

**Meeting Minutes
Minute Entry Reform Workgroup
State Courts Building, Conference Room 345 A & B
January 26, 2001**

Attendees:

Carolyn Castillo	Navajo County
Judge Jeff Coker	Coconino County
William Clayton	Maricopa County Attorney's Office
Judge Edward Dawson	Gila County
Sue Hall	Apache County
Judge Wallace Hoggatt	Cochise County (by telephone)
Patience Huntwork	Supreme Court
Kim Johnson	Pinal County
Scott Martin	Court of Appeals, Division II
Barbara McCreary	Gila County
Denise Lundin	Cochise County
Brenda Parson	Yavapai County
Marilyn Pollard	Court of Appeals, Division I
Paul Prato	Maricopa County
Carol Schrieber	Maricopa County
Mary Lou Strehle	Maricopa County
Virlynn Tinnell	Mohave County (by telephone)
Margaret Toot	Gila County
Jennifer Greene	AOC
Ted Wilson	AOC

WELCOME AND INTRODUCTIONS

Denise Lundin welcomed participants and asked individuals to introduce themselves. She followed by summarizing the committee's purpose and providing background information about the formation of this group.

She indicated that this group is formed as a subcommittee of the Superior Court Committee. Its purpose is to bring together stakeholders to review Superior Court minute entry practices and to develop suggestions for changing current practices, including ways to make the process more efficient and reduce the current volume. She highlighted current problems including the enormous resource drain, the decline in individuals with short hand or speed-writing skills, extremely high costs to attract these individuals and contributions to case delay.

In presenting information on work done to date, she mentioned that in 1999, Arizona Clerks of Court were surveyed to share ideas and innovations made in managing the minute entry process. In December 2000, a six-question survey was sent to all superior court judges, clerks of court, superior court administrators, staff attorneys and others to solicit information

for discussion and dialogue, and to solicit additional suggestions for making changes to minute entry current practices. The results of that survey are summarized below. Last summer, an ad hoc committee of the Clerks' Association met and developed a position paper summarizing issues related to the production of minute entries.

SURVEY SUMMARY

Ted Wilson provided a summary of the survey responses. Forty-three surveys were returned and included the following points:

- ! There are varied perceptions of the definition of a minute entry.
- ! Most survey respondents feel that some documentation is needed to produce a synopsis of court events.
- ! Minute entries are used for a variety of purposes, from hearing notices to recording of proceedings.
- ! Minute entries are most often prepared by clerk's office, although they are produced, on occasion by judicial assistants and court administration.
- ! Several suggestions for system changes included:
 1. Producing more uniformity in the process
 2. More extensive use of forms
 3. Greater reliance on attorneys, i.e., requiring them to submit proposed orders along with motions
 4. Greater use of technology
- ! In a significant number of cases documents labeled as minute entries should be called something else.
- ! Some negative consequences of eliminating minute entries include:
 1. Possibly cause confusion between counsel and court on exactly what transpired in a particular event
 2. Possibly create duplication of orders
- ! Survey respondents suggested the following as benefits:
 1. Would result in staff savings, duplicating and postage costs reduction
 2. Less cumbersome case files

ISSUES OVERVIEW

The committee discussed several issues related to minute entries. One central issue is that courts are required to record what has happened, what will happen and to reflect court rulings. It was noted, however, that there is a need to develop reasonable standards of what is expected from the clerk's office to record the events of court hearings. Examples quoted include producing minute entries that are not mandated and are generated simply as a matter of local culture. Additionally, the committee felt that guides are needed to determine the required information that must be included in minute entries, along with determining what is needed for the appeals process. Also, courts must make arrangements to address the issue of self-represented customers.

Understanding the different needs of various courts was discussed, that is, different court cases types have different documentation needs. Criminal court, for example, involves a greater number of participants in the process, thus a need to ensure that all parties, such as a sheriff, probation, corrections, etc., is notified of court events. In developing changes a review of the varied court events and associated rules of court is needed.

SUGGESTED CHANGES:

Greater Use of Forms

Several courts indicated that many of the routine appearances are now recorded on forms, especially in criminal cases. The committee suggested that there might be room to further expand the use of forms.

It was noted that several counties make extensive use of forms for arraignments and other statutory-driven hearings. Others reported that they have been using forms for several years. Maricopa developed an automated system called MEEDS (minute entry electronic distribution system) which also supports faster distribution of minute entries. Pinal and Pima are also using automation in producing minute entries.

Better Titles - Specific Descriptions

The committee acknowledged that there does not appear to be a uniform definition of a minute entry. With this in mind there was a suggestion that a reasonable approach is to possibly determine what is not a minute entry. Over time, many documents that are labeled as such are not really minute entries, i.e., rulings or orders, notices, etc.

It was mentioned that there should be some distinction between rulings, or orders, and minute entries. At best, minute entries should only record the fact that there was an order issued, not the “why’s” of the order. Rulings, or reasons for ruling by judges, is not necessarily a function of minute entries.

In some courts rulings made outside the courtroom, proceedings where the clerk is not present, are produced by judicial assistants.

Uniform Minute Entries

The committee discussed the possibility of developing standard language for routine orders and these would be offered for optional use by counties. For example, Cochise has changed the standard Order of Protection to include information regarding the “true name” requirement which has eliminated the need for a separate minute entry. There was concern that forms are useful but, because of the complexity of Arizona sentencing structure, forms might not be flexible in handling unique events that occasionally happen in court settings. However, the group felt that these should be labeled orders rather than minute entries.

Eliminate Minute Entries

The most discussed idea is to require attorneys to submit proposed orders with motions, negating the need to produce separate minute entries. It was noted that there is currently a Maricopa County Local Rule 3.2(i) requiring that stipulations be routed by attorneys and no minute entry issued. This rule could be adopted by other counties.

Maricopa County has eliminated the requirements that minute entries be produced following certain events such as default divorces, probate cases and several dispositive hearings. A list of minute entries eliminated in Maricopa County will be provided at the next meeting. As an alternative, those items needed for calendar and case management might best be done by notice rather than minute entry. In formulating changes it was suggested that minute entries be separated from notices, appointment calendars, notices and orders. It was suggested that this committee should be careful to not make recommendations that merely shift current process and work to other offices.

There was some discussion of the possible greater use of the docket, or register of actions, rather than creating an additional document. The AZTEC program has a data description field as part of the docket/register of actions which might be more widely used, rather than creating some minute entries.

OTHER ITEMS

The committee felt that issues and eventual outcomes should receive the widest distribution, so that all courts are allowed to provide input, and that any changes suggested should be adopted through education rather than order. Additionally, there is a serious concern that this project does not result in any edicts about what can be included in orders.

Judge J. Coker was elected co-chair.

NEXT MEETING

The next meeting is scheduled for April 6, 2001. All statutes referring to minute entries will be reviewed and discussed at this meeting.

Attachments:

1. Minute Entry Practices Survey
2. List of statutes referring to minute entries

SURVEY OF MINUTE ENTRY PRACTICES

1. How would you define a Minute Entry?
2. For what general purposes does your court require using Minute Entries?
3. Do you have suggestions for reducing the number of, or eliminating, Minute Entries generated within your court?
- 4a. For any Minute Entries that you would like to see eliminated please check that apply:
 - they are unnecessary
 - they are redundant of other records
 - they are so burdensome that an alternative is needed
 - some other reason(s)
- 4b. Explain your response to all those selected in question 4a.
5. What documents currently titled Minute Entry could be more properly titled something else?
- 6a. What *negative consequences* can you foresee flowing from the elimination of Minute Entries?
- 6b. What *benefits* can you foresee from eliminating or reduction Minute Entries?
- 6c. If eliminated, what process would replace Minute Entries?

Attachment 1 - Minutes of Minute Entry Reform Workgroup, January 26, 2001

CURRENT RULES & STATUTES THAT REFER TO MINUTE ENTRIES

Statutes: A.R.S. §§ 8-341, 13-4040, 28-1559, 36-327, 46-457
Rules of Civil Procedure: Rule 4(d), Rule 52(a), Rule 58(e),
Rules of Criminal Procedure: Rule 7.6, Rule 16.3, Rule 26.7, Rule 31.9, Rule 31.23, Rule 32.5, Rule 32.9
Supreme Court Rules: Rule 124
Civil Appellate Procedure: Rule 11, Rule 24
Special Actions, Rules of Procedure: Rule 7
Tax Court Rules of Practice: Rule 10
Superior Court Local Practice Rules: Cochise 10, Rule 17, Rule 26 Coconino Rule 16 Gila Rule 11, Rule 14 Graham Rule 4 Greenlee Rule 4 La Paz. Rule 7 Maricopa Rule 2.4, Rule 3.2, Rule 5.15, Rule 6.2 Mohave Rule AD-10, Rule DR-1 Navajo Rule 3; Pima Rule 10, Rule 13, Rule 18 Pinal Rule 2.4, Rule 2.9, Rule 3.5, Rule 4.1 Santa Cruz Rule 4.1, Rule 10.5 Yavapai Rule 2, Rule 10 Yuma Rule 3
Juvenile Court Rules of Procedure: Rule 10, Rule 19, Rule 28, Rule 29, Rule 30, Rule 32, Rule 34, Rule 38, Rule 50, Rule 52, Rule 53, Rule 54, Rule 55, Rule 56, Rule 57, Rule 58, Rule 59, Rule 60, Rule 62, Rule 63, Rule 65, Rule 66, Rule 69, Rule 77, Rule 78, Rule 80, Rule 81, Rule 82, Rule 84, Rule 85, Rule 87, Rule 89, Rule 90