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R- 16-0044



FILED
DEC 13 2016
JANET JOHNSON
CLERK SUPREME COURT
BY: *[Signature]*

SUPERIOR COURT OF ARIZONA
COUNTY OF MARICOPA

Janet E. Barton
Presiding Judge

Old Courthouse
125 West Washington, 5th Floor
Phoenix, Arizona 85003
Office (602) 506-5340

November 22, 2016

Honorable Scott Bales
Chief Justice
Arizona Supreme Court
1501 W. Washington
Phoenix, AZ 85007

Re: Request to Amend Superior Court Local Rules – Maricopa County

Dear Chief Justice Bales,

Pursuant to Rule 83 of the Arizona Rules of Civil Procedure, I request your approval to amend Rule 2.6 and to abrogate Rule 9.8 of the Superior Court Local Rules – Maricopa County. The proposed amended and abrogated rules were presented to, and approved by, the judges of the Superior Court in Maricopa County on November 2, 2016.

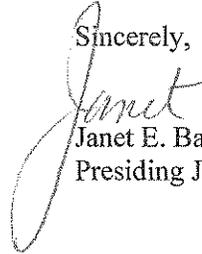
The amendments to Rule 2.6 are based on recommendations of an *ad hoc* Jury Procedures Committee established in May of 2015 by Maricopa County Superior Court Administrative Order No. 2015-050. The Committee was tasked with reviewing current jury procedures protecting the confidentiality of juror information and to make recommendations regarding those procedures. The amendments to Rule 2.6 define confidential juror information and add additional provisions to the Rule to ensure that parties and their attorneys protect juror information from public dissemination.

I am also requesting an abrogation of Local Rule 9.8. This Rule applies only to Lower Court Appeals proceedings. In these proceedings, no court reporter is required. Currently, under Rule 9.8, if a party wishes to have a court reporter at a proceeding the party must make a request within five (5) calendar days prior to the proceeding. This contradicts our recently adopted Local Rule 2.22, "General Procedures," that apply to all Departments of Superior Court. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing." By abrogating Local Rule 9.8, the conflict of five

(5) days to request a court reporter versus ten (10) days will be resolved and Local Rule 2.22 will govern in all instances.

I appreciate your time in reviewing and approving these changes to the Superior Court Local Rules – Maricopa County.

Sincerely,



Janet E. Barton
Presiding Judge

cc: Michael Jeanes, Clerk of Court
Ellen Crowley, Chief Staff Attorney

IN THE SUPERIOR COURT
OF THE STATE OF ARIZONA,
MARICOPA COUNTY

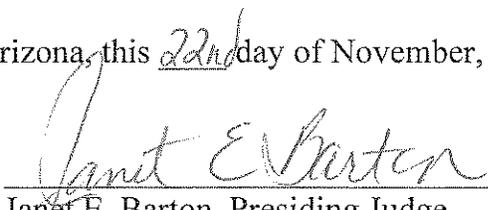
ORDER AMENDING RULE 2.6 AND ABROGATING RULE 9.8
LOCAL RULES OF PRACTICE,
MARICOPA COUNTY SUPERIOR COURT

A majority of the judges of the Maricopa County Superior Court having approved, pursuant to Rule 83, Ariz. R. Civ. Proc., the proposed amendment to Rule 2.6 and the proposed abrogation of Rule 9.8 of the Maricopa County local court rules,

IT IS ORDERED amending Rule 2.6, Local Rules of Practice for the Maricopa County Superior Court, in accordance with the attachment hereto as Exhibit A, effective January 1, 2017.

IT IS FURTHER ORDERED that Rule 9.8, Local Rules of Practice for the Maricopa County Superior Court is abrogated as set forth in Attachment B, effective January 1, 2017.

DATED in the City of Phoenix, Arizona, this 22nd day of November, 2016.



Janet E. Barton, Presiding Judge
Maricopa County Superior Court

APPROVED this _____ day of _____, 2016.

Scott Bales, Chief Justice
Arizona Supreme Court

ATTACHMENT A¹

LOCAL RULES OF PRACTICE FOR THE MARICOPA COUNTY SUPERIOR COURT

Rule 2.6. Juries

~~a. Request for Jury Panel. Not later than 3:30 p.m. of the judicial day preceding the day for which a case is set for trial, or 10:45 a.m. for the jurors to report in the afternoon of that day, each judge shall cause the jury commissioner to be advised of the number of jurors required for the following judicial day.~~

ba. Assessment of Jury Fees.

(1) *Before Impanelment.* If a jury panel has been ordered for a civil trial and a court is available but the case is settled or for any other reason the panel is not used for that trial, jury fees will be assessed for the panel of prospective jurors unless the court is notified of settlement or that the panel will not be needed for that trial before 2:00 p.m. on the judicial day preceding the day for which the case is set for trial.

(2) *After Impanelment.* If a jury has been impaneled for a civil trial but the case is settled or for any other reason the panel is not used for that trial, an assessment of jury fees shall be made for each juror and alternate juror impaneled for each day on which the jury was present for trial.

eb. **Parties Against Whom Fees Assessed.** Except as otherwise provided by law, the parties may by agreement, subject to approval by the court, designate the party or parties against whom jury fees are to be assessed. If the parties fail to so designate, the court shall assess the jury fees equally against each side unless the court determines that the interests of justice require assessment of jury fees in some other manner.

¹ Additions in the text of the rule are shown by underscoring and deletions from text are shown by ~~strike through~~.

dc. Mistrials. Jury fees for mistrials shall be fixed by the court at the time of the mistrial, and may be assessed at the time judgment is given or disposition made.

ed. Notification to County Attorney for Waiver of Jury Fees. A request to be relieved from a judgment for jury fees pursuant to A.R.S. § 12-332 shall be in writing. A copy of the request shall be served upon the County Attorney not less than three (3) days before the time fixed by the court to hear the request.

e. Juror Confidentiality

(1) Definitions

- (A) “Juror Information” includes any personally identifying information of a juror, including but not limited to name, address, telephone number, email address, place of business, marital status and felony status.
- (B) “Jury Lists” are the lists of juror names provided by the Jury Office to judicial staff.
- (C) “Biographical Forms” are forms containing Juror Information, including Juror Questionnaires, that are completed by the juror pool for use in jury selection.

(2) Protecting Juror Information

- (A) Protection by Statute and Court Rule. Juror Information is confidential and protected by statute and court rule, including A.R.S. § 21-312, Arizona Rule of Civil Procedure 49, Arizona Rule of Criminal Procedure 18.3 and Rule 123(e)(10) of the Rules of the Supreme Court of Arizona.
- (B) Attorneys and self-represented litigants shall: (i) return all Jury Lists and Biographical Forms, including Juror Questionnaires, to the bailiff at the end of jury selection; (ii) ensure that no Juror Information is accessible to third parties or the public, e.g., by being left unattended in the courtroom or displayed in the courtroom on an

electronic device susceptible to viewing by persons other than a party's litigation team.

- (C) Attorneys and self-represented litigants shall use Juror Information solely for the purposes of the litigation and shall restrict the use of such Information to those persons working with the attorneys or self-represented litigants. Attorneys and self-represented litigants shall also take all reasonable steps to ensure that Juror Information obtained by them is not disseminated into the public domain.

ATTACHMENT B²

LOCAL RULES OF PRACTICE FOR THE MARICOPA COUNTY SUPERIOR COURT

Rule 9.8. ~~Reporting of Oral Arguments and Hearings~~ [Reserved]

~~Oral arguments, hearings, trials de novo, and scheduling conferences before the Appeals Department may be officially reported upon timely written request to the assigned judicial officer within the Appeals Department at least five (5) calendar days prior to the scheduled proceeding. A failure to timely request a court reporter shall constitute a waiver.~~

² Additions in the text of the rule are shown by underscoring and deletions from text are shown by ~~strike through~~.