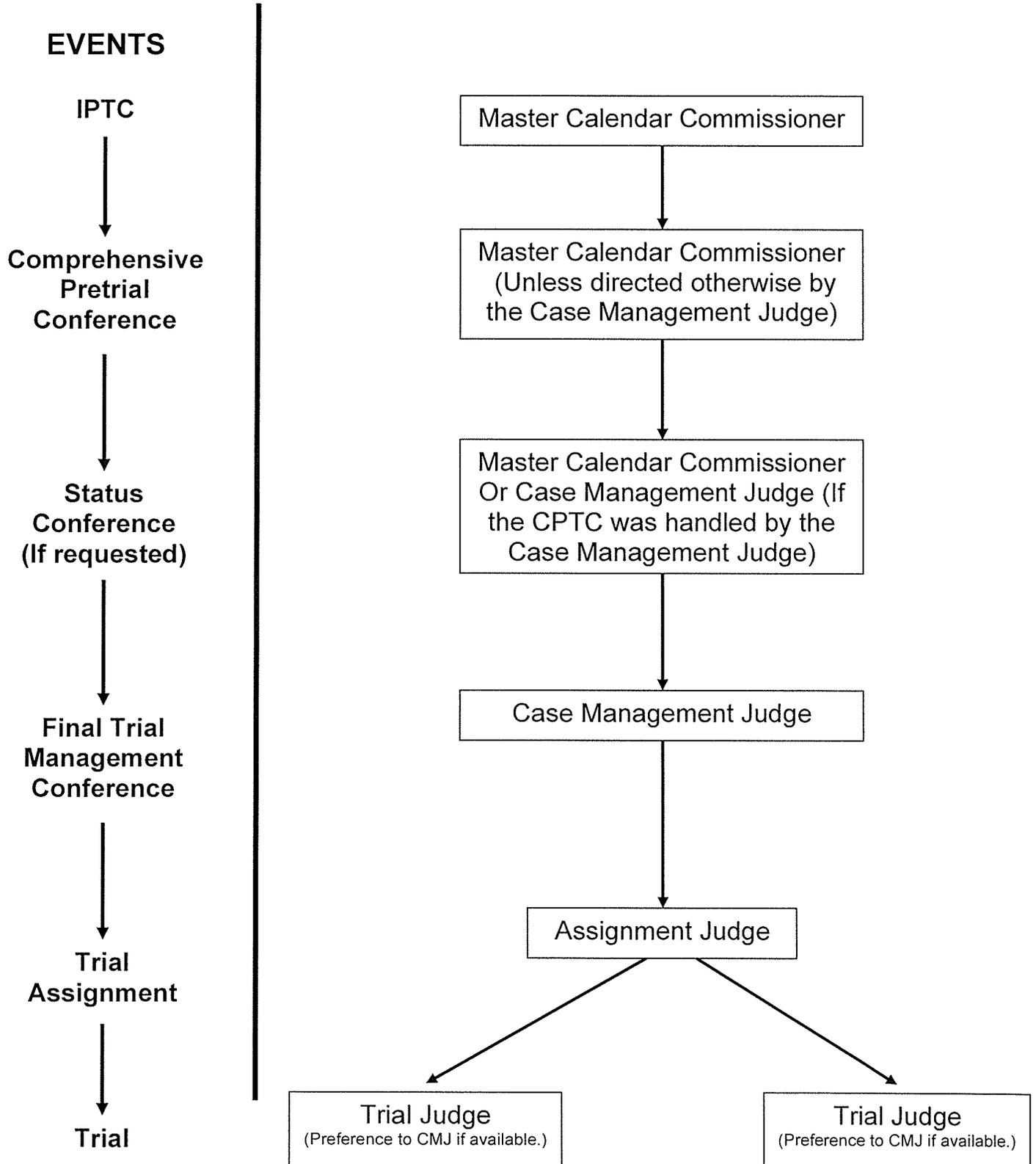
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Norman J. Davis  
Presiding Judge

Original: Clerk of the Court

Copies: Hon. Douglas Rayes, Criminal Department Presiding Judge  
Hon. Warren Granville, Criminal Department Associate Presiding Judge  
All Criminal Court Judges and Commissioners  
Marcus Reinkensmeyer, Judicial Branch Administrator  
Phil Knox, Court Administrator, General Jurisdiction Courts  
Bob James, Criminal Court Administrator  
Chris Bleuenstein, Deputy Criminal Court Administrator  
Paula Collins, Deputy Criminal Court Administrator  
Carlos Rivera, Master Calendar Unit Supervisor  
Maricopa County Sheriff's Office  
Maricopa County Attorney's Office  
Office of Public Defense Services  
Office of the Public Defender  
Office of the Legal Advocate  
Office of the Legal Defender

# MASTER CALENDAR OPERATIONS PROTOCOL



## **I. Case Assignment**

- A. All criminal cases filed in this Court will be scheduled according to the Master Calendar Scheduling Protocol (MCSP), except for the following:
  - 1. Cases designated as Capital: Criminal Court Administration will notify the Criminal Department Presiding Judge for reassignment to a Capital Case Management Judge upon the filing by the prosecution of a notice of intent to seek the death penalty.
  - 2. Cases assigned to the DUI Center: Criminal Court Administration will assign these cases based on already established operational rules.
- B. Cases involving the same defendant will be scheduled together based on the assignment for the active case with the lowest CR number (e.g., CR2008-10415-001 and CR2009-00397-001 will both be scheduled before CMC01 and the same Case Management Judge) unless one of the cases is a complex case. If one of the cases is a complex case, the matters will be scheduled using the complex case number. If cases involving the same defendant each have different co-defendants, they cannot be scheduled together unless requested by the defendant and agreed to by all of the parties. An "active" case does not include a probation violation case.
- C. Cases involving six (6) or more co-defendants will be scheduled according to the Master Calendar Scheduling Protocol (MCSP). Criminal Court Administration will notify the Criminal Department Presiding Judge or his/her designee when this type of case is initiated in iCIS. The Criminal Department Presiding Judge or his/her designee will assign the Case Management Judge.
- D. The Criminal Department Presiding Judge or his/her designee may assign a Case Management Judge to a specific case.

## **II. Document Flow**

- A. Pursuant to Local Rule 4.7(A), parties filing documents related to Master Calendar cases shall submit a copy to the Judicial Officer's division before whom the next case event is scheduled. Documents electronically filed and received by Criminal Court Administration, will be delivered by Criminal Court Administration to the Judicial Officer's division before whom the next case event is scheduled.
- B. Not Guilty Arraignment (NGA) calendar support staff shall notify Criminal Court Administration regarding interpreter issues at the time of the NGA and shall update iCIS to reflect that need.

### **III. Settlement Conferences**

- A. Any judicial officer may preside over settlement conferences for any cases. If the settlement conference results in a change of plea, the case may proceed as provided below.

### **IV. Change of Plea and Sentencing**

- A. Direct parties to the MCC to handle the change of plea. If a change of plea is completed, the case may:
  - 1. Continue with the judicial officer who handled the change of plea if that judicial officer agrees to conduct the sentencing;
  - 2. Be transferred to a judicial officer to whom the parties have stipulated pursuant to Rule 10.2(d) if the requested judicial officer agrees; or
  - 3. Proceed with the judicial officer who is indicated on iCIS as the "Case Management Judge." The Case Management Judge is determined by a randomized process that distributes the cases equitably among the criminal judges.

### **V. Master Calendar Commissioner (MCC)**

- A. When a Rule 10.2 Notice of Change of Judge is filed to change the Master Calendar Commissioner (MCC), the case will be assigned to another MCC by a randomized process that distributes the cases equitably among the MCCs.
- B. The MCC will receive input at IPTC from the parties for a realistic Firm Trial Date (FTD). The MCC will utilize the Master Calendar Scheduling Protocol to calculate the FTD. However, the MCC may deviate from that schedule to set an earlier FTD if the parties agree. If the parties request a trial date later than the normal calculation but earlier than the last day, the MCC may grant that request. The minute entry should reflect that counsel agreed to the trial date and that a continuance will not be granted because of trial conflicts. The MCC is also permitted to extend or recalculate the last day in situations in which the defendant has been returned from Rule 11 Court, the defendant has been arrested pursuant to a Bench Warrant, either side has been permitted to withdraw from a plea agreement, or prosecution has been reinstated from TASC. The MCC staff will set the FTD at 8:00 a.m. on the Assignment Judge's calendar. The scheduling will be evenly balanced across four days, Monday through Thursday.

- C. Interpreter services are available for each MCC division at least three days each week. This may be modified with the approval of the Criminal Department Presiding Judge or his/her designee.
- D. Coverage Protocol for MCCs – If the MCC is unavailable for three (3) or less consecutive court business days, MCC staff must block the dates and notify Criminal Court Administration at least 60 days in advance to avoid matters being scheduled on those dates. If the MCC will be unavailable for more than three (3) consecutive court business days, MCC staff must block the first three (3) days. The subsequent days that the MCC will be unavailable may be covered based on the calendar needs and coverage availability, at the discretion of Criminal Court Administration. This can be modified with the approval of the Criminal Department Presiding Judge or his/her designee. If the Court is in a court-wide critical calendar period, this plan is replaced by the court-wide matrix approved by the office of the Presiding Judge.

**VI. Case Management Judge (CMJ)**

- A. Each Case Management Judge (CMJ) will be assigned to a group, and each group will also include a Master Calendar Commissioner. The CMJs of the group will manage the cases that are heard by the MCC of that group. When possible, the divisions will be placed in groups that are located as close together as practicable.
- B. When a Rule 10.2 Notice of Change of Judge is filed to change the CMJ, the case will be assigned to another CMJ by the Criminal Department Presiding Judge or his/her designee.
- C. Coverage Protocol for CMJs – A CMJ who is unavailable is responsible for either blocking the affected dates or arranging coverage. The CMJ is responsible for informing Criminal Court Administration in advance of whether the division will be covered or the dates will be blocked to allow the MCC divisions to set FTMCs accordingly. In addition, if the decision is made to block dates, CMJ staff is responsible for blocking the calendar in iCIS.

**VII. Assignment Judge (AJ)**

- A. Any judicial officer who temporarily serves as Assignment Judge (AJ) will hear cases in the courtroom of the primary AJ.
- B. The AJ will route parties to the Trial Judge (TJ) directly from their appearance on the FTD in the AJ's courtroom. Criminal Court Administration staff in the AJ's courtroom on the FTD shall order the jury at the direction of the AJ when the parties are sent to their assigned TJ. As long as that order is placed with the Jury

Office before 10:30 a.m., the TJ will begin jury selection at 1:30 p.m. that afternoon. If the AJ assigns a trial to a TJ but does not require the TJ to begin jury selection that day, the staff of the TJ must order the jury no later than 3:30 p.m. on the FTD to begin jury selection the next day. If trial does not begin on the day the case is assigned to the TJ, it must start the next day. If the trial will not start on the next day, the TJ must contact the AJ or the Criminal Department Presiding Judge for approval.

**VIII. Trial Judge (TJ)**

- A. When conducting a trial, the second day and every subsequent day should start no later than 10:30 a.m. for trial judges and 1:30 p.m. for MCCs.
- B. No trials shall begin on a Friday. Whether a trial continues on a Friday remains within the discretion of the Trial Judge.

**Master Calendar Scheduling Protocol (MCSP)**

<b>Event</b>	<b>Scheduling Interval</b>	<b>Event Location</b>	<b>Scheduling Responsibility</b>
IPTC	Arrestment + 42 to 49 Days	MCC	NGA/RCC/EDC
CPTC	IPTC + 30 Days	MCC or CMJ (At the discretion of the CMJ)	MCC
Status Conference	As needed	MCC or CMJ (Unless directed otherwise by the CMJ)	MCC or CMJ (Unless directed otherwise by the CMJ)
FTMC	Minimum 5 court business days before FTD	CMJ	MCC
FTD	<u>In custody:</u> Arrestment + 120 Days <u>Out of custody:</u> Arrestment + 150 Days	AJ	MCC

**MEMORANDUM**

TO: Criminal Department Judges, Special Assignment Judges, and Court Commissioners

FROM: Bob James, Criminal Department Administrator

DATE: May 18th, 2011

*Attached is the Criminal Department Monthly Statistical Report for April 2011. The number of new cases filed increased slightly for the second month in a row. Terminations decreased slightly compared to the previous month, even though we continued to terminate more cases than are filed each month. However, there are fewer filings and terminations when compared to the previous fiscal year. Case aging improved during the month compared to March, while judicial notices decreased by more than a third in the same period. Post Conviction Relief case filings decreased somewhat compared to March, but still exceed the number of filings at this time in FY2010. And although we continue to terminate less PCR cases than are filed, we have terminated 60% more than last year at this time. If there are any questions regarding this Report, please contact me at 506-6314.*

**CRIMINAL DEPARTMENT STATISTICAL REPORT,  
APRIL 2011**

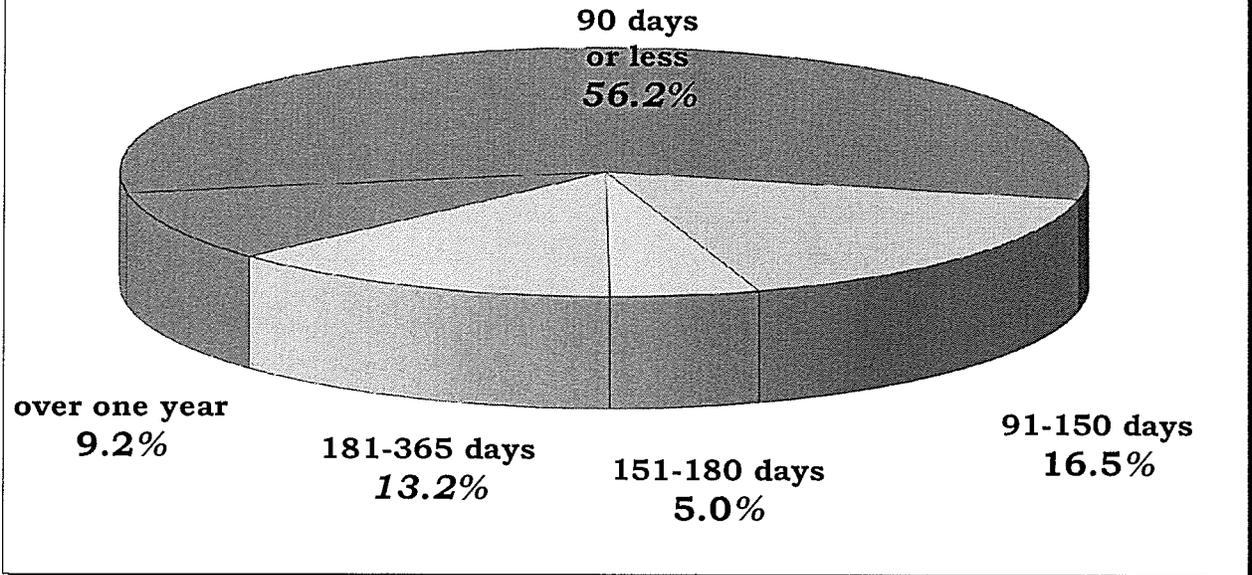
<i>Monthly Caseload Summary</i>	<i>April 2011</i>	<i>March 2011</i>	<i>Percent Change (Apr-Mar)</i>	<i>April 2010</i>	<i>Percent Change (2011-2010)</i>
<b>IA Court Total Defendants Seen</b>	<b>5,109</b>	5,190	-2%	5,313	-4%
<b>New Case Filings and Transfers</b>	<b>2,962</b>	2,937	1%	2,743	8%
<b>Total Cases Terminated</b>	<b>3,359</b>	3,394	-1%	3,155	6%
<b>Criminal Trials Held</b>	<b>58</b>	58	0%	60	-3%
<b>Change of Judge Notices Filed</b>	<b>23</b>	35	-34%	62	-63%
<b>Active Filed Cases (end of month)</b>	<b>10,284</b>	10,031	3%	10,934	-6%
<b>Active Arraigned Cases (end of month)</b>	<b>7,782</b>	7,555	3%	8,118	-4%
<b>PCR Case Filings</b>	<b>106</b>	128	-17%	146	-27%
<b>PCR Cases Terminated</b>	<b>87</b>	68	28%	210	-59%
<b>PCR Cases Pending</b>	<b>1,402</b>	1,383	1%	1,514	-7%

**FISCAL YEAR TO DATE COMPARISONS**

	<b>FY 2011</b>	<b>FY 2010</b>	<i>Percent Change (FY11- FY10)</i>	<b>FY 2009</b>
<b>New Case Filings and Transfers</b>	<b>26,869</b>	28,703	-6%	30,773
<b>Total Cases Terminated</b>	<b>29,007</b>	33,346	-13%	33,790
<b>Total Criminal Trials Held</b>	<b>521</b>	635	-18%	799
<b>Trial Rate (ratio of trials to new filings)</b>	<b>1.9%</b>	2.2%		2.6%
<b>Total Active Pending Cases (end of current month) - Filed</b>	<b>10,284</b>	10,934	-6%	11,214
<b>PCR Case Filings</b>	<b>1,221</b>	1,137	7%	1,036
<b>PCR Cases Terminated</b>	<b>1,439</b>	905	59%	814

*NOTE: Total Active Pending Cases do not include defendants currently out on bench warrants, Rule 11 competency treatments, adult diversion programs, and special action appeals in a higher court.*

**Age of All Active Pending Felony Cases,  
as of April 30, 2011**



**Age of Criminal Felony Cases Terminated vs. Standards**

<u>Cases Terminated</u>	<u>April 2011</u>	<u>March 2011</u>	<u>February 2011</u>	<u>Arizona Supreme Court Standards<sup>a</sup></u>	<u>American Bar Association Standards<sup>b</sup></u>
within 100 days	63.1%	61.6%	63.6%	90%	
within 120 days	68.1%	67.5%	70.0%		90%
within 150 days	75.5%	75.2%	76.6%		
within 180 days	81.6%	80.1%	82.2%	99%	98%
within one year	93.6%	92.3%	93.7%		100%

<sup>a</sup> Arizona Supreme Court General (Trial Court) Time Standards for felony case processing (November 15, 1991); felony case aging from filing date in Superior Court to termination (through sentencing). Maricopa County uses revised Rule 8.2 Speedy Trial time limits (implemented 12/1/2002), which initiates felony case aging at arraignment date. Capital and complex felony cases have their own aging standards.

<sup>b</sup> American Bar Association Standards relating to Trial Courts - General Felony standards (adopted February 1992). Felony case aging begins at date of arrest, but does not include days to sentencing for guilty defendants.

**Age (in days) of Active Pending Criminal Cases  
from File and Arraignment Dates, as of April 30, 2011**

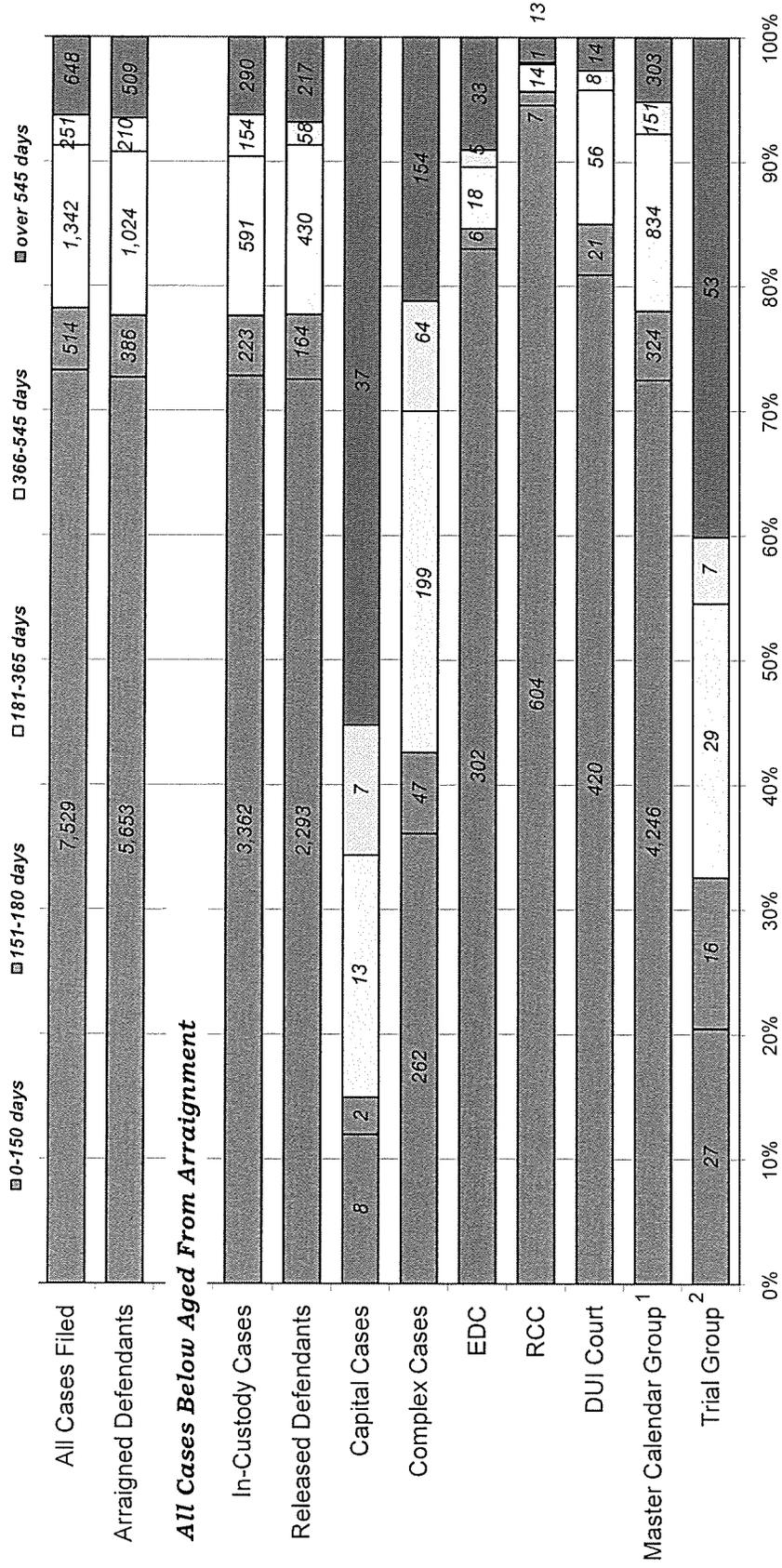
File Date	0-90 days	91-150 days	151-180 days	181-365 days	366-455 days	456-545 days	over 545 days	Totals
<b>Arraignment Date</b>	5,739	1,790	514	1,342	251	162	486	10,284
<i>In-Custody Cases</i>	4,372	1,281	386	1,024	210	125	384	7,782
<i>Released Defendants</i>	2,617	745	223	591	154	88	202	4,620
<i>Capital Cases</i>	1,760	533	164	430	58	35	182	3,162
<i>Complex Cases</i>	3	5	2	13	7	2	35	67
<i>EDC</i>	108	154	47	199	64	48	106	726
<i>RCC</i>	288	14	6	18	5	2	31	364
<i>DUI Court</i>	578	26	7	14	1	2	11	639
<i>Master Calendar Group</i> <sup>1</sup>	316	104	21	56	8	4	10	519
<i>Trial Group</i> <sup>2</sup>	3,142	1,104	324	834	151	82	221	5,858
	8	19	16	29	7	10	43	132

For all criminal case-types listed under "Arraignment Date," case aging data reflected here for active pending cases begins at that date. Amendments to Rule 8.2 Speedy Trial Time Limits, effective October 2002, changed case initiation time standards from file date to arraignment date. Case aging excludes warrant time, Rule 11 competency issues, diversion, and special action/appeals.

<sup>1</sup> Effective July 6, 2009, the Master Calendar Group includes all cases assigned for management through the Master Calendar (SE group was transferred on 12/1/09)

<sup>2</sup> Trial Group includes cases assigned for individual management on any CRJ, CRC & CMC calendar. This does not include cases assigned to Special Assignment judges or the DUI Center.

## Age (in days) of Active Pending Criminal Cases, as of 4/30/2011



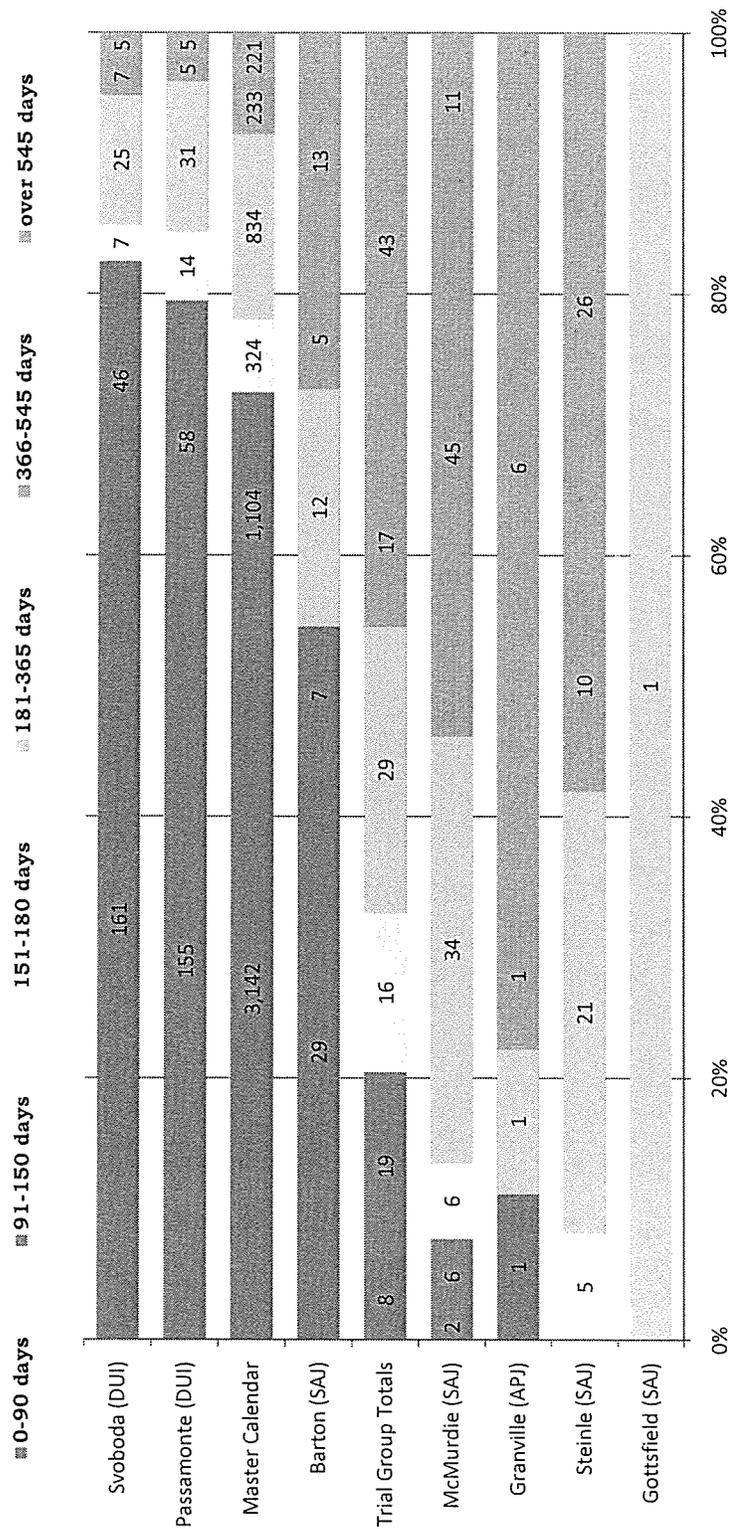
NOTE: Per amendments to Rule 8.2 (Speedy Trial Time Limits, October 2002) criminal case aging begins at arraignment and ends at sentencing, acquittal, or dismissal and does not include excluded time. Master Calendar project began in December 2008.

## Age (in days) of Active Pending Criminal Cases from Arraignment Date, as of April 30, 2011 (by Calendar and Group)

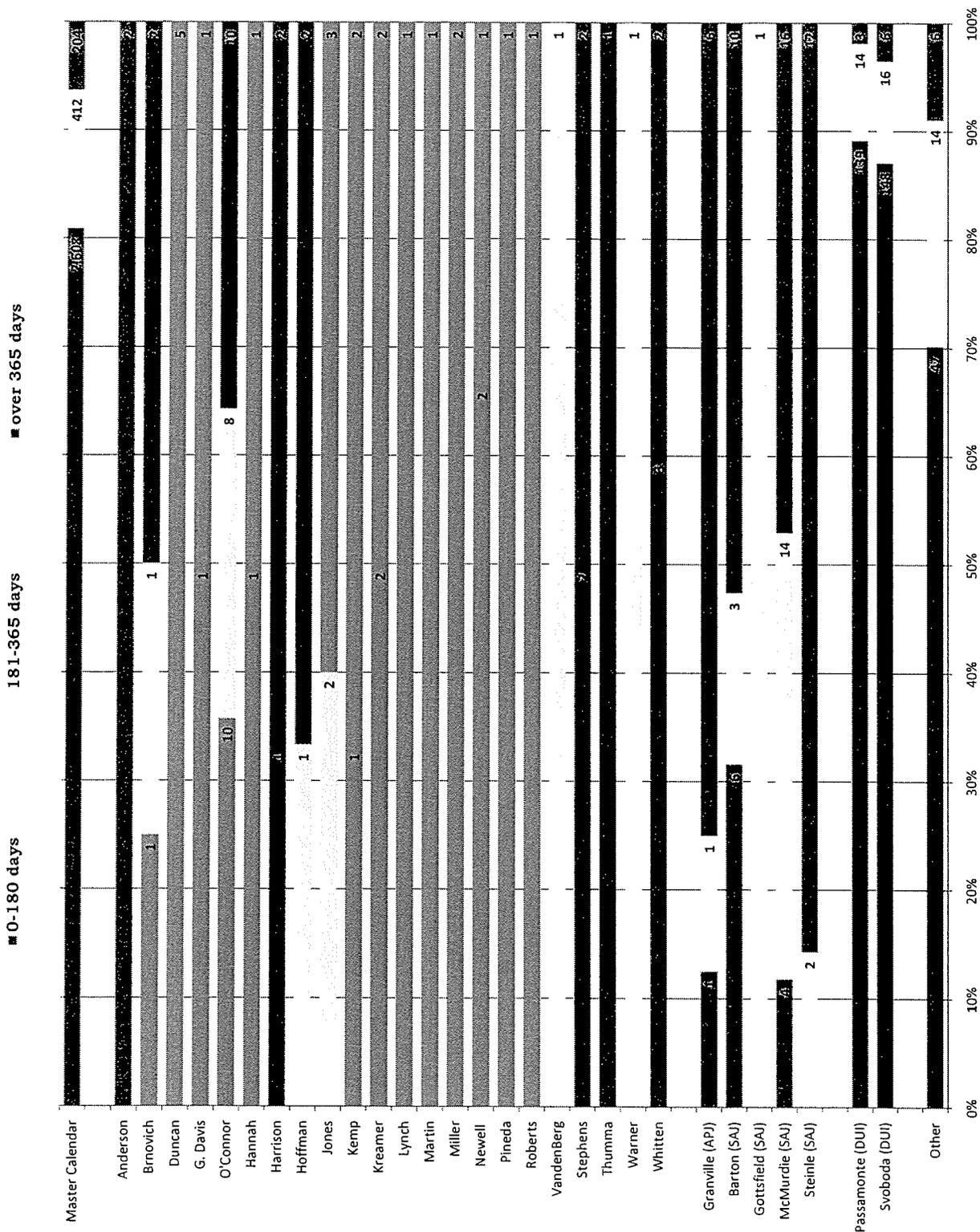
CMP01	Master Calendar	0-90 days		91-150 days		151-180 days		181-365 days		366-455 days		456-545 days		over 545 days		Totals	Percent of Total
		days	days	days	days	days	days	days	days	days	days	days	days	days	days		
CRJ02	Pineda		1													2	0.0%
CRJ04	Hannah		1													2	0.0%
CRJ05	Warner							1								3	0.0%
CRJ06	Wely	1														1	0.0%
CRJ07	Jones							4								7	0.1%
CRJ08	Hoffman		2					3								7	0.1%
CRJ09	Anderson		1													4	0.1%
CRJ10	Thumma					2										2	0.0%
CRJ11	Verdin															0	0.0%
CRJ12	Harrison							1								5	0.1%
CRJ13	Duncan							1								10	0.1%
CRJ14	G. Davis					1										3	0.0%
CRJ15	Brodman		1													0	0.0%
CRJ16	Martin															1	0.0%
CRJ17	Brnovich							1								5	0.1%
CRJ18	Kemp		1													4	0.1%
CRJ19	O'Connor		5			8		15								48	0.6%
CRJ20	Contes															0	0.0%
CRJ21	Stephens	1														4	0.1%
CRJ22	Whitten	1				1										2	0.1%
CRJ23	Flores															0	0.0%
CRJ25	Kreamer	1														7	0.1%
CMC01	Newell	2														3	0.0%
CMC02	Miller															2	0.0%
CMC03	VandenBerg							1								1	0.0%
CMC04	Roberts															1	0.0%
CMC05	Spencer															2	0.0%
CMC06	Lynch															1	0.0%
CRJ08	Holding															1	0.0%
<b>Trial Group Totals</b>		<b>8</b>	<b>19</b>	<b>16</b>	<b>29</b>	<b>7</b>	<b>10</b>	<b>43</b>	<b>132</b>	<b>43</b>	<b>132</b>	<b>132</b>	<b>1.7%</b>				
CPJ02/03	Granville (APJ)	1														9	0.1%
CRDU1	Passamonte (DUJ)	155														268	3.4%
CRDU2	Svoboda (DUJ)	161														251	3.2%
SAJ04	McMurdie (SAJ)	2														104	1.3%
SAJ06	Steinle (SAJ)															62	0.8%
SAJ07	Gottsfeld (SAJ)															1	0.0%
SAJ12	Barton (SAJ)	29														66	0.8%
SAJ13	Schwartz (SAJ)															0	0.0%
RCC/EDC/all other divisions		874														1,031	13.2%

<b>GRAND TOTALS</b>		<b>4,372</b>	<b>1,281</b>	<b>386</b>	<b>1,024</b>	<b>210</b>	<b>125</b>	<b>384</b>	<b>7,782</b>	<b>100%</b>
percent to total		56.2%	16.5%	5.0%	13.2%	2.7%	1.6%	4.9%	100%	
cumulative percent		56.2%	72.6%	77.6%	90.8%	93.5%	95.1%	100.0%		

## Age (in days) from arraignment date of Active Pending Criminal Cases, as of 4/30/2011



# Number and Age of Active Trial Set Cases, as of 4/30/2011



**NOTICES OF CHANGE OF JUDGE  
FOR THE MONTH OF APRIL 2011**

TRIAL GROUP	JUDGE	STATE MOTION (10.2)	DEFENSE MOTION (10.2)	PLEA WITHDRAWALS	RECUSALS/ COURT ORDERED TRANSFERS	TOTAL
<b>MC</b>	ANDERSON					0
	BRNOVICH		6			6
	CONTES					0
	DAVIS					0
	DUNCAN					0
	FLORES		2			2
	BRODMAN					0
	GOTTSFIELD					0
	HANNAH	3		2	1	6
	HARRISON					0
	HOFFMAN					0
	JONES					0
	KEMP					0
	KREAMER					0
	THUMMA					0
	MARTIN					0
	O'CONNOR					0
	STEPHENS					0
	PINEDA				1	1
	WARNER					0
VERDIN					0	
WELTY			1		1	2
WHITTEN						0
<b>TOTALS</b>		<b>3</b>	<b>9</b>	<b>3</b>	<b>2</b>	<b>17</b>
	Lynch			1		1
	Newell	1	1			2
	Holding		1			1
	Spencer				2	2
	Rummage					0
	Passamonte					0
	Svoboda					0
	Roberts		1			1
	Steinle					0
	Barton	1	1			2
	VandenBerg		2			2
	Blomo		3			3
	Morrow					0
	McMurdie					0
<b>TOTALS</b>	<b>2</b>	<b>9</b>	<b>1</b>	<b>2</b>	<b>14</b>	
<b>GRAND TOTALS</b>		<b>5</b>	<b>18</b>	<b>4</b>	<b>4</b>	<b>31</b>

**Settlement Conference Activity, April 2011**  
**Criminal Department**

Cal	Judicial Officer/Comm.	Conference Results				
		Conferences Set	Settled	Not Settled	Continue	Misc.
CPJ02/03	Warren Granville	32	10	9	2	11
CRJ02	Susanna Pineda	3	3	0	0	0
CRJ04	John Hannah	20	3	15	0	2
CRJ05	Randall Warner	2	0	0	0	2
CRJ06	Joseph Welty	16	2	7	3	4
CRJ07	Michael Jones	6	0	4	0	2
CRJ08	Kristin Hoffman	17	3	1	2	11
CRJ09	Arthur Anderson	2	0	0	0	2
CRJ10	Samuel Thumma	3	2	1	0	0
CRJ11	Maria Del Mar Verdin	11	4	1	0	6
CRJ13	Sally Duncan	11	4	2	2	3
CRJ14	Glenn Davis	5	3	0	1	1
CRJ15	Roger Brodman	8	4	3	0	1
CRJ16	Daniel Martin	3	1	1	0	1
CRJ17	Susan Brnovich	14	3	6	1	4
CRJ18	Michael Kemp	22	3	10	0	9
CRJ19	Karen O'Connor	11	6	0	4	1
CRJ20	Connie Contes	9	4	4	0	1
CRJ21	Sherry Stephens	38	15	3	13	7
CRJ22	Christopher Whitten	32	6	11	8	7
CRJ23	Lisa Flores	21	13	3	1	4
CRJ25	Joseph Kreamer	25	3	6	6	10
SAJ03	Sam Myers	1	0	1	0	0
SAJ04	Paul McMurdie	11	7	3	0	1
SAJ07	Robert Gottsfield	32	16	10	1	5
SAJ12	Janet Barton	1	0	0	1	0
SAJ13	Jonathan Schwartz	3	2	1	0	0
CMC01	Julie Newell	35	17	13	3	2
CMC02	Phemonia Miller	42	9	11	1	21
CMC04	Lisa Roberts	12	5	2	0	5
CMC05	Barbara Spencer	10	1	3	2	4
CMC06	Steven Lynch	61	32	11	0	18
CRDU1	Carolyn Passamonte	2	1	0	0	1
CRDU2	Pamela Svoboda	11	2	7	0	2
CRDU3	Lisa Vandenberg	2	0	2	0	0
CRC05	Brian Rees	15	1	11	0	3
CRC06	Keelan Bodow	6	4	0	2	0
CRC09	James Blomo	10	3	2	0	5
PCC04	Steven Holding	3	3	0	0	0
	Cr Ct Admin	1	0	0	0	1
None Assigned/Others		55	2	16	6	31
<b>TOTALS</b>		<b>629</b>	<b>199</b>	<b>180</b>	<b>60</b>	<b>190</b>

NOTE: Misc. includes cases entered as "No Result"