

From Traffic Tickets to Landmark Court Decisions The Importance of Courts in Our Society

- A Report from Scottsdale City Court



Why Courts Exist

At some point in everyone's life they will be involved with the courts, from paying off a traffic ticket, to serving on jury duty, or even filing a lawsuit or being a defendant in a criminal case. The courts impact our daily life, whether it's Supreme Court decisions on political contributions or civil rights, or a city or town operating a photo enforcement program.

In these difficult budget times, when the Federal, State and Local governments are being asked to do more with less, it is important to remind the community about the importance of courts. Tough choices are being debated about which government expenditures to cut. The vital role of courts in our society cannot be ignored in these debates.

The courts are much more than revenue producers for the community and state. Courts provide justice and a peaceful forum for the resolution of all types of disputes. The courts follow mandates and rules created by the Legislative, Judicial and Executive Branches of government that must be adhered to.

The Founding Fathers asserted that the justice provided by courts is an

important part of our government—three out of the ten *Bill of Rights* relate to the criminal justice system and/or courts. Courts have existed as important institutions since the creation of our nation. Courts protect the rights of individuals by adhering to the fundamental principles of rule of law, equal protection and due process.

In return, courts must respect their community by being accountable to the citizens and ensuring their leadership is able to manage court operations in an increasingly complex world. Court decisions establish new legal precedents or substantially change the interpretation of existing law. These changes can impact the community in various ways.

Scottsdale City Court strives to fulfill its responsibilities to the residents of Scottsdale, Maricopa County and the State of Arizona. This report details the "big picture" role and ideals of the judicial system and the smaller aspects that make Scottsdale City Court an important part of the justice system and the community. The report frames the concepts using the National Association for Court Management Core Competency of "Purposes of Courts."

Purposes of Courts

1. Produce individual justice in individual cases;
2. Give the appearance of individual justice in individual cases;
3. Provide a forum for the resolution of legal disputes;
4. Protect individuals from the arbitrary use of government power;
5. Create a formal record of legal status;
6. Deter criminal behavior;
7. Rehabilitate persons convicted of crime; and
8. Separate some convicted people from society.

Source: Professor Ernest Friesen, National Association for Court Management, "Information Technology - Fundamentals and Foundations for Court Leaders"

"Courts exist to do justice, to guarantee liberty, to enhance social order, to resolve disputes, to maintain rule of law, to provide for equal protection and to ensure due process of law."

- National Association for Court Management, *Core Competency Curriculum Guidelines, Purpose and Responsibilities of Courts*, published July 2003

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Courts as Institutions

Courts exist at the Federal, State, County, and Local levels. Each level has its own rules and procedures regarding the types of cases it handles, processes and forms, fine and fee schedules, and rules that must be followed. It is important that citizens appreciate the differences between the types of courts so they understand why things seem different from court to court and why one court handles one type of case but doesn't handle another. For example: Scottsdale City Court is a "limited jurisdiction" court and handles parking, traffic, and misdemeanor cases, but not felonies or civil lawsuits.

The Presiding Judge of Scottsdale City Court is accountable to the Chief Justice of the Arizona Supreme Court, Maricopa County Superior Court Presiding Judge, and Scottsdale City Council. This means the Judge must coordinate with multiple lines of authority and balance the mandates of the City of Scottsdale with Maricopa County Superior Court and with the Arizona Supreme Court. It can sometimes be a delicate equilibrium.

Scottsdale City Court is a municipal court and is part of the integrated judicial system for Arizona. It was approved into the City's Charter in

October 1961 and approved by the governor in November 1961. The Court handles: civil traffic and misdemeanor violations, petty offenses, parking, ordinance and code violations, protective orders and search warrants.

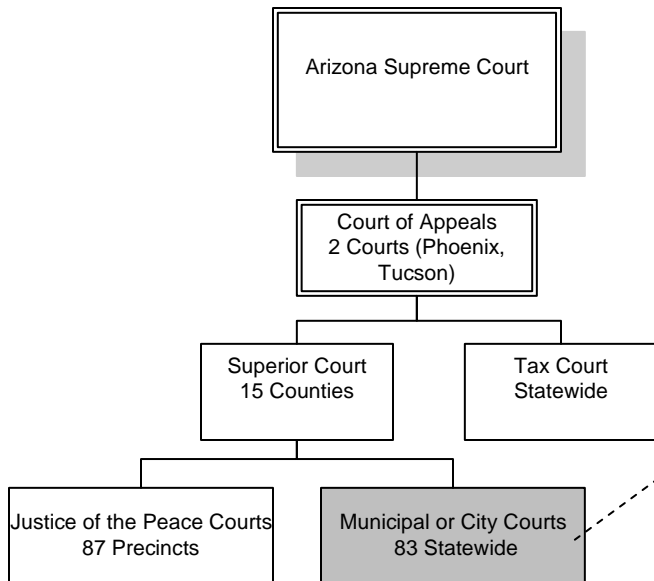
The Court's mission is to serve the community by providing a dignified and professional forum for the efficient resolution of cases within the City jurisdiction. Scottsdale City Court is one of the largest municipal courts in Arizona (fourth in size based upon the number of charges filed, fourth in the amount of revenue collected, and fourth by the number of court staff).

For more information on the Arizona Court System in general, please visit www.azcourts.gov. For more information on Scottsdale City Court, visit www.scottsdaleaz.gov/courts.

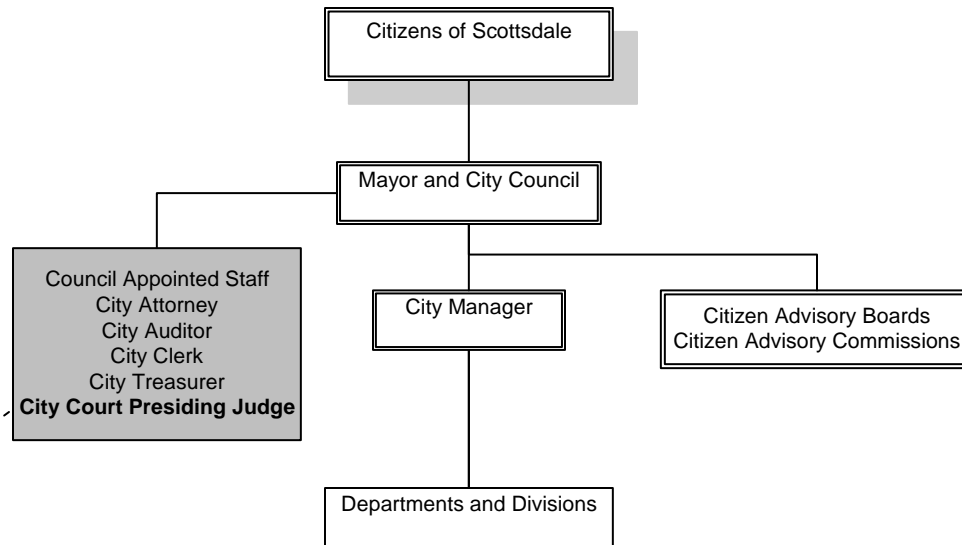
"The fundamental role of the court system is to provide fair and impartial justice. Our government is one of laws and can function only if the public respects both the laws and the courts that administer them."

- Arizona Chief Justice Rebecca White Berch (excerpt from "Justice 2020, A Vision for the Future of the Arizona Judicial Branch 2010-2015")

Arizona Court System



City of Scottsdale Organizational Chart



Rule of Law, Equal Protection and Due Process

There are three major legal theories that courts follow: the rule of law, equal protection and due process. **Rule of law** basically states that no one, not even the government, is above the law. Local, state and national laws apply to everyone, whether they are an individual, a corporation or a government agency.

Courts also follow the concept of **equal protection**. The right to equal protection is a concept that was introduced after the American Civil War. Its intention is to protect the rights provided by the *United States Constitution* for all individuals regardless of race, ethnicity, gender, etc. The Fourteenth Amendment of the Constitution, intended to secure rights for former slaves, contains this right.

Due process is the principle that the government must respect all of the legal rights that are owed to a person according to the law. Courts abide by due process in every judicial proceeding when they remind litigants of their rights and ensure that if defendants are giving up their rights they are doing so freely. The police abide by due process when they remind those they are taking into custody their “Miranda rights.” The landmark *Miranda v. Arizona* case was decided by the U.S. Supreme Court in 1966 and originated from a case that was brought before Maricopa County Superior Court in 1963.

In our three branch system of government, the Legislative Branch creates the laws, the Executive Branch enforces the laws and the Judicial Branch interprets the laws. In Arizona, laws are created either through the Arizona Legislature or through the referendum process. The Governor’s Office and all state agencies make up the Executive Branch. The Supreme Court, Court of Appeals, Superior, municipal and justice of the peace courts all interpret laws.

Judges and judicial officers at Scottsdale City Court apply the law on a daily basis to the cases and issues before them. In some types of cases because of the manner in which laws are written, judges and judicial officers have very little leeway in how decisions are made and the sentence is imposed.

The jurisdiction of Scottsdale City Court is all misdemeanors and violations that occur in the city limits of Scottsdale, where the arresting or citing agency is Scottsdale Police Department and the citation is filed in Scottsdale City Court.

Every case that comes to Scottsdale City Court is handled according to rules and procedures that ensure rule of law, equal protection and due process are maintained. Every new process, procedure, program or service instituted by the Court is reviewed to ensure these three fundamental principles are being followed. These principles are followed whether the case is a traffic ticket, protective order, or misdemeanor driving under the influence (DUI) case.

Justice Should Be Blind

Rule of Law, Equal Protection and Due Process at Scottsdale City Court

1. The Court provides a neutral forum for the resolution of disputes
2. Judges and hearing officers show impartiality by hearing both sides before rendering judgment
3. Clerks send out notices to litigants for all upcoming scheduled court dates
4. The Court schedules realistic court dates for future proceedings
5. The Court offers a wide range of hours of operation and availability of judges and hearing officers
6. Judges are appointed through a rigorous interview and application process
7. Case clearance rates, times to disposition, and other operational time frames are evaluated on a monthly basis by Court Administration (see page 6 for statistics)
8. Court security provides a setting that is free from intimidation and balances safety with access to justice
9. The court building is accessible to persons with disabilities
10. The Court provides language interpreters for litigants who need language assistance
11. The Court supplies low-cost public defenders for those who cannot afford their own attorneys in certain criminal matters



Accountability

Courts must and will be held accountable for their processes, procedures, outcomes and actions. Courts provide services to all citizens and citizens have the right to know what their court is doing. Scottsdale City Court strives to be accountable to its litigants, as well as residents of and visitors to Scottsdale and Maricopa County. The Court publishes court information on its website (www.scottsdaleaz.gov/courts).

- The Court publishes on its website yearly Executive Summaries which highlight the Court’s operations and yearly special reports on topics of interest such as Customer Service, Photo Enforcement and this report.
- Audits by the City’s Audit Division and the State’s Administrative Office of Courts occur on a regular basis and reports created after these audits are public record.
- The Presiding Judge of Scottsdale City Court is accountable to the Chief Justice of the Arizona Supreme Court, Maricopa County Superior Court Presiding Judge and Scottsdale City Council, as a separate and distinct judicial branch of Scottsdale City government and a part of the integrated Judicial Branch of the State as provided by State law.
- Court Management meets at least monthly to evaluate the Court’s budget and operations to maximize and control resources.
- The Court publishes forms, instructions, case information and other information on its website.
- The Court conducts a Customer Access and Fairness Survey every other year. Results from the 2010 survey are on page 6.
- The Court uses the National Center for State Court’s performance measurement methodology, “CourTools”, to assess its operations. Results from the past year are on page 6.
- The Court ensures that all restitution collected is paid to victims within 5 business days of receipt.
- All court employees must abide by the Arizona Code of Conduct for Judicial Employees and all judges and hearing officers must abide by the Arizona Code of Judicial Conduct.

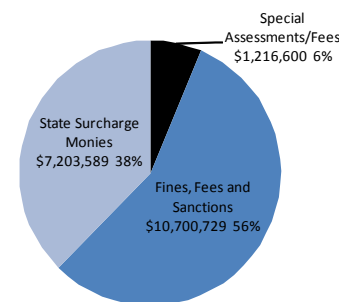
“Our Court is that branch of government that stands between the public’s right to law enforcement and the Constitutional rights delegated to all people of the United States.”

- Presiding Judge B. Monte Morgan, Scottsdale City Court

Court Financial Information for FY 2009/10

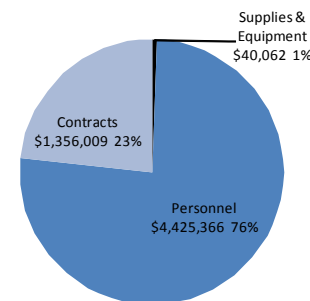
- The total monies collected by the Court is \$19,120,918.
- The total City General Fund and Special Fund expenditures for Scottsdale City Court for Fiscal Year 09/10 was \$5,821,437.

Revenue : What The Court Collects



Source: Scottsdale City Court Monthly Revenue Report, dated 8/11/2010

Expenditures: What City Budgets for Court



Source: Scottsdale City Court Monthly Expenditure Report, dated 8/11/2010

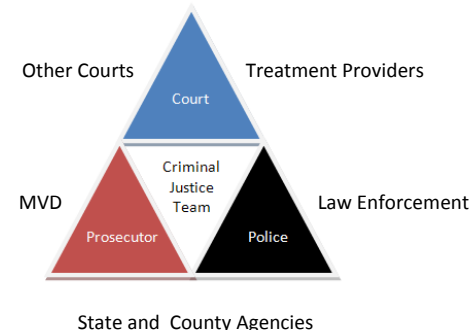
Interdependence and Leadership

The Presiding Judge directs the management of the court, determines judges' assignments, oversees the court's calendars and chairs meetings of the judges. The Court Administrator oversees the administrative operations of the court under the guidance of the Presiding Judge. Both the Presiding Judge and Court Administrator strive to work effectively with the leadership of other City, County and State agencies and departments while maintaining the Court's independence and impartiality.

The Court has a management team with specialized knowledge of court operations and managerial expertise. Several members of the Management Team serve on various City and State committees, ensuring Scottsdale is well represented in City planning and local and statewide justice system coordination efforts.

- Presiding Judge B. Monte Morgan was admitted to the AZ State Bar in 1971 and has been Presiding Judge in Scottsdale since March 2000. He was a Pro Tem Judge in Scottsdale from 1995 to 2000 with prior terms as Presiding Judge in the towns of Carefree and Cave Creek
- Court Administrator Janet G. Cornell has worked in various courts for 35 years
- The two deputy court administrators have combined experience of over 30 years in courts
- 6 supervisors (Technology, Security, Financial, Case Processing, Public Service, and Courtroom Services) have combined court experience of 45 years

The **Criminal Justice Team (CJT)**, is a coalition of the city court, police department and city prosecutor. It meets monthly and consists of top management members of each of these criminal justice partners within the City of Scottsdale. The coalition serves as a forum for considering budget and workload issues, operational policies and problems, technology and efficiency items, and general information-sharing on issues that affect not only the court, but also prosecution, victim services and police department operations.



Committee Name	Purpose	Court Representative
City of Scottsdale Committees		
Charter Officers Group	Executive Level and Charter Officers policy group	Presiding Judge
Executive Committee	Executive level department head policy group	Presiding Judge and Court Administrator
Emergency Preparedness and Business Continuity	Prepare and plan for emergencies and business resumption	Deputy Court Administrator and Public Service Supervisor
Risk Management	Plan and avoid risks in the workplace	Deputy Court Administrator and Security Staff
Safety Team	Educate and train City staff on safety best practices	Deputy Court Administrator
Performance Measures Workgroup	Oversee and publish operational performance metrics	Deputy Court Administrator
Criminal Justice Team	Policy and management level working group coordinating justice services	Court Administrator and both Deputy Court Administrators
Arizona Judicial Branch Committees		
Presiding Judges for Maricopa County Municipal and Justice Courts	Discusses strategy and policies that affect municipal and justice courts	Presiding Judge and Court Administrator
Limited Jurisdiction Committee	Develops and implements policies for all limited jurisdiction courts in Arizona	Court Administrator
Court Automation Advisory Committee	Coordinates planning and implementation of technology in Arizona courts	Deputy Court Administrator
Technology Advisory Committee	Recommends technology standards and practices and reviews technology plans from Arizona courts	Court Automation Manager
Defensive Driving School Subcommittee	Workgroup to assist in operational polices related to court ordered defensive driving schools	Deputy Court Administrator
Data Standardization Group	Workgroup of the Court Automation Advisory Committee that proposes data standards and practices for Arizona courts	Deputy Court Administrator
Judicial Staff Education Committee	An Arizona Supreme Court Committee that works on curricula and training resources for court personnel	Deputy Court Administrator
Large Volume Limited Jurisdiction Courts Case Management Group	Workgroup to assist in the design and implementation of a new case management system for limited jurisdiction courts	Court Automation Manager
Legislative Committee - Administrative Review Group	Reviews policy of legislative proposals annually	Court Administrator, both Deputy Court Administrators and a Judge
Limited Jurisdiction Criminal AZ TurboCourt Application Workgroup	Coordinates the planning and implementation of electronic filing (eFiling) in limited jurisdiction courts	Case Processing Supervisor
Limited Jurisdiction Priority of Offender Payment Workgroup	Conducting a rewrite of the Arizona Limited Jurisdiction Priority of Offender Payment rules and regulations	Senior Accounting Clerk

CourTools - How the Court Assesses Itself

Scottsdale City Court began using CourTools in mid-2010 to measure and assess court operations. The ten performance measures were developed by the National Center for State Courts to evaluate a court's core functions. Each measure is a barometer of the court's performance.

Measure 1— Access and Fairness Survey

In December 2010, the court spent three days asking court visitors to complete a short questionnaire to rate the court's accessibility and its treatment of customers in terms of fairness, equality and respect. The Court received scores of agreement ranging from 58% - 90%. The highest marks (89-90% agreement) were for the following four statements:

- I easily found the courtroom or office I needed.
- As I leave the court, I know what to do next about my case.
- I felt safe in the courthouse.
- I was treated with courtesy and respect.

Measure 2 - Case Clearance Rate

Clearance rates measure if a court is keeping current with its incoming caseload. The rate is the number of outgoing (disposed) cases as a percentage of the number of incoming (filed) cases. For July—December 2010, the court averaged a case clearance rate of 109.6%, which exceeds the goal of 100%.

Measure 3— Time to Disposition

Time to disposition measures the percentage of cases that are disposed (outgoing) within established time frames. In December 2010, an overwhelming majority (99%) of civil cases (excluding photo enforcement) were disposed within 120 days and 91% of criminal cases were disposed within 180 days.

Measure 3 - Time to Disposition for December 2010

	Within 90 Days		Within 120 Days		Within 180 Days		Beyond Current	Mean (days)	Median (days)
	Current	Goal	Current	Goal	Current	Goal			
All Cases	71%	60%	80%	70%	99%	100%	1%	58.4	36.0

Measure 4 - Age of Pending Cases

Cases filed but not yet disposed comprise the court's pending caseload. This measure looks at the number of days between the filing and the measurement date.

Measure 4 - Age of Active Pending Caseload (as of 1/1/2011)

Age (days)	All Cases		Cumulative		Goal
	Number of Cases	Percent	Percent	Percent	
0-90 days	10,852	81.2%	81.2%		n/a
91-120 days	1,729	12.9%	94.2%		85.0%
121-180 days	527	3.9%	98.1%		93.0%
Beyond 180 days	254	1.9%	100.0%		
Total	13,362				

Median Age of All Pending Cases - 39 Days

Measure 5 - Trial Date Certainty

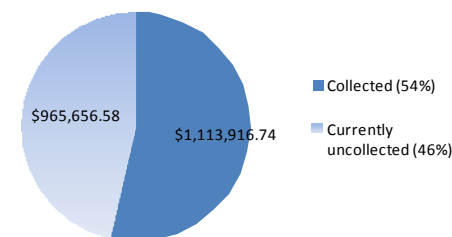
This measurement evaluates the effectiveness of calendaring practices. The court's goal is to hold 100% of its trials within two trial settings. Over the past 6 months, the court's average is 87%, with a high of 98% in October and a low of 76% in December.

Measure 6 - Reliability and Integrity of Case Files

The maintenance of case records directly affects the timeliness and integrity of case processing. A study in September 2010 showed the court currently locates an overwhelming majority (94%) of its pending criminal files in less than one minute and all of its files within 4 minutes.

By finding 94% of its pending criminal cases within one minute, the Court exceeds the 90% standard for Measure 6.

Measure 7 - Collection of Monetary Penalties - Oct - Dec 2010



Measure 7 - Collection of Monetary Penalties

It is the court's responsibility to collect all monetary penalties assessed. Between October 1—December 31, 2010, 2,211 cases had final payments due on their sentences. The court analyzed these cases and found:

- \$2,079,573.32 was assessed on the 2,211 cases.
- \$1,113,916.74 (53.56%) was collected.
- 1,237 cases (56%) were paid in full by the final payment due date.
- 974 cases (44%) were not paid in full by the final payment due date.

Measure 8—Effective Use of Jurors

The court's juror yield average for July—December 2010 was 32.3%. This is the percentage of jurors who reported to serve based on the total number of prospective jurors available. The Court is conducting ongoing analysis of jury operations to increase the yield percentage.

Measure 9 - Court Employee Satisfaction

In November 2010, the court conducted its eighth annual workplace satisfaction survey. 68% of the staff responded and the overall satisfaction rate across ten questions was 87%.

Measure 10 - Cost per Case

This measure reviews Court case expenditures. For the 2009/10 fiscal year, the court's cost per case was \$65.70 (76,718 cases filed divided into \$5,040,107 adjusted budget; average of 1.5 charges per case).