



2003
Report
of the
Arizona Judicial
Department



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A Message from the Chief Justice



Arizona Supreme Court
Chief Justice Charles E. Jones

I am pleased to present the 2003 Annual Report of the third branch of government, the Arizona Judicial Branch. It provides only a “snapshot” of many achievements at all levels of our judicial system. I hope you will take a few minutes to read it. The report is a testament to the dedication of more than 9,000 judicial employees who, each day, provide Arizona’s citizens with a justice system that is widely recognized as one of the best in the nation.

As we commence another year, I reflect on how much the world, the nation, and the state of Arizona have changed during recent times. The September 11 attacks on the World Trade Center, the economic recession, and the stress on state budgets have tested many of the foundational principles on which all citizens rely.

Burdens placed on public institutions statewide have been enormous and are felt at all levels of state and local government. We have not been given an easy course, but thus far, we continue to maintain our ability to deliver justice. An independent judiciary dedicated to equal application of the rule of law is the indispensable keystone of American constitutional government.

I have had the opportunity to meet dedicated employees within the Judicial Branch in all parts of the state. This has been a remarkable experience, one I shall not forget. There is a great sense of duty among those who work in and for the courts. I am proud of our Judicial Branch and of all who, through hard work and a commitment to justice, give their best to preserve the law and to assure equal justice to all. We express appreciation to every one of them.

This annual report is a summary of the accomplishments of the Judicial Branch during the past year. This report is organized to reflect the Arizona Judicial Branch's strategic agenda, "Justice for a Better Arizona." The agenda is comprised of five overall goals: Protecting Children, Families and Communities; Providing Access to Swift, Fair Justice; Connecting with the Community; Being Accountable; and, Serving the Public by Improving the Legal Profession.

Protecting Children, Families and Communities

Courts provide a fair and impartial forum for the resolution of disputes. They ensure that those who violate laws are held accountable and serve to limit the arbitrary use of governmental power. They protect those in need due to age or infirmity from physical or financial harm. Arizona courts are an essential component of a justice system that exists, in substantial part, to protect children, families, and the communities in which we live.

Arizona Drug Court Conference Draws White House Official, Governor and State Legislators



Arizona Drug Court Conference keynote speaker, Scott Burns, deputy director for the Office of National Drug Control Policy.

The Third Annual Arizona Drug Court Conference--A Collaboration for the Future: Communities Committed to Prevention, Treatment, and Public Safety generated a high level of interest and enthusiasm from numerous drug court professionals, elected officials, tribal associations and community members. With a turnout of approximately 300 participants, it more than doubled the previous year's attendance record.

The conference represented a key forum for updates and discussions on the status of Arizona Drug and DUI courts as well as diversion programs. There were two sessions with concurrent workshops that addressed a variety of topics pertinent to drug court professionals as well as a panel facilitated by National Drug Court Institute (NDCI) Director C. West Huddleston III, which discussed innovative programs emerging within the judicial and criminal justice and treatment systems. Panel participants included: Richard Romley, Maricopa County attorney; Barbara Broderick, Maricopa County chief probation officer; Dan DeRienzo, Yavapai County public defender; Phoenix Police Chief Harold Hurtt; and, Pima County Superior Court Judge Leslie Miller (immediate past president of the Arizona Association of Drug Court Professionals).

Scott Burns, deputy director for the Office of National Drug Control Policy (ONDCP) was the keynote speaker. While in Arizona, Burns appeared live on the local PBS news program, "Horizon," (KAET-TV) in a segment featuring a report on Arizona's Drug Courts. In addition, Governor Janet Napolitano; Supreme

Court Justice Rebecca White Berch; Errol Chavez, DEA Special Agent in Charge of the Phoenix Field Division; and several House and Senate state legislators joined Burns through various conference activities. Representatives from some U.S. Congress and Senate offices were also on hand.

This event wrapped up a month of events that occurred statewide to increase community awareness of drug courts and participation in those courts by various criminal justice agencies outside the judicial system. The event was an outstanding way to bring a close to Drug Court month through the exploration of opportunities for further collaboration between federal, state, and local agencies.

The conference also featured the first inductee into the Arizona Drug Court Hall of Fame, Judge Susan Bolton. The Arizona Drug Court Hall of Fame was established by the Arizona Association of Drug

Court Professionals (AADCP) to recognize an individual who has shown extraordinary leadership and distinguished service to the Arizona Drug Court Movement.

New Probation Risk Needs Assessment Tool Adopted for Adult Offenders

Adult probation officers may now make more in-depth assessments of adult offenders with the implementation of the newly adopted risk needs assessment instrument, the Offender Screening Tool (OST). Risk needs assessments are the cornerstone of contemporary correctional practice. Not only are they useful for identifying offenders at greatest risk for reoffending or who have supervision difficulties, but they offer considerable direction with respect to the delivery of case management services. The OST will assist the probation officer in identifying offenders at greatest risk for reoffending and will provide direction in the development of a case plan that addresses the needs of those offenders under the supervision of the superior court. Reliable risk needs instruments are also useful in determining the allocation of resources and services to ensure they are being utilized on the appropriate offenders.

Prior to adoption of the OST, considerable differences existed across the state in the procedures and tools used by adult probation departments to assess offenders. The Administrative Office of the Courts (AOC) sought to standardize assessment procedures and implement a uniform screening instrument that could be used by all 15 departments. Research was conducted to assess the validity of the OST for statewide application. The research confirmed the validity of the OST as an effective tool for assessing criminal offenders; thus, the OST was approved for use in all adult probation departments. To facilitate an effective integration of the instrument, a structured training and quality assurance curriculum is being developed and will precede statewide implementation is scheduled for July 2004.

Single Database Tracks Adult Probationers

APETS is an adult probation tracking application that was started as a collaborative effort between the adult probation departments of Maricopa and Pima Counties and the Administrative Office of the Courts (AOC) more than four years ago. Currently, there are approximately 110,000 client records and more than 2.5 million contact records in the production database operating in Maricopa County.

The APETS application has been implemented fully by the Maricopa County Adult Probation Department since March 2000, and was partially implemented in Pima and Yuma Counties in June 2003. In fiscal year 2004, Pima and Yuma Counties are scheduled for full implementation. In fiscal year 2005, La Paz, Coconino, Yavapai and Pinal Counties are scheduled for full rollouts; and in fiscal year 2006-2007, the remaining northern and southern counties will rollout APETS. Unlike any other existing enterprise court application in Arizona, APETS uses a single database structure. A single database allows adult probation departments to share probationer information throughout the state and has the unique ability to transfer cases electronically between counties with the click of a button.

For the rural counties, APETS replaces their existing case tracking systems called Probation Information Management System (PIMS). Many of the rural counties have been using this system for nearly a decade and have important client data they will continue to maintain.

The APETS project team is also working on an integration project with the Department of Public Safety called Convicted Persons on Supervised Release (CPSR). When implemented, APETS will capture CPSR data elements in a data warehouse and transmit the information to the Arizona Crime Information Center and to the National Crime Information Center. This data feed will help eliminate some of the redundant data entries by staff in adult probation departments throughout the state.

APETS will be a great tool for probation staff statewide. It will assist probation officers in the field, support staff managing probation case file information, and the management teams in the counties and at the AOC. As we continue to rollout APETS to county adult probation departments, the database will allow improved tracking and oversight of probation offenders throughout the state.

Juvenile Case Tracking System Celebrates a Decade of Achievement

In October 2003, the Juvenile On-Line Tracking System (JOLTS) project celebrated the 10 year anniversary of the final rollout of JOLTS for the rural counties, completing its statewide implementation. Accomplishments of the past 10 years, and the individuals who worked to make the project a success, were recognized. This included 17 people who have been part of the JOLTS project for the entire 10 years, demonstrating a consistency not commonly found in automation projects.

In the past decade, JOLTS has worked to meet the increasing demands on the juvenile justice community. JOLTS has been enhanced to ensure compliance with legislative changes, track new probation department programs, and improve case management. The JOLTS team, including Administrative Office of the Courts' (AOC) staff and the community, have worked together to make JOLTS a quality system.

At a JOLTS Steering Committee meeting in October 1993, former Chief Justice Thomas Zlaket spoke of JOLTS saying, "This is our first major success.... It is a model for the whole country. It works and it works well."

JOLTS has lived up to the words of former Chief Justice Zlaket, continuing to be a successful project that is still the model for juvenile justice systems nationwide.

Probation Officer Safety Program Implemented



Probation officer demonstrates self-defensive skills.

In March 2001, the Chief Justice of the Arizona Supreme Court established an Ad Hoc Committee to study officer safety issues in the probation departments of Arizona. The Administrative Order, specifying committee responsibilities, identified the following study topics: (1) Examine current probation department policies and practices; (2) Provide a written report and make recommendations to the Arizona Judicial Council (AJC); and (3) Conduct a national survey of policies and practices regarding use of force and existing safety training.

In December 2001, the Ad Hoc Committee presented a final report with six recommendations to the AJC. Those recommendations were: to clarify the duties of juvenile officers pertaining to peace officer status; to give all officers the option of requesting authorization to be armed, if they satisfactorily complete the required training and meet prerequisite criteria; authorize chief probation officers and juvenile court directors to require arming of officers in certain positions who are performing certain duties; adopt the Use of Force code; establish a standardized officer safety program that includes mandatory officer safety and safety equipment training and firearms standards and training; and, establish

statewide hiring standards. All recommendations were adopted by the AJC in December 2001.

The preliminary work of the Ad Hoc Committee was completed and the remaining development and administrative code revisions continued through the normal Administrative Office of the Courts (AOC) committee review process. To date, four code sections have been developed and adopted. They are: Section 6-112, Use of Force; Section 6-107, Safety Training; Section 6-113, Firearms Standards; and, Section 6-106, Personnel Practices. This code also includes a Model Drug Policy. One existing code, Section 6-105, Powers and Duties, was revised to conform to the officer safety program.

In April 2002, the Committee on Probation Education (COPE) appointed the following four curriculum work groups to develop the curriculum required by Safety Training Code Section 6:107: new officer orientation; expanded officer safety for the certification academies; defensive tactics; and, firearms training.

The defensive tactics and firearms programs were implemented through the utilization of trained volunteer instructors. The instructor base consisted primarily of probation/surveillance officers and supervisors from

all departments. Classes were held regionally to ensure consistency and quality of training sessions. To date, the AOC has sponsored three defensive tactics instructors' training sessions resulting in the qualification of 72 defensive tactics instructors; 73 defensive tactics training academies, with more than 1,300 officers certified in defensive tactics; two firearm instructors' training, resulting in the qualification of 40 firearms instructors; and, 20 firearms training academies, resulting in 300 firearms-qualified officers.

The AOC has purchased and distributed safety-related equipment such as body armor, handcuffs, expandable batons, OC spray, flashlights, training mats, training gear, targets, eye and ear protection, ammunition, and firearms.

In August 2002, a standing advisory committee to the Committee on Probation (COP) was appointed to continue the review of implementation of the standardized safety program statewide. The Staff Safety Advisory Committee (SSAC) will continue to research and advise COP on safety, training and equipment concerns.

To date, this program has gained national attention and recognition as a model for probation, parole, and community corrections agencies across the country. The National Institute of Corrections has cited two of the adopted codes in their recent publication on how to implement officer safety programs.

Stop Violence Against Women Grant Awarded to Arizona Supreme Court

Effective August 1, 2003, the Administrative Office of the Courts (AOC) was granted a STOP Violence Against Women Grant in the amount of \$74,220 from the Arizona Governor's Office, Division for Women. This grant is for 15 months and the funds are earmarked to hire an automation trainer specializing in Court Protective Order Repository (CPOR) data and each court's entry of local data in a correct manner.

Court staff will be educated on the proper way to fill out an order, enter data, and work with reports that indicate exceptions in data entry. With enhanced quality data entry, the CPOR data will be improved; thus, increasing the number of protective orders that will be accepted by the holders of record and National Crime Information Center (NCIC).

Arizona Courts Plan for Emergencies

The continued operation of the courts following a natural or man-made disaster is essential to our democratic society. Fortunately the Arizona court system has avoided significant disruption of its operations. However, the terrorist attacks of 9-11 and the disastrous Rodeo-Chediski fire have highlighted the vulnerability of Arizona's courts. The Rodeo-Chediski fire, in particular, provided valuable lessons about what happens when large rural areas and towns are evacuated, courts are closed and court business disrupted. In an effort to take advantage of the experience of managing through those emergencies, the Arizona Supreme Court has taken steps to prepare for the next emergency.

Chief Justice Charles Jones issued Administrative Order 2003-21 creating the Court Security and Emergency Preparedness Committee charged with developing recommendations and guidelines for security, emergency preparedness and contingency planning and an interim emergency plan to deal with summer fire emergencies. The committee submitted its emergency plan as requested and its full report, "Preparing for the Unthinkable." The report recommends that local courts assume responsibility for developing their emergency plans using local resources, and that each local plan meet minimum basic requirements including:

- a designated chain-of-command/authority;
- a designated emergency response team;
- a communication plan for critical personnel;
- a designated alternative facility;
- a plan for training/testing/disseminating the plan; and,

-
- an evacuation plan.

Additionally, the Supreme Court and Administrative Office of the Courts (AOC) have addressed emergency preparedness issues by:

- providing opportunities for staff training in court emergency planning;
- reviewing and modifying security and emergency preparedness policies and procedures;
- developing and implementing an emergency notification system for staff;
- modifying schedules and training of Supreme Court security officers;
- installing state-of-the-art x-ray screening equipment at the Courts Building; and,
- installing an emergency electrical generating system capable of sustaining statewide court computer operations in the event of a sustained power outage in Phoenix.

Although substantial steps have been taken to improve security and emergency preparedness for Arizona's courts, the process has just begun. These first steps are intended as a foundation for an ongoing process of emergency planning that will save lives, protect property and ensure the operation of Arizona's courts during any emergency.

New Probate Case Management System Implemented

A new probate case management tool was implemented in 14 of Arizona's 15 counties during 2003. The new automation module, PAM, was rolled out in conjunction with an upgrade to AZTEC, the state-sponsored case and financial management system.

PAM is the module developed by the Administrative Office of the Courts (AOC) to assist judges in monitoring and tracking fiduciary appointments and reporting requirements. Effective July 1, 2003, new probate cases were entered into PAM; pending cases will be entered at the time of the next event in the case (for example, filing of the annual guardianship report).

The implementation of the PAM module is part of the Judicial Branch's strategic goal of improving oversight and case management of probate cases statewide. Chief Justice Jones has emphasized on many occasions the important responsibility of judges in overseeing the financial and personal affairs of the state's most vulnerable citizens.

Confidential Intermediary Program: A Decade of Achievement

An Adoption and Information Reunion Service

"For the first time in my life I felt free of questions that had no answers," client of the Confidential Intermediary Program

In the 1930s, an emphasis was placed on protecting the parties of adoption from the stigma of illegitimacy and infertility. Consequently, the state of Arizona designated adoption records as confidential. Historically, information exchanged was minimal and frequently did not include medical history; thus, the dilemma of unanswered questions faces many today.

In an effort to provide assistance, the Arizona State Legislature established the Confidential Intermediary Program (CIP) 10 years ago. CIP provides for a certified confidential intermediary to act as a liaison between parties of an Arizona adoption. Currently, an adult adopted person, adoptive parents, the spouse and adult progeny of a deceased adopted person, birth parents, parents of a deceased birth parent, and adult biological siblings may initiate or be the subject of a search via the program. Although confidential intermediaries may access confidential adoption records, they may not release information outright; however, they may utilize information gleaned from court records to locate the party sought. In turn, identifying and/or non-identifying information may only be exchanged with mutual consent. The program facilitates contact and the exchange of information for those who desire it while maintaining the privacy of those who request their adoption records remain confidential.

In the past decade, CIP has assisted more than 2,000 families. With dedication and perseverance, 49 certified confidential intermediaries offer search services throughout Arizona and provide a 71 percent overall success rate in locating parties. In general, the average cost of a search is \$220, with more than 39 percent of billing hours waived by the intermediaries. To date, approximately 50 percent of the parties have chosen to exchange identifying information.

Providing Access to Swift, Fair Justice

Our judicial system is predicated on the belief that all citizens coming before the courts are entitled to equal justice, regardless of race, ethnicity, gender, age, or economic circumstance. Courts must resolve cases swiftly and fairly. Courts must ensure that litigants and victims fully understand their rights and that those rights are protected. Courts must provide meaningful access to all, ensuring that no litigant is denied justice due to the lack of counsel or the inability to understand legal proceedings.

Committee to Review Rules of Procedure in Domestic Relations Cases

The Committee on Rules of Procedure in Domestic Relations Cases was established in July 2003 and is comprised of 16 members who are judges, attorneys, public members, and court personnel from around the state. The committee is reviewing current statewide and local rules of procedure, evidence, and alternative dispute resolution applicable to domestic relations cases and will propose substitute or additional rules as needed for family law. The committee, which has met monthly since August, also has reviewed rules of procedure from other states in its endeavor to identify areas in which current rules impede the fair and efficient disposition of domestic relations cases.

The committee adopted goals and the following mission statement to guide its efforts:

The mission of the Committee on Rules of Procedure in Domestic Relations Cases is to establish a comprehensive, statewide set of rules of procedure for domestic relations/family law cases aimed at achieving fair, effective, uniform and timely resolution of family disputes, using non-adversarial, problem-solving means to the extent possible and appropriate.

The committee has developed an outline of necessary family law rules and determined which rules from Arizona Rules of Civil Procedure would apply. Three workgroups have been formed to draft rules for the following three sections of the proposed family law rules: (1) Commencement of Action/General Rules of Pleadings; (2) Scope of Rules/Applicability of Other Rules; and, (3) Simplified (Uncontested) Proceedings. The committee also has had several presentations on various aspects of family law and has agreed to incorporate limited scope representation in the family law rules.

The committee will submit a report of its findings and recommendations to the Arizona Judicial Council in March 2004.

Court Interpreter Funding Sought

At the end of 2002, the Arizona Judicial Council (AJC) accepted and endorsed a Report on Interpreter Issues. The report recommended:

- certifying court interpreters;
- establishing extensive interpreter training as an integral part of the certification process to increase availability of qualified interpreters for Arizona courts;
- promoting proposed legislation and promulgating court rules that govern language interpreter use, conduct and professionalism; and,
- establishing a judicial interpreter's commission to develop operating policies and provide oversight management to the Court Interpreter Certification Program.

As a result, the Chief Justice established the Arizona Court Interpreter Funding Committee whose purpose is to define funding needs, develop funding sources and submit appropriate grant requests to advance report recommendations.

Recognizing the need for a viable statewide interpreter program, the Administrative Office of the Courts (AOC) included interpreter program funding in its state budget request for fiscal year 2005. The court's budget proposal, along with those of other state agencies, will be decided during the 2004 legislative session.

In addition to Arizona's efforts, the Conference of Chief Justices and the State Court Administrators Association also recognize the issue of qualified court interpreters is a national problem. These two groups endorsed Senate Bill 1733, the "State Court Interpreter Grant Program Act" introduced in October by Senator Kohl of Wisconsin. If adopted by the U.S. Congress, the bill will provide interpreter funding by authorizing the U.S. Attorney General to award grants to states for developing and implementing state court interpreter programs.

New Judge Orientation Program Revised

In 2002, the Limited Jurisdiction New Judge Orientation (NJO) program was revised, expanding the program and incorporating what was formerly pre-NJO and a post-NJO legal institute for nonlawyer judges. An administrative order established a standing Limited New Judge Orientation Committee comprised of justices of the peace, municipal court judges, and court administrators.

The committee defined educational objectives for the orientation and directed the development of lesson plans and assessments. The committee lengthened the program to three weeks: two in January and one in April. The program was divided into educational units: Judicial Foundation; Civil; Criminal; Traffic; DUI; Domestic Violence; and, Courtroom Management. There were four written unit assessments and a written comprehensive final assessment. The judges completed a performance assessment, which evaluated their abilities to conduct a guilty plea proceeding.

Forty new judges completed the 2003 Limited New Judge Orientation. Participants were from justice, municipal, and tribal courts. The new judges performed well on the assessments and the state court judges successfully passed the final assessment.

Connecting With the Community

Courts exist to serve the public and cannot serve effectively if meaningful communication with the community does not exist. This strategic initiative, "CONNECTING WITH THE COMMUNITY," focuses on enhancing judicial communication with the public and the other branches of government, as well as fostering public understanding of the important role of the judiciary in our democracy.

Defensive Driving Program Classes on the Internet

The Defensive Driving Program recently adopted "alternative delivery methods" to allow for delivery of course material in nontraditional formats, including, for example, the Internet.

Historically, the program has required in-class attendance and a live instructor. Certified schools are now offering alternative delivery classes to Arizona students. To obtain certification for an alternative delivery method course, a school must demonstrate it can meet the Defensive Driving Program standards, including verification of student identification, participation and minimum class time requirements.

Key to Better Jury Experience

Every citizen has a duty to respond when summoned for jury service, and the court has worked hard over the past year to improve the comfort and convenience of the experience for those chosen to serve.

Among the recent enhancements to the jury system are:

1. One-day/one-trial. A new statewide policy will require that anyone who is not chosen to serve on a jury can go home at the end of the first day and no one will be asked to serve on more than one trial.
2. Limits on frequency of service. Anyone who is selected to serve on a jury will not be required to serve again for 24 months.

3. Lengthy trial fund. Although most jury trials are completed in less than three days, jurors serving on longer trials occasionally must serve for several weeks or more. In recognition of the financial burden this can create for jurors, beginning in July 2004, those jurors who serve more than 10 days on a trial can receive extra compensation on top of the traditional \$12 per day payment. Funding for this extra payment will come from a new superior court filing fee.

4. Juror anonymity. Jurors surveyed have told the courts that they are concerned about exposing their identities during a trial, especially at that point in the trial known as polling at verdict, when they are asked to confirm their verdict on the record. Under recently established guidelines and rules, courts will now refrain from using jurors' names at this point in the trial.

Being Accountable

The judiciary, like the executive and legislative branches of government, must be accountable to the public. This strategic initiative, "BEING ACCOUNTABLE," focuses on the obligation of the judiciary to ensure staff at all levels are competent, professional, and customer service-oriented.

Fines/Fees and Restitution Enforcement (FARE) Program Launched

The Fines/Fees and Restitution Enforcement (FARE) Program is a statewide initiative of the judicial branch with the goals of compliance with and respect for court orders and the law, enhanced customer service, increased revenues, consistency and uniformity in case processing, and efficiencies in the collections process. The program is a public/private partnership involving the courts, other governmental entities, including the Motor Vehicle Division and Department of Revenue, and a private vendor. Following a competitive procurement process, Affiliated Computer Services, Inc. (ACS) was chosen as the private vendor to work with the courts on this program.

FARE was officially launched by Chief Justice Jones on July 9, 2003, at a meeting with the "pioneer courts." The pioneer courts consist of seven courts that volunteered to pilot the program: Chandler Municipal Court, Phoenix Municipal Court, Tucson Municipal Court, Show Low Municipal Court, Central Phoenix Justice of the Peace Court, East Phoenix #1 Justice of the Peace Court, and West Phoenix Justice of the Peace Court.

Since that kickoff meeting, judges and court administrators from the pioneer courts have been meeting regularly with Administrative Office of the Courts (AOC) and ACS staff to work through the details of implementing the program in their courts. Business rules and administrative and technical issues have been identified and resolved. For example, the teams have developed and agreed upon the wording for the various notices that will be sent to defendants. Although there is still much work to be done to implement all components of the FARE Program, the dedication of the pioneer court members has resulted in significant progress in a short period of time.

The first component of FARE was implemented in the Tucson Municipal Court in late August. Under the leadership of Judge John Leonardo and Judge Tony Riojas, City Court Administrator Joan Harphant and court staff, a batch of backlog cases suitable for special collection services by ACS was identified. These cases were electronically transferred from the court to the data warehouse and then on to ACS. Beginning on August 25, ACS began sending out notices to the responsible parties in these cases. The wording and timing of the initial and subsequent notices were agreed upon by Judge Riojas, Joan Harphant, and staff from ACS and the AOC. Revenues from these outstanding cases have now begun to flow into the court. Additional batches of backlog cases are now being processed for notices by ACS; again, according to a mutually agreed timetable.

In a similar procedure, backlog cases from Show Low Municipal Court are now being processed and notices were sent out on the first group of cases in mid-September. Discussions are underway with other courts regarding processing of backlog cases. Through the first five months more than \$725,000 has been collected for Tucson and Show Low from cases that were two or more years old and had prior collection activity.

Additional courts, the pilots, are preparing to bring their backlog cases into special collections. The first of these courts (Flagstaff Municipal) will begin this effort in March. Web-based payment in English began in January and will be followed by web-based payment in Spanish and “pay-by-phone” (IVR), also in March. The Traffic Ticket Enforcement Assistance Program (TTEAP) will become available in April. TTEAP allows the Motor Vehicle Division, on instruction from the courts, to place a hold on a vehicle registration renewal for any individual who has \$200 or more in outstanding court obligations on civil and criminal traffic violations or who has failed to appear on a criminal traffic citation.

Arizona Code of Judicial Administration Nearly Complete

The Administrative Office of the Courts (AOC) achieved a milestone in the Arizona Code of Judicial Administration (ACJA) project this year. Effective October 2003, half of the total code sections to be developed based on existing administrative orders were completed. Sixty out of approximately 120 proposed sections are now in effect and available on the Arizona Judicial Branch web site, <http://www.supreme.state.az.us>.

The ACJA is a codification of all significant, statewide, ongoing operational policies and standards concerning the structure and operation of the judicial department. It is published in West’s Arizona Rules of Court, <http://azrules.westgroup.com/home/azrules/default.wl>.

The Chief Justice has historically exercised the court’s administrative supervision over the judicial department by issuing administrative orders. Since the 1950s, more than 400 orders have been adopted. With so many orders issued on so many different topics, it became increasingly difficult to track which orders were still valid. In 1998, the AOC began a project to codify the orders to make them easily accessible. All orders determined to be permanent and of general application were organized into a subject outline. AOC divisions then began reviewing the current orders, updating or repealing them when necessary and adopting new sections as gaps were discovered. As each section was completed, it was added to the new code.

ACJA § 1-201 outlines the process for adopting new code sections. A proposed section is first circulated to court committees and others who might be impacted by the proposal then to AOC Legal Services, then to the administrative director. If a section is recommended for adoption, it is placed on the next Arizona Judicial Council (AJC) agenda. The AJC reviews each proposal and makes a recommendation. If approved, the Chief Justice adopts the section by administrative order. The same process is followed for amendments.

Although it may take several more years to complete the code, the Arizona Code of Judicial Administration is already providing judges, court staff and the public with valuable information on the Arizona judiciary’s policies and programs.

A Strategic Plan Approved for Standards in Technology

The Arizona Judicial Branch Information Technology Strategic Plan 2004-2006 was approved by the Commission on Technology at its November meeting. Since 1999, the Commission has annually directed and coordinated the preparation of this branch-wide plan, which is submitted to the Government Information Technology Agency in accordance with Arizona law. Developing the branch technology plan is part of the Commission’s responsibility to coordinate, monitor and set standards for technology use in the branch.

The Commission on Technology identifies the technology initiatives and projects that support the branch’s strategic business needs, which are articulated in Chief Justice Jones’ *Justice for a Better Arizona: A Strategic Agenda for Arizona’s Courts 2002-2005*. In coordination with the Commission, appellate courts and each county court system, including its superior court, justice courts and municipal courts, performs local planning under the direction of its chief or presiding judge to identify local business needs. Combining local needs and statewide judicial goals and initiatives, each county court system develops a three-year plan reflecting its information technology direction and major projects.

The state and local technology goals and initiatives are blended in the annual Arizona Judicial Branch Information Technology Strategic Plan. The branch plan reflects the accomplishments, status and direction of technology in Arizona's courts.

Exploring new directions for statewide case management systems is in process and will be a major focus of planning and analysis in fiscal year 2005. At its January 2004 meeting, the Commission began this year's strategic planning process and set direction for local courts to consider in their own technology planning.

Serving the Public by Improving the Legal Profession

The judiciary has long recognized the indispensable role of the legal profession in protecting individual rights and liberties in a free society. We continue in that tradition. Because the Supreme Court regulates the practice of law; however, the judiciary must determine how the legal profession can best serve the public. While the traditional adversarial system for resolving disputes may be applicable in the majority of legal disputes, that system may not be desirable in all cases.

Legal Document Preparer Regulation Established

In recognition of the public's need for access to legal services, the Arizona Supreme Court recently adopted provisions implementing the Legal Document Preparer Program. This program, one of the first of its kind in the nation, certifies legal document preparers. These are individuals who prepare or provide legal documents without the supervision of an attorney for an entity or a member of the public who is engaging in self-representation in any legal matter.

The program, effective July 1, 2003, strives to protect the public and establish professional standards and accountability for non-lawyer legal document preparers in Arizona. To qualify for certification, applicants must demonstrate they meet minimum eligibility requirements and undergo a personal and professional background review.

The program receives and processes complaints regarding alleged misconduct by a certificate holder, and can take disciplinary action against a certificate holder as appropriate. The Board of Legal Document Preparers, comprised of 11 members appointed by the Chief Justice, including two public members and five legal document preparer professionals, reviews and makes all final decisions regarding certification and disciplinary action. In calendar year 2003, more than 500 certificates were granted to eligible legal document preparers.

Bar Examination Utilizes Laptop Computers

In February 2001, Arizona became the fifth jurisdiction in the nation to permit examinees to use their laptop computers for the essay portion of the attorney bar examination.

The Attorney Admissions Unit of the Administrative Office of the Courts (AOC), responsible for administration of the bar examination, has partnered with a private vendor to provide this laptop option. Examinees using laptops download a software program from the vendor and, when initiated at the bar exam, it blocks access to any files or programs in the laptop other than the required word processing function. The examinee's encrypted answers are automatically saved in the laptop, and subsequently uploaded via an Internet web site to the vendor. Staff then downloads and prints the answers for grading distribution.

Since the first administration in 2001, an increasing number of examinees have chosen this option, with almost 25 percent of the 656 July 2003 examinees using a laptop. It is anticipated that 50 percent or more examinees will use laptops by 2006.

Arizona provides mentoring, training and assistance to other jurisdictions initiating laptop options.

Attorney Discipline System Strengthened

Two initiatives approved by the Supreme Court during 2003 are designed to improve the attorney discipline system.

The court approved revisions to its rules regarding the attorney discipline system that were developed by the court's Ad Hoc Committee on Attorney Discipline. The revisions took effect in December and will assist the Administrative Office of the Court's Attorney Discipline Unit to process formal complaints of attorney misconduct more efficiently and improve its ability to meet the court's timelines for case management.

In December, the court approved Administrative Order 2003-110, which established a two-year pilot program for the use of retired judges as hearing officers in the attorney discipline system. The pilot program will allow the court to determine if the use of retired judges, particularly in complex cases that may require multiple days of hearings, will improve the efficiency of the system.

Judicial Organization Summary 2003*

| | | | | | |
|---|--------|----------|---|------------|--------|
| Supreme Court 5 Justices, 6 Year Terms Chief Justice, Vice Chief Justice 3 Associate Justices | | | | | |
| Court of Appeals 22 Judges, 6 Year Terms | | | | | |
| Division I, Phoenix Chief Judge & 15 Associate Judges 5 Departments (A, B, C, D, & E) Presiding Judge and 2 Judges Each Counties: Apache, Coconino, La Paz, Maricopa, Mohave, Navajo, Yavapai, Yuma | | | Division II, Tucson Chief Judge & 5 Associate Judges 2 Departments (A & B) Presiding Judge and 2 Judges Each Counties: Cochise, Gila, Graham, Greenlee, Pima, Pinal, Santa Cruz | | |
| Superior Court 160 Judges, 4 Year Terms Presiding Judge in Each County | | | | | |
| Apache | 1 | Greenlee | 1 | Pima | 28 |
| Cochise | 4 | La Paz | 1 | Pinal | 6 |
| Coconino | 4 | Maricopa | 91 | Santa Cruz | 2 |
| Gila | 2 | Mohave | 5 | Yavapai | 6 |
| Graham | 1 | Navajo | 3 | Yuma | 5 |
| Justices of the Peace 83 Judges, 83 Precincts, 4 Year Terms | | | | | |
| Apache | 4 | Greenlee | 2 | Pima | 8 |
| Cochise | 6 | La Paz | 3 | Pinal | 8 |
| Coconino | 4 | Maricopa | 23 | Santa Cruz | 2 |
| Gila | 2 | Mohave | 5 | Yavapai | 5 |
| Graham | 2 | Navajo | 6 | Yuma | 3 |
| Municipal Courts 139 Full- & Part-Time Judgeships, 4 Year Terms, 81 Cities/Towns | | | | | |
| County | Judges | Courts | County | Judges | Courts |
| Apache | 3 | 3 | Mohave | 4 | 3 |
| Cochise | 5 | 5 | Navajo | 4 | 4 |
| Coconino | 13 | 4 | Pima | 16 | 5 |
| Gila | 5 | 5 | Pinal | 8 | 8 |
| Graham | 3 | 3 | Santa Cruz | 2 | 2 |
| Greenlee | 2 | 2 | Yavapai | 7 | 8 |
| La Paz | 2 | 2 | Yuma | 4 | 4 |
| Maricopa | 61 | 23 | | | |
| *Numbers may change throughout 2004. In addition to the judges listed above, there are a number of paid full- and part-time judges pro tempore, commissioners and hearing officers, as well as hundreds of volunteer judges pro tempore who handle cases. | | | | | |

Court Statistics by Fiscal Year

[July 1, 2002 - June 30, 2003]

Statistical Trends/Highlights

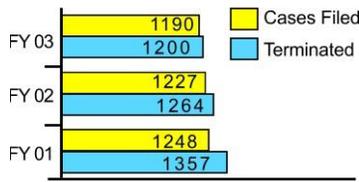
- Arizona Courts had 2.5 million case filings in FY 2003.
- Statewide case filings increased by 104,600 or 4.3%, while Municipal Court case filings increased by 8.0%.
- While Superior Court case filings statewide experienced an increase of 5.8% in FY 2003, rural Arizona increased by only 1.5%. Change in caseloads in rural Arizona ranged from an increase of 20.8% in La Paz county to a decrease of 13.1% in Graham county. Yuma, Cochise, Santa Cruz, Apache and La Paz counties experienced caseload growth of over 5.0%.
- Rural county Justice Court case filings decreased by 3.4% while urban county Justice Court filings decreased by 0.7% in FY 2003. The majority of the decrease in rural counties was in the civil traffic case category.
- In FY 2003, caseload growth in municipal courts was greatest in Maricopa County, which increased case filings by 12.1%.
- Superior Court criminal and civil filings increased by 11.3% and 14.4%, respectively.
- In FY 2003, there were 85,521 DUI case filings in Justice and Municipal courts for an increase of 4.7% from FY 2002.
- Revenue increased by \$24.3 million or 11.8%, after adjusting the FY 2002 revenue total by subtracting a \$10 million one-time fine and restitution payment. This 11.8% percent increase in revenue was nearly three times the 4.3% increase in case filings.
- Since FY 2001, state funding of the Judicial Branch has decreased by 25.4% or an average of 8.5% per fiscal year. General state funding decreased in FY 2002, FY 2003 and FY 2004, 4.6%, 4.9% and 17.8% respectively.
- Statewide, Arizona Courts were more cost effective in FY 2003. The cost to process a case was \$121.46 in FY 2003 compared to \$124.36 in FY 2002.
- Arizona courts have collected just under \$1.2 billion in additional revenue over the \$70 million benchmark established in FY 1988.

FY2003 Case Filings by Court Level

Supreme Court 1,190
 Court of Appeals 3,713
 Division One 2,749
 Division Two 964
 Tax Court 1,053

| County | Superior | Justice | Municipal |
|---------------|----------------|----------------|------------------|
| Apache | 876 | 9,030 | 2,015 |
| Cochise | 3,958 | 51,654 | 9,501 |
| Coconino | 3,360 | 29,692 | 26,804 |
| Gila | 2,353 | 14,372 | 6,672 |
| Graham | 1,210 | 5,968 | 3,012 |
| Greenlee | 318 | 1,893 | 489 |
| La Paz | 969 | 14,791 | 3,700 |
| Maricopa | 121,132 | 355,170 | 955,006 |
| Mohave | 5,282 | 43,998 | 24,383 |
| Navajo | 2,852 | 22,762 | 7,948 |
| Pima | 28,186 | 200,990 | 321,294 |
| Pinal | 7,161 | 40,300 | 30,086 |
| Santa Cruz | 1,832 | 10,954 | 15,409 |
| Yavapai | 6,933 | 38,143 | 37,605 |
| Yuma | 5,707 | 22,696 | 24,939 |
| TOTALS | 192,129 | 862,413 | 1,468,863 |
| | | | |
| | FY 2002 | FY 2003 | Difference |
| Total Filings | 2,424,785 | 2,529,361 | 104,576 |
| | | | 4.3% |

Arizona Supreme Court

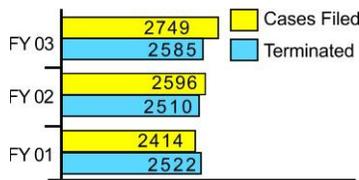


- Supreme Court FY 2003 case filings decreased 3.0% from cases filed in FY 2002.

- Cases terminated by the court in FY 2003 decreased 5.1% over case terminations in FY 2002.

- The difference between filings and terminations resulted in a pending caseload increase of 1.8%, up from 395 on July 1, 2002, to 402 cases on June 30, 2003.

Court of Appeals, Division One

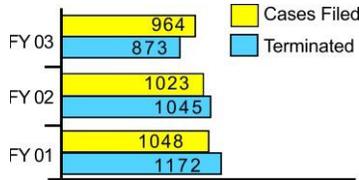


- Filings in FY 2003 represented a 5.9% increase from FY 2002. Total criminal filings, the largest category, increased 7.4% from 1,054 in FY 2002 to 1,132 in FY 2003.

- FY 2003 case terminations increased by 3.0%.

- Total cases pending increased 10.5%, from 1,931 on July 1, 2002 to 2,133 on June 30, 2003.

Court of Appeals, Division Two

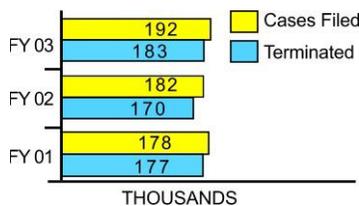


- Total filings in FY 2003 decreased 5.8% from FY 2002. Total criminal filings, the largest category, decreased 12.5% from 535 in FY 2002 to 468 in FY 2003.

- FY 2003 case terminations decreased by 16.5%.

- Total cases pending increased by 11.6%, from 1,070 on July 1, 2002 to 1,194 on June 30, 2003.

Superior Court



- Total case filings in FY 2003 increased 5.8% from FY 2002.

- Total case terminations increased 8.0% in the same period.

- Civil case filings increased 14.4% from 44,335 in FY 2002 to 50,711 in FY 2003. In the same period, civil case terminations were up 13.4% from 44,647 to 50,624.

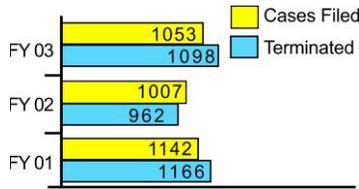
- Criminal case filings increased 11.3% from 47,804 in FY 2002 to 53,198 in FY 2003. Criminal case terminations decreased 0.6% from 45,932 to 45,647.

- Domestic relations cases decreased 1.8% from 48,938 in FY 2002 to 48,067 in FY 2003, and domestic relations case terminations increased 0.3% from 49,225 to 49,374. Domestic violence petition filings increased 24.6% in Superior Court from 6,236 to 7,770 in FY 2003.

- There were 206,254 total cases pending on July 1, 2002, compared with 220,244 cases pending on June 30, 2003, an increase of 6.8%.

- Juveniles with direct filings to adult court decreased 1.5%, from 477 in FY 2002 to 470 in FY 2003. Juvenile cases transferred to adult court decreased 1.0%, from 98 in FY 2002 to 97 in FY 2003. A total of 567 juvenile cases were either transferred or directly filed in adult court in FY 2003 compared to 575 in FY 2002, a decrease of 1.4%.

Arizona Tax Court



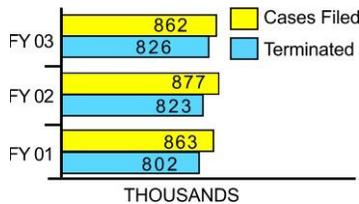
- The Arizona Tax Court serves as the statewide venue for all civil actions involving a tax, impost or assessment.

- A total of 1,053 original cases were filed in the court during FY 2003, an increase of 4.6% from the 1,007 cases filed in FY 2002.

- Of the FY 2003 cases filed, 628 were property tax actions, accounting for 59.6% of the total.

- A total of 1,098 cases were terminated, 444 by judgment.
- As of June 30, 2003, there were 869 cases pending in the tax court.

Justice of the Peace Courts



- Total filings in FY 2003 decreased 1.7% from FY 2002. Total case terminations increased 0.3%.

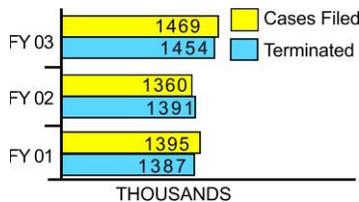
- Civil and criminal traffic filings, which comprise almost two-thirds of all justice court filings, decreased 1.7%, from 548,598 in FY 2002 to 539,145 this year.

- Criminal (misdemeanor and felony) case filings decreased 7.1% from 160,540 in FY 2002 to 149,100 in FY 2003. Criminal case terminations increased 3.7% from 141,780 in FY 2002 to 147,041 in FY 2003.

- Domestic violence petition filings increased 12.3% in justice courts, from 9,638 to 10,820. Petitions for Injunctions Against Harassment increased 10.0% from 9,034 to 9,940.

- Total cases pending increased by 2.4% from 620,813 on July 1, 2002, to 635,786 on June 30, 2003.

Municipal Courts



- Case filings in FY 2003 increased 8.0% from FY 2002. Total case terminations increased 4.6% in the same period.

- Civil and criminal traffic filings, which comprise about three-fourths of all municipal court cases, increased 6.6%, from 1,007,485 in FY 2002 to 1,073,947 in FY 2003.

- Criminal misdemeanor case filings increased 6.5% from 219,166 in FY 2002 to 233,507 in FY 2003. Criminal misdemeanor case terminations increased 12.9% from 208,180 in FY 2002 to 235,046 in FY 2003.

- Domestic violence petitions decreased 3.1% from 13,330 in FY 2002 to 12,920 in FY 2003. Petitions for Injunction Against Harassment increased 0.7% from 9,629 to 9,695.

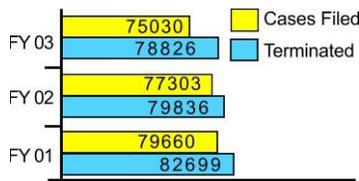
- Total cases pending increased 0.5%, from 851,186 on July 1, 2002, to 855,309 on June 30, 2003.

Adult Probation

- The number of offenders under the jurisdiction of Arizona adult probation departments at the end of FY 2003 decreased 1.2% from 64,564 on July 1, 2002, to 63,763 on June 30, 2003.

- Of the 63,763 under the jurisdiction of adult probation, 59,019 were on standard probation, 3,508 on intensive probation, and 1,236 were interstate compact cases.

Juvenile Court Referrals

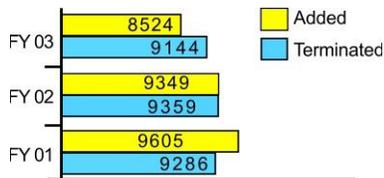


- There were 75,030 referrals to juvenile court in FY 2003, a 2.9% decrease compared to 77,303 in the previous year.
- 78,826 referrals were terminated in FY 2003, a 1.3% decrease compared to the 79,836 referrals terminated in FY 2002.

Juvenile Court Petitions

- A total of 29,534 petitions were filed in FY 2003, a 6.1% decrease from the 31,443 petitions filed in FY 2002.
- A total of 29,428 petitions were terminated in FY 2003, a 4.7% decrease from the 30,895 terminated in FY 2002.

Juvenile Probation/Corrections



- The number of juveniles on probation at the end of FY 2003 decreased 7.7% from 9,618 on July 1, 2002 to 8,876 on June 30, 2003.
- A total of 8,524 adjudicated juveniles were placed on probation in FY 2003, a 8.8% decrease from the 9,349 youths placed on probation in FY 2002.
- 9,144 juveniles were released from probation, a decrease of 2.3% from the 9,359 released last year.
- 926 juveniles were committed to the Arizona Department of Juvenile Corrections during FY 2003, a decrease of 9.0% from the 1,018 committed last year.

Commission on Judicial Conduct

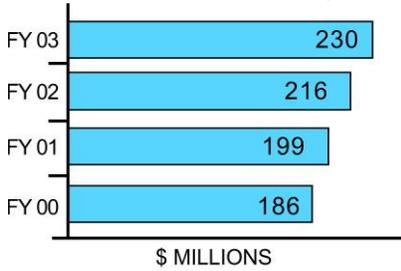
Caseload Summary (Calendar Year)

The Commission on Judicial Conduct is an independent state agency with jurisdiction over all state and local judges. It is responsible for investigating complaints involving willful misconduct in office, failure to perform judicial duties, violations of the Code of Judicial Conduct, drug and alcohol abuse, and physical or mental disabilities.

In 2003, the commission received 973 inquiries and 338 complaints. It resolved 31 cases with advisory letters and issued informal or private sanctions in 19 cases. The commission held two formal hearings during the year that resulted in the suspension of a justice of the peace and a recommendation that a superior court judge be removed from office. Both judges resigned from their judicial positions pending final action by the Supreme Court on the commission's recommendations. The Supreme Court's Judicial Ethics Advisory Committee, which is staffed by the commission, issued eight formal opinions during the year and responded to 162 requests for informal advice on ethical issues. By law, the commission is also responsible for staffing the Constable Ethics Committee, which investigates complaints against elected constables. The committee received 14 complaints against constables this year.

Statewide Revenue and Expenditure Summary

Revenue Summary

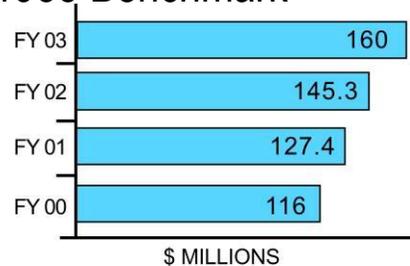


REVENUE BY FISCAL YEAR

- Total statewide court revenue increased 6.6% from \$215.7 million in FY 2002 to \$230.0 million in FY 2003, reflecting the continuing efforts of the courts statewide to collect court-ordered restitution, fines, fees, and surcharges. FY 2002 revenue included a one-time \$10 million settlement. Excluding the settlement from the FY 2002 revenue represents an increase of \$24.3 over normalized \$205.7 level or an 11.8% increase over FY 2002.

Revenue in Excess of 1988 Benchmark

- The graph to the right represents the trend in increased court revenue above the \$70 million benchmark established in FY 1988. Since that time, courts have collected just under \$1.2 billion in additional revenue.



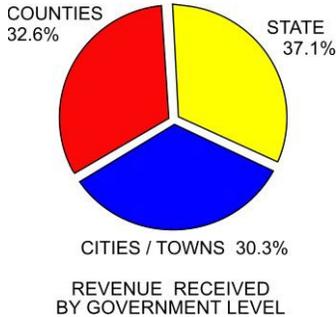
INCREASED REVENUE TREND

- Of the total court system revenue collected, the state received 37.1%, counties received 32.6%, and cities and towns 30.3%.

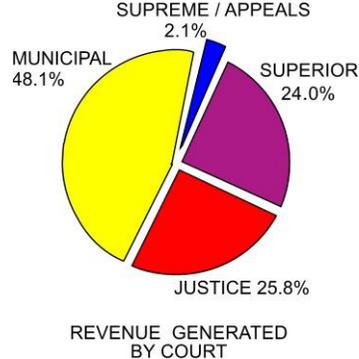
- 48.1% of total court revenue was generated by municipal courts, 25.8% by justice courts, 24.0% by Superior Court and 2.1% by appellate courts.

- Total restitution payments for victims collected by courts decreased from \$26.0 million in FY 2002 to \$17.0 million in FY 2003. Excluding the one-time settlement of \$10 million paid in FY 2002, restitution payments increased \$1.0 million in FY 2003 or 6.3%.

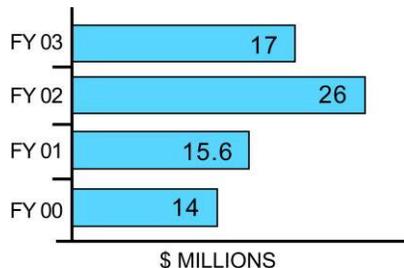
Revenue Received



Revenue Generated

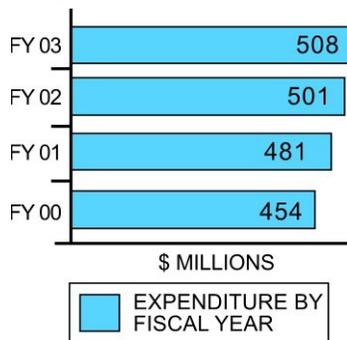


Restitution



RESTITUTION COLLECTED

Expenditure Summary

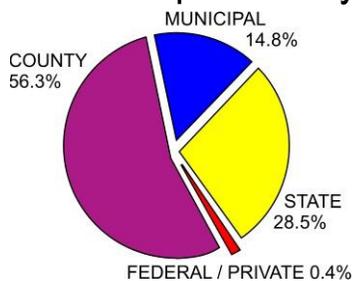


- Total statewide court expenditures increased 1.4% from \$500.9 million in FY 2002 to \$507.7 million in FY 2003.

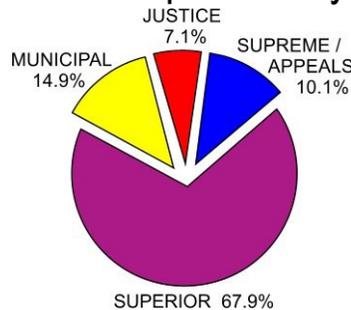
- 56.3 % of the total funds spent by the court system were provided by counties: 28.5% by the state; 14.8% by cities and towns; and 0.4% by federal and private sources.

- 67.9% of total court expenditures were expended in the superior court (including probation); 14.9% in municipal courts; 10.1% at the appellate level (including statewide administration); and 7.1% in the justice courts.

Funds Expended by Source



Funds Expended by Court Level



The data contained in this report was compiled from Supreme Court financial records, caseload reports from courts, and responses to the unaudited Supreme Court survey of expenditures and revenues for fiscal year 2003 (July 1, 2002 - June 30, 2003). All data received by the publication deadline is included but some information is preliminary. Final counts will be published in the 2003 Arizona Courts Data Report early in 2004.

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