

Hon. Deborah Young, President
Arizona Association of Superior Court Clerks
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IN THE ARIZONA SUPREME COURT

In the Matter of)	Supreme Court No. R-11-0038
)	
PETITION TO AMEND RULE 55 OF)	COMMENT TO PROPOSED
ARIZONA RULES OF CIVIL PROCEDURE)	RULES RELATED TO ENTRY
AND RULE 44 OF THE ARIZONA RULES OF)	OF DEFAULT JUDGMENTS
<u>FAMILY LAW PROCEDURE</u>)	

The Arizona Association of Superior Court Clerks (AASCC) submits the following comments in support of the petition to amend Rule 55 of the civil rules of procedure and Rule 44 of the family law rules of procedure relating to the entry of default judgments.

The entry of thousands of default judgments each year is an inconsistent practice across Arizona. For example, the Clerk for Pima County must actively review and enter defaults pursuant to a local Administrative Order. The Clerk for Pinal County enters defaults pursuant to local practice related to a local rule of court. The Clerks for Apache, Maricopa and Yavapai Counties are directed not to review and enter defaults pursuant to local Administrative Orders in their counties. Whether a county enforces a two-step or a three-step process to enter a default judgment appears to be a matter of historical preference. The filing party is responsible for proper service and monitoring the timeline in court rule for entry of a default. A judicial officer reviews the application for default

before granting a judgment. In some counties the Clerk reviews the same information at the point between filing and judicial review.

Maricopa County's volume has historically averaged 60% of the total statewide filings in Superior Court. Pursuant to its local Administrative Order, the Clerk for Maricopa County has not actively reviewed and entered default judgments since approximately 1994. The Clerks agree that if actively reviewing and entering default judgments is not required, the Clerks' efforts are better spent on their immediate mandates.

The law practice of many private and government attorneys cross county borders, particularly along the population corridor of Pima, Pinal, Maricopa, Yavapai and Coconino Counties. The existing county-by-county patchwork approach to default judgments is problematic. Statewide, Clerks can process 400 default judgments per year, 400 per month or nearly 400 per week, depending on the county. The attorneys who practice across county borders and their clients face different requirements and expectations in different counties.

The AASCC strives for statewide consistency in applying the rules of court. Clarification of the process for the entry of a default judgment will improve the efficiency of Clerk operations and provide court users the confidence that defaults will be entered uniformly across the state. The AASCC agrees with the petition that the Clerk's returning to a default filing after ten days is an unnecessary ministerial task. Implementing this clarification will standardize Clerk operations statewide in this area and provide valuable consistency for the public, the bench and the legal community.

DATED this 30th day of April, 2012.

/s/ Deborah Young
Hon. Deborah Young, President
Arizona Association of Superior Court Clerks

A copy of this comment has been delivered this
30th day of April, 2012, to:

Hon. Norman J. Davis, Presiding Judge
Superior Court of Arizona, Maricopa County
125 W. Washington St.
Phoenix, AZ 85003
Via electronic filing of comment

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