



2008 State of the Judiciary

The Honorable Ruth V. McGregor
Chief Justice, Arizona Supreme Court

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State of the Judiciary Address
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President Bee, Speaker Weiers, members of the Arizona Senate and House of Representatives, judges, volunteers, guests and fellow Arizonans.

Thank you for inviting me once again to speak with you about the Arizona Judicial Branch.

Joining me today are Vice Chief Justice Rebecca Berch, Justice Michael Ryan, Justice Andy Hurwitz and Justice Scott Bales. It is our honor to head the Arizona judicial system, a system that is respected and emulated throughout the country. Arizona's court system owes its status to the past and continuing efforts of not only our judges, but also our Clerks of Court, our administrators, employees, and thousands of public volunteers who bring their energy and dedication to improving our courts.

We recognize our responsibility to be accountable. Courts, of course, are accountable first for upholding the rule of law. But we also are accountable for ensuring that the public has access to a fair, efficient justice system. This annual address is one of many steps we take to inform you and the public about how your courts are fulfilling their duties. Today, I will tell you of the progress we have made, including that in some programs I first described for you last year.

When I became Chief Justice nearly 3 years ago, the public told us that they wanted the court system to do a better job of processing DUI cases. Echoing that concern, this body has enacted a number of laws intended to reduce the frequency of DUI offenses. We understand that, unless our courts can process DUI cases efficiently and fairly, the effectiveness of the laws you adopted is reduced. After carefully analyzing the problem by establishing a Task Force in 2005, we established a pilot project in courts statewide. The courts in the pilot project applied new procedures to process DUI cases. I am pleased to report that we found great success. The pilot courts reduced the number of DUI cases that had been pending for more than 180 days by 77 percent. We reduced the time from filing of a case until trial, and resolved cases more quickly, without compromising the constitutional rights of defendants.



Because of the pilot project success, we will implement our new procedures statewide in limited jurisdiction courts during 2008. By processing DUI cases more efficiently, our courts contribute to reducing the problems related to DUI offenses.

We also must be accountable for finding ways to help the public when they come into contact with the court system, particularly those without lawyers or formal legal training. Looking for help, they ask court staff to tell them what to do. But court staff are limited in what they may say because, while they can provide legal information, they may not give legal advice. Lack of clarity about the distinction between advice and information caused confusion for staff and frustration for the public. To draw clear guidelines for the public and court staff, last year I created the Legal Information Task Force, which reported its work in 2007. The guidelines created by the Task Force and adopted by our court should go far to assist both the public and court communities.

We have taken other steps to help self-represented litigants and rest of the public: we created guides, available on court web sites, to help people appeal from decisions in their cases; we enacted the Arizona Rules of Family Law Procedure, which were the first of their kind in the nation, to make it easier for the large majority of litigants who try to navigate family court without lawyers. We will continue to find new ways to ensure that the public has well-informed access to the courts.

We also are accountable to those members of the public who fulfill their civic obligation to serve as jurors when called. We have worked for years to make jury service a better experience for jurors.

Recently, we have worked together with this body to develop laws that both improve the justice system and help the public.

Nearly five years ago, you passed legislation to better compensate jurors who serve on lengthy trials. When we first implemented this legislation, jurors received additional juror pay if they served ten days or more. Over time, we learned that the lengthy jury fund you established could fund those who serve on trials of four days



or more. You made the statutory change needed to extend lengthy trial pay, and we have implemented it.

Last year we asked you to enact legislation to minimize the amount of traveling a juror needs to do in counties with more than one court location, while keeping the jury system constitutionally compliant. And we thank you for doing just that.

We also made jury service more convenient by offering “Online Jury Service Selection,” which allows those called as jurors to go online to find a date that is convenient for them to serve. Today, we offer this service to nearly 80 percent of Arizona jurors, and every county will offer the program by the end of 2008.

While jury service provides one route for the public to come into contact with the court, another more painful route occurs when a person becomes the victim of a crime. Our courts have worked hard to better address the needs and rights of crime victims, while always maintaining court neutrality and also assuring the rights of defendants. In 2006, I created the Commission on Victims in the Courts, to help us meet our obligations to victims of crime.

One of the Commission’s recommendations, now implemented in Maricopa County, involved the creation of a service that allows crime victims to receive email updates about their Superior Court cases. More than 6,000 people have registered for this program, and 10,000 notices have been sent to victims keeping them apprised of the status of their case.

We are currently working with a private contractor to develop an urgently-needed new case management system that, when completed and implemented, will allow us to expand this and other critical services to other counties. Victims also told the Commission that it would be helpful if they could receive notification about when an appellate decision would be published. All of our appellate courts now offer this service by providing notice the day before an opinion is released.

When we think of crime victims, we usually think of adults. But those impacted by or involved in the court system also include society’s most vulnerable members, Arizona’s children.



The courts generally become involved with children and their families when abuse or neglect allegations occur. The court system offers a number of services to help both parents and children during these difficult times. We could not provide these critical services without the help of hundreds of public volunteers, whom we thank for their service.

The Court, for instance, operates the Court Appointed Special Advocate or CASA program. This program matches adult volunteers with dependent children so that the court can hear an independent, volunteer voice who speaks solely for the child in a dependency case.

In addition to using our 800 CASA volunteers, the courts protect our families and communities through our Foster Care Review Board. This Board provides a citizen review process to monitor the progress of children who have been removed from their homes. Today, 500 Board volunteers work to ensure the wellbeing of the 9700 children who have been removed from their homes. We are so grateful for those citizen volunteers. The value of their unique and selfless role in protecting children cannot be overestimated.

We also must hold ourselves accountable for assisting other court users who have particular needs, including the many court users who file petitions alleging domestic abuse each year. To help address the specific needs of these members of our community, the Arizona Supreme Court adopted court rules that govern and simplify the administration of protective order cases.

In addition, we adopted new uniform protective order forms, designed to ensure easier recognition and greater enforcement by law enforcement agencies in all jurisdictions. Those forms are now in use in all Arizona courts, as well as in many courts across the country. I am proud to report that, once again, Arizona was a leader in this initiative to develop uniform forms.

In a related area, the appellate courts recognized the need to resolve more quickly cases involving the severance of parental rights. Potential adoptive parents, biological parents, and especially the children involved need and deserve prompt resolution of these cases. By adopting new procedures for considering these cases on appeal, we expect to reduce substantially the time needed to complete the appellate process.



It is unrealistic for me to ignore the very real challenge the state budget poses. During the last fiscal crisis, the Court looked for ways to contribute to solving the problem. Our solution was to create the “FARE” program, which upholds the rule of law by requiring that court orders be enforced and that defendants pay the fines, fees, and restitution that they owe but have avoided paying. Through the FARE program, we found new ways to bring in old “accounts receivable” owed by defendants. By using FARE, we have recovered more than \$100 million dollars. This revenue source does not stay with the courts; some goes to crime victims, and the rest supports city, county, and state programs. At the same time as we worked to recover old debts, we collected more than \$350 million dollars in current fines, fees, and restitution last year.

The courts also recognize that the public, quite properly, holds the courts accountable to them. While we measure accountability in a number of ways, I will tell you about a few of those measures today.

One way of assuring accountability is by implementing appropriate performance measures, which allow us both to identify areas of excellence and to define those areas needing improvement. I am pleased today to announce that, during 2007, all fifteen of our Superior Courts participated in an “Access and Fairness” survey.

After administering nearly 6,000 surveys statewide, we found that 91 percent of those who took the surveys reported that they were treated with courtesy and respect, a result that is a great tribute to our court staffs. Seventy-seven percent said that their case was handled fairly; and 85 percent said that they left the court knowing what to do next.

We assess every part of the justice system, but one group necessarily comes under particular scrutiny: judicial officers. It is critically important that the public have trust and confidence in their judicial officers, and our surveys say they do. Seventy-eight percent of the respondents to the statewide “Access and Fairness” survey said that the judge in their case had the information necessary to make good decisions. These results are particularly meaningful when we consider that many of those completing the survey did not prevail in their cases. But this is not our only measure of judicial performance.



We utilize another detailed method to measure and report on the judicial performance of our merit selection judges in Pima and Maricopa County Superior Courts and our appellate courts. The Judicial Performance Review (JPR) process, established by Arizona voters in 1990, covers 75 percent of our state judges. In 2006, court users, including litigants, witnesses, lawyers, jurors, were surveyed about their experiences with those judges who would be on the merit retention ballot.

The results were published in the statewide voter pamphlet as well as on a website. And the results were impressive. Ninety-seven percent rated our merit selection judges as “Satisfactory” or higher, and eighty-seven percent rated these judges as “Very Good” or “Superior.” Once again, the results include ratings from many litigants who did not obtain the relief they sought from the courts.

The “Access and Fairness” survey and JPR results reveal the attitudes of court users toward Arizona’s judges and courts. But Arizona court users are not the only body that expresses trust and confidence in the Arizona Judicial Branch. The annual survey by the U.S. Chamber of Commerce, for instance, consistently ranks the Arizona judicial system as one of the “best” state court systems in the nation.

We constantly look for ways to measure the performance of our judges and courts and will continue to emphasize the need to be transparent and accountable to the public we serve.

Any justice system is affected, for good or bad, by the lawyers who practice within it. This year, the State Bar of Arizona celebrates its 75th anniversary. We congratulate the Bar and thank its members for their service to the law and our communities. In 2006 alone, Arizona lawyers provided more than 100,000 hours in pro-bono and charitable efforts.

It is in this tradition of service that I am pleased to introduce the legal community’s latest volunteer effort: “Lawyers Helping Homeowners.”

The state budget is not alone in being negatively impacted by Arizona’s financial downturn. Many people, including our families, friends and neighbors, are overwhelmed by the impact of skyrocketing adjustable mortgage payments that they cannot meet. Many do not realize that they have options other than



foreclosure. So today I am calling on the lawyers of Arizona to assist homeowners to negotiate a loan to save a home.

The “Lawyers Helping Homeowners” program will use the efforts and expertise of volunteer lawyers to assist homeowners working with their lenders to negotiate reasonable payment terms, rather than default on their loans. The Arizona Foundation for Legal Services and Education and the Volunteer Lawyers Program, with the State Bar, will play important roles in making this program a success. This initiative should provide hope to many, who otherwise have none.

The Judicial Branch, like the other branches of government, touches every community in our state. Arizona’s judicial system has gained the trust of the public and works hard every day to deserve that trust. We ask for your support and assistance as we continue to fulfill our duties to the rule of law on which this country is founded and that has allowed us to prosper. Thank you for the opportunity to speak with you today.