



**MINUTES**  
*Arizona Supreme Court*  
Wednesday, August 26, 2015

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**R-14-0010**                      **RULES 31.2(a), 31.4(a), 31.13(f) et al ARCRP**  
(1)

WOULD REQUIRE POST-CONVICTION PROCEEDINGS TO PRECEDE  
DIRECT APPEALS IN CAPITAL CASES

ORDERED: Amended Petition to Amend Rules 31.2(a), 31.4(a), 31.13(f), 32.4,  
32.6 and 32.9, Arizona Rules of Criminal Procedure = DENIED.

**R-14-0030**                      **RULES 7.2(b) & FORM 4(a), CRIMINAL PROCEDURE RULES**  
(2)

WOULD ELIMINATE LANGUAGE DENYING BAIL TO UNDOCUMENTED  
IMMIGRANTS CHARGED WITH "SERIOUS" FELONY OFFENSES

ORDERED: Petition to Amend Rule 7.2(b), Rules of Criminal Procedure  
(Emergency or Expedited Adoption Requested) = ADOPTED on a permanent  
basis.

**R-14-0031**                      **RULES 32.2(a) and (b), RULES OF CRIMINAL PROCEDURE**  
(3)

WOULD INCLUDE CLAIMS INVOLVING SUBJECT MATTER  
JURISDICTION IN EXCEPTIONS TO PRECLUSION

ORDERED: Petition for Rules Change, Adoption, Amendment, or Repeal of  
Rules 32.2(a),(b) = DENIED.

# MINUTES

No. 4967

*Arizona Supreme Court*  
**Wednesday, August 26, 2015**

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**R-15-0005**  
(4)

**RULE 7.5, RULES OF CRIMINAL PROCEDURE**

WOULD ALLOW ISSUANCE OF A SUMMONS OR WARRANT BASED ON A PRETRIAL SERVICES REPORT WHEN A DEFENDANT VIOLATES CONDITIONS OF RELEASE

ORDERED: Petition to Amend Rule 7.5, Rules of Criminal Procedure = ADOPTED as modified, effective January 1, 2016.

**R-15-0011**  
(5)

**RULES 15.5 & 39, RULES OF CRIMINAL PROCEDURE**

WOULD SPECIFY PROCEDURES FOR WITHHOLDING INFORMATION FROM DISCOVERY AND DISCLOSURE

ORDERED: Petition to Amend Rules 15.5 and 39 of the Arizona Rules of Criminal Procedure = ADOPTED as modified, effective January 1, 2016.

**R-15-0017**  
(6)

**RULES 9.1, 14.3, 26.11 & 41, ARCRP**

WOULD ENSURE NOTIFICATION TO CRIMINAL DEFENDANTS THAT VOLUNTARY FAILURE TO TIMELY APPEAR FOR SENTENCING WILL RESULT IN LOSS OF DIRECT APPEAL RIGHTS

ORDERED: Petition to Amend Rules 9.1, 14.3, 26.11 and 41, Arizona Rules of Criminal Procedure = ADOPTED as modified, effective January 1, 2016.

# MINUTES

No. 4967

## *Arizona Supreme Court*

Wednesday, August 26, 2015

---

**R-15-0025**

### **RULE 15.4 (b), RULES OF CRIMINAL PROCEDURE**

(7)

WOULD CLARIFY THAT "FREE TALK" STATEMENTS ARE NOT DISCOVERABLE UNLESS THEY ARE EXCULPATORY OR THE PERSON WHO MADE THE STATEMENT BECOMES A WITNESS FOR THE PROSECUTION AT TRIAL

ORDERED: Petition to Modify Rule 15.4(b), Arizona Rules of Criminal Procedure = DENIED.

**R-15-0029**

### **RULE 32.13, RULES OF CRIMINAL PROCEDURE**

(8)

WOULD ADD RULE 32.13, RELATING TO POST-CONVICTION RELIEF PROCEEDINGS IN LIMITED JURISDICTION COURTS

ORDERED: (Amended) Rule 28 Petition Re: Limited Court PCR Procedure, New Subsection Rule 32.13 = DENIED.

**R-14-0027**

### **RULE 11, RULES OF PROCEDURE FOR EVICTION ACTIONS**

(9)

WOULD AUTHORIZE WITNESSES TO APPEAR AND TESTIFY TELEPHONICALLY AT EVICTION HEARINGS

ORDERED: Petition to Amend Rule 11 of the Rules of Procedure for Eviction Actions = CONTINUED.

# MINUTES

No. 4967

*Arizona Supreme Court*  
Wednesday, August 26, 2015

---

**R-14-0029**  
(10)

## **RULES 2(a),(b), & (c), JUDICIAL PERFORMANCE REVIEW**

WOULD ELIMINATE PROVISIONS RELATING TO LEGISLATIVE MEMBERS AND CLARIFY WHO MAY BE APPOINTED AS CHAIR

ORDERED: (Petition) Proposed Amendments to Rule 2(a) and Rule 2(c); Proposed Amendments to Rule 2(b) = ADOPTED as modified, effective January 1, 2016.

**R-15-0004**  
(11)

## **RULE 11, RULES OF CIVIL PROCEDURE**

WOULD MODIFY THE PROCEDURES FOR FILING A SANCTIONS MOTION UNDER THE RULE

ORDERED: Petition to Amend Rule 11, Arizona Rules of Civil Procedure = CONTINUED.

**R-15-0007**  
(12)

## **RULE 23, RULES OF CIVIL PROCEDURE**

WOULD PROVIDE DIRECTION FOR DISTRIBUTION OF RESIDUAL FUNDS IN CLASS ACTION CASES

ORDERED: Amended Petition to Amend Rule 23 of the Arizona Rules of Civil Procedure = DENIED.

# MINUTES

No. 4967

*Arizona Supreme Court*

Wednesday, August 26, 2015

---

**R-15-0012**  
(13)

## **RULE 7, SPECIAL ACTIONS RULES OF PROCEDURE**

WOULD CONFORM PROVISIONS RELATING TO APPENDICES TO RECENT CHANGES IN RULE 13.1, ARIZ. R. CIV. APP. P.

ORDERED: Petition to Amend Rule 7, Rules of Procedure for Special Actions = ADOPTED as modified, effective January 1, 2016.

**R-15-0013**  
(14)

## **RULE 44, RULES OF PROCEDURE FOR JUVENILE COURT**

WOULD ADDRESS UNWORKABLE TIME LIMITS FOR AND CLARIFY RESPONSIBILITIES IN DISCLOSURE IN JUVENILE MATTERS, AND WOULD CONFORM RULE 44 WITH OTHER RULES AND PRACTICE CONSIDERATIONS

ORDERED: Petition to Amend Rule 44, Arizona Rules of Procedure for the Juvenile Court = CONTINUED with the exception of the proposed change to Rule 44(B)(2)(d), which is ADOPTED effective January 1, 2016.

**R-15-0015**  
(15)

## **RULES OF PROCEDURE FOR EVICTION ACTIONS**

WOULD ALLOW A CHANGE OF JUDGE AS A MATTER OF RIGHT AND FOR CAUSE IN EVICTION ACTIONS

ORDERED: Petition to Amend the Rules of Procedure for Eviction Actions = DENIED.

# MINUTES

No. 4967

*Arizona Supreme Court*

Wednesday, August 26, 2015

---

**R-15-0021**  
(16)

## **RULE 55, RULES OF CIVIL PROCEDURE**

WOULD CLARIFY A PARTY'S OBLIGATION TO PROVIDE NOTICE OF AN APPLICATION FOR ENTRY OF DEFAULT TO AN ATTORNEY REPRESENTING A PARTY CLAIMED TO BE IN DEFAULT

ORDERED: Petition to Amend Rule 55, Arizona Rules of Civil Procedure = ADOPTED, effective January 1, 2016.

**R-15-0024**  
(17)

## **RULE 41, RULES OF CRIMINAL PROCEDURE**

WOULD REPLACE EIGHT DIFFERENT WARRANT FORMS WITH ONE FORM

ORDERED: Petition to Amend Rule 41 of the Arizona Rules of Criminal Procedure = ADOPTED, effective January 1, 2016.

**R-15-0026**  
(18)

## **RULE 41, RULES OF CRIMINAL PROCEDURE**

WOULD ADD INFORMATION TO FORMS 4(a) AND 4(b), RELEASE QUESTIONNAIRES TO BE COMPLETED BY LAW ENFORCEMENT AND BY THE DEFENDANT

ORDERED: Petition to Amend Rule 41 of the Arizona Rules of Criminal Procedure = ADOPTED as modified, effective January 1, 2016.

**MINUTES**  
*Arizona Supreme Court*  
**Wednesday, August 26, 2015**

---

No. 4967

**R-15-0028**  
(19)

**RULE 31.5, RULES OF CRIMINAL PROCEDURE**

WOULD PROVIDE PROCEDURES FOR EXERCISING THE RIGHT TO SELF-REPRESENTATION ON APPEAL

ORDERED: Petition to Amend Rule 31.5, Arizona Rules of Criminal Procedure = CONTINUED.

**R-14-0032**  
(20)

**RULE 5(a) & 5(b), TRIBAL COURT RULES**

WOULD REMOVE THE REQUIREMENT WITH RESPECT TO TRIBAL COURT ORDERS THAT THE SUPERIOR COURT CLERK CERTIFY THAT NO OBJECTIONS HAVE BEEN FILED TO THE ORDER AFTER THE TIME FOR OBJECTIONS HAS PASSED

ORDERED: Petition to Amend Rule 5(a), Arizona Rules of Procedure for Enforcement of Tribal Court Involuntary Commitment Orders and Rule 5(b), Arizona Rules of Procedure for the Recognition of Tribal Court Civil Judgments = ADOPTED as modified, effective January 1, 2016.

**R-15-0001**  
(21)

**RULE 3(D), RULES OF PROBATE PROCEDURE**

WOULD RESTYLE THE RULE FOR CONSISTENCY WITH THE RESTYLING OF ARIZONA RULE OF EVIDENCE 403

ORDERED: Petition to Amend Arizona Rule of Probate (sic) Procedure 3(D) = ADOPTED as modified, effective January 1, 2016.

# MINUTES

No. 4967

*Arizona Supreme Court*

Wednesday, August 26, 2015

---

**R-15-0002**  
(22)

## **RULE 2(B)(2), RULES OF FAMILY LAW PROCEDURE**

WOULD RESTYLE THE RULE FOR CONSISTENCY WITH RESTYLED ARIZONA RULE OF EVIDENCE 403

ORDERED: Petition to Amend Arizona Rule of Family Law Procedure 2(B)(2) = ADOPTED as modified, effective January 1, 2016.

**R-15-0006**  
(23)

## **RULE 74, RULES OF FAMILY LAW PROCEDURE**

WOULD ADDRESS ISSUES RELATING TO PARENTING COORDINATORS

ORDERED: (Amended) Petition to Amend Rule 74 of the Rules of Family Law Procedure = ADOPTED as modified, effective January 1, 2016.

**R-15-0009**  
(24)

## **REPEAL/AMEND TRAFFIC & BOATING RULES/ARCP 1, 2, 3**

WOULD ALIGN CRIMINAL AND CIVIL TRAFFIC PROCEDURES INTO DEMARCATED AND MORE UNDERSTANDABLE SETS OF RULES

ORDERED: Petition to Abrogate the Rules of Procedure in Traffic Cases and Boating Cases; to Amend the Rules of Procedure in Civil Traffic and Civil Boating Cases; and to Amend Rules 1, 2, and 3 of the Rules of Criminal Procedure = ADOPTED, effective January 1, 2016.

# MINUTES

No. 4967

*Arizona Supreme Court*  
Wednesday, August 26, 2015

---

**R-15-0010**  
(25)

## **RULES OF PROTECTIVE ORDER & FAMILY LAW PROCEDURE**

WOULD COMPREHENSIVELY REORGANIZE AND AMEND THE ARIZONA RULES OF PROTECTIVE ORDER PROCEDURE, INCLUDING MAJOR STYLISTIC REVISIONS AND SEVERAL SUBSTANTIVE CHANGES

ORDERED: Petition for Adoption of Amendment to the Arizona Rules of Protective Order Procedure and the Arizona Rules of Family Law Procedure = ADOPTED as modified, effective January 1, 2016.

**R-15-0016**  
(26)

## **RULE 6(E)(4)(e)(2), PROTECTIVE ORDER RULES**

WOULD REPEAL RULE 6 (E)(4)(e)(2), RELYING ON STATE V. SERNA, 235 ARIZ. 270, 331 P.3D 405 (2014), FOR THE PROPOSITION THAT THE RULE AUTHORIZES UNLAWFUL SEIZURES OF PROPERTY (WEAPONS/FIREARMS)

ORDERED: Petition to Repeal Rule 6(E)(4)(e)(2), Arizona Rules of Protective Order Procedure (Emergency Action Requested) = DENIED.

**R-15-0019**  
(27)

## **RULES OF FAMILY LAW PROCEDURE**

WOULD ADD NEW RULE 67.1 TO IMPLEMENT THE UNIFORM COLLABORATIVE LAW RULES, A VOLUNTARY, CLIENT-DRIVEN FORM OF ALTERNATIVE DISPUTE RESOLUTION

ORDERED: Petition to Amend Arizona Rules of Family Law Procedure = ADOPTED as modified, effective January 1, 2016.

# MINUTES

No. 4967

*Arizona Supreme Court*

Wednesday, August 26, 2015

---

**R-15-0027**  
(28)

## **RULE 123, RULES OF THE SUPREME COURT**

WOULD AMEND THE RULE RELATING TO PERSONNEL AND APPLICANT RECORDS, IMPLEMENT RECOMMENDATION TO DEVELOP POLICIES FOR RETENTION, DESTRUCTION, AND ACCESS TO ELECTRONIC COURT RECORDS, AND UPDATE REFERENCES TO THE JUDICIAL BRANCH PROCUREMENT CODE

ORDERED: Petition to Amend Rule 123 of the Supreme Court (Modified Comment Period Requested) = ADOPTED as modified, effective January 1, 2016.

**R-13-0046**  
(29)

## **RULE 42, ERs 1.10, 1.11, 1.12, 1.18 & COMMENTS**

WOULD MODIFY ETHICAL RULES ON SCREENING AND IMPUTATION OF CONFLICTS OF INTEREST

ORDERED: Petition to Amend ERs 1.10, 1.11, 1.12, and 1.18, Comment 8 to ER 1.10, Comments to ER 1.10 = ADOPTED as modified, effective January 1, 2016.

**R-14-0028**  
(30)

## **RULE 45, RULES OF THE SUPREME COURT**

WOULD REQUIRE AN ACKNOWLEDGMENT ON ALL CLE ADVERTISING THAT THE VALUE OF MCLE IS UNPROVEN AND THAT THE STATE BAR HAS A FINANCIAL INTEREST IN CLE MARKETING

ORDERED: Petition to Amend Arizona Supreme Court Rule 45 = DENIED.

# MINUTES

No. 4967

## *Arizona Supreme Court*

Wednesday, August 26, 2015

---

**R-15-0003**  
(31)

### **RULE 32(c)(9), RULES OF THE SUPREME COURT**

WOULD IMPLEMENT STRICT ACCOUNTING GUIDELINES FOR EXPENDITURES OF STATE BAR MEMBERSHIP DUES AND CREATE NEW SUPREME COURT TASK FORCE

ORDERED: Petition to Amend Rule 32(c)(9), Ariz. R. Sup. Ct.; Petition to Form a Task Force, Examining State Bar's Compliance with Keller, Redefining Mandatory Expenses, Make Discretionary Expenses Voluntary = DENIED.

**R-15-0008**  
(32)

### **RULES 34 and 36, RULES OF THE SUPREME COURT**

WOULD CORRECT ERRORS IN THE RULES

ORDERED: Petition to Amend Rule 34 and 36, Rules of the Supreme Court = ADOPTED, effective January 1, 2016.

**R-15-0014**  
(33)

### **CANON 2.3, RULE 81, RULES OF THE SUPREME COURT**

WOULD ADD "GENDER IDENTITY" TO PROVISIONS PROHIBITING IMPROPER BIAS AND PREJUDICE BY JUDGES

ORDERED: Petition to Amend Canon 2.3 in Rule 81 of the Arizona Rules of the Supreme Court = DENIED. The Court notes that existing Rule 2.3 broadly prohibits judges from manifesting bias or prejudice, and the Rule's list of protected classifications is illustrative, not exhaustive.

# MINUTES

No. 4967

*Arizona Supreme Court*  
**Wednesday, August 26, 2015**

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**R-15-0018**  
(34)

**RULES 31, 34, 38, 39 & 42, RULES OF SUPREME COURT**

WOULD CONFORM THE RULES WITH RECOMMENDATIONS BY THE ABA 20/20 COMMISSION AND SUGGEST ADDITIONAL CHANGES TO ACCOMMODATE THE CHANGING NATURE OF THE PRACTICE OF LAW

ORDERED: Petition to Amend Rules 31, 34, 38, 39, and 42, Rules of the Supreme Court = ADOPTED as modified, effective January 1, 2016, except that consideration of ER 1.6 is CONTINUED.

FURTHER ORDERED: Promulgating Rule 40, Rules of the Arizona Supreme Court, effective January 1, 2016.

**R-15-0020**  
(35)

**RULES 2.3, 3.6, JUDICIAL CONDUCT/RULE 81 SUP COURT**

WOULD ADD "GENDER IDENTITY" TO PROVISIONS PROHIBITING IMPROPER BIAS AND PREJUDICE BY JUDGES

ORDERED: Petition to Amend Rules 2.3 and 3.6, Arizona Code of Judicial Conduct, Rule 81, Rules of the Supreme Court of Arizona = DENIED. The Court notes that existing Rule 2.3 broadly prohibits judges from manifesting bias or prejudice, and Rule 3.6 broadly prohibits membership in any organization that practices invidious discrimination, and the Rules' list of protected classifications is illustrative, not exhaustive.

# MINUTES

No. 4967

*Arizona Supreme Court*

Wednesday, August 26, 2015

---

**R-15-0022**  
(36)

## **RULE 38(d), RULES OF THE SUPREME COURT**

WOULD ALLOW STUDENTS WHO HAVE COMPLETED THE EQUIVALENT OF TWO SEMESTERS INSTEAD OF THREE TO BE ELIGIBLE FOR LIMITED PRACTICE CERTIFICATION

ORDERED: Petition to Amend Rule 38(d)(5)(A)(i), Rules of the Supreme Court = ADOPTED, effective January 1, 2016.

**R-15-0023**  
(37)

## **RULES 32, 41, 42 & 66-69, SUPREME COURT RULES**

WOULD IMPOSE A PROFESSIONAL OBLIGATION ON LAWYERS TO PLAN FOR THE TERMINATION OF THEIR LAW PRACTICE, PROVIDE PRACTICES TO PROTECT CLIENTS, AND CLARIFY CONSERVATORSHIP PROCEDURES

ORDERED: Petition to Amend Rules 32, 41, 42 and 66 through 69, Rules of the Supreme Court = CONTINUED.

**R-15-0031**  
(38)

## **MARICOPA COUNTY SUPERIOR COURT, LOCAL RULE 2.23**

ALLOWING CERTIFICATION OF ELECTRONICALLY TRANSMITTED COURT RECORDS

ORDERED: Request to Adopt Rule 2.23 of the Superior Court Local Rules - Maricopa County = CONTINUED.

# MINUTES

No. 4967

*Arizona Supreme Court*  
Wednesday, August 26, 2015

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R-15-0033  
(39)

## RULE 8, RULES OF PROCEDURE FOR SPECIAL ACTIONS

WOULD CLARIFY THAT DEFENDANTS MAY NOT BE ASSESSED A FILING FEE FOR A PETITION FOR REVIEW FROM A CRIMINAL SPECIAL ACTION

ORDERED: Sua Sponte Petition to Amend Rule 8, Rules of Procedure for Special Actions = ADOPTED as modified on an expedited basis, with a comment period to follow ending October 30, 2015.



The foregoing action was taken by the Arizona Supreme Court on Wednesday, August 26, 2015.

\_\_\_\_\_  
Scott Bales, Chief Justice

Date: \_\_\_\_\_