

COJET COMMITTEE MEETING
March 3, 2009
2:00 p.m. – 4:00 p.m.
Judicial Education Center

Present:	Present By Telephone:	Absent:
Hon. Roxanne Song Ong, <i>Chair</i>	Hon. Ann Timmer, <i>Vice-Chair</i>	Darla Akers
Hon. Louraine Arkfeld	Justice W. Scott Bales	Toni Stevenson-Hale
Catherine Gage-O'Grady	Mike Baumstark	Hon. Wallace R. Hoggatt
	Barbara Broderick	Hon. Michael Jones
	Frank Corrales	Janie Marino
	Tim Hardy	AOC Staff in attendance:
	Hon. John Hudson	Cathy Lowe
	Hon. Michelle Lue Sang	Beth Asselin
	Jane Roberts	Diane Bouconi
	Rik Schmidt	Linda Chezem
	Diane Sonntag	Gabe Goltz
	Hon. William B. Sutton	Paul Julien
	Kristi Youtsey Ruiz	Chad Kewish
	Hon. Michael Yarnell	Deb King

I. Welcome and Opening Remarks

Judge Roxanne K. Song Ong welcomed all COJET Committee members, including new appointees, five of whom had just completed an orientation session from 9:00-10:00 a.m. Participants were: Judge Ted Armbruster, Judge Andrew Gould, Michael Malone, Vickie Vasquez, and Todd Zweig. Catherine Gage-O'Grady and Mark Stodola were absent due to unavoidable scheduling conflicts.

II. Approval of the Minutes from the September 23, 2008 Meeting

Judge Song Ong asked members to review the minutes from December 16, 2008. She asked if there were clarifications, corrections or changes to the minutes. Two corrections were raised; Janie Moreno's name was spelled wrong and on page two Judicial Scholar in Residence Judge Linda Chezem, & should read [in]. Corrections were noted and amended.

MOTION: Mike Baumstark moved to accept the December 16, 2009 minutes written and posted on-line as amended. Judge Michelle Lue Sang seconded the motion. The motion passed unanimously. COJET 03-2009-001

III. Directors Report

Cathy Lowe presented members with "Victory Garden" tokens for achieving 100% compliance on COJET member requirements. Absent members will receive theirs via U.S. mail. Judge Song Ong reminded all members that for calendar year 2009 requirements are due again. This would include planning, evaluating, and/or teaching a program for this year.

Cathy reported on the cancellation of programs in judicial education. All three judicial staff conferences have been cancelled as well as all but one probation officer certification program. An administrative order is being written to temporarily allow for probation officer certification to be completed outside the one year requirement.

The March 11 broadcast is scheduled with current registrations of over 300 participants. The theme is Roles and Responsibilities of the Courts.

Cathy reported the Judicial Conference is going forward with one day of the conference rescheduled to Saturday.

Deb King reported on a statewide survey sent to presiding judges throughout the state. This survey requested information on what was required of pro tempore judicial officers when the continuing education requirement is at the discretion of the presiding judge.

Committee discussions focusing on pro tempore judicial officer requirements were as follows:

- Requirements vary from none to the same requirements as regular judicial officers.
- What presiding judges require is not reported at year-end.
- We do not have statistics on how many pro tempore judicial officers are being used in the courts, or whether they meet training requirements.
- Courts only report on whether orientation has been completed for full-time pro tempore judicial officers and paid civil traffic and small claims hearing officers
- The code is inconsistent in that it sets requirements for hearing officers based on whether they are paid or voluntary versus requirements for pro tempore judges based on full-time, part-time or on call status.
- The code does not address judicial officers hired by cities under special titles such as "deputy" or "special" magistrate. These judicial officers are essentially the same as pro tempore judges.
- The presiding judge should continue to have the authority to set educational standards for the pro tempore judicial officers.

The committee chose to take no official action on the issue of judge pro tempore requirements at this time, but asked that the Education Services Division request an annual accounting of reporting requirements for each category of judicial officer where the requirements are at the discretion of the presiding judges. Deb King

stated that this could be reported on an annual basis with year-end COJET compliance reports.

Committee discussions also focused on the question of whether a paid judicial employee, who infrequently handles limited civil traffic hearing officer duties, would be required to have 8 or 16 hours of continuing education this reporting year. Discussions relative to this question were as follows:

- The code, as written, may result in a higher hourly requirement (16 hours) for a civil traffic hearing officer than for a part-time judge pro tempore.
- Hearing officers do not have a lot of specialized training after the initial training program. Some have no experience in the law or the courts. Most never hear a case, but they will handle a lot of civil traffic at the windows.
- Hearing officers are judicial officers and should be held to a higher standard whether a clerk or not. Once every 6 months a refresher course should be taken.
- Rural counties can't send staff to training in Phoenix. If standards require refresher training, there needs to be more regional training to help the outlying counties.
- Civil traffic hearing officer training is typically at capacity with just new hearing officers.
- If the May Civil Traffic Hearing Officer program could be videotaped, perhaps the tape could be used to create refresher training.
- Would there be a sufficient audience to do a refresher for this topic on a broadcast?

On the question of hourly requirements for paid civil hearing officers, the committee determined that a consistent interpretation of the administrative code is that a court employee serving as a hearing officer would be required to have 16 hours of continuing education including ethics. This would be true even when the employee's primary work assignment is to serve as a clerk, or when the employee's hearing officer duties are occasional or limited. Education Services should prepare a guidance letter clarifying this for training coordinators.

Admission on Motion (AOM)

Paul Julien reported that the Supreme Court approved a new rule (Supreme Court Rule 38 (h) 1. H.) allowing admission on motion to practice law in Arizona if the applicant meets certain requirements such as taking a course on Arizona Law. The Chief Justice appointed a task force of 13 subject matter experts from around the state to develop this curriculum by the end of 2009. The course will cover 8 different subject areas distinct to Arizona law. The course will be about 4-5 hours in length. The task force estimates as many as 300-500 participants may attend the first year. Arizona joins more than 40 states in offering admission on motion.

Scholars to the Courts Program

Judge Linda Chezem shared a list of alcohol research centers with the committee and circulated an example of Indiana's webpage to find research. Judge Chezem would like to do something like this for Arizona. She suggested creating list of courses to choose from. There is no charge for the online information referenced.

Staff Changes in Education Services

Gabe Goltz has been promoted to manager of the Judicial College of Arizona. Chad Kewish has been promoted to acting Committee on Probation Education (COPE) manager.

IV. COJET Subcommittee Reports

- **Judicial College of Arizona (JCA):**

Judge Lue Sang reported that the judicial conference has not been cancelled, but has been restructured. This year it will start on Thursday afternoon at 1:00 P.M. and end on Saturday at noon. This will be a cost savings to courts. The brochure should be out very soon for this conference. Travel per-diem will be paid for faculty only.

Limited Jurisdiction New Judge Orientation ended January 16 with a total of 45 participants. Judge Lue Sang reported they held evening sessions this year and they were a success. Testing was changed from paper and pencil testing to the Option Finder. Judges were not graded on this. Conclusion for Limited Jurisdiction Orientation will be April 13-17 with the graduation ceremony.

General Jurisdiction New Judge Orientation is scheduled for March 31-April 3. The JCA committee looked at better quality and less redundancy. It will be pared down from five days to four.

Judicial Training Academy was held on January 22 with 40 participants.

Mental Health conference was held February 11-13, 2009, at the Embassy Suites in Phoenix. Approximately 100 participants attended.

- **Court Leadership Institute of Arizona (CLIA):**

Deb King presented the newly developed National Center for State Courts (NCSC) Institute for Court Management (ICM) courses will begin to be taught this calendar year with local faculty. They are: Court Performance Standards, Financial Management, Purposes and Responsibilities of Courts and Caseflow Management. The committee is comparing this curriculum to the Arizona Plus curriculum to see what content may overlap with these new courses. If there is significant overlap, content may be deleted from the AZ Plus curriculum. Workgroups are also reviewing ICM curriculum to add an Arizona focus to the NCSC curriculum. The first new class (Court Performance Standards) scheduled to be taught by Arizona faculty is June 2-4, 2009. The Court Manager Program Concluding seminar is being developed this year and may be reduced

from a week-long course to 2 ½ days. Therefore it has been postponed until next calendar year. The other classes being developed through the Consortium in 2009 are Court Technology Management, Essential Functions, and Visioning and Leadership.

- **Judicial Staff Education Committee (JSEC):** Deb King presented the report. This year's annual compliance was 98.64% for 9905 total employees.

JSEC committee reviewed committee structure and approved recommending the following substantive changes to page 6-7 of ACJA section 1-108:

- 3.a (1) Change "adopt" policy to "recommend" policy to ensure that COJET or AJC remains the appropriate authority for adopting policy. Delete text from "allocation of available resources..." through end of sentence. JSEC does not have budgetary authority.
- 3.a (4) Delete "JSEC programs" and substitute "continuing education programs" to foster participation in educational programs beyond those developed by JSEC.
- 3.b Add "Members may represent more than one category if they are currently, or have been recently employed or are serving in, each category they are appointed to represent. Members may not represent more than two categories per appointment." This is suggested to help with over-representation and to also keep committee size at an effective level. The example of category that may not need an additional member is training coordinator. There are currently a number of members who are also training coordinators in addition to the job category they represent.
- 3.d Delete this entire section specifically listing subcommittees of JSEC. This will enable the committee to disband a subcommittee when the work was completed. Additionally it is not needed as the authority to create subcommittees and workgroups is specifically listed in 3.c (5).

This year's training coordinator's conference is scheduled in May 14, 2009. This is earlier than last years with a different theme to it, being called "whistle stop".

All three of the judicial staff conferences for calendar year 2009 have been cancelled. The committee tried to hold a small conference in the Southern region, but because of low enrollment due to travel restrictions, this conference was cancelled as well.

- **Committee on Probation Education (COPE):** Todd Zweig, COPE Committee Chair, presented the report:

Probation Certification Academy

Todd reported the certification academy scheduled for January was cancelled due to low enrollment, but has been rescheduled for April 2009.

Detention Officer Academy

Todd reported the Detention Officer Academy was held in December with 13 participants. The next academy is scheduled for April 2009; because of low enrollment this academy might be cancelled.

Faculty Skills Development

The COPE Faculty Skills Development program is being held at the Judicial Education Center this week (March 3-5, 2009) with 25 participants.

COPE has also held three defensive tactics and four firearms trainings.

Cathy Lowe also reported that COPE is going to attempt to tie “evidence based sentencing” in with “evidence based practices”. They have better meaning if taken together.

- **CFA:** Cathy Lowe reported Julee Bruno is Education Services financial expert negotiating contracts with hotels and other outside locations. Julee keeps ESD updated with budgets more often than what ESD would get from the AOC. Julee negotiated some great rates for the judicial conference in June.
- **Distance Learning:** Beth Asselin reported the COJET broadcast scheduled for May has been postponed. More details will become available at a later date for when this broadcast will be available.

- V. **Future COJET Meetings** – Judge Song Ong discussed with the committee the rest of the calendar year meetings. All dates were approved.

MOTION: Frank Corrales moved to accept the remaining 2009 COJET meetings of June 9; September 9; and December 1. Diane Sonntag seconded the motion. The motion passed unanimously. COJET 03-2009-002

- VI. **Call to the Public** – Judge Song Ong made a call to the public. There was no response.

- VII. **Adjournment** – The next COJET meeting is scheduled for Tuesday, June 9, 2009. Materials and minutes will be sent in advance by e-mail.

MOTION: General consensus moved and seconded to adjourn the meeting. The motion passed unanimously. COJET 03-2009-003

Judge Song Ong adjourned the meeting at 4:10 p.m.

Respectively submitted by: Diane Bouconi