



**Arizona Supreme Court
Committee on Improving Judicial Oversight
and
Processing of Probate Court Matters**

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room 109

May 24, 2010
12:30 p.m. - 4:00 p.m.

APPROVED Regular Meeting Minutes

MEMBER ATTENDANCE:		
Present:	Telephonically Present:	Absent:
Judge Ann Timmer		Judge William O'Neil
Judge Julia Connors		
Judge Gary Donohoe		
Judge Charles Harrington		
Judge David Mackey		
Judge Rosa Mroz		
Judge Robert Myers		
Diana Clarke		
John Evans		
Faustina Dannenfelser		
Beverly Frame		
Pamela Johnston		
Jay Polk		
Sherry Reed		
Catherine Robbins		
Jacob Schmitt		
Denice Shepherd		
Sylvia Stevens		

OTHER ATTENDEES

AOC Staff:	
Caroline Lutt-Owens	Director, Dependent Children's Services
Nancy Swetnam	Director, Certification and Licensing Division
Doris Leonard	AOC Staff

Guests:	
Deborah Primock	Jeanette Churchill
Sylvia Stevens	Madelon Cloute
Jon Kitchel	J. R. Rittenhouse
Lisa Price	Elizabeth Evans
Candess Hunter	Isabel Humphrey
Randy Yavin	Mark Meltzer
Scott Evans	Clair DiPardo
Shad Blackford	Heather Bull
Linnea Groom	Phoebe Moffatt
Alex Navarro	Patricia E. Gomes
Khalil Singh	Charles M. Dyer
Kitty Boots	

CALL TO ORDER

Called to Order By: Judge Ann Timmer, Chair

Time: 12:35 p.m.

1. WELCOME AND INTRODUCTION OF MEMBERS.....Judge Ann Timmer

Members of the Committee introduced themselves and gave some background history on their areas of expertise.

2. PURPOSE OF COMMITTEE.....Judge Ann Timmer

Judge Timmer provided power point presentations on Administrative Orders No. 2010-52 and 2010-56, the administrative orders establishing the Committee and appointing members. She also discussed “Justice 2020: A Vision for the Future of the Arizona Judicial Branch 2010-2015”, explaining its purpose and process. Judge Timmer identified that Goal 1 of the Strategic Agenda contains the action plan of streamlining case processing by developing new rules for processing guardianships and Goal 4 identifies that recent reforms to protect vulnerable persons, including oversight of fiduciaries, must continue to receive priority.

3. ***ESTABLISHMENT OF WORKGROUPS.....Judge Ann Timmer and Nancy Swetnam***

Judge Timmer announced the establishment of three workgroups:

1. Transfer to Adult Guardianship
2. Judicial Oversight of Probate Matters
3. Fee Guidelines and Disputes

Judge Timmer announced the appointment of Committee members to the workgroups and the chair of each work group (Refer to attached work group assignment list). Each work group will set a meeting schedule and will report to the full Committee on progress on its assigned subject area at the Committee meetings. The Committee and workgroup meetings will be open to the public. Additionally, the public was encouraged to provide input via the Committee's website. Judge Timmer reminded the Committee of the requirement to file an Interim Report with the Arizona Judicial Council in October 2010 and a final report in June 2011.

Judge Timmer provided background information on the issue of minor to adult guardianships, identifying that under current statute and rules, the transition from a minor to adult guardianship can be cumbersome and expensive. The work group assigned to this issue will propose changes to streamline this process, while protecting the needs and interests of the incapacitated person.

Nancy Swetnam provided background information on judicial oversight of probate court matters, including regulation of professional fiduciaries and training previously provided to judges and judicial staff. Ms. Swetnam also provided information on the issue of fees, identifying prior fiduciary fee guidelines adopted by Maricopa County.

4. ***ADMINISTRATIVE ISSUES.....Nancy Swetnam***

Nancy Swetnam provided information on the Arizona Code of Judicial Administration § 1-102 pertaining to public meeting provisions. Information was also presented regarding the posting of information on the websites, including committee and workgroup meeting schedules and resource materials.

CALL TO THE PUBLIC

Judge Timmer asked members of the public who wished to address the Committee to fill out the public comment form and give it to a staff member prior to addressing the Committee.

Claire D Pardo addressed the Committee and identified the need for changes to the Probate Court. Ms. D Pardo has experienced difficulties with how her mother's case has been handled.

Lisa Price, a professional fiduciary from Yuma County, inquired as to whether the Committee's review of attorney fees is restricted to fees charged by the court-appointed attorney or will it also include those fees charged by the attorney for the fiduciary?

ADJOURNMENT.....Judge Ann Timmer

Motion: Meeting is adjourned

Motion Proposals: First John Evans
Second Judge Robert Myers

Motion Results: Pass

Time: 2:25 p.m.

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WORKGROUP ASSIGNMENTS

Workgroup 1: Minor to Adult Guardianship

The Honorable David L. Mackey, *Superior Court in Yavapai County*, Prescott
The Honorable Ann A. Scott Timmer, *Chief Judge, Arizona Court of Appeals, Div.1*, Phoenix
Sherry Reed, *Navajo County Public Fiduciary*, Holbrook
Jacob Schmitt, *Child Welfare Program Administrator*, Phoenix

Workgroup 2: Judicial Oversight of Probate Matters

The Honorable Charles Harrington, *Presiding Judge, Probate Bench, Superior Court in Pima County*, Tucson
The Honorable Gary Donahoe, *Superior Court in Maricopa County*, Phoenix
The Honorable Julia Connors, *Commissioner, Probate Division, Superior Court in Pima County* Tucson
The Honorable Robert D. Myers (Retired), *Public/Attorney Member*, Phoenix
Faustina Dannenfels, *Program Administrator for Adult Protective Services*, Phoenix
John R. Evans, *Attorney/Representative of the Attorney General’s Office*, Tucson
Beverly Frame, *Superior Court Clerks’ Association Representative*, Yuma
Catherine Robbins, *Mohave County Public Fiduciary*, Kingman
Sylvia Stevens, *AARP Representative*, Mesa

Workgroup 3: Fee Guidelines/Fee Awards and Fee Dispute Resolution

The Honorable Rosa Mroz, *Superior Court in Maricopa County*, Phoenix
The Honorable William J. O’Neil, *Superior Court in Pinal County*, Florence
Diana Clarke, *Probate Court Counsel, Superior Court in Maricopa County*, Phoenix
Pamela Johnston, *Licensed Fiduciary*, Sun City
Jay M. Polk, *Attorney / State Bar Representative*, Phoenix
Denice Shepherd, *Licensed Fiduciary/Attorney*, Tucson