

Arizona Association of Superior Court Clerks
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IN THE ARIZONA SUPREME COURT

In the matter of PETITION TO AMEND)
VARIOUS RULES OF PROCEDURE)
RELATING TO MINUTE ENTRIES)
RULES 4(d) AND 58(b), ARIZONA)
RULES OF CIVIL PROCEDURE, RULES) R- 2005-0030
7.6, 10.1, 16.3, 26.7, 32.5, 32.9, 35.5, 35.6) COMMENT ON PETITION
AND 35.7, ARIZONA RULES OF)
CRIMINAL PROCEDURE; RULE 7)
RULES OF PROCEDURE FOR SPECIAL)
ACTIONS; and RULE 12(c), SUPERIOR)
COURT RULES OF APPELLATE)
PROCEDURE – CIVIL)
_____)

The Arizona Association of Superior Court Clerks respectfully submits the following comments on the Petition to Amend Various Rules of Procedure Relating to Minute Entries:

The Association supports the effort to improve the process of creating and distributing minute entries.

Regarding service of process in proposed Rule of Civil Procedure 4(d), it is recommended to include language that, in addition to submitting a proposed form of order, the filing party include the appropriate number of copies and stamped, addressed envelopes for distribution of the resulting order. This process would then match the new Rule 5(j)(2) and ensure the committee's intent. Further, there is currently no rule for this distribution process in Juvenile cases. A new juvenile rule is recommended at this time, with suggested placement in the Juvenile Rules General Provisions Section, Part I, to mirror the criminal and civil rules. If added, Juvenile Rule, Part IV, Rule 74(d) may be deleted, as this is now outlined in the new proposed rules that will apply to all case types.

Regarding the transfer and disposition of bond in proposed Rule of Criminal Procedure 7.6, it is recommended to maintain the current language and notify the surety by issuing a minute entry. The attached proposal will also improve electronic distribution opportunities in these instances.

Proposals to the above-referenced rules are attached to this comment.

DATED this 22 day of May, 2006.

Juanita Mann, President
Arizona Association of Superior Court Clerks

A copy of this comment has been mailed or delivered this
22 day of May, 2006, to:

Hon. Chief Justice Ruth V. McGregor
1501 West Washington Street
Phoenix, Arizona 85007

Cc: Hon. Barbara R. Mundell, Presiding Judge
Superior Court Clerks