

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHMENT OF THE ADVISORY) Administrative Order
COMMITTEE ON SUPREME COURT) No. 2012 - 41
RULES 123 AND 125, RULES OF THE)
SUPREME COURT OF ARIZONA)

Rule 123, Rules of the Supreme Court of Arizona, governs access to case records maintained by the judiciary. Rule 125, Rules of the Supreme Court, defines minute entry, order, ruling, and notice, and sets forth the contents of these documents.

Rule 123 acknowledges the competing interests of providing public access to court records and protecting the privacy rights of the public. It allows courts to post some records online, and offers additional online access to case-related materials for parties and attorneys who register with the court, but still permits broad public access to case records located at a courthouse.

Experience, legislative enactments, and rule changes have created a need to reassess the provisions of Rule 123 relating to online posting of minute entries and orders in family law and probate cases. Arizona Code of Judicial Administration (ACJA) § 1-104 gives the Chief Justice the power to establish committees to advise the Arizona Judicial Council in carrying out its responsibilities. Therefore, pursuant to Article VI, Section 3 of the Arizona Constitution,

IT IS ORDERED that the Advisory Committee on Supreme Court Rules 123 and 125 is established to examine and make recommendations for

1. A policy to identify which minute entries and orders in family law and probate cases could be published online and which should be available only at the courthouse, and
2. Possible revisions to Rules 123 and 125, Rules of the Supreme Court of Arizona, and other court rules necessary to effectuate the policy, including preparation of a rule-change petition.

The Committee shall report its recommendations to the Arizona Judicial Council at the Council's meeting in December 2012.

IT IS FURTHER ORDERED that the individuals listed in Appendix A are appointed as members of the Committee beginning upon entry of this Order and ending on July 31, 2013. The Chief Justice may appoint additional members as necessary.

IT IS FURTHER ORDERED that the committee meetings shall be scheduled at the discretion of the Chair. Pursuant to ACJA § 1-202, all meetings shall comply with the public meeting policy of the Arizona Judicial Branch. The Administrative Office of the Courts (AOC) shall provide staff for the Committee.

Dated this 31st day of May, 2012.

REBECCA WHITE BERCH
Chief Justice

Appendix A

ADVISORY COMMITTEE ON RULE 123 AND 125, RULES OF THE SUPREME COURT OF ARIZONA

Chair

Mike Baumstark

Deputy Administrative Director
Arizona Supreme Court, AOC

Members

David Bodney

Attorney
Steptoe & Johnson

Patricia A. Sallen

Ethics Counsel
State Bar of Arizona

Yvonne Hunter

Arizona Judicial Council
Public Member

Emily Johnston

Arizona Judicial Council
Public Member

Michael K. Jeanes

Clerk
Superior Court in Maricopa County

Gary Krcmarik

Court Administrator
Superior Court in Coconino County

Patricia Noland

Clerk
Superior Court in Pima County

Robert Carter Olson

Presiding Judge
Superior Court in Pinal County

Hon. Carey Hyatt

Family Court Judge
Superior Court in Maricopa County