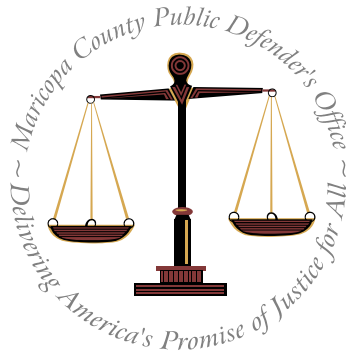


Volume

36

MARICOPA COUNTY

Office of the Public Defender



Annual Report

2001-2002

JAMES J. HAAS, MARICOPA COUNTY PUBLIC DEFENDER

Annual Report 2001-2002

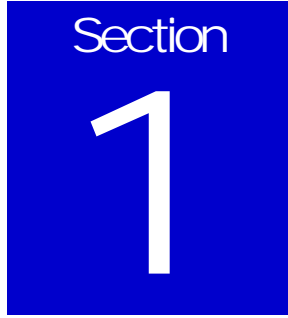
OFFICE LOCATIONS

| | | | |
|---|---|---|---|
| Administration | Appeals Division | Juvenile Division - Durango | Juvenile Division - Southeast |
| 11 West Jefferson, 10 th Floor Phoenix Arizona 85003 (602) 506-8200 | 411 North Central, Suite 670 Phoenix, Arizona 85004 (602) 506-8220 | 3335 West Durango Phoenix, Arizona 85009 (602) 506-4230 | 777 West Southern, Suite 101 Mesa, Arizona 85210 (602) 506-2033 |
| Mental Health Division | Trial Groups A, B, D, and E | | Trial Groups C and F |
| Desert Vista Behavioral Health Center 570 West Brown Mesa, Arizona 85201 (480) 344-2013 | 11 West Jefferson, 2 nd – 9 th Floors Phoenix, Arizona 85003 Group A (602) 506-8282 Group B (602) 506-8275 Group D (602) 506-3029 Group E (602) 506-3218 | | Southeast Public Service Facility 1750 S. Mesa Drive, Suite 150 Mesa, Arizona 85210 (602) 506-2200 |

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Introduction

VISION

Delivering America’s Promise of Justice for All.

MISSION

The mission of the Office of the Public Defender is to provide quality legal representation to indigent individuals assigned to us by the court, thus safeguarding the fundamental legal rights of each member of the community.

GOALS

- To protect the rights of our clients, guarantee that they receive equal protection under the law, regardless of race, creed, national origin or socio-economic status, and ensure that all ethical and constitutional responsibilities and mandates are fulfilled.
- To obtain and promote dispositions that are effective in reducing recidivism, improving clients’ well-being and enhancing quality of life for all including resolving to disposition 90% of all felony cases, except those designated as complex cases, within 180 days of arraignment or case assignment with no reduction in the quality of legal representation.
- To enhance the professionalism and productivity of all staff, including producing the most respected and well-trained attorneys in the indigent defense community, and achieving recognition as an effective and dynamic leader among organizations responsible for legal representation of indigent people.
- To work in partnership with other agencies to improve access to justice and develop rational justice system policies including establishing a case weighting system and developing mechanisms that will enable agencies to set and maintain appropriate caseload and performance standards.
- To perform our obligations in a fiscally responsible manner including maintaining cost effectiveness by limiting the percentage of increase in the annual cost per case to no more than the percentage of increase in the overall annual funding of the County's criminal justice group.

What We Do...Who We Are

What We Do...Our Purpose in Profile

The Maricopa County Public Defender's Office (MCPD) provides tremendous value to the community. First and foremost, the Office meets the community's constitutional mandate to provide effective assistance of counsel for indigent individuals. By protecting the rights of the indigent, the Office protects the rights of all individuals. The vigilant defense provided by attorneys in the Office provides balance and integrity to the criminal justice system, both vital public values.

Beyond protecting the community's interests in justice and liberty, the Office serves a number of other public purposes. The Office protects the community's interest in securing justice in the most cost-effective manner by continually striving to operate in the most efficient manner consistent with our obligations. The Office thereby plays a pivotal role in controlling the costs of the criminal justice system.

Because of the nature of our work and the clients we represent, much of the value we provide is largely unrecognized. This annual report is one of the many ways for the Office to communicate our value to the community. It is hoped the information contained herein assists in our ongoing efforts to demonstrate our public value.

The Office serves an important public safety function, by seeking dispositions for clients that are effective in addressing the underlying problems that contribute to their criminal behavior, thereby giving them their best chance to become productive and law-abiding individuals.

Who We Are...Our Diversity in Profile

The Maricopa County Pubic Defender's Office is a diverse organization that employs over 400 attorneys and staff. The Office has 52 individuals in positions of authority and administration, excluding the appointed Public Defender. Of that number, eleven (21.2%) are Hispanic-American and three (5.8%) are African-

American. Thirty-one (59.6%) are women. A total of fourteen of our 52 supervisors and administrators, or 26.9%, are minorities, and a total of 34, or 65.4%, are minorities and women.

Since January 2001, six Hispanic-Americans, two African-Americans, and sixteen women have been promoted into more responsible supervisory or administrative positions. The Office consists of seven divisions, managed by seven key administrators. Four of these positions are filled by tenured employees while the remaining three have been filled by one Hispanic-American, one African-American and one woman since January 2001.

Two of our key administrators serve on the Supreme Court's Commission on Minorities. Another serves on the Board of Los Abogados and the Committee on Minorities and Women in the Law, and is the Chairperson for this year's Minority Bar Convention.

The Office makes every effort to increase the diversity of our staff and management team. Because of the nature of our profession, we are keenly aware of the need to recruit and retain minority individuals for positions throughout our office, including administration. We are very proud of the diversity of our staff, and our administrative team in particular. It is one of our greatest strengths.

What We've Done This Year...Improvement Projects in Profile

The Office actively encourages staff involvement in various efforts and activities to improve the status of the underrepresented in the criminal justice system and to bring related issues to the forefront. Efforts included the following projects:

INDIGENCY SCREENING PROJECT

Over the past several years, our Office has repeatedly approached the Maricopa County Superior Court with concerns about the Courts' lack of a detailed approach to screening which defendants financially qualify for court-appointed counsel. The lack of stringent guidelines in the appointment process results in our Office and other indigent representation offices being appointed to clients who have financial resources to retain private counsel. In response to our concerns, on May 20, 2002, Thomas W. O'Toole, Criminal Department Presiding Judge, appointed Judge John Foreman chair of an ad hoc Indigency Screening and Reimbursement Committee. The members of the committee included Public Defender Jim Haas and Special Assistant Jeremy Mussman along with other individuals from affected criminal justice system departments. In addition, a pilot project using enhanced screening tools was initiated by our Office and instituted on a limited basis in the Expedited Disposition Court.

The mission of the Indigency Screening and Reimbursement Committee was to determine the current law and procedure for indigency screening, assessment and

collection of reimbursement from defendants; and recommend changes and/or improvements to the current indigency screening, assessment and reimbursement procedure, including changes in the law, if necessary. The Committee and various subcommittees met throughout the summer, fall and winter of 2002. Recommendations set forth in the Committee's final report are pending consideration by the Maricopa County Superior Court.

EDC TRIALS PILOT PROJECT

Attorneys in the Office's Trial Division noted that they were receiving more and more drug cases out of the Early Disposition Court (EDC). In part, the increase resulted from a change in the Maricopa County Attorney's Office philosophy on plea offers which gave defendants little incentive to enter into plea agreements.

In order to handle these cases more effectively, we instituted a new pilot project. EDC cases that are not settled at EDC will remain with the assigned EDC attorneys, who will take them to trial where appropriate. The attorneys will also handle special actions and appeals in these cases. By doing this, we hope to accomplish several objectives:

- 1) try cases that should be tried;
- 2) better frame drug possession case issues so appeal matters are fortified by thorough records;
- 3) relieve trial and appellate attorneys of these cases; and
- 4) begin to develop a drug specialty unit for the office.

PROPOSAL TO ENCOURAGE EARLY TREATMENT IN DUI CASES

The Office noted a significant decline in the guilty plea rate in the Regional Court Centers (RCC). One of the problem areas is with Aggravated Driving Under the Influence (DUI) cases. Contrary to solid public safety and financial management practices, the present system discourages early pleas and, consequently, early treatment in these cases. The Office believes that this practice can be reversed, in a way that promotes public safety and serves everyone's interests.

At present, the plea offer in most Aggravated DUI cases is probation and four months prison. Because this result is usually available to the court even after a trial, there is little incentive for a defendant to plead. In addition, the court's policy is that a defendant who pleads guilty to Aggravated DUI must be taken into custody immediately after the plea is entered. This is an additional, extremely compelling disincentive to plead early. Defendants going to RCC do not expect to be taken into custody that day, and are not prepared to do so. Even if advised by their attorney that the plea is in their best interests, they frequently delay pleading in order to "get their affairs in order" before going into custody.

The result is that the guilty plea is not entered, a preliminary hearing is conducted, and the case goes into Superior Court, where it takes several months to resolve. The defendant remains out of custody, without any evaluation or treatment of his or her alcohol problem, putting the public at risk of continued drinking and driving.

The Office proposed that a defendant who pleads guilty to Aggravated DUI at RCC be allowed to remain out of custody pending sentencing if he enters into court-approved treatment immediately. The defendant would have to complete an assessment, enter a program, and fully participate in the program in order to stay out of custody. The defendant's compliance would be monitored by Pretrial Services, which would report any failure to the court so that the defendant could be taken into custody.

We also proposed that sentencing in these cases be set 60 to 90 days from the plea, instead of the usual 30. This would give the defendant time to demonstrate real progress in treatment, and would provide an incentive for the defendant to plead early and get into treatment.

In addition to early pleas and early treatment intervention, our proposal has numerous collateral benefits, including:

- 1) Early treatment intervention increases the likelihood of success;
- 2) Reduced jail days, as the defendant is not in custody between plea and sentencing;
- 3) More time for treatment in the Department of Corrections (DOC) (at present, defendants spend a significant part of their four month DOC sentence in county jail awaiting sentencing, leaving less time for treatment in DOC);
- 4) The defendant will be better prepared for treatment in DOC already having been participating in treatment for 60 - 90 days;
- 5) Provides a track record in treatment for the court to consider; and
- 6) Increased incentive for defendants to approach treatment in a positive manner, based on the recognition that successful presentence treatment is required to keep them out of custody before sentencing and may be a mitigating factor at sentencing.

This proposal was submitted to the Court and County Attorney's Office, but has not yet been adopted. We believe this idea would serve many goals, including public safety, and will continue to seek support for it.

ITAG - INITIAL TREATMENT ACTION GROUP

The Initial Treatment Action Group (ITAG) is a cooperative effort, spearheaded by the Office, to bring together the leaders in the field of drug treatment. ITAG consists of local governmental agencies that provide substance abuse or mental health treatment to our clients. The goal of creating ITAG was to get all of the various treatment providers together to discuss their efforts, to determine where efforts

overlap or conflict, and to assess resource-related deficiencies. Another major goal of ITAG is to locate and fill gaps in the treatment continuum to ensure that clients receive necessary treatment. The ultimate goal of ITAG is to improve the availability and accountability of treatment, thereby improving clients' chances of success and reducing recidivism rates.

Participants from Maricopa County include the Public Defender's Office, County Administration, the Adult and Juvenile Probation Departments, the Department of Human Services, the Department of Public Health, the Sheriff's Office, the Department of Correctional Health, and from the state include the Supreme Court, the Department of Corrections and the Department of Health Services. The goal of the project is to build a model of the current status of drug treatment services in Maricopa County, and from that model determine areas for improvement and set future goals for meeting improvement needs.

Other Worthy Accomplishments from the Last Year - Public Affairs Activities in Profile

The Public Defender's Office strives to provide value to the community. The goal of the Office's Public Affairs Program is to enhance community outreach, improve the community's perception of the Office, pursue effective sentencing and treatment options, and develop plans for building community partnerships.

The Office is very concerned about the disproportionate number of minority individuals who are caught up in the criminal justice system. Public Defender Jim Haas serves on the Governing Board of the Arizona Building Blocks Initiative, which is exploring the reasons for over-representation of young people of color in the juvenile justice system.

In addition, Mr. Haas participated in the Tools for Tolerance Institute Against Hate Crimes Training at the Simon Wiesenthal Center Museum of Tolerance in Los Angeles in October 2001. This was an intensive four-day program designed to help criminal justice professionals formulate new strategic approaches to combat hate crimes based on a fresh understanding of the unique elements that differentiate them from other criminal acts. He was part of a team from Maricopa County that included a Superior Court judge, the chief of Adult Probation, the chief of the County Attorney's Hate Crime Bureau, a supervisor of the County Attorney's Victim/Witness Advocate Program, a detective with the Phoenix Police Department's Hate Crimes Unit, and the coordinator of Criminal Justice Programs at one of Maricopa County's community colleges.

This year, the Community Relations Program also undertook several projects, focusing on "at hope" youth, many of whom are young people of color. Some of these efforts include:

BOOKER T. WASHINGTON HEADSTART PROGRAM

Members of the Office volunteered to assist a local Headstart program with their Family Literacy Project. Ninety percent of the families involved in the program live at or below the poverty level. The Family Literacy Project focuses on providing families with the skills and resources parents need to make reading with their children an integral part of their families. The goal is to help parents ensure that their preschool children develop a love for books and the skills needed to succeed at reading and writing when they enter elementary school. MCPD staff assisted by providing speakers and resources for a monthly "Family Literacy Day." Activities also included organizing a book drive, with the assistance of the Maricopa County Library District and their Bookmobile, during which free books were distributed to the children and their families.

SHAW "BUILDING CITIZENSHIP" PROGRAM

Several attorneys led a 4th grade class at the Shaw Elementary School in downtown Phoenix for one hour each week on different aspects of citizenship. The program focuses on government studies, political and social awareness, and current events. Sessions are always inter-active, never lectures. Among other things, the class has created and elected a president, lobbied both sides of a social issue, discussed relevant problems of the world today and how to approach them and even made a list of why we love America. The program is designed to teach students about civic responsibility and to empower students to believe they have a positive, productive and powerful role in society.

YOUTH, DRUGS AND ALCOHOL PREVENTION PROGRAM

This year fifteen MCPD attorneys participated in the Youth, Drugs and Alcohol program sponsored by the Young Lawyers Division of the State Bar of Arizona. The program, which focuses on students at the sixth, seventh, eighth and ninth grade levels, involves attorneys from different disciplines presenting programs designed to provide students with information about drugs, alcohol and law affecting youth. The goal is to provide information that will help young people make rational, intelligent decisions about their behavior while decreasing the incidence of drug and alcohol abuse.

TEEN COURT

The Office Extern Supervisor and externs from Arizona State University (ASU) Law School appear weekly at Tempe Justice Court to assist that court with its Teen Court program. The Teen Court in Tempe is a diversion program for juveniles charged with misdemeanors. This program for first time, low-level offenders is run by the Juvenile Court. If a juvenile accepts responsibility for a charge and expresses a desire to participate in diversion, they are screened by the Juvenile Probation Department. If accepted for the diversion program, their case is set on either the "grand jury" docket or the "trial" docket in Teen Court.

A Teen Court grand jury is made up of five to seven student jurors who listen to the charges presented by a student prosecutor. The victim or a surrogate victim explains how the crime affected them. The juvenile is then afforded an opportunity to share their perspective and present any mitigating evidence. The members of the grand jury then question all of the participants. At the conclusion of questioning, the grand jury adjourns privately to discuss a restorative sentence. Once a sentence is fashioned, the juvenile is informed of the conditions for diversion.

A case sent to trial in Teen Court works much the same way except a student attorney is assigned to help the juvenile explain the circumstances of arrest and present any mitigating evidence. The jury is a group of teens. The Tempe Justice of the Peace presides over the hearing and is the only adult directly involved. The student attorneys make opening statements. The juvenile testifies and is questioned by the prosecuting teen, the defending teen and the student jury. The victim or surrogate victim testifies and can be questioned. The juvenile may make a closing statement. The student attorneys make closing statements with recommendations. The student jury then adjourns to fashion a restorative sentence. Once done, the jury reenters the court and informs the juvenile of their conditions for diversion.

The conditions for diversion typically require a minimum of six to eight hours in a workshop dealing with the specific type of crime, teen court jury service, community service, letters of apology, compositions, and victim impact panels. If the consequences are completed within 90 days, the charges are dismissed.

All of the teens involved are either volunteers or were sentenced to service by another teen jury. The ASU externs, lead by our Externs Supervisor, help the teen attorneys with the law and their presentations. This program is particularly rewarding when students who formerly appeared in the court as defendants, return as volunteer student attorneys. To highlight the success of this program -- our staff was asked to give a presentation at the National Youth Court Conference in Arlington, Virginia.

GREAT MINDS! MOCK TRIAL PROGRAM

GREAT Minds! is a four-week course designed by attorneys from the Maricopa County Public Defender's Office and the Maricopa County Attorney's Office as part of the Phoenix Police Department's Gang Resistance Education and Training (GREAT) summer program. The program gave students a chance to learn the basics of being a lawyer, a witness, a judge, a juror, or a person accused of a crime, and culminates with the students participating in a mock trial. Through the use of an actual juvenile court case, students are given information about the criminal justice process. In addition, they are provided with insight and information about the laws that directly affect them, and the long-term consequences of unlawful behavior. Over 30 attorneys from both offices participated and were able to reach approximately 300 students, who are considered high risk for gang/drug behavior.

Office Organization and Staffing – Significant Events

Performance Management Improvement Project

The Public Defender’s Office operates under the Performance Management Process as part of the countywide Managing for Results initiative. Managing for Results requires each department to develop a strategic plan that sets goals and expectations that support the department’s desired results. The strategic plan is intended to set organizational, operational and performance goals while providing a measurable basis for quantification of employee performance based on standardized criteria according to job description. In addition to quantifying employee performance, the strategic goals are incorporated into employee evaluation and review systems, and provide supervisors with objective tools for measuring employee performance. By extension, the individual employee evaluation tools, when taken as a whole, provide a basis for evaluating department performance in meeting Managing for Results strategic goals, as well as identification of areas where additional support or resources may be required to meet departmental goals.

In 2001, the County adopted a new Performance Management Process as part of the Managing for Results initiative. The Public Defender’s Office implemented the new performance management guidelines including a new evaluation system and forms. Unfortunately, because of the complexity of our business, the system and forms were not entirely compatible with the nature of work performed by MCPD staff. Specifically, the forms lacked sufficient objective criteria to effectively evaluate attorney performance.

The Public Defender’s Office Performance Management Improvement Project, including the “Performance Management for Supervisors” training program, was developed in order to create a workable, automated evaluation system that addresses County objectives under the Managing for Results program, as well as the

department's Strategic Plan and unique operating conditions. The goals of the Project were to develop individualized employee performance plans giving consideration to the unique working environment of an indigent legal defense office, to train supervisors in the proper methods for planning, monitoring, coaching and evaluating employees' performance, and to ensure proper use of the evaluation tools, including use of the evaluation system forms.

As a result, key managers of the Public Defender's Office were tasked with the project of modifying and supplementing the County evaluation system to create a process that complies with County criteria while incorporating department needs, and to design a training program for educating department supervisors on the new system.

The Public Defender Performance Management Improvement Project is a four-phase process. Phase One involved the creation of the committee tasked with identifying objectives and goals for the attorney portion of the program. Phase Two was the distillation of departmental strategic goals into individualized goals and expectations, the development of forms, and a training program outline. Phase Three involved the refinement of the individualized goals and expectations, refinement of the final printed forms and implementation of the supervisor training program. Phase Four, which will continue in the coming year, involves the automation of the forms.

Early Detection of Conflicts - Motions to Withdraw

With the Court's assistance, the Office implemented a new system to quickly identify conflicts in as many cases as possible. The new system involves a process for identifying substantive conflicts within forty-eight hours of arraignment. The goal of the project is to streamline a client's legal representation. Early identification of substantive conflicts that ethically preclude our Office from continuing with representation expedites the Office's required withdrawal from these cases and allows new attorneys with another indigent representation agency to begin working with clients immediately. Early withdrawal on conflict cases also allows the Office to better manage burgeoning workloads by relieving the Office of conflict cases early and quickly reassigning the matter to the appropriate Indigent Representation department for speedier resolution.

Case Weighting Study

Tracking and assessing workloads for management and budgetary purposes is a monumental challenge in criminal justice systems across the country. It is not enough to track the mere number of cases, as different kinds of cases involve vastly different degrees of effort. The work depends on the severity and complexity of the case and on many other variables associated with it. The Office and other Maricopa County justice system agencies have struggled over the years because they lack a uniform definition of a "case." Previous productivity consultants have recommended that the

Office and the entire criminal justice system partner in developing an approach to case counting and weighting that accounts for all of the time and complexities required to process cases and to provide a context for interpreting that data.

It has long been a goal of the Office to conduct a case weighting study so that the actual workload involved for various types of cases can be assessed empirically. In FY01, the Office obtained support from the County Administrative Officer to fund a case weighting study. We initiated and led a competitive bid process to find an expert to conduct the study. A Request for Proposals was prepared at the close of FY01, and was issued on July 5, 2001. The Indigent Representation Directors in conjunction with County Administrative Officer David Smith, selected The Spangenberg Group to conduct the study. The project officially began with a twelve-week time study, which required that a representative sample of attorneys from all Indigent Representation Departments maintain accurate and complete time records. Training took place in mid-April and the actual time study ran from April 17 through July 9. The Spangenberg Group will conduct an analysis of the compiled data and present its findings in FY03.

Support Staff Position Additions

Several factors, including office structural changes, continued growth, the court's emphasis on faster case processing, and additional administrative requirements resulting from Managing for Results, have resulted in the need to expand our support staff ranks. Consequently, the Office restructured existing positions to create two new support positions this year. First, the Early Representation Unit (ERU) Coordinator position was created to coordinate calendars and associated coverage needs; resolve problems in the ERU; create, update, monitor, and track ERU cases; forecast attorney coverage; support ERU Chief; prepare progress reports; track attorney availability; train clerical staff; track hard files and ensure real-time transfers; and participate in committees related to the ERU.

Second, the Office added a Legal Support Manager to supervise seven legal secretary supervisors, two juvenile support staff leads, three specialized unit secretaries, and two floaters; and to manage the off-site transcriptionist program. The Legal Support Manager oversees secretarial recruitments; conducts and attends meetings; monitors workload; reviews secretarial assignments; coordinates consistent practices across the office; and ensures compliance with office practices and procedures.

Notable News

Arizona Public Defender Association Created

For years, public defenders in Arizona have talked about establishing a statewide organization devoted to their work and the improvement of indigent representation. On May 20, 2002, this goal was attained when the Arizona Public Defender Association (APDA) was created. The effort to create a statewide organization began in earnest in September 2001, when Emery La Barge, Navajo County Public Defender, invited the directors of Arizona's county public defender offices to a meeting at AACJ's fall seminar in Scottsdale. Eleven of the state's eighteen directors attended, and all expressed interest in forming a statewide organization. At the next meeting, in December 2001, sixteen county public defenders and one city public defender attended, and the effort gained momentum. The culmination of these efforts was the formation of the Arizona Public Defender Association.

APDA is a non-profit corporation. Its initial Board of Directors includes the heads of seventeen county public defender offices and the Phoenix Public Defender. Public Defender Jim Haas was elected vice president and Administrator Diane Terribile was elected as a director to represent support staff interests. MCPD staff who were instrumental in creating the organization include Diane Terribile, Jeremy Mussman, Chris Johns, Shannon Slattery, Margarita Silva, and Russ Born. The organization includes all attorneys and staff that work for a public defender office or indigent representation contract administrator's office. Membership is automatic and there are no membership dues.

The immediate goal of APDA was to improve communication and collaboration between the public defense offices around the state, including county, city, federal and tribal offices. One of the first things that APDA did was to set up a "listserv" so that the directors and other interested parties could quickly exchange ideas and information. Annual reports and caseload statistics were exchanged so that each office could see what the others were doing.

APDA's existence was quickly recognized by the Arizona Legislature. In House Bill 2289, the legislature created the Joint Study Committee on State Funding of the Court

System. The bill specified that the committee would include a public defender to be named by APDA. APDA named Dana Hlavac as the public defender member to serve on this important committee.

The long term goals of APDA are to promote the core values of indigent representation: providing quality representation to our clients; protecting our clients' constitutional rights, and thereby preserving the rights of all; striving for dispositions that are effective in addressing our clients' underlying problems, giving them the best chance of success; and making indigent representation a satisfying and rewarding career choice for attorneys, paraprofessionals, and support staff.

Juvenile Division Chief Receives Distinguished Public Lawyer Award

Helene Abrams, our Juvenile Division Chief and a former Shaw Award recipient, continues to be recognized for her distinguished service to indigent defense. Helene was chosen as the recipient for the Maricopa County Bar Association's 2001 Distinguished Public Lawyer of the Year Award. Helene has been an attorney with the Maricopa County Public Defender's Office since 1981. She did adult trial work from 1981 to 1985, and then transferred to the Juvenile Division. In 1987, she rejoined the Trial Division, spending three years there before transferring to the Appeals Division in 1990. In 1993, Helene was named Juvenile Division Chief, a position she continues to hold today. Helene also finds time to be active in her community. Helene has served on innumerable criminal and juvenile justice committees and has helped draft important legislation and rules regarding juvenile justice issues. She has taught numerous seminars and continuing legal education classes, judged moot court competitions, and is very active in her local PTA. Helene has always been known as a compassionate and fierce advocate for her clients. She has earned the respect and admiration of her colleagues.



Photo Provided Courtesy of the MCBA.

Suzanne Harward, an attorney in our Juvenile Division at Durango, and MCBA Executive Director Brenda Thomson presented this year's Distinguished Public Lawyer Award to Helene on November 15, 2001 at the MCBA's annual luncheon.

Public Defenders' Quality Efforts Recognized

The Arizona Republic ran an article entitled "Fighting for Everybody" on June 19, 2002. The article, which is reprinted below and on the following page, profiled the exceptional efforts of several Maricopa County Defender Attorneys. The article also provided statistics confirming the overall effectiveness of court appointed counsel in criminal proceedings.

THE ARIZONA REPUBLIC

Valley & State

WEDNESDAY
June 19, 2002
SECTION 8



Jack Kurtz/The Arizona Republic

Public defender Marci Kratter meets with client Marcos Carlyle, 18, who is facing prison for car theft.

Fighting for everybody

Protecting rights is public defenders' mission

By Judi Villa
The Arizona Republic

Marci Kratter sits across from the young man in the jail visiting room and helps him write a letter to a judge.

"I know it's going to be hard, but this judge needs to know who you are," Kratter tells Marcos Carlyle. "He needs to know you're not just (case) number 2002-what-ever. He needs to really look at you as a person."

Carlyle, 18, is facing prison for

stealing a car while on probation. Kratter, a public defender, is trying to get him the shortest possible sentence because, she said, he stole the car to buy diapers and food for his daughter and because he is a young man who could succeed if he just had a break.

"A lot of people paint our clients as the worst of the worst. They're difficult. They don't have any social skills. A lot of that is true," Kratter said. "But it's really easy for us to lose sight that underneath the tattoos and the re-

cord, our clients are real people. "They're usually doing what they do to survive, or they've never been taught any different."

More than 80 percent of criminal defendants across the country are represented by publicly financed attorneys like Kratter. Society often vilifies these lawyers, blaming them for the problems in the world and accusing them of trying to free killers.

But a core belief among many

See **LAWYERS** Page B2

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June 19, 2002
Judi Villa/Jack Kurtz

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LAWYERS Fight on principle

From Page B1

in this tight-knit group is that even the worst of the worst are entitled to representation. Their jobs, they say, have nothing to do with whether a person is guilty—in fact, they don't ask.

What matters most is protecting the rights set forth, for everybody, in the Constitution.

"If they can violate the rights of my poor clients, they can violate my rights, and I don't like that," said Vikki Liles, a prosecutor turned public defender.

She emphasized that the issue isn't guilt but rather fair treatment under the law.

"You can tell me that you will never commit a crime, a serious crime, but can you tell me you will never be accused of committing a serious crime?" she said. "You have to think about the kind of lawyer you would want representing you. Everybody is entitled to that lawyer."

Public defenders can juggle 40 or more cases, working long hours for little pay.

"Every time the wrong person is convicted, the real perpetrator is left out in society to do more crimes," said Christopher Johns, a public defender who handles appeals. "We can't just rubber-stamp it and let the wheels roll. Somebody needs to step up and say, 'Wait a minute, you got the wrong person.'"

Jerry Hernandez, a former public defender featured in tonight's premier episode of the ABC series *State v.*, said he defended clients as if he would be serving the time.

Hernandez, who now has a small private practice, gathered friends at his home to serve as mock juries and worked late into the night and on weekends to prepare for trial. When he quit last year after 11 years, he was making \$59,000.

"I liked putting up the fight," Hernandez said from Huntington Beach, Calif., where he works summers as a lifeguard.

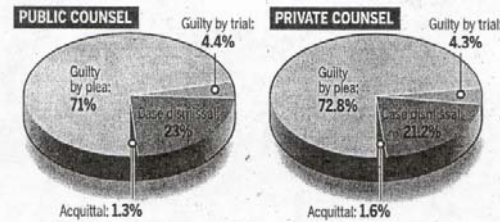
But more important was doing something he believed in.

Defense counsel in criminal cases

More than 80 percent of felony defendants in state courts in the nation's 75 largest counties, including Maricopa County, are represented by publicly financed attorneys. This is how they stack up against private attorneys.

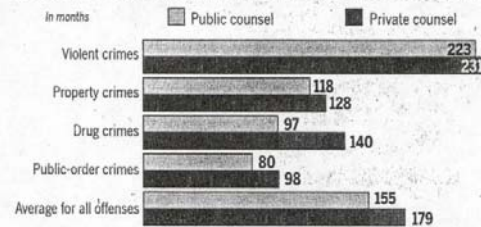
Defendants with public finances or private attorneys had about the same conviction rates.

Case disposition in state court from the 75 largest counties:



Note: Does not add to 100% due to rounding.

State inmates who had public defenders received sentences that on average were slightly shorter than inmates who had private counsel.



Source: U.S. Department of Justice Bureau of Justice Statistics

Mark Waters/The Arizona Republic

"
You have to live according to your principles. ... Sometimes we forget that in our day-to-day lives.

Jerry Hernandez
Criminal defense attorney

"You have to live according to your principles. ... There's a scripture in the Bible that says, 'What you do to the least of my children, you do to me.' I think sometimes we forget that in our day-to-day lives," he said.

And while some may think publicly financed lawyers like Hernandez are not "real" attorneys, a study done by the U.S. Department of Justice found their results comparable with that of their private counterparts.

Defendants with publicly financed attorneys were less likely to be released on bail and spoke with their attorneys less frequently than those with private lawyers.

But those represented by public attorneys had the same

conviction rate as those with private attorneys, and they received the same, or shorter, sentences, on average.

Liles said she is an advocate for her clients and has learned compassion from them.

"There may be a little bit of a monster in all of us," Liles said. "I can't say I would never kill anybody if they were hurting somebody I loved. I can't say I'm that much better than my clients. I've never been in their position."

Kratter, a self-described "softie" and "bleeding-heart liberal," said she looks at clients like Marcos Carlyle and sees potential where others likely do not.

It doesn't matter to her if a client "did it." Her job, she said, is to protect the public from overzealous police and prosecutors and to make the state prove its case. She makes no apologies for that.

"Think about how you'd feel if it was your husband or your son or your father," Kratter said.

"Who would you want to be there with them? You'd want somebody who was going to fight for them, somebody who's going to care, somebody who's going to respect them. That's what I do.

"I don't judge."

Public Affairs Efforts Recognized

The Office's community relations efforts received national recognition in a monograph entitled "Raising Voices: Taking Public Defense to the Streets" published by the Brennan Center for Justice at NYU School of Law. The monograph describes the movement toward community involvement by defender offices around the country, and cites MCPD support in the Family Literacy Project at the Booker T. Washington Headstart Program as an example.

Training

Training in General

The Office continues to operate one of the best public defender training programs in the country. Operating funds for the program are generated entirely from monies collected through a time-payment assessment imposed on people who pay court-ordered fees and, therefore, the program creates no tax burden on the Maricopa County taxpayers. Training funds are used to develop and offer quality, job-specific educational opportunities to all staff. Training provides the tools necessary to develop and enhance employees' abilities to perform their roles and responsibilities as employees of the Office.

New Employee Training

This fiscal year, the Office conducted four new attorney training sessions. Twenty-one attorneys went through our three-week new attorney training program. Taking into account that each session requires approximately one-and-a-half weeks of preparation, approximately four months of the year were devoted to getting new attorneys off to a good start. We continue to be pleased with the results of the three-week intensive session and the recognition our program receives statewide. Because of that recognition, we continue to provide training to new attorneys from several other county public defense offices.

The Office also conducted four new support staff training sessions. Thirty-two non-attorney staff went through the four-day training program. New support staff are welcomed by the Public Defender at the start of training. Snapshots of the various areas and divisions of the office are presented by the Public Defender Administrator, administration personnel, various supervisors and other key staff. New support staff training includes a first-hand look at the Maricopa County Superior Court processes and a tour of the Madison Street Jail.

Continuing Education

The Office sponsored (or co-sponsored) twenty-five training seminars this year. We recorded 1,118 attendees to our seminars.

| Seminar Conducted | Date | Topic | Number Attended |
|---|-------------------|---|-----------------|
| Power Point Presentation | 8/14/01 | Techniques for delivering power point presentations | 3 |
| ACJIS | 9/5/01 | Training for new court computer system | 6 |
| ACJIS | 9/6/01 | Training for new court computer system | 6 |
| Spanish-Speaking Clients | 10/3/01 | Describing our criminal process in Spanish | 50 |
| ACJIS | 10/9/01 | Training for new court computer system | 5 |
| E-Courtroom | 10/10/01 | How to efficiently and effectively use the new e-courtroom format | 15 |
| Professionalism | 10/12/01 | Required Professionalism Training: includes discussions and general guidelines regarding professional conduct | 11 |
| ACJIS | 10/19/01 | Training for new court computer system | 5 |
| Death Penalty 2001 | 12/6/01 | Coercion, False confessions, DNA and Capital closing arguments | 259 |
| Client Interpretation | 1/25/02 | Tips on how to talk to your client through an interpreter | 11 |
| DUI 2002 | 2/8/02 | Accident Reconstruction, Drugs, Driving and Drug Recognition Expert | 135 |
| Overcoming Language/Cultural Barriers | 2/15/02 | Discussion and information regarding cultural or language differences to recognize and accommodate, etc. | 22 |
| Assertive + Attitude = Success | 2/19/02 | Being assertive and having a positive attitude: characteristics leading to success | 7 |
| Management Retreat | 3/7/02 | Leadership Skills and Styles | 50 |
| Trial College | 3/13/02 & 3/15/02 | Trial Skills College with emphasis on Cross-Examination | 48 |
| Immigration Seminar | 3/29/02 | Consequences of particular criminal dispositions on immigration status | 95 |
| Deferred Compensation with Margaret Volpe | 4/16/02 | Recommendations for how much to invest and in what manner, based on personal criteria | 15 |
| Mental Health Treatment | 4/19/02 | An overview of court orders for mental health treatment | 7 |
| Investigator 2002 | 5/8/02 | Drug Thresholds, Child Homicide and Blood Stain Analysis | 53 |
| Mental Health Treatment | 5/10/02 | An overview of court orders for mental health treatment | 24 |
| Leadership Training with Leonard Knight | 5/15/02 | Follow-up on Leadership skills with Leonard Knight | 32 |
| Working with Attorneys | 5/23/02 | Working with attorneys through "thick and thin," how to improve working relations | 26 |
| Working with Attorneys (Second Session) | 5/23/02 | Working with attorneys through "thick and thin," how to improve working relations | 20 |
| Professionalism | 6/14/02 | Required Professionalism Training: Includes discussions and general guidelines regarding professional conduct | 19 |
| Ethics 2002 | 6/21/02 | Legal ethics and lawyering images from the media | 194 |

In addition to the above, ninety-eight employees attended training classes offered by Maricopa County Organizational Planning & Training; eleven employees attended Maricopa County Management Institute's Supervisor or Manager Schools; and seven employees took advantage of the County-sponsored tuition reimbursement program in pursuit of an undergraduate or graduate degree. The Public Defender Training Fund

also provided fifty-five opportunities for staff to receive training sponsored by organizations other than the county. Of those opportunities, twenty-five required out-of-state travel and three required in-state travel.

Training Newsletter

The circulation of our monthly training newsletter *for The Defense* continues to expand. Monthly issues are distributed to all Public Defender staff and over 200 external subscribers. External subscribers include superior court judges, appellate judges, state-wide public defenders, private criminal defense attorneys, and the Arizona Supreme Court and Arizona State University Law School libraries. We continue to receive favorable feedback from judges and attorneys throughout the state.

We dedicated the February 2002 issue of our monthly newsletter, *for The Defense*, to better representation for our Spanish-speaking clients. We received numerous compliments on the issue, with many thanks for focusing on these crucial minority concerns.

Trial College

This year marked the fourth anniversary of our Trial Skills College. Held at Arizona State University School of Law on March 13, 14 & 15, the event provided advanced training in trial skills including cross-examination, opening statements, jury communication, and evidentiary objections. The College is a cost-effective way to train less experienced attorneys and promote the most effective advocacy skills. Because the cost of the college facility is minimal, we were able to bring in instructors with national reputations to work with our own experienced trial attorneys as lecturers and hands-on instructors. We continued the use of professional actors during small breakout sessions. All of the participants were videotaped during breakout sessions as they practiced their newly acquired skills on professional actors who played witnesses. Thirty-nine attorneys attended the three-day endeavor; twenty-nine percent of the participants were from other defender offices.

Technology, Automation and Recordkeeping

Information Technology staff was able to provide improved customer service to Office employees located in the east valley by reassigning one IT help desk staff member to the adult trial division office in Mesa. This move not only reduced customer wait times for on-site assistance, but is saving the Office money by reducing the mileage claims by IT staff previously responding from downtown Phoenix to service and support calls in the east valley. IT support is now no more than 15 minutes away from Public Defender staff located in Mesa offices.

During FY02, one new application developer position was added to existing IT staff. With the addition of this position, IT staff is now able to dedicate more time to developing new applications in addition to supporting the existing applications. New software systems are now being developed in web-based "multi-tier" architecture, allowing the end-user to utilize the program through the use of a web browser. This greatly simplifies the development process and the distribution of new programs, and eliminates many of the traditional costs associated with placing a new program into production.

Records staff were also able to provide improved service by increasing the number of employees who can update the Client Records Management System (CRMS). Previously only Records personnel could update data in CRMS. Records staff worked with IT staff to expand the ability to update information to designated secretarial staff. This brings recordkeeping into the hands of more employees, and brings the number of CRMS users who are able to update case information from 17 to 45. Records staff will continue to expand access to the updating features of CRMS and thoroughly train additional users as circumstances permit. In addition, designated secretarial staff were trained to process case transfers, indictment assignments, and assist with database clean up. This allows Records staff adequate time to make system changes. Over the past year, this change resulted in reducing the two-week lag that was expected when an attorney's assignment changed.

Historically, minute entries were provided by the Clerk's Office up to two months after a hearing occurred. This lag made it difficult to accurately calendar future dates or efficiently match them to Public Defender case files. Records and secretarial staff developed a system to generate a progress report for every case based on the Courts' calendars the day before every hearing. Secretarial staff sent Outlook meetings to attorney calendars when the attorneys returned the progress reports. The progress reports were then sent to Records for updating the CRMS. This project was implemented as a temporary measure while the Office worked with the Clerk of Superior Court on receiving minute entries electronically.

In February 2002, Records began to compare progress reports to minute entries to find the faster method. We found that the Clerk's Office had drastically improved their delivery time of minute entries, and in March, of 2002, our staff began transitioning back to updating CRMS from minute entries. In April, progress reports were phased out beginning with morning calendar felonies, and finally eliminating progress reports for probation violations.

Superior Court began assigning all felonies that would have previously gone to the County's 23 JP Courts to three Regional Court Centers. The felony centers collapsed the time between preliminary hearing and arraignment from 10-17 days to about an hour. In some cases, RCC collapsed the time between arraignment and sentencing. Records responded by relocating former Designated File Managers (DFM) from six groups to the court sites (two per site) to accommodate the newly compressed time frames. Records personnel cross-trained each DFM to create, update, and transfer cases using the CRMS.

Closed case files had previously been held by the former DFM position for 30 days awaiting final minute entries and correspondence. Records responded to the gap by instituting a process where attorneys place their closed files in a basket on each floor. Those files now come directly to the closing area in Records, where closing processors can print a missing disposition from MEEDS (the Clerk's Office's Minute Entry Electronic Distribution system). This process has decreased the time that a sentenced defendant's file could remain "open" on the CRMS by 30 days. By shifting the "middle man" to RCCs, the Office is better able to identify and correct erroneously "open" cases faster (within a week in most cases), while fully staffing the off-site RCCs, using no additional personnel.

IT and Records staff achieved several other notable accomplishments during the fiscal year. Projects were completed to address data collection, accuracy, and timeliness issues with the existing Client Records Management System (CRMS).

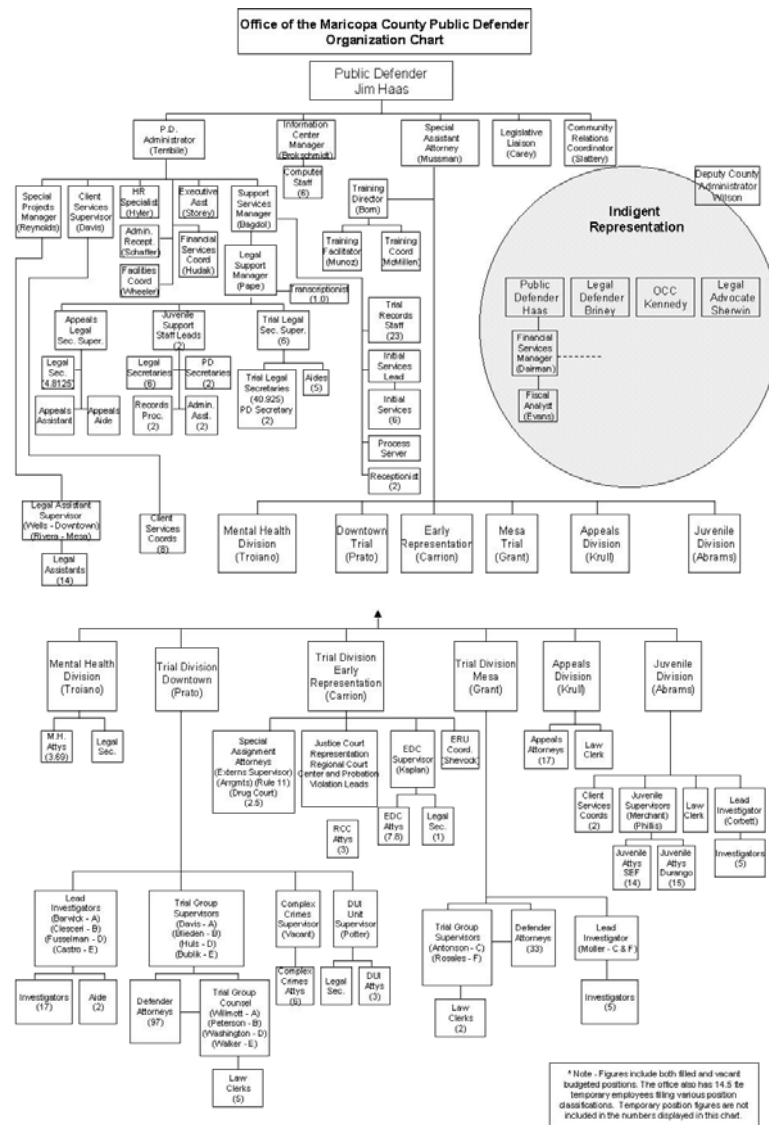
Data Feed – IA Court

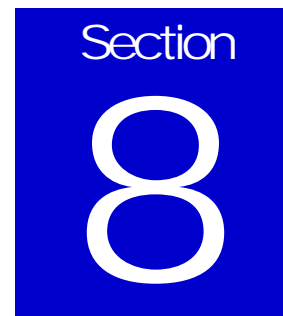
Working with the County's Integrated Criminal Justice Information Systems personnel, a data feed was developed from the Initial Appearance Court to the Office's CRMS. This feed, coming from the IA Court through the ICJIS "integration engine," eliminated a great deal of duplicate data entry by automatically generating new cases in CRMS based upon defendant assignment to the Public Defender in IA Court. This data feed ran in a test environment for several months, waiting for final configuration and programming at the IA Court. The Public Defender is prepared to begin accepting production data at any time, and we anticipate the feed to be in production in FY03.

Electronic Minute Entry Distribution

In February 2002, the Office reached an agreement with the Clerk's Office to receive all Public Defender minute entries by electronic mail. This new process provides electronic minute entries directly from the Clerk's Office substantially sooner than hard copies previously received. The Clerk's office sends the minute entries by email to a "departmental public folder" that has been established in the Exchange email system. Through an elaborate set of sorting rules, incoming minute entries are sorted for review by Public Defender staff. Staff responsible for monitoring receipt of minutes entries record updates and then forward the minute entry to the "attorney of record." This process has proven to be much more efficient and timely than the previous process of waiting for hard copies of the minute entry. It created such efficiency that secretaries were removed from calendaring process completely, and attorneys no longer spend time filling out daily progress reports. The timelines for updating are improved to the point that a hearing could occur on Monday, and the minute entry information could be in the attorney's email inbox and Outlook calendar by Thursday. The new process also eliminated the four-hour job of sorting, stamping, and delivering thousands of pieces of paper, which were often returned to Records for filing.

Organizational Chart



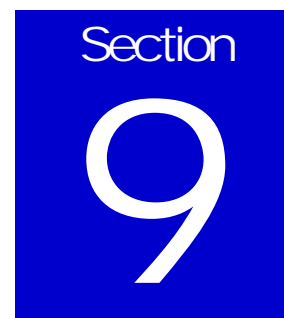


Budget at a Glance

MARICOPA COUNTY PUBLIC DEFENDER'S OFFICE BUDGET

7/1/01 THROUGH 6/30/02

| ACCOUNT | EXPENDITURES |
|-----------------------------|-------------------------|
| SALARIES & BENEFITS | \$ 23,523,599.59 |
| GENERAL SUPPLIES | 247,850.19 |
| NON-CAPITAL EQUIPMENT | 39,961.18 |
| LEGAL SERVICES | 409,665.90 |
| OPERATING LEASES AND RENTS | 1,772,964.99 |
| REPAIRS AND MAINTENANCE | 16,427.80 |
| TRAVEL AND EDUCATION | 265,266.03 |
| INTERNAL SERVICE CHARGES | 62,147.62 |
| FUEL | 9,395.71 |
| OTHER SERVICES | 112,100.29 |
| POSTAGE/FREIGHT/SHIPPING | 29,476.97 |
| TOTAL EXPENDITURES | \$ 26,488,856.27 |
| APPROPRIATIONS | AMOUNT |
| GENERAL FUNDS | \$ 25,213,412.00 |
| TRAINING FUNDS | 382,000 |
| GRANTS | 1,178,775.00 |
| TOTAL APPROPRIATIONS | \$ 26,774,187.00 |



Statistical Abstracts

All Divisions

- FY02 SUMMARY OF CASE ASSIGNMENTS
- FY02 COST PER CASE
- CHANGE IN COMBINED COST PER CASE FY98-FY02

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- DEATH PENALTY V. NON-CAPITAL APPELLATE CASES
- APPELLATE CASES CLOSED
- APPELLATE CASES FINAL DISPOSITIONS
- APPELLATE BRIEFS FILED
- OTHER APPELLATE FILINGS
- PCR CASES OPENED AND CLOSED
- JUVENILE APPELLATE CASES OPENED
- JUVENILE APPELLATE CASES CLOSED
- JUVENILE APPELLATE BRIEFS AND MOTIONS FILED

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- TYPE AND NUMBER OF CASES ASSIGNED *Table 21, Page 34*
- FELONY CASE ACTIVITY *Table 22, Page 34*
- TYPE AND NUMBER OF CASES CLOSED *Table 23, Page 34*
- FINAL DISPOSITIONS RESULTING IN SENTENCING *Table 24, Page 34*
- FELONY CLOSED CASE DISPOSITIONS *Table 25, Page 35*
- WAIVERS AND PRELIMINARY HEARING ACTIVITY *Table 26, Page 35*
- FELONY CASE ACTIVITY BY JUSTICE COURT *Table 27, Page 35*
- MISDEMEANOR CASE ACTIVITY BY JUSTICE COURT *Table 28, Page 36*

ALL
DIVISIONS

| Division | Type of Case | Cases Assigned |
|---|------------------------|----------------|
| Trial¹ | Misdemeanors | 4,918 |
| | Felonies | 23,414 |
| | Probation Revocations | 13,751 |
| Juvenile | Delinquency | 5,670 |
| | Incorrigibility | 85 |
| | Probation Revocation | 2,334 |
| | Report and Review | 675 |
| | Other | 844 |
| Appeals² | Appeals | 449 |
| | Post Conviction Relief | 2,599 |
| | Juvenile Appeals | 86 |
| Mental Health | All | 1,772 |
| Total Cases Assigned | | 56,597 |
| ¹ Trial Division case assignments are adjusted for workload. The number of cases assigned is adjusted to exclude: 1) assignments resulting in no complaint being filed, 2) early stage case transfers to another indigent representation department, 3) early stage withdrawals due to conflict or retention of private counsel, and 4) withdrawals due to workload. ² PCR and Appeal cases are counted by CR# rather than by number of petitions. | | |

Table 1 FY02 Case Assignments – All Divisions

| Division | Cost Per Case |
|---------------|------------------|
| Trial | \$ 667.92 |
| Juvenile | \$ 410.23 |
| Appeals | \$ 1,559.21 |
| Mental Health | \$ 294.71 |
| Total | \$ 639.51 |

Table 2 FY02 Cost Per Case by Division

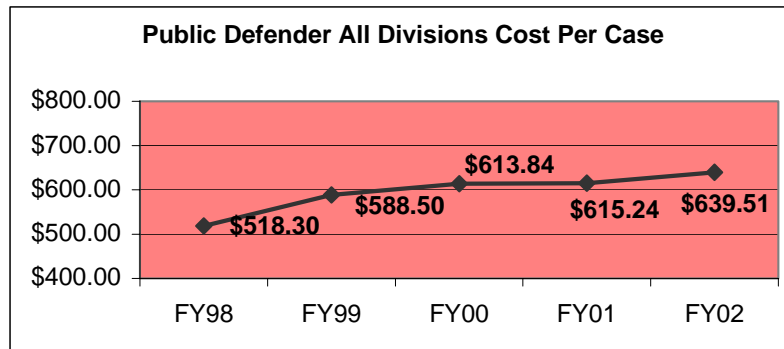


Figure 1 FY02 Total Public Defender Cost Per Case

Important - Please Note: Cost per case calculations are based on “case credits.” The total “case credits” for the Trial Division is calculated by adding: 1) the total adjusted felony case assignments, 2) two-thirds of the probation revocation assignments, and 3) one-half of the misdemeanor assignments. The total case credits for the Juvenile Division is calculated by giving full credit to all case assignment types except report and review cases, which are credited as one-half of a case. Mental Health and Appeals Division case assignments receive full credit.

APPEALS
DIVISION

| TYPES OF CASES | NUMBER OPENED |
|----------------------|---------------|
| Jury Trial | 342 |
| Court Trial | 19 |
| Change of Plea | 4 |
| Probation Revocation | 46 |
| State's Appeal | 29 |
| Resentencing | 8 |
| Other | 0 |
| Total Opened | 448 |

Table 3 Non-Capital Appellate Cases Opened in FY02

| Type of Case | Number |
|---------------------|--------|
| Non-Capital Cases | 448 |
| Death Penalty Cases | 1 |

Table 4 FY02 Death Penalty v. Non-capital Appellate Cases

| APPELLATE CASE ACTIVITY | NUMBER CLOSED |
|-------------------------|---------------|
| Withdrew – Conflict | 18 |
| Substitution of Counsel | 8 |
| Appeal Dismissed | 16 |
| Dismissed – Rule Change | 7 |
| Order and Mandate | 397 |
| Total Closed | 446 |

Table 5 Appellate Cases Closed in FY02

| Final Dispositions | Number |
|--|--------|
| Affirmed | 304 |
| Affirmed as Modified | 18 |
| Affirmed; Vacated; Remanded | 1 |
| Affirmed; Sentence Reduced | 1 |
| Affirmed in Part; Reversed in Part | 7 |
| Affirmed in Part; Vacated; Remanded | 11 |
| Conviction Affirmed; Sentence Vacated; Remanded | 3 |
| Court of Appeals Decision Reversed; Remanded for New Trial | 1 |
| Court of Appeals Decision Vacated; Affirmed | 1 |
| Court of Appeals Decision Vacated; Reversed; Remanded | 1 |
| Court of Appeals Decision Vacated; Affirmed in Part; Vacated in Part | 1 |
| Remanded | 2 |
| Remanded with directions | 2 |
| Reversed | 1 |
| Reversed; Remanded | 8 |
| Reversed; Remanded in Part | 1 |
| State's Affirmed | 4 |
| State's Affirmed in Part; Vacated in Part | 2 |
| State's Reversed; Remanded | 7 |
| State's Vacated; Remanded | 8 |
| Sentence Vacated; Remanded | 7 |
| Sentence Vacated in Part; Remanded for Resentencing | 4 |
| Vacated; Remanded | 1 |

Table 6 FY02 Appellate Cases Final Dispositions

| Type of Brief | | Number Filed |
|---------------------------|-----------------------|--------------|
| Anders Briefs filed in: | Changes of Plea | 0 |
| | Probation Revocations | 9 |
| | Resentencing | 1 |
| | Trials | 88 |
| | - supplemental briefs | 2 |
| Issue Briefs filed in: | Changes of Plea | 0 |
| | Probation Revocations | 7 |
| | - supplemental briefs | 2 |
| | Resentencing | 1 |
| | Trials | 109 |
| | - supplemental briefs | 11 |
| Answering Briefs | | 27 |
| Reply Briefs | | 95 |
| Total Briefs Filed | | 352 |

Table 7 FY02 Appellate Briefs Filed

| Other Types of Appellate Filings | Number Filed |
|---|--------------|
| Oral Arguments | 3 |
| Motions Filed | 705 |
| Petitions for Review, Responses to Petition for Review, Motions for Reconsideration | 49 |
| Writs of Certiorari – U.S. Supreme Court | 3 |
| Respondents Brief – U.S. Supreme Court | 0 |
| Total Other Filings | 760 |

Table 8 Other Appellate Filings in FY02

| Petition for Post Conviction Relief Cases | Cases Opened | Cases Closed |
|---|--------------|--------------|
| Plea PCRs | 1,251 | 1,014 |
| Trial PCRs | 256 | 289 |
| Total | 1,507 | 1,303 |

Table 9 FY02 Petitions for Post Conviction Relief Cases Opened and Closed

| JUVENILE APPEAL CASES | NUMBER OPENED |
|-----------------------|---------------|
| Total Opened | 31 |

Table 10 Juvenile Appellate Cases Opened in FY02 (not including additional 55 cases opened by the Juvenile Division)

| JUVENILE APPELLATE CASE ACTIVITY | NUMBER CLOSED |
|----------------------------------|---------------|
| Withdrew – Conflict | 0 |
| Substitution of Counsel | 0 |
| Appeal Dismissed | 2 |
| Order and Mandate | 41 |
| Other | 5 |
| Total Closed | 48 |

Table 11 Juvenile Appellate Cases Closed in FY02 (not including additional 45 cases closed by the Juvenile Division)

| Juvenile Appeals Briefs and Motions | Number Filed |
|-------------------------------------|--------------|
| Anders Briefs | 17 |
| Issue Briefs | 19 |
| Answering Briefs | 0 |
| Reply Briefs | 13 |
| Total Briefs and Motions | 49 |

Table 12 Juvenile Appellate Briefs and Motions Filed in FY02 (not including additional cases handled by the Juvenile Division)

JUVENILE
DIVISION

| Type of Case | Durango | Southeast | Total |
|-----------------------------|--------------|--------------|--------------|
| Delinquency Petitions | 2,761 | 2,909 | 5,670 |
| Disposition Only | 3 | 10 | 13 |
| Incorrigibility | 33 | 52 | 85 |
| Probation Violation | 1,105 | 1,229 | 2,334 |
| Regular Case – Unassigned | 315 | 516 | 831 |
| Report and Review | 437 | 238 | 675 |
| Total Cases Assigned | 4,654 | 4,954 | 9,608 |

Table 13 Juvenile Cases Assigned in FY02

| Type of Case | Durango | Southeast | Total |
|---------------------------|--------------|--------------|--------------|
| Delinquency Petitions | 2,311 | 2,300 | 4,611 |
| Disposition Only | 3 | 11 | 14 |
| Incorrigibility | 30 | 45 | 75 |
| Probation Violation | 965 | 1,065 | 2,030 |
| Regular Case – Unassigned | 898 | 1,360 | 2,258 |
| Report and Review | 411 | 260 | 701 |
| Total Cases Closed | 4,618 | 5,041 | 9,689 |

Table 14 Juvenile Cases Closed in FY02

| Type of Disposition | Durango | Southeast | Total |
|--------------------------------------|--------------|--------------|--------------|
| Terminated and Closed | 134 | 158 | 292 |
| Transferred to Other County | 14 | 19 | 33 |
| Withdrew – Conflict | 11 | 15 | 26 |
| Retained Private Counsel | 40 | 44 | 84 |
| Time Served Only | 11 | 21 | 32 |
| Fine Only | 37 | 32 | 69 |
| Detention Only | 20 | 8 | 28 |
| Work Hours Only | 15 | 21 | 36 |
| Restitution Only | 0 | 4 | 4 |
| Other Penalty Only | 8 | 21 | 29 |
| Probation Home | 1,506 | 1,563 | 3,069 |
| Probation/Intensive | 445 | 330 | 775 |
| Probation/Placement | 135 | 99 | 234 |
| Committed to DYTR | 122 | 79 | 201 |
| Total Sentencing Dispositions | 2,498 | 2,414 | 4,912 |

Table 15 FY02 Juvenile Delinquency, Incorporrigibility and Probation Revocation Case Dispositions

| Juvenile Transfer Activity | Number |
|----------------------------|-----------|
| Transfers Denied | 5 |
| Transferred – Lesser/Fewer | 2 |
| Transferred – All Counts | 10 |
| Transfer Withdrawn | 2 |
| Total Transfers | 19 |

Table 16 Juvenile Transfer Cases in FY02

| Type of Result | | Durango | Southeast | Total |
|---|--|--------------|--------------|--------------|
| Cases Closed Without Admission or Adjudication | Conflict of Interest | 155 | 197 | 352 |
| | Retained Private Counsel | 17 | 21 | 38 |
| | Dismissed Prior to Adjudication | 499 | 804 | 1,303 |
| | Dismissed – Plea to Other | 289 | 372 | 661 |
| | Transferred | 1 | 0 | 1 |
| | Withdrew – Caseload | 0 | 0 | 0 |
| Total Cases Closed Without Admission or Adjudication | | 961 | 1,394 | 2,355 |
| Admissions | Pled – Lesser/Fewer | 1,690 | 1,980 | 3,670 |
| | Pled – As Charged/Others Dismissed Not Filed | 499 | 407 | 906 |
| | Pled – As Charged | 531 | 588 | 1,119 |
| | Total Cases Closed With Admissions | 2,720 | 2,975 | 5,695 |
| Adjudication Hearings | Guilty – Lesser/Fewer | 73 | 60 | 133 |
| | As Charged | 220 | 141 | 361 |
| | Not Guilty | 85 | 69 | 154 |
| | NGRI/Guilty But Sane | 0 | 0 | 0 |
| | Total Cases Closed By Adjudication | 378 | 270 | 648 |

Table 17 FY02 Sentencing Dispositions on Juvenile Petitions

**MENTAL
HEALTH
DIVISION**

| Type of Case | Total Assigned |
|-----------------------------|----------------|
| Mental Health RX/Evaluation | 1,722 |
| Annual Review | 38 |
| Judicial Review | 12 |
| Other | 0 |
| Total Cases Assigned | 1,772 |

Table 18 Mental Health Cases Assigned in FY02

| Type of Disposition | Total |
|---|--------------|
| Client Discharged from Evaluation | 212 |
| Client Admitted Voluntarily | 30 |
| Client Admitted by Guardian with Mental Health Powers | 1 |
| Client Ordered to Treatment | 1,270 |
| Detention Order for Evaluation Expired | 88 |
| Detention Order for Treatment Hearing Not Issued | 4 |
| Client Discharged Prior to Treatment Hearing | 27 |
| Case Dismissed on Client's Motion | 26 |
| Case Dismissed by Stipulation | 1 |
| Case Dismissed at Treatment Hearing | 44 |
| Private Counsel Retained | 15 |
| Private Counsel Appointed – Client Not Indigent | 1 |
| Private Counsel Appointed – Conflict | 3 |
| Judicial Review | 12 |
| Annual Review | 38 |
| Total Dispositions | 1,772 |

Table 19 Mental Health Case Dispositions in FY02

| Type of Case | Number Ordered to Treatment |
|--|-----------------------------|
| Gravely Disabled | 21 |
| Gravely Disabled – Persistently Gravely Disabled | 29 |
| Gravely Disabled – Persistently Gravely Disabled/Danger to Self | 3 |
| Gravely Disabled – Persistently Acutely Disabled/Danger to Others | 4 |
| Gravely Disabled – Persistently Acutely Disabled/Danger to Self or to Others | 5 |
| Gravely Disabled – Danger to Self | 3 |
| Gravely Disabled – Danger to Self or to Others | 1 |
| Gravely Disabled – Danger to Others | 4 |
| Persistently Acutely Disabled | 700 |
| Persistently Acutely Disabled – Danger to Self | 171 |
| Persistently Acutely Disabled – Danger to Self or to Others | 40 |
| Persistently Acutely Disabled – Danger to Others | 108 |
| Danger to Self | 117 |
| Danger to Self or to Others | 37 |
| Danger to Others | 27 |
| Total Number Ordered to Treatment | 1,270 |

Table 20 Mental Health Cases Ordered to Treatment in FY02

TRIAL
DIVISION

| Type of Case | Number |
|------------------------------------|--------|
| Felony Assignments * | 35,427 |
| Witness Only | 6 |
| Drug Only | 618 |
| Mental Health Reviews | 0 |
| Felony Revocation Assignments | 15,308 |
| Homicide | 218 |
| Serious Crimes Against Children | 412 |
| Juveniles Transferred to Adult | 43 |
| Misdemeanor Assignments | 5,129 |
| Misdemeanor Revocation Assignments | 106 |
| Lower Court Appeals | 12 |

Table 21 Trial Division Type of Case Assignments in FY02 (*gross assignments before workload adjustment)

| Felony Case Activity | Number Opened |
|---|---------------|
| Cases Assigned for Preliminary Hearing | 29,396 |
| Direct Complaints | 4,514 |
| Trial Only | 173 |
| Juveniles Transferred to Adult | 43 |
| Other Superior Court Felony Assignments | 2,908 |
| Resentencing | 26 |
| Sentencing Only | 15 |
| Total Cases Opened | 37,075 |

Table 22 Trial Division Felony Case Activity in FY02

| Type of Case | Number Closed |
|-----------------------------------|---------------|
| Felony Cases | 35,362 |
| Felony Probation Revocations | 15,030 |
| Misdemeanor Cases | 4,547 |
| Misdemeanor Probation Revocations | 54 |
| Total Cases Closed | 54,993 |

Table 23 Trial Division Cases Closed in FY02

| Felony Case Dispositions Resulting in Sentencing | Number |
|---|---------------|
| Pled Guilty as Charged | 2,309 |
| Pled Guilty to Lesser/Fewer | 13,836 |
| Pled Guilty to Charge – Others Not Filed | 773 |
| Guilty as Charged (Jury Trial) | 170 |
| Guilty as Charged (Non-Jury Trial) | 20 |
| Guilty Lesser/Fewer (Jury Trial) | 76 |
| Guilty Lesser/Fewer (Non-Jury Trial) | 13 |
| Total Dispositions Resulting in Sentencing | 17,197 |

Table 24 FY02 Trial Division Final Dispositions Resulting in Sentencing

| Type of Felony Case Disposition | Number Closed in Justice Court | Number Closed in Superior Court |
|---|--------------------------------|---------------------------------|
| Trials* | 34 | 575 |
| Guilty Pleas | 699 | 16,219 |
| Dismissed | 730 | 1,629 |
| Guilty But Insane | 0 | 7 |
| Withdrew – Workload | 0 | 68 |
| Withdrew – Conflict of Interest | 698 | 1,120 |
| Administrative Transfer to LD, OLA or OCC | 34 | 896 |
| Retained Private Counsel | 760 | 1,207 |
| No Complaint Filed | 10,675 | 2 |
| Other | 190 | 1,008 |
| Total Cases Closed | 13,820 | 22,731 |

Table 25 FY02 Felony Closed Case Dispositions (*Data Source: Public Defender Newsletter, for *The Defense*.)

| Waivers & Preliminary Hearing Activity | | Number |
|--|--------------------------------|--------|
| Preliminary Hearings Waived | Straight Waived | 3,525 |
| | Waived with Plea | 7,962 |
| Preliminary Hearings Held | Dismissed After Hearing | 109 |
| | Held to Answer on All Counts | 1,414 |
| | Held to Answer on Fewer Counts | 84 |

Table 26 FY02 Waivers and Preliminary Hearing Activity

| Justice Court | Total Felony Assignments | Closed/Furthered | Closed at Justice Court | Referred to Superior Court |
|-------------------|--------------------------|------------------|-------------------------|----------------------------|
| Buckeye | 303 | 319 | 180 | 135 |
| Central Phoenix | 1,132 | 1,185 | 557 | 609 |
| Chandler | 1,201 | 1,277 | 724 | 548 |
| East Mesa | 1,196 | 1,269 | 464 | 787 |
| East Phoenix I | 2,450 | 2,692 | 1,129 | 1,536 |
| East Phoenix II | 1,054 | 1,163 | 508 | 649 |
| East Tempe | 914 | 906 | 439 | 450 |
| Gila Bend | 67 | 73 | 41 | 32 |
| Glendale | 1,911 | 2,041 | 1,094 | 940 |
| Maryvale | 990 | 1,081 | 438 | 636 |
| North Mesa | 682 | 736 | 244 | 479 |
| North Valley | 972 | 1,021 | 553 | 465 |
| Northeast Phoenix | 1,235 | 1,310 | 635 | 667 |
| Northwest Phoenix | 1,135 | 1,215 | 569 | 636 |
| Peoria | 841 | 941 | 545 | 389 |
| Scottsdale | 934 | 983 | 390 | 581 |
| South Mesa | 1,061 | 1,132 | 447 | 673 |
| South Phoenix | 1,125 | 1,248 | 550 | 684 |
| Tolleson | 1,261 | 1,338 | 713 | 613 |
| West Mesa | 1,592 | 1,668 | 613 | 1,036 |
| West Phoenix | 1,452 | 1,617 | 705 | 897 |
| West Tempe | 911 | 946 | 432 | 504 |
| Wickenburg | 128 | 148 | 86 | 61 |
| Other | 3,933 | 1,852 | 1,513 | 320 |
| TOTALS | 28,480 | 28,161 | 13,569 | 14,327 |

Table 27 FY02 Felony Case Activity by Justice Court

| Justice Court | Misdemeanor Assignments | Number Closed |
|----------------------|--------------------------------|----------------------|
| Buckeye | 181 | 153 |
| Central Phoenix | 164 | 141 |
| Chandler | 132 | 128 |
| East Mesa | 371 | 332 |
| East Phoenix I | 461 | 406 |
| East Phoenix II | 151 | 135 |
| East Tempe | 283 | 264 |
| Gila Bend | 39 | 35 |
| Glendale | 108 | 98 |
| Maryvale | 215 | 177 |
| North Mesa | 106 | 90 |
| North Valley | 167 | 147 |
| Northeast Phoenix | 355 | 288 |
| Northwest Phoenix | 179 | 169 |
| Peoria | 283 | 229 |
| Scottsdale | 100 | 100 |
| South Mesa | 203 | 192 |
| South Phoenix | 194 | 162 |
| Tolleson | 280 | 269 |
| West Mesa | 351 | 300 |
| West Phoenix | 383 | 353 |
| West Tempe | 321 | 277 |
| Wickenburg | 102 | 102 |
| Other | 0 | 1 |
| TOTAL | 5,129 | 4,548 |

Table 28 FY02 Misdemeanor Case Activity by Justice Court

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