



DUI CASE MANAGEMENT PLAN
(As filed on May 31, 2006)

I. INTRODUCTION

In order to better serve the citizens of Arizona and particularly the citizens of Phoenix, The Phoenix Municipal Court has chosen to participate in the Arizona Supreme Court’s DUI Case Processing Pilot Project. The Phoenix Municipal Court has developed a comprehensive plan for case management from initial appearance through sentence compliance. The Phoenix Municipal Court is committed to the fundamental principle that all citizens who have business before this Court are to be treated with respect, courtesy and fairness. Effective case management enhances the Court’s ability to ensure speedy trial rights and due process for all participants in the criminal justice system.

II. CURRENT STATUS OF DUI CASELOAD

The time to disposition for DUI cases in Phoenix Municipal Court this fiscal year-to-date through March 31, 2006 is reflected in the following table. This fiscal year-to-date, the Court resolved 69.6% of its DUI caseload within 120 days (measured from the date of filing to disposition) and 84.4% within 180 days.

Age of Terminated DUI Cases (in days - filing to disposition)
FY '06 thru March (9 months)

0-30 days	31-60 days	61-90 days	91-120 days	121-150 days	151-180 days	181-270 days	271-365 days	365+ days	Total Cases
601	1,450	828	686	466	292	449	177	169	5,124
11.7%	28.3%	16.2%	13.4%	9.1%	5.7%	8.8%	3.4%	3.3%	100%
11.7%	40.0%	56.2%	69.6%	78.7%	84.4%	93.1%	96.6%	100%	

III. CASE MANAGEMENT PLAN OBJECTIVES

The objective of this plan is to identify certain procedures adopted by Phoenix Municipal Court to reduce the time it takes to properly resolve its DUI caseload, within the timeframe set forth in the Supreme Court’s Administrative Order No. 2006-38. Specifically, the procedures identified in this case management plan will be used to assist this Court in achieving a resolution of 90% of its DUI cases within 120 days (measured from the date of filing to disposition), and 98% of its DUI cases within 180 days by June 30, 2007.

IV. RULES OF PROCEDURE FOR DUI CASES

Pursuant to the Supreme Court’s Administrative Order No. 2006-38, the following procedures will govern the processing of DUI cases in Phoenix Municipal Court, effective July 1, 2006. A separate notice of these provisions will accompany any court date notice regularly provided for scheduled pre-trial conferences and trials for DUI cases:

- a. In addition to the requirements of Rule 16.5 of the Arizona Rules of Criminal Procedure in cases involving a DUI violation, the Court shall hold a pre-trial conference within 14-28 days of arraignment. Pursuant to Rule 1.4A, Local Rules of Practice and Procedure for the City Court of the City of Phoenix, attendance at the first pre-trial conference and all future proceedings at the date and time scheduled shall be mandatory for the defendant, defense counsel, if any, and the prosecutor. Should a second or subsequent pre-trial conference be necessary, the defendant’s attendance shall be mandatory unless defense counsel makes a request to waive the client’s presence and meets the following criteria:
 - 1) The waiver (and court’s ruling) of this requirement must be done in advance of the pre-trial conference and does not apply to the first pre-trial conference.
 - 2) Counsel must avow they have been in contact with their client and their client is in agreement to waive their presence. Counsel must further avow that the matters to be handled at the subsequent pre-trial conference will not need the defendant’s presence to resolve, i.e. discovery or deposition issues.
 - 3) Extraordinary circumstances exist.

- b. In cases involving a DUI violation, all court dates shall be considered firm. To ensure that court dates for pre-trial conferences are considered firm:
- 1) The Court shall continue to notify the Prosecutor's Office of those jury-eligible cases which are set to a pre-trial conference by close of business day following the arraignment date. The Court will include the name of any private counsel of record and/or whether or not there is a court-appointed attorney, as well as the date of the scheduled pretrial conference.
 - 2) The Court shall require the Prosecutor's Office to provide all *available* discovery prior to the first pre-trial conference, to the defendant or defense counsel, if any.
 - 3) The Court, when providing notice of the court date for the first pre-trial conference, shall encourage defense counsel to meet with the defendant *prior* to the pre-trial conference to review available discovery with the defendant. The court shall provide notice of the name of any court-appointed attorney along with instructions to contact that attorney at least 10 days before the first pre-trial conference.
 - 4) The Court will issue an arrest warrant for any defendant who fails to appear for any scheduled pre-trial conference and shall require the posting of a bond. Appearance by defense counsel will not be considered as satisfaction of this requirement in the absence of extraordinary circumstances. Issuance of a warrant is subject to the discretion of the individual judge handling the case.
 - 5) When a motion to continue a pre-trial conference is filed, the Court shall require both the state and the defense to inform the Court of the status of the case. Specifically, whether discovery, interviews and motions are complete, or whether there remain any unresolved issues which prevent the case from being resolved or set for trial. The Court shall then direct both the state and the defense to take reasonable steps to complete the identified issues remaining. The Court shall set reasonable deadlines to address issues identified as incomplete.
 - 6) In setting a case for trial, the Court shall require both parties to avow that discovery is complete and that all pre-trial motions will be filed no later than 20 days prior to trial pursuant to Rule 16.1b. Both counsel shall complete and sign a *Motion to Set* when setting a DUI case to trial.
- c. The Court shall schedule a *no witness conference* in Courtroom 607 one week after the last pre-trial conference for any case set to jury trial. At the *no witness* conference, both the state and the defense (including *pro per* defendants) shall be present, have their schedules available and have confirmed the availability of all potential witnesses they plan to call to testify. Defense counsel may appear telephonically for this conference, however, when appearing telephonically counsel must call in between 9:00 am and 11:00 am on the day of the *no witness* setting. Based on the information provided by the parties, the Court shall schedule a firm trial date. All trial dates set will be considered a *date certain* jury trial and will only be continued if extraordinary circumstances exist. The Court shall also advise all attorneys:
- 1) Not to create a scheduling conflict by over scheduling their calendar; and
 - 2) If the attorney's calendar is over scheduled, the attorney shall provide the services of another attorney to their client so as not to delay these proceedings.
- d. To ensure that trial dates for DUI cases are considered firm:
- 1) The Court will continue to study and develop additional plans for scheduling evidentiary hearings and/or oral arguments on motions. The focus will be on a schedule that best utilizes the parties' and Court's time to reduce any delay that pending motions create.
 - 2) As part of the Court's "master calendar" system for all jury-eligible cases, the Court shall continue to prioritize cases for trial based on case age, with the oldest cases considered as the highest priority.
 - 3) The Court shall consider motions to continue only for extraordinary reasons pursuant to Rule 8.6 of the Arizona Rules of Criminal Procedure and shall not consider such motions following calendar call except for extraordinary reasons *not known* to the parties at the time of calendar call and with due diligence, could not reasonably have been known to the parties at calendar call.
 - 4) The Court will, in exercising its discretion, issue an arrest warrant for any defendant who fails to appear for trial and shall require the posting of a bond.
 - 5) In holding DUI cases for trial following "calendar call" 3 days prior to the trial date, the Court shall place the least number of DUI cases "on standby" as is practicable to ensure that more cases are able to start earlier on the day of trial.
 - 6) The Court shall ensure that jury orientation is completed as early as practicable in order to have jury panels available for courtrooms by 8:30 a.m. (Note: This was implemented in April, 2006)
 - 7) When scheduling cases for trial involving the same attorney, the Court shall distribute them so that multiple cases by the same attorney will not be scheduled on the same day.

- e. In addition to the requirements of Rule 4.2, Arizona Rules of Criminal Procedure, at the arraignment of a defendant who is charged on an Arizona Traffic Ticket and Complaint with DUI, the Court shall order the defendant to be fingerprinted by an appropriate law enforcement agency prior to the first pre-trial conference, if the court has reasonable cause to believe that the defendant was not previously fingerprinted as prescribed by A.R.S. § 41-1750(U).
- f. In addition to the requirements of Rule 16.6, Arizona Rules of Criminal Procedure, if the Court, upon motion of the prosecutor made at the time of trial, grants a motion to dismiss a misdemeanor prosecution for DUI, the Court may impose any sanction it finds appropriate that is reasonably related to the reason for the prosecutor's motion to dismiss to apply in all further proceedings should the case be refiled. Available sanctions include, but are not limited to:
 - 1) Precluding or limiting the calling of a witness, use of evidence or argument in support of a charge, or
 - 2) Imposing costs of continuing the proceedings, or
 - 3) Any other appropriate sanction, or
 - 4) Dismissal of the case with or without prejudice.

V. CASE MANAGEMENT TIME GUIDELINES

The Court shall manage DUI cases consistent with the following time guidelines:

- a. Arraignment shall occur within 10 days after a complaint is filed.
- b. The first pre-trial conference shall occur within 14 days after the arraignment. Cases identified as involving an accident or victim will be set for a pre-trial conference 28 days after arraignment to allow additional discovery time and victims' rights compliance.
- c. The Court shall practice early intervention by having the parties take necessary steps to identify if the case will result in a plea or go to trial within 60 days of the first pre-trial conference.
- d. Cases set for trial will have a *no witness* conference in Courtroom 607. The Court shall schedule the *no witness* conference 7 days after the last pre-trial conference.
- e. The Court, in Courtroom 607, shall select a *date certain* trial date within 30 days or at a time that is still within 120 days of the date of filing.
- f. The Court, in Courtroom 607, shall conduct a final calendar call 3 days prior to the *date certain* trial date. The Court shall require a *Certificate of Readiness* to be filed by both parties at the calendar call.

VI. OTHER CASE MANAGEMENT ACTIONS

In addition to the above-listed procedures,

- a. The court will implement plans for warrant enforcement and sentence compliance for high risk offenders to reduce recidivism rates and increase public safety.
- b. The prosecutor's office, defense counsel and police department will continue to discuss ways to coordinate a central officer interview scheduling system in order to reduce the time it takes to schedule and complete officer interviews. These parties shall advise the court of any progress or system change at weekly meetings attended by all parties or at the Criminal Justice Coordinating Committee.
- c. The Court shall sponsor an internal caseload management workshop for judges of the Court to discuss issues specific to Phoenix Municipal Court. (Note: This was held on April 24 & 25, 2006 and was facilitated by the NCSC.)
- d. The Court shall implement an early disposition court, in which DUI cases will be reviewed by a prosecutor for possible plea at the scheduled time of arraignment. (Note: This was implemented on May 1, 2006)
- e. The Court shall actively monitor on a monthly basis the age and volume of its pending DUI caseload, the number of events per case, the age of its cases at disposition, and the number of case dispositions as a percentage of filings.
- f. The Court shall further monitor case management statistics for each individual judge, allowing each judge to see his or her individual results.
- g. The Court shall routinely meet with the judges to discuss progress towards meeting the goals set forth in this case management plan.
- h. The Court will continue to meet with our local criminal justice coordinating committee, consisting of representatives from the court, the police department, the prosecutor's office, the public defender's office, and other city management representatives, to assist the Court in implementing its DUI case processing plan and in resolving DUI processing issues that occur prior to filing through disposition of a case.

- i. Our local criminal justice coordinating committee shall meet on a regular basis to update the DUI case processing management plan and work toward eliminating obstacles to:
 - 1) Accelerating the completion of pre-filing documentation;
 - 2) Ensuring that fingerprints are taken at the time of the offense or establishing a time and place that fingerprints can be taken;
 - 3) Addressing complaints that are rejected by the court as untimely filed;
 - 4) Reviewing the ATTC and exploring the potential benefit of adding discovery information (any modifications to the ATTC must be approved by the Supreme Court and the AOC will pay for printing new citation forms).
- j. In addition to the local criminal justice coordinating committee, the Court will continue to meet with representatives of the police department, the prosecutor's office, the public defender's office and the private defense bar as a separate work group on a more frequent basis to resolve specific DUI case processing issues.