

# AGENDA

ARIZONA JUDICIAL COUNCIL  
Arizona State Courts Building  
1501 W. Washington St., Room 119  
Phoenix, AZ 85007

March 26, 2015

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10:00 a.m. Welcome/Opening Remarks .....Chief Justice Scott Bales

Tab No.

## **Action Items:**

- (1) Approval of Minutes .....Chief Justice Scott Bales
- 10:05 a.m. (2) Attorney Standards for Parent ..... Judge Brenda Oldham  
Representation
- 10:35 a.m. Judicial Branch Budget Update..... Mr. Kevin Kluge  
- Authorization to use FARE Funding for Limited Jurisdiction  
Courts Automation Roll Out  
- Budget Cuts - Options
- 11:30 a.m. (3) Judicial Branch Legislative Update ..... Mr. Jerry Landau  
.....Ms. Amy Love and Mr. Ken Bennett
- 12:00 p.m. Lunch
- 12:30 p.m. (4) Pretrial Update ..... Ms. Kathy Waters

## **Study / Update Sessions:** *Possible Adoption of Various Reports/Forms*

- 12:45 p.m. Automation Update ..... Mr. Karl Heckart  
- JOLTSAZ Rollout  
- Limited Jurisdiction Courts Rollout  
- Pima eFiling
- 1:15 p.m. (5) Arizona Commission on Access to Justice .....Judge Larry Winthrop
- 1:30 p.m. (6) International Child Custody ..... Judge David Mackey
- 1:45 p.m. Call to the Public/Adjourn

*Please call Lorraine Smith  
Staff to the Arizona Judicial Council  
with any questions concerning this Agenda  
(602)452-3301*

**ARIZONA JUDICIAL COUNCIL**

Request for Council Action

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**Date Action  
Requested:**

March 26, 2015

**Type of Action  
Requested:**

Formal Action/Request

Information Only

Other

**Subject:**

Approval of Minutes

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**FROM:**

Lorraine Smith, Staff to the Arizona Judicial Council

**DISCUSSION:**

The minutes from the December 11, 2104 meeting of the Arizona Judicial Council are attached for your review.

**RECOMMENDED COUNCIL ACTION:**

Approve the minutes as written.

## **ARIZONA JUDICIAL COUNCIL**

Arizona State Courts Building  
1501 W. Washington, Suite 119  
Phoenix, Arizona 85007

December 11, 2014

DRAFT Meeting Minutes

### **Council Members Present:**

Chief Justice Scott Bales  
David Byers  
Judge Peter Cahill  
Judge Rachel Torres Carrillo  
Judge Norman Davis  
Athia Hardt  
Mike Hellon  
Yvonne R. Hunter, J.D.  
Michael Jeanes  
Jack Jewett  
Judge Diane Johnsen

Gary Krcmarik  
Judge David Mackey  
William J. Mangold, M.D., J.D.  
Judge John Nelson  
Richard Platt  
Janet K. Regner  
Judge Antonio Riojas, Jr.  
Judge Sally Simmons  
Judge Roxanne Song Ong  
George Weisz  
Judge David Widmaier

### **Council Members Absent (excused):**

Jim Bruner  
Judge Peter Eckerstrom

Victor Flores

### **Administrative Office of the Courts (AOC) Staff Present:**

Theresa Barrett  
Mike Baumstark  
Stewart Bruner  
Susan Hunt  
Jerry Landau  
Amy Love  
Mark Meltzer  
Alicia Moffatt  
Heather Murphy

Nick Olm  
Susan Pickard  
Kay Radwanski  
Marcus Reinkensmeyer  
Jeff Schrade  
Kathy Sekardi  
Lorraine Smith  
Kathy Waters  
David Withey

### **Presenters and Guests Present:**

Lt. Tom Boelts  
Barbara Broderick

Judge Eric Jeffery  
Vice Chief Justice John Pelander

Luis Ebratt  
Michael Espinoza  
Judge Pamela Gates  
Lisa S. Hyche  
Darla Hyche

John Phelps  
Judge Ron Reinstein  
David Rosenbaum  
Saul Schoon

### Approval of Minutes

Chief Justice Scott Bales, Chair, called the meeting to order at 9:05 a.m. in Room 119 at the Arizona State Courts Building, 1501 W. Washington Street, Phoenix, Arizona. The Chair welcomed those in attendance.

### **Approval of Minutes**

The Chair called for any omissions or corrections to the minutes from the October 23, 2014, meeting of the Arizona Judicial Council. There were none.

**MOTION: To approve the minutes from the October 23, 2014, meeting of the Arizona Judicial Council, as presented.** The motion was seconded and passed. AJC 2014-32.

### **Capital Case Oversight Committee**

Judge Ron Reinstein (ret.) updated the Council members on the Committee. He provided background information and presented the Committee's interim report as directed by Administrative Order No. 2013-115. Judge Reinstein noted that the Committee members will continue to monitor the capital caseloads and assist the counties.

### **Child Support Guidelines**

Ms. Theresa Barrett, Manager and Kathy Sekardi, Senior Court Policy Analyst of the Court Services Division of the AOC, presented recommendations regarding Arizona's quadrennial review of the child support guidelines.

Ms. Barrett explained the process to date and provided background information. Ms. Sekardi presented information regarding the high-level overview of comments received during the comment period. She walked the Council members through the monthly support obligations as compared to the proposed schedule being presented. Ms. Sekardi noted there were 2 substantive proposals. She stated that one of them came from the Attorney Generals' Office and would provide the court with discretion to deviate down from a minimum wage order for a very limited period of time, and only when appropriate, to allow an obligor to seek employment without incurring a large amount of child support arrears in the interim. Ms. Sekardi reported that the other substantive proposal involves the Affordable Health Care Act, which may require further vetting with varied input and feedback. She stated that Arizona is one of the few states which may have to rethink

their allocation of income tax and how that is allocated to each of the parents pertaining to child support.

**MOTION: To adopt the updated BR3 schedule for Arizona using economic data and the self-support reserve amount of \$1,115. Additionally, recommend that AOC staff compile all substantive proposals received during this technical review until further study on these issues can be undertaken, as presented.** The motion was seconded and passed. AJC 2014-33.

## **Proposed Rule Petitions**

### Rule 74 of the Arizona Rules of Family Law Procedure Re: Parenting Coordinators

Mr. Jerry Landau, Government Affairs Director for the AOC, presented background information and laid out the issues that were raised, including the changes proposed by Judge Norm Davis at the Superior Court Presiding Judges meeting.

Judge Janet Barton, Associate Presiding Judge for the Superior Court in Maricopa County and Chair of the Ad Hoc Parenting Coordinator Workgroup, provided information on the workgroup's charge, membership, and proposed rule petition. She explained what a parenting coordinator is and does and laid out each of the proposed rule changes.

Discussion took place regarding parents who cannot afford a parenting coordinator and the issue of equal access to justice. Mr. Gary Krcmarik stated that parenting coordinators are invaluable to their Court. He asked that a review of forms, including Form 11, take place. Ms. Yvonne Hunter asked how parenting coordinators are solicited and if diversity or cultural concerns are taken into account. Judge Barton noted that individuals who would like to be considered for appointment and meet certain minimal qualifications are put on a list.

The Chair stated the Council is being asked to approve the filing of a rule petition that would then go through the cycle of public notice and a modified comment period and ultimately come to the Supreme Court next year.

Mr. Landau provided closing comments and presented information on 2 proposed amendments to the petition affecting F.1. Ability to Pay and F.3. Time of Payment.

The Chair called for members of the public to provide public comment on the proposed rule petition.

Ms. Lisa Hyche provided public comment. She stated her daughter is involved in a family court case. Ms. Hyche noted her daughter cannot afford a parenting coordinator or a lawyer, and the judge won't see her, and this is not right or fair. She noted that the proposed changes sound good. Ms. Hyche stated that indigent parents need help and suggested grants or funding be made available to them.

Ms. Darla Hyché provided public comment. She stated that her case was issued a parenting coordinator, and she is unable to pay for it. Ms. Hyché noted that her children have been withheld from her, and she has not seen them in more than a year. She stated she is fighting for her children, but does not have the money to do it. Ms. Hyché asked that rules are put in place to help parents in her situation.

Mr. Michael Espinoza provided public comment. He noted there has been a positive impact on families with reforms made in family court. Mr. Espinoza stated that the proposal is a good step in the right direction. Mr. Espinoza asked about the process for bringing a complaint against a parenting coordinator. He spoke on the retainer fee and only one parent being able to afford it. Mr. Espinoza suggested that each case should be treating individually to take this situation into account, and noted that currently the retainer gets paid before child support. He stated that we are falling short in the judiciary by not having specific decrees in the parenting plans, and there is a need for a detailed plan that covers many areas.

Mr. Mike Hellon went on record and noted that we should not allow civil matters to become an economic contest. The Chair added that the proposed rules provide that a parenting coordinator should not be appointed in a situation where a party could not afford it, and the court would have discretion to allocate the cost based on the respective abilities to pay.

Judge Barton stated that Ms. Hunter's comments regarding individuals who are not officially parenting coordinators, but are selected by the parents, should also have quick access to a judge to have their decisions addressed and taken into consideration. She stated this issue would be looked into further.

**MOTION: To approve the 2 proposed amendments to the proposed rule petition, as presented.** The motion was seconded and passed. AJC 2014-34.

**MOTION: To approve the filing of the rule petition.** The motion was seconded and passed. AJC 2014-35.

#### Limited Jurisdiction Court Traffic and Boating Rules

Judge Eric Jeffery, Acting Presiding Judge for the Phoenix Municipal Court and member of the Committee on Limited Jurisdiction Courts, presented the petition to modify traffic rules. He stated the rule petition would modify the traffic rules to repeal the Rules of Procedure in traffic and boating cases in their entirety, would retain relevant civil portions of the repealed rules as amendments to the Rules of Procedure in Civil Traffic and Civil Boating cases, and would retain relevant criminal portions of the repealed rules as amendments to the Arizona Rules of Criminal Procedure.

**MOTION: To authorize the Committee on Limited Jurisdiction Courts to file the proposed rule petition, as presented.** The motion was seconded and passed. AJC 2014-36.

Committee on the Impact of Domestic Violence in the Courts (CIDVC) – Arizona Rules of Protective Order Procedure Workgroup

Ms. Kay Radwanski, Domestic Violence Specialist at the AOC and staff to CIDVC, asked for the Council's support to file a Rule 28 petition to restyle, clarify, and simplify the Arizona Rules of Protective Order Procedure (ARPOP). She explained each of the proposed changes.

Judge Widmaier asked about the transfer form under the active legal decision making order and how the notice gets to the defendant so he knows where to go to ask for a hearing. He stated the need to update the transfer form. Ms. Radwanski noted that she would have CIDVC take a look at this issue to see if language should be added to the transfer form.

The Chair called for public comment on the proposed rule petition.

Mr. Mike Espinoza provided public comment. He spoke on the issue of false allegations of domestic violence and the need to take a second look at the language that is being provided by CIDVC. Mr. Espinoza stated that more scrutiny is needed when granting orders of protection.

**MOTION: To recommend that CIDVC file a Rule 28 petition in the 2015 rules cycle to restyle, simplify, and clarify the Arizona Rules of Protective Order Procedure, as presented.** The motion was seconded and passed. AJC 2014-37.

Rule 7.5: Review of Conditions; Revocation of Release

Ms. Kathy Waters, Director of the Adult Probation Services for the AOC, asked for the Council's support of the proposed rule amendment to add the option of the judge issuing a warrant or summons on the written report from pretrial services staff to the existing option of issuing a warrant or summons on the petition of a prosecutor. She noted the proposed amendment will require that a copy of the report is provided to the prosecutor and served with the warrant or summons.

**MOTION: To approve the filing of a rule petition to amend Rule 7.5: Review of Conditions; Revocation of Release, as presented.** The motion was seconded and passed. AJC 2014-38.

The Chair stated that Vice Chief Justice Pelander, Chief Judge Johnston, and he would be leaving the meeting to attend another event and would return around the lunch hour.

## Arizona Code of Judicial Administration (ACJA)

Mr. Jeff Schrade, Director of the Education Services Division for the AOC and staff to the Committee on Judicial Education and Training (COJET), presented information on the amendment which proposes an additional annual training requirement for computer security and network security that will apply to all judges and judicial branch personnel. He added the proposed amendment also clarifies language regarding pro-rated requirements for new and part-time court personnel and applicability of faculty credit toward the live training requirements. Mr. Schrade noted the options are to provide 30 minutes as presented or amend to provide 1 hour of combined ethics and computer security training.

Judge Mackey noted the Committee on Superior Court voted to support the change. He stated that concern was raised about imposing this requirement, as some judges don't use their computers. Judge Mackey expressed concern that we are imposing the training before a program or process is in place for training. He suggested that we get training in place, see who will participate, and then see whether it needs to go to the level of a requirement. Judge Mackey also expressed concern with the amendment to elevate this training to the level of ethics.

Ms. Hunter stated she would generally support Judge Mackey's position, but raised concern with justice in the courtroom when judges don't know how to use a computer. She noted she is in favor of the more stringent requirement. Judge Simmons stated that this training is needed, but should not be on the same level as ethics. She also raised concern that the requirements affect all staff, even those who change light bulbs. Judge Simmons suggested having internal requirements from their own court staff. She stated she did not think this training should rise to the level of mandatory training. Mr. Jeanes supported Ms. Hunter's comments and noted that computer security is an emerging crisis that needs to be taken seriously, and he fully supports training for everyone involved. Judge Norm Davis agreed with Mr. Jeanes and stated that we need mandatory training that can be easily adapted as new viruses/threats are developed.

Mr. George Weisz asked if we incorporate computer security training into an integrity block, does it take away from the integrity training, and if so, then it needs to be put somewhere else. Judge Simmons suggested 1 hour of ethics training and 30 minutes of computer security training, but with ethics on the top level.

**MOTION: To approve the original proposal where we keep one half hour of ethics training and add a mandatory one-half hour of computer security training.** The motion was seconded and passed (2 opposed).  
AJC 2014-39.

Ms. Kathy Waters presented ACJA 6-113: Firearms Standards (amendment) to allow fugitive apprehension officers to be issued AR 15 long guns, to include provisions of issuance and qualifications.

**MOTION: To approve ACJA 6-113: Firearms Standards (amendment), as presented.** The motion was seconded and passed. AJC 2014-40.

### **Judicial Branch Budget Update**

Mr. Kevin Kluge, Chief Financial Officer for the AOC, presented a PowerPoint explaining the budget situation to include overview of the FY 2015 general fund budget, restricted and non-restricted funds, total budget cuts, declining revenues, and the judicial budget crises. He stated that the Judiciary is in a much worse position than we were going into the last fiscal crisis.

### **Judicial Branch Legislative Update**

Mr. Jerry Landau presented the following 2015 legislative proposals with regard to cause, effect, and implementation:

2015-A: Judgment of guilt; document (Arizona Criminal Justice Commission)  
Discussion: None

**MOTION: To support 2015-A: Judgment of guilt; document, as presented.** The motion was seconded and passed. AJC 2014-41.

2015-B: Law enforcement courts; fingerprinting (Arizona Criminal Justice Commission)  
Discussion: None

**MOTION: To support 2015-B: Law enforcement courts; fingerprinting, as presented.** The motion was seconded and passed. AJC 2014-42.

2015-C: NICS; prohibited possessor; criminal offenses (Arizona Criminal Justice Commission)  
Discussion: Mr. Landau stated this proposal would be considered in 2 parts.

Part 1: To allow Arizona to send persons indicted or information for a serious offense to NICS.

**MOTION: To support 2015-C, Part 1: NICS; prohibited possessor; criminal offenses, as presented.** The motion was seconded and passed. AJC 2014-43.

Part 2: Adds a person under indictment or information for a serious offense to the definition of "prohibited possessor." He noted the Presiding Judges voted to remain neutral and believed this is a policy decision for the Legislature.

**MOTION: To remain neutral on 2015-C, Part 2: NICS; prohibited possessor; criminal offenses, as presented.** The motion was seconded and passed. AJC 2014-44.

2015-D: Prohibited possessor (Arizona Criminal Justice Commission)

Discussion: Mr. Landau stated this proposal would be considered in 2 parts.

Part 1: Requires the clerk of court to transmit case information to the Supreme Court and the Supreme Court to transmit the case information to the Department of Public Safety (DPS) if the defendant is placed under a guardianship, except for a physical disability. Requires the DPS to transmit the case information to NICS. If the guardianship is subsequently lifted, the clerk of court is required to transmit the dismissal or change in the condition of release to the Supreme Court, who shall transmit the dismissal to DPS, who then enters the information into NICS.

Judge Nelson noted he is opposed to this legislation because of its impact on the constitutional right to bear arms.

**MOTION: To support 2015-D, Part 1: Prohibited possessor, as presented.** The motion was seconded and passed (7 opposed). AJC 2014-45

Part 2: Adds a person under a guardianship to the definition of “prohibited possessor.”

Discussion: None

**MOTION: To remain neutral on 2015-D, Part 2: Prohibited possessor, as presented.** The motion was seconded and passed. AJC 2014-46.

2015-E: Probationer; search (Arizona Association of Counties)

Discussion: Public comment was received.

Lt. Tom Boelts, on behalf of the Arizona Sheriff’s Association, provided public comment. He noted this is a tremendous officer safety issue, but there is room for negotiation, and they would like to continue to negotiate to find some common ground.

Mr. Lou Ebratt, Executive Director of the Combined Law Enforcement Associations of Arizona, representing 14,000 members inclusive of probation officers, provided public comment. He stated they oppose this legislation because it places their officers at risk and is disruptive. Mr. Ebratt stated there have not been any issues for the members he represents.

Ms. Barbara Broderick, Chief Adult Probation Officer in Maricopa County, representing the Arizona Chief Probation Officers’ Association, provided public comment and provided a handout listing their concerns. She stated the legislation blurs the line between police and probation. Ms. Broderick noted that she is supportive, but she does not see the system as broken, and stated there is a need for all parties to communicate better. She reported that all 15 Chief Probation Officers in the state are opposed to the legislation.

Mr. Landau stated that he and his staff are committed to working with law enforcement. He noted that he is looking for direction regarding this legislation.

Judge Mackey stated that he is willing to continue the discussion, but on the basic principle that probation is a court function, and the courts need to be in control and set our terms of probation. He made a motion to oppose this legislation. The motion was seconded. Mr. Byers suggested an amendment to the motion that our probation staff and AOC staff continue to work with Lt. Boelts on the areas of making probation data available and along the lines of special conditions, individual cases, etc., to see if there is not some resolution. Judge Mackey accepted the amendment.

**MOTION: To oppose 2015-E: Probationer; search, with the amendment that probation and AOC staff continue to work with Lt. Boelts on a possible resolution.** The motion was seconded and passed. AJC 2014-47.

### **Business Court Advisory Committee (taken out of order)**

Mr. David Rosenbaum, Chair of the Business Court Advisory Committee, and Judge John Rea, Superior Court in Maricopa County, provided background information and presented the Committee's final report and recommendations.

Mr. Rosenbaum noted the Chief Justice established the Business Court Advisory Committee (BCAC) in May 2014 with Administrative Order No. 2014-48. He added that the recommendations include the establishment of a three-year pilot program.

The Chair noted that one recommendation relates to assigning judges to the court to allow them to continue in their assignment, and the Committee concluded that at some point, the Governor might appoint judges to serve on this particular court permanently. He stated he believes this issue warrants study at this point rather than enforcement.

The Chair noted that the report recommends that the Committee's existence continue for an additional 4 years if a pilot is adopted so it can monitor the ongoing success of the project, ultimately prepare a follow-up report, and expand the committee to include those judges assigned to the pilot project. He suggested contemplating some form of continuing review, but was not sure it should be same committee that put this together. The Chair added the charge should really be for the Supreme Court to work with leadership in the Superior Court in Maricopa County to come up with a pilot that is broadly consistent with the report and recommendations.

**MOTION: To approve the Business Court Advisory Committee's report and recommendations, commend the Committee for their work, move forward to implement a pilot in Maricopa County, and direct that AOC staff come up with a method to help monitor and evaluate and report back to the Council.** The motion was seconded and passed. AJC 2014-48.

## **Report Re: HB 2310: Mental Health Courts and Statewide Standards**

Mr. Marcus Reinkensmeyer, Director of the Court Services Division and Chair of the Mental Health Court Advisory Committee, provided background information on the Committee and presented eight proposed mental health court standards. Mr. Reinkensmeyer noted that the report is recommending 6 of the 14 basic data elements.

Mr. Gary Krcmarik stated his concern with standard #6. He asked that the date of complaint and filing of complaint to referral to the mental health court be added. He noted this would allow us to see how the system as a whole is working, and more importantly, how the court is working once they receive the complaint.

**MOTION: To approve the National Center for State Court's report and the Mental Health Court Advisory Committee's proposed mental health court standards with a July 1, 2015 delayed effective date to allow ample time for implementation.** The motion was seconded and passed. AJC 2014-49.

### **Call to the Public**

Mr. Anthony Sizer provided public comment about his concerns with discovery in the Superior Court in Pima County. Mr. Sizer provided a handout regarding his group conducting a policy and court procedure analysis in the Superior Court in Pima County. He stated he hopes to report back to the Council in 2015 with their findings in an effort to improve policies and identify failure of policies that were not followed in custody, visitation, and child support determinations. Mr. Sizer stated their goal is to protect the best interests of children and work with the court system to address issues and improve the justice system in Pima County.

The Chair stated the court system shares a concern for the best interest of children. He noted if the group prepares a study, he encourages Mr. Sizer to send the results to the Court for their consideration.

Mr. Yordy Purnomo, provided public comment. He spoke about a custody case involving his son, a United States citizen born in Tucson, Arizona, and the mother of his child who decided to relocate to a non-Hague convention country (Indonesia) in which a U.S. court decision is not enforceable.

Mr. Purnomo stated he was awarded joint legal decision making, but the mother did not get him involved in this decision regarding their son. He stated he is lucky if he can see or speak with his son uninterrupted for more than 40 minutes via Skype. Mr. Purnomo stated that although the judge ordered the mother to forward the U.S. court ruling to the court in Indonesia, she has not done so, and a case has been filed in Indonesia where she is seeking full custody of their son.

Mr. Purnomo stated that he is speaking today to ask for a clear-cut policy regarding child custody involving international U.S. citizens who are in a non-Hague convention country.

Chief Justice Bales suggested that the Committee on Superior Court may be able to take up this issue. He asked Judge Mackey's Committee to give some attention to this issue.

The meeting adjourned at 2:01 p.m.

**ARIZONA JUDICIAL COUNCIL**

Request for Council Action

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<b>Date Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
March 26, 2015	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Dependency Parent Attorney Standards

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**FROM:** Honorable Brenda Oldham

**DISCUSSION:**

Discussion regarding the Parent Attorney Standards in Dependency Cases that were recently approved by Committee on Juvenile Courts (COJC). The COJC approved the standards to be used in attorney training with a recommendation to send to the Arizona Judicial Council for consideration to implement via Administrative Order or as a Court Rule, as was done with the Child Representation Standards.

**RECOMMENDED COUNCIL ACTION:**

The COJC is asking the AJC to consider the following:

1. Adopt the Standards as Best Practice and implement them through Administrative Order or
2. Adopt the Standards as Best Practice and consider codifying them through Court Rule, as was done with Child Representation Standards

## **Attorney Standards for Parent Representation**

Pursuant to Article VI, Section 3, of the Arizona Constitution, the following Best Practice Guidelines for Dependency Cases (the Guidelines) are issued under the authority of the Supreme Court of the State of Arizona. All attorneys who represent parents and all attorneys appointed as guardian ad litem for parents in dependency cases in the State of Arizona shall adhere to these Guidelines. Privately retained attorneys shall become familiar with these Guidelines. In developing the Guidelines, the Court considered input from system partners in attendance at the *Hearing Their Voices – A Discussion About Parent Representation Symposium* that was held September 26, 2013, best practices within Arizona and well-accepted standards developed by nationally recognized organizations. In particular, the standards for representation outlined in the American Bar Association's *Standards for Parent Representation*, and the *Resource Guidelines* published by the National Council for Juvenile and Family Court Judges were instructive in developing the Standards for Arizona. In addition to adhering to the Standards for Dependency, Arizona attorneys and guardians ad litem should be familiar with and consult these national standards and references to ensure the highest standard of practice in this important area of the law.

Arizona Courts shall have broad discretion in enforcing the Guidelines and to impose sanctions when appropriate. Attorneys providing representation in Arizona may also be subject to sanctions under the Arizona Rules of Professional Conduct for failure to adhere to the Standards. Sanctions may include the removal of the attorney or guardian ad litem from a particular case or from representation of parents for a period of time.

- A. The attorney shall promptly identify any potential and actual conflicts of interest that would impair his or her ability to represent the parent. The attorney shall, if necessary, move to withdraw. An attorney shall not accept more cases than he or she can ethically handle.
- B. The attorney shall inform the parent of the attorney's role and ethical obligations, including the concepts of privilege and confidentiality.
- C. The attorney shall review the allegations of the dependency petition and explain to the parent the nature of the proceedings including terminology, timelines and courtroom protocol, his or her legal rights regarding the dependency action, various parties and participants associated with the action, ways that the parent can affect case outcomes, consequences of the parent not attending hearings, and possible consequences of being placed on the DES Central Registry.
- D. The attorney shall explain all requirements outlined in the case plan and court orders.
- E. The attorney shall, as required, participate in discovery, file pleadings, subpoena witnesses, provide the parent with disclosure and court documents and develop the parent's position for each hearing. The attorney shall ensure the court is notified when an interpreter is needed. If a parent is incarcerated, the attorney shall ensure that the proper notice or motion is filed with the court in order for the parent to participate in the hearing.

The duties of the attorney include advocating for appropriate services for the parent and explaining the procedural and substantive status of their case.

- F. The attorney shall communicate with the parent before the preliminary protective hearing, if possible or soon thereafter. The attorney shall establish procedures for regular communication with a client. Prior to every substantive hearing, the attorney shall communicate with the parent and shall reply to communications from a client in a timely manner.
- G. Attorneys shall be familiar with the child and public welfare systems, and community-based organizations serving parents and how services are accessed. Examples of such services are behavioral health, substance abuse treatment, domestic violence services, developmental disability, health care, education, financial assistance, counseling support, family preservation, reunification and permanency services.

Attorneys shall be familiar with the substantive juvenile law. Attorneys shall stay abreast of changes and developments in relevant federal and state law and regulations, Rules of Procedure for the Juvenile Court and case law. Attorneys shall complete an introductory six (6) hours of court approved training prior to their first appointment unless otherwise determined by the presiding judge of the juvenile court for good cause shown and an additional two (2) hours within the first year of practice in juvenile court. All attorneys shall complete at least eight (8) hours each year of education and training specifically on juvenile law and related topics such as child welfare policy and procedures, substance abuse and addiction, mental illness and treatment options, psychological evaluations (how to read), domestic violence, the effects of trauma, cultural awareness, social issues surrounding families involved in the dependency process, motivational interviewing, child and adolescent development, (including infant/toddler mental health), the effects of parental incarceration, the Indian Child Welfare Act, parent and child immigration issues, the need for timely permanency, and other training concerning abuse and/or neglect of children. Some or all of this training and continuing education may qualify as mandatory Continuing Legal Education under State Bar of Arizona requirements.

Attorneys shall provide the presiding judge of the juvenile court with an affidavit of completion of the six (6) hour court approved training requirement prior to or upon their first appointment as attorney or guardian ad litem for a parent after the adoption of these standards unless a waiver of this requirement has been obtained from the presiding judge of the juvenile court in which the appointment is to be made. The affidavit of completion shall include a list of courses including the name of the training, the date of the training, the training provider and the number of hours for each course.

All attorneys shall file annually an affidavit with the presiding judge of the juvenile court certifying their compliance with this section. Such affidavit shall be filed concurrently with the affidavit of compliance with State Bar MCLE and shall include a list of courses including the name of the training, the date of the training, the training provider and the number of hours for each course.

## ARIZONA JUDICIAL COUNCIL

### Request for Council Action

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<b>Date Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
March 26, 2015	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Branch Update

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#### **FROM:**

Jerry Landau, Government Affairs Director  
Amy Love, Legislative Liaison

#### **DISCUSSION:**

Mr. Landau and Ms. Love will update members on the 2015 Legislative Session.

#### **RECOMMENDED COUNCIL ACTION:**

Update and action on legislature.

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**ARIZONA JUDICIAL COUNCIL  
LEGISLATIVE UPDATE  
MARCH 2015**

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**AJC Bills**

HB2013: COURTS; DAYS; TRANSACTION OF BUSINESS (Rep. Coleman)

Permits a municipal court to transact business on the second Monday of October (Columbus Day) upon approval of the presiding judge if the city or town is open for the transaction of business on the second Monday of October.

Title affected: 22

HB2089: AGGRAVATED ASSAULT; JUDICIAL OFFICERS (Rep. Borrelli)

Classifies an assault on a judicial officer as an Aggravated Assault if committed while engaged in the official's duties or occurs as a result of those duties. Defines "judicial officer" as a Supreme Court justice, judge, justice of the peace, commissioner, and hearing officer.

Adds the "scope of employment" limitations to occupations listed in statute where the provision is currently not included.

Title affected: 13

HB2294: COURTS; APPROVED SCREENING, TREATMENT FACILITIES (Rep. Farnsworth)

Permits the court to order a defendant convicted of DUI or Boating OUI into a program for alcohol or drug screening, education and treatment that is approved by the US Department of Veterans Affairs. Authorizes the court to order a defendant convicted of misdemeanor domestic violence into a program for DV treatment that is provided by the US Department of Veterans Affairs. Current law only authorizes programs approved or provided by the Department of Health Services or a probation department.

Allows a person applying for reinstatement of a driver license as a result of an Administrative per se suspension for DUI to complete alcohol or drug screening at a facility approved by DHS, a probation department or the US Department of Veteran's Affairs.

Titles affected: 5, 13, 28

## Resolutions and Court Impact Bills

### HCR2002: JUDICIAL ELECTIONS; SIXTY PERCENT (Rep. Lovas)

Refers to the 2016 ballot a proposed amendment to the Arizona Constitution requiring a “yes” vote from at least 60% of the voters for justices and judges to be retained in office.

Article affected: Article VI, Section 39 and 39

### HCR2006: STATE OFFICERS; JUDGES; LEGISLATIVE REMOVAL (Rep. Petersen)

Refers to the 2016 ballot a proposed amendment to the Arizona Constitution permitting the state legislature to remove any state officer, judge of the court of appeals or the superior court who is not elected, or justice of the Arizona Supreme Court at any time by a 2/3 vote.

Article affected: Article VIII, Part 2

### SCR1002: SUPREME COURT; PROCEDURAL RULES; AMENDMENT (Sen. Kavanagh)

Refers to the 2016 ballot a proposed amendment to the Arizona Constitution subjecting Supreme Court procedural rules to amendment by the legislature through joint resolution or by the people through initiative or referendum.

Article affected: Article VI, Section 5

### HB2076: SUPREME COURT JUSTICES; NUMBER (Rep. Petersen)

Increases the number of Supreme Court justices from five to seven.

Title affected: 12

### HB2629: SUPREME COURT; ATTORNEY LICENSING (Rep. Kern)

Requires the Supreme Court to license attorneys and adopt rules that include: minimum qualifications for licensure, testing requirements, background investigation before obtaining a license, disciplining attorneys and disbaring attorneys.

An attorney is not be required to be a member of any organization (State Bar) in order to become or remain an attorney.

Title affected: 12

### HB2088: MAGISTRATES; MUNICIPAL COURTS (Rep. Borrelli)

Replaces “police courts” with “municipal courts” and “police magistrates” with “judges” throughout statute.

Reallocates the \$3.6M general fund cut to the judiciary budget to 19 line items. The recently passed budget allocated the entire cut to the automation line item.

Titles affected: 1, 11, 12, 22, 36, 42, general appropriations

## Other Bills

### HB2310: MENTAL HEALTH COURTS; ESTABLISHMENT (Rep. Farnsworth)

Permits a presiding judge in a county with fewer than 250,000 persons to enter into an agreement to establish a regional mental health court for purposes of hearing cases from any county subject to the agreement.

Title affected: 12

### HB2320: FIREARMS; PERMIT HOLDERS; PUBLIC PLACES (Rep. Barton)

Allows persons with a concealed carry weapons permit to carry a weapon in a public building if the public building does not have proper security measures at all entrances and does not provide lockers for weapons. Required security measures include security personnel and electronic weapons screening devices. "Public building" is defined as any structure, vehicle, or craft that is owned, leased or operated by the state or political subdivision of that state. Exceptions provided for public events serving alcohol, the state hospital and special health care districts as well as schools, colleges and universities,

Title affected: 13

### HB2519: RELOCATION OF CHILD; PARENTING PLANS (Rep. Coleman)

Requires all parenting plans include a procedure for resolving issues related to the relocation of a child. If both parents are entitled to joint legal decision-making or parenting time and both parents reside in Arizona, at least 45 days' advance written notice, decreased from 60 days, must be provided to the other parent before a parent may relocate a child more than 30 miles, reduced from 100 miles. This notification does not apply if the court has granted a request to protect the residential address of the moving party, the address is a domestic violence shelter, or the party is a participant in the SOS address confidentiality program. Adds eviction to the list of reasons a parent may temporarily relocate with a child in fewer than 45 days.

Title affected: 25

### SB1116: FINES; FEES; COSTS; COMMUNITY RESTITUTION (Sen. Ward)

Authorizes a limited jurisdiction court to order a defendant perform community restitution in lieu of the payment for all or part of the fine, fee, assessment or incarceration costs if the court finds the defendant is unable to pay all or part of the monetary obligation. The amount of community restitution must be equivalent to the amount of the fine, fee, assessment or incarceration costs by crediting any service performed at a rate of \$10 per hour.

Title affected: 13

SB1295: FINGERPRINTING; JUDGMENT OF GUILT; RECORDS (Sen. Smith)

Permits the court to obtain and record a defendant's two fingerprint biometric-based identifier in the court case file, in lieu of permanently attaching the defendant's right index fingerprint to the judgment of guilt and sentence document.

Requires the booking agency (usually the county sheriff) to take a ten-print fingerprint of the defendant booked into jail if the booking agency cannot determine if the arresting agency took the prints.

Title affected: 13

S1439: JUDICIALLY APPOINTED PSYCHOLOGISTS; COMPLAINTS (Sen. Smith)

Requires The Board of Psychologist Examiners to consider a complaint against a judicially appointed psychologist from a court ordered evaluation, treatment or psychoeducation of a person to present a charge of unprofessional conduct. Establishes a triage process for complaints against court-ordered professionals within the Board.

Title affected: 32

3/19/15

**ARIZONA JUDICIAL COUNCIL**

Request for Council Action

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**Date Action Requested:**

March 26, 2015

**Type of Action Requested:**

Formal Action/Request  
 Information Only  
 Other

**Subject:**

Pretrial Update

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**FROM:**

Ms. Kathy Waters, Director of the Adult Probation Services Division of the AOC.

**DISCUSSION:**

An update on the progress of the Public Safety Assessment (PSA) Court pilot and other pretrial developments will be presented.

**RECOMMENDED COUNCIL ACTION:**

ACJA § 5-201(E) (1) requires approval of validated risk assessments by the Arizona Judicial Council. Support for the approval of the use of the Public Safety Assessment-Court (PSA-Court) in additional counties throughout Arizona.

## ARIZONA JUDICIAL COUNCIL

### Request for Council Action

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<b>Date Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
March 26, 2015	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Report from the Arizona Commission on Access to Justice (ACAJ)

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#### **FROM:**

Judge Lawrence Winthrop, ACAJ Chair

#### **DISCUSSION:**

Pursuant to Administrative Order No. 2014-83, the Arizona Commission on Access to Justice (Commission) is to submit a report and recommendations to the Arizona Judicial Council no less than annually. This is the first report of the Commission.

#### **RECOMMENDED COUNCIL ACTION:**

Approve in concept the recommendations made by the Arizona Commission on Access to Justice as outlined in the Report to the Arizona Judicial Council.

# Arizona Commission on Access to Justice

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## Report to the Arizona Judicial Council



March 26, 2015

**Arizona Commission on Access to Justice (ACAJ)**  
**Report to the Arizona Judicial Council**  
**March 26, 2015**

“Arizonans look to our courts to protect their rights and to resolve disputes fairly and efficiently. To serve these ends, Arizona’s judicial branch must work to ensure that all individuals have effective access to justice. This goal is advanced not only by examining legal representation for moderate and low-income persons, but also by helping self-represented litigants and others navigate the judicial process and by using technology to make courts more accessible to all.”

-- Chief Justice Scott Bales, “*Advancing Justice Together.*” *Five Year Strategic Plan: Courts and Communities, 2014-2019*

“An Access to Justice Commission is a state-based body, typically created by a state (or territorial) high court... [to] develop and implement solutions toward ensuring that people of limited means have meaningful access to civil justice. Commissions promote *pro bono*, increased legal aid funding and resources for self-represented litigants, among other initiatives.” – ABA Resource Center for Access to Justice.

The Arizona Commission on Access to Justice was established August 20, 2014 by Administrative Order No. 2014-83. Chief Justice Bales appointed Judge Lawrence F. Winthrop as chair and 17 other members from a diverse background and from various perspectives as members of the Commission. Arizona was the 34<sup>th</sup> jurisdiction to create such a commission.

### **THE COMMISSION’S DIRECTION**

Per the Administrative Order, and consistent with the Court’s Strategic Agenda, the Commission’s directive is to study and make recommendations on innovative ways of promoting access to justice for individuals who cannot afford legal counsel or who choose to represent themselves in civil cases. Specifically, the initial work of the Commission is to examine and make recommendations on the following:

- Assisting self-represented litigants and revising court rules and practices to facilitate access and the efficient processing of family court and eviction cases;
- Encouraging lawyers and law firms to provide *pro bono* services or financial support for civil legal aid for those who cannot afford counsel; and

- Develop an information campaign to inform lawyers and other citizens about the state tax credit for contributions to agencies that serve the working poor, including legal services agencies in Arizona.

## **THE COMMISSION'S WORK GROUPS**

In furtherance of the Administrative Order and the Chief Justice's directive, three main work groups were established, and an aggressive meeting schedule of those groups implemented.

**Self-represented Litigants in Family Court Work Group (SRL-FC)** is co-chaired by Maricopa County Presiding Family Court Judge Janet Barton, and by Ms. Janet Fisher, Director of Collections and External Relations of the State Library of Arizona. This work group has 13 members, many with extensive family court experience, and with backgrounds as judicial officers, court staff, administrators, legal service providers, library services and community service. The work group met twice (November 12, 2014, and January 22, 2015) and developed several recommendations for consideration by the ACAJ.

**Self-represented Litigants in Limited Jurisdiction Court Work Group (SRL-LJC)** is chaired by Maricopa County Justice Court, West McDowell Precinct, Judge Rachel Torres Carrillo; the work group has 12 members and they have met twice (November 12, 2014, and January 22, 2015). Members include experienced court administrators, a city court magistrate, a federal public defender, a city prosecutor, an assistant U.S. Attorney, a judge *pro tempore* and judicial services educator, providers of legal services, and the executive director of the William E. Morris Institute for Justice. At its November 12, 2014, meeting the work group formed two sub-work groups to focus on specific areas. The Forms and Rules sub-work group met three times (December 4, 2014, January 13, 2015, and January 29, 2015) and is chaired by Ellen Katz. The other sub-work group, Resources, has met once on December 8, 2014, and is chaired by Paul Julien from the Administrative Office of the Courts.

**Pro Bono Service and Funding Work Group (*Pro Bono*)** is chaired by Snell & Wilmer attorney, Barbara Dawson. This work group is comprised of 13 individuals that have experience in managing or providing *pro bono* services, expertise in developing public awareness, or have experience in creating funding opportunities for legal service providers and in developing recognition programs for attorneys providing *pro bono* services. This work group has met twice (November 20, 2014, and January 22, 2015). Members include communications experts from media and public broadcasting, business leaders, the Arizona State Bar, and the Administrative Office of the Courts, as well as

attorneys working in private practice who are familiar with *pro bono* issues and funding challenges.

## **STATUS OF WORK**

The number one goal of the Court's Strategic Agenda is "Promoting Access to Justice." This goal is advanced not only by expanding the availability of legal representation for moderate and low-income persons, but also by helping self-represented litigants and others navigate the judicial process, and by using technology to make courts more accessible to all.

At the full Commission meeting on February 4, 2015, the Commission's work groups reported on their efforts to date and asked the Commission to support or approve the following proposals/recommendations:

### **Self-represented Litigants in Family Court Work Group**

- 1. COURT NAVIGATOR PILOT PROJECT:** On a state-wide basis, over 80 per cent of the time, one or both individuals involved in family court disputes are choosing (out of necessity or otherwise) to represent themselves. Understanding filing requirements and court procedures is a significant challenge and barrier for a self-represented litigant. The litigants are frustrated. Judicial and court staff resources are challenged. The collateral effect of protracted family court disputes and delayed ultimate resolution adversely affects not only the litigants, but also children, extended family, existing and potential employment relationships and the business community. With 56,000 + pre- and post-decree filings in FY 2014, Maricopa County Superior Court has the highest volume of family court filings in the state. That court is in the process of re-designing its existing Self-help Center, and is applying for an AmeriCorps grant to create a "court navigator" program for self-represented litigants in family court proceedings. The pilot project, modeled in part on a very successful similar program in California, will use court-trained and supervised college students in a series of dedicated workshops to provide information and hands-on assistance in completing necessary filings and other paperwork, and to help guide the self-represented litigant in efficiently completing the family court process. A working agreement is already in place with Arizona State University to provide undergraduates for the program. Funding for the program will be provided jointly by the superior court and through the AmeriCorps grant. If the grant is awarded, the Self-help Center space will be reconfigured and the navigator training and participant classes designed. The availability of the program will be publicized. The students and court staff will receive appropriate training for these workshops. It is anticipated that this program could launch in the downtown courthouse as early as this fall.

The Commission voted to endorse and support the Maricopa County project, and directed the Chair to provide a letter of support for the County to include in its application packet.

2. **STANDARDIZED/SIMPLIFIED FORMS AND INSTRUCTIONS:** Pima and Maricopa Counties have already done substantial work in creating standardized family court forms. These forms exist in both hard copy and computerized “intelligent” options. Pima County has collaborated with the University of Arizona to develop a set of simplified and easy-to-understand instructions concerning the use of the forms.

The Commission voted to endorse the continuing efforts to make standardized forms and instructions templates available to each county’s superior court so the forms and instructions can be modified if necessary to account for local practices. In that regard, the Commission encourages AOC to assist with relocating forms and instructions links on web pages to enhance accessibility for self-represented litigants.

3. **WEB-BASED SELF-HELP SERVICE CENTER:** Not every county can support a physical self-help facility in its superior court building. An idea worth exploring is creating an on-site self service center at one superior court location that can host and provide interactive video broadcast capacity for family court educational programs to other family court facilities, particularly those in the rural counties. Additional information about self-help services, including links to standardized forms and instructions, could be provided via an AOC-hosted website.

4. **COMMUNITY LIBRARY LEGAL INFORMATION PILOT PROJECT:** Court-based self-help centers may not be a practical resource for self-represented litigants who live in remote or rural areas. Community-based libraries are an ideally-located alternative for obtaining information and practical assistance, and under the auspices of the State library system, a pilot project has been designed to create resource centers in the library setting for self-represented litigants. The program will provide (1) court-supervised training for librarians to assist with locating legal information; (2) computer access to electronic court forms, and (3) on-site legal clinics. The clinics will provide both general information and individual assistance. Technology may allow the information sessions to be available via webinar to other remote locations. Groups of *pro bono* lawyers have already agreed to help staff the on-site clinics, and the Commission anticipates the established LSC legal service providers (Community Legal Services, Southern Arizona Legal Aid, DNA Peoples Legal Services) will also be involved. Counties already scheduled to participate in 2015: Maricopa, Coconino, Gila, Graham, Greenlee and Yuma.

The Commission voted to endorse and support the library project. If successful in these six counties, the program could be easily exported to the other counties, and particular consideration given to making the program a collaborative one with the superior courts in those rural counties.

- 5. LEGAL ADVICE vs. LEGAL INFORMATION:** In 2007, an Arizona Supreme Court task force provided a comprehensive report, recommendations and a handbook on educating and training court staff on the difference between providing legal information (allowed under the Code of Conduct for Judicial Employees) and providing legal advice (not allowed under the Code). The work group recommends that the handbook created by the task force in 2007 be updated and expanded.

The Commission approved the work group's recommendation, and proposes that the 2007 Legal Advice v. Legal Information Handbook be updated and expanded by soliciting additional input from general and limited jurisdiction court administrators and clerks around the state as to what frequently asked questions ("FAQs") should be included. That information will lead to a series of redesigned FAQs that will identify common or recurrent legal advice v. legal information scenarios and summarize the types of activities court personnel can assist litigants with, and more importantly, what types of questions court staff are unable to answer. This information should also be summarized and placed on the Arizona Bar Foundation's AZLawHelp web page (<http://azlawhelp.org/>), as well as individual court web sites. The FAQs and any related information on court web sites should also prominently include information for self-represented litigants concerning the availability and process for obtaining fee waivers or deferrals. Statewide legal advice v. legal information training in courts and clerks' offices should be promoted and encouraged, and similar training made available for the community library legal information/clinic project. In that regard, the Commission recommends the Committee on Judicial Education and Training (COJET) consider specify mandatory legal advice v. legal information training, every year for general and limited jurisdiction courts.

- 6. ORDERS OF PROTECTION:** The work group generally identified a need to improve more timely access to orders of protection for domestic violence victims, particularly in a rural setting. The issue has been referred to the Committee on the Impact of Domestic Violence and the Courts (CIDVC) to explore how to make available to rural hospitals and courthouses the best-practice currently being used in several metropolitan areas where victims of domestic violence who are receiving treatment at a hospital can seek an Order of Protection remotely while at the hospital. For example, litigants at Maricopa County's Southeast Regional Courthouse can apply for an Order of Protection while speaking to a judicial officer in the downtown courthouse via remote access equipment.

- 7. FUTURE PROJECTS:** The work group recommended it investigate assisting those counties who are currently eligible to apply for and receive federal Title IV-D funding. With respect to counties who are not currently eligible to receive such funding, the recommendation is to assist these counties in developing outreach programs that would, in turn make them eligible.

The work group further noted Washington State has a limited license legal technician program that provides legal advice and assistance to clients in certain areas of law without requiring the supervision of a lawyer. These lay advocates charge for the services they provide, although they presumably charge less than an attorney. No recommendation is being made at this time; however, the Commission recognizes this potential is being explored in other jurisdictions, and there is value in at least exploring and discussing the merits and disadvantages of training and licensing lay advocate representation in a family court context.

#### **Self-represented Litigant in Limited Jurisdiction Courts Work Group**

The limited jurisdiction work group has focused its initial efforts on assisting self-represented litigants in housing disputes. Existing forms and best practices from around the state were reviewed, and the group made the following recommendations, all of which were approved by the Commission:

- 8. EVICTION NOTICES AND RELATED DOCUMENTS:** Revise and make all eviction forms easier to read and easier to understand; the forms should include a short summary of likely options. The group recommends removing incorrect information from existing forms, revising the language on the forms as appropriate and encouraging and requiring translation of those forms into Spanish.
- 9. FEE WAIVER/DEFERRAL FORMS:** Make fee deferral/waiver forms more accessible, both on-line and at the courthouse.
- 10. JUDICIAL AND COURT STAFF TRAINING:** Encourage and mandate specific training for judges and for court staff, particularly concerning the role of the judge in dealing with the self-represented litigant.
- 11. PRO PER COMPUTER ACCESS IN COURTHOUSE:** Encourage the placement of computers in court reception or lobby areas to give self-represented litigants the ability to use intelligent forms that the litigant can access, understand and complete on site. Explore potential technology grants from the State Justice Institute, the National Center for State Courts and the ABA to facilitate purchase/installation of such technology.

12. **HOUSING LAW CLINICS:** Explore the creation/expansion of law school-based clinical programs as well as Volunteer Lawyer Program clinics in the landlord-tenant area. These clinics could be held on-site at the courthouse, or in a community-based location, such as the public library.
13. **INFORMATIONAL VIDEOS:** Gather and/or create informational videos about the court process that can be accessed at the courthouse and on law-related websites, such as AzLawHelp.org.
14. **RECOGNITION OF JUDICIARY:** Explore the recognition of those judges who are role models in dealing with *pro per* litigants and how to not only recognize their skills but also how to share their expertise and recommendations with others.

### **Pro Bono Services and Funding Work Group**

The Commission considered several works-in-progress and future projects that the Pro Bono Services and Funding Work Group are developing. These concepts include:

15. **ARIZONA STATE TAX CREDIT:** Expand promotion of the Arizona Tax Credit for Qualifying Charitable Organizations. Media coverage and public awareness of the credit, and the social return to the community on such investment needs to be increased. In October, the Commission, along with Chief Justice Bales, hosted a social event promoting the Arizona Charitable Tax Credit and provided information to dozens of law firms and their managing partners and representatives of public law agencies regarding this unique funding opportunity to help legal aid providers at no cost to taxpayers. As a result of these initial efforts, invitations to speak at other large law firms and to groups of judges were generated, and Justice Bales and Judge Winthrop have continued to promote this message, resulting in an estimated \$52,887 in increased funding to legal service providers. The work group believes a coordinated media campaign launched earlier in the tax year, and continued use of judicial speakers, will result in a greater understanding of the availability and impact of such donations, and a significant increase in the dollars collected for the benefit of our low-income residents.
16. **LAW FIRM PRO BONO NETWORK:** Create a state-wide network of law firm representatives to link resources and coordinate delivery of private *pro bono* services. The “bones” of such a network is already in place through the Equal Justice Foundation/Campaign.

17. **PRO BONO VOLUNTEER WEB PORTAL:** Support development of a “one stop” *pro bono* web portal, created by the Arizona Legal Service Steering Committee and the Arizona Bar Foundation, which will identify volunteer programs across the state and specific opportunities for lawyers to volunteer their services.
18. **BUSINESS PRO BONO NETWORK:** Create a state-wide network of corporate and business representatives who understand the need for and benefit to the business community of providing legal services to our working poor population. This will include specific outreach to and engaging of corporate and in-house counsel.
19. **ENCOURAGE PUBLIC LAWYER INVOLVEMENT:** Expand public lawyer involvement, including agency adoption of model *pro bono* policy for government lawyers and to create and publicize opportunities for *pro bono* service that fit within the ethical and legal restrictions placed on public lawyers providing volunteer service.
20. **TAKE ADVANTAGE OF RETIRED LAWYERS AND JUDGES:** Create a network of retired judges and lawyers to provide training and *pro bono* services.
21. **COMPREHENSIVE MEDIA PLAN:** Develop a plan for media coverage opportunities and dissemination of legal information via print, television and internet.
22. **RECOGNIZE VOLUNTEER ROLE MODELS AND CELEBRATE SUCCESS:** Develop a plan and find creative ways to celebrate and honor volunteers and enhance recognition of *pro bono* service.
23. **DEVELOP NEW OR SUPPLEMENTAL FUNDING MODEL:** Consider long term funding options for the access to and delivery of *pro bono* services.
24. **COLLABORATION:** Collaborate with other organizations as appropriate.

### **FUTURE MEETINGS**

The next Commission meetings are scheduled for May 20, August 12 and November 18, 2015.

Respectfully submitted,

Lawrence F. Winthrop  
Chair, Arizona Commission on Access to Justice

**Arizona Commission on Access to Justice**

**Chair:**

**Honorable Lawrence F. Winthrop**, Arizona Court of Appeals – Division 1

**Members:**

**Kip Anderson**, Superior Court in Mohave County

**Honorable Janet Barton**, Superior Court in Maricopa County

**Mike Baumstark**, Administrative Office of the Courts

**Honorable Thomas Berning**, Tucson City Court

**Millie Cisneros, Esq.**, Federal Public Defender’s Office

**Honorable Maria Elena Cruz**, Superior Court in Yuma County

**Barbara Dawson, Esq.**, Snell & Wilmer, LLP

**Michael K. Jeanes**, Clerk of Court, Maricopa County

**Ellen Katz, Esq.**, William E. Morris Institute for Justice

**Honorable James Marner**, Superior Court in Pima County

**John Phelps, Esq.**, State Bar of Arizona

**Janet K. Regner**, Coconino County Community Services

**Kevin Ruegg, Ph.D.**, Arizona Foundation for Legal Services & Education

**Steve Seleznow**, Arizona Community Foundation

**Honorable Rachel Torres Carrillo**, Maricopa County Justice Courts

**Lisa Urias**, Urias Communications

**Anthony Young, Esq.**, Southern Arizona Legal Aid

**AOC Staff:**

Theresa Barrett, Kathy Sekardi, Nick Olm, Julie Graber

**Work Group of the Arizona Commission on Access to Justice**

**Self-represented Litigants in Family Court**

**Chair:**

**Honorable Janet Barton**, Superior Court in Maricopa County

**Co-Chair:**

**Janet Fisher**, State Library, Archives and Public Records

**Members:**

**Kip Anderson**, Superior Court in Mohave County

**Dave Byers**, Administrative Office of the Courts

**Honorable Peter Cahill**, Superior Court in Gila County

**Honorable Maria Elena Cruz**, Superior Court in Yuma County

**Helen R. Davis, Esq.**, The Cavanagh Law Firm, P.A.

**Honorable Dean M. Fink**, Superior Court in Maricopa County

**Pat Gerrich, Esq.**, Community Legal Services, Inc.

**Michael K. Jeanes**, Clerk of Court, Maricopa County

**Honorable James Marner**, Superior Court in Pima County

**Honorable Mark Moran**, Superior Court in Coconino County

**Steve Seleznow**, Arizona Community Foundation

**Work Group of the Arizona Commission on Access to Justice**  
**Self-represented Litigants in Limited Jurisdiction Courts**

**Chair:**

**Honorable Rachel Torres Carrillo**, Maricopa County Justice Courts

**Members:**

**Mike Baumstark**, Administrative Office of the Courts

**Honorable Thomas Berning**, Tucson City Court

**Stacy R. Butler, Esq.**, U.S. District Court

**Millie Cisneros, Esq.**, Federal Public Defender's Office

**Jeffrey Fine**, Maricopa County Justice Courts

**Chris Groninger**, Arizona Foundation for Legal Services & Education

**Andrea A. Gutierrez, Esq.**, The Angulo Law Firm

**Paul Julien**, Administrative Office of the Courts

**Ellen Katz, Esq.**, William E. Morris Institute for Justice

**Steven D. Keist, Esq.**, Christian Legal Aid of Arizona

**Todd F. Lang, Esq.**, U.S. Attorneys' Office

**Honorable Quentin Tolby**, Maricopa County Justice Courts

**Work Group of the Arizona Commission on Access to Justice**

**Pro Bono Service and Funding**

**Chair:**

**Barbara Dawson, Esq.,** Snell & Wilmer, LLP

**Members:**

**Joshua Gabel, Esq.,** Snell & Wilmer, LLP

**Jennifer L. Holsman-Tetreault, Esq.,** Rural Metro Corporation

**Dinita James, Esq.,** Gonzalez Saggio & Harlan, LLP

**Kelly McCullough,** Eight, Arizona PBS

**Heather Murphy,** Administrative Office of the Courts

**John Phelps, Esq.,** State Bar of Arizona

**J. Scott Rhodes, Esq.,** Jennings, Strouss & Salmon, PC

**Steven R. Rodgers,** Intel Corporation

**Carrie Sherman,** State Bar of Arizona

**Lara Slifko,** Arizona Foundation for Legal Services & Education

**Lisa Urias,** Urias Communications

**Anthony Young, Esq.,** Southern Arizona Legal Aid

## ARIZONA JUDICIAL COUNCIL

### Request for Council Action

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<b>Date Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
March 26, 2015	<input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	International Law and Child Custody

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#### **FROM:**

Honorable David Mackey, Superior Court in Yavapai County  
Chair, Committee on Superior Court (COSC)

#### **DISCUSSION:**

At the December 11, 2014, Arizona Judicial Council meeting, Mr. Yordy Purnomo made a public comment about problems he is experiencing with joint legal decision-making authority regarding his child. The child is a U.S. citizen, but has been taken to Indonesia by his mother. Indonesia is not a signatory to the Hague Convention. Although Mr. Purnomo has joint legal decision-making authority with the child's mother, the Arizona court order is unenforceable in Indonesia. He asked the Judicial Council for a clear-cut policy regarding international child custody involving U.S. citizens who are in non-Hague Convention countries. The Chief Justice asked the Committee on Superior Court (COSC) to discuss Mr. Purnomo's concern.

ACJA § 1-105 established COSC to assist the AJC and the Supreme Court in the development and implementation of policies designed to improve the quality of justice, access to the courts, and efficiency in court operations. COSC also is charged with studying the internal operation and identifying the needs of the superior court, analyzing and planning for future developments, and recommending uniform administrative policies and procedures to improve judicial administration.

COSC does not hear appeals or investigate individual cases from the superior court, but in keeping with its charge, the Committee, at its February 6 meeting, discussed:

1. Whether Mr. Purnomo's concern is a statewide issue that impacts the superior court.
2. Whether policies can be developed or implemented to improve the quality of justice, access to the courts, and efficiency in court operation regarding international law and child custody.
3. Whether training on issues of international law and child custody might improve judicial administration.

Members acknowledged that international child custody issues do arise periodically in superior court, and even Hague Convention countries vary greatly in the way they apply the treaty's child custody provisions.

During discussion, it was noted that statute, specifically A.R.S. § 25-403, specifies the factors that judges must consider when making legal decision-making and parenting time decisions in a child's best interests. The factors do not include consideration of international custody law, and the Legislature would need to act to modify the factors.

Judicial education, however, is within the Supreme Court's authority. Jeff Schrade, AOC Education Services Director, shared information on a national judicial training institute titled The Hague Child Abduction Convention – International Perspective that runs from March 2-April 2, 2015. The program, which is free, is a self-paced webinar. Information about applying for the institute was shared with COSC members. Paul Julien, AOC Education Services, added that the topic could be added to new judge orientation materials.

**RECOMMENDED COUNCIL ACTION:**

Information only.