

# Committee on Superior Court

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## Minutes

Friday, February 5, 2021

Virtual Meeting

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**Telephonic:** Judge Charles Gurtler, Jr., chair, Judge Renee Bennett, Judge Jeffrey Bergin, Judge David Cunanan, Sarah Douthit, Jeffrey Fine, Judge Thomas Fink, Judge Pamela Gates, William Klain, Judge Joseph Kreamer, Judge Danelle Liwski, Judge James Marner, Judge Roger Nelson, Judge Cathleen Brown Nichols, Ronald Overholt, Judge Michael Peterson, Judge Patricia Starr, Judge Randall Warner, Judge Timothy Wright, Todd Zweig

**Absent/Excused:** Judge Jason Holmberg, Megan Spielman

**Presenters:** Justice Rebecca W. Berch (Ret.), Judge David Gass, Chair, FCIC-CSGRC

**Administrative Office of the Courts (AOC):** Jennifer Albright, Theresa Barrett, Liana Garcia, Jennifer Greene, Mark Meltzer, Susan Pickard, Laura Ritenour

**AOC Staff:** Kay Radwanski, Sabrina Nash

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## I. REGULAR BUSINESS

**Welcome and Opening Remarks.** The February 5, 2021, meeting of Committee on Superior Court (COSC) was called to order at 10:01 a.m. by Judge Charles Gurtler, Jr., chair. Kay Radwanski provided committee members with Zoom housekeeping information. She also addressed how members of the public can address the committee during the meeting.

Judge John Napper, presiding judge, Superior Court in Yavapai County, was welcomed as a newly appointed committee member. Judge Gurtler noted that Megan Spielman, Clerk of the Court, La Paz County, will be taking a new position as county administrator. Candidates will be sent to the Chief Justice to fill the Clerk of the Court-Rural vacancy created by Ms. Spielman's departure from the court.

**Approval of Minutes.** The draft minutes from the November 6, 2020, COSC meeting were presented for approval.

**Motion:** Judge Timothy Wright moved to approve the November 6, 2020, minutes as presented.  
**Seconded:** William Klain. **Vote:** Unanimous.

## II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

### A. Juvenile Rules Restyling

Justice Rebecca Berch (Ret.), chair, Task Force on Rules of Procedure for the Juvenile Rules, provided a brief overview of the task force, noting that the task force and its workgroups have met more than 100 times to date. She stated that the focus of the task force is to review the Juvenile Rules and identify possible changes that would align these rules to modern usage, simplify the language, clarify and improve procedures, reorganize the rules to enhance their usability, and account for recent state and federal legislation in the Family First Prevention Services Act. Justice Berch said she anticipates

that the task force will file a rule petition in March 2021, at which time it will be open for public comment and subsequent consideration at the Supreme Court's August 2021 rules agenda. Justice Berch also asked COSC to provide any input they may have, especially regarding terminology, procedures, and numbering.

## B. 2021 Rule Petitions

Mark Meltzer, senior policy analyst, AOC, asked COSC members to read the rule petition summary, discuss the rules and comment on the rules. He noted that there are two rule petitions on the use of peremptory strikes of prospective jurors in civil and criminal trials (*Batson* challenge). The third rule petition proposes abrogation of a party's right to a peremptory change of judge in virtually all cases types in general and limited jurisdiction courts. The numbers for these rule petitions are: R-21-0008, R-21-0020 and R-21-0006.

Discussion of the rule petitions was deferred until later in the meeting.

## C. Legislative Update

Liana Garcia, government affairs director, AOC, announced that legislators are in week four of the current session. As of today, 1,700 pieces of legislation have been introduced, and some of them are repeats from last year due to session ending early because of the pandemic. The Arizona Judicial Council (AJC) and the courts have twelve bills going through the legislative process; five went through committee last week, and five will go through committee this week. Here is legislation of interest to COSC:

- **H2053: Superior Court Clerk; Salary** – Increases the annual salary of clerks of the Superior Court. This legislation is no longer contingent on the salary of a superior court judge; it has been amended to be a cost-of-living increase. Ms. Garcia noted that this legislation has been a challenge for many years and that the counties have been trying to push it forward. This bill has advanced through the House Judiciary Committee.
- **H2185: Civil Juries; Size; Concurrence** – Temporarily reduces the size of the jury to six persons, from eight persons, and the concurrence of all but one, reduced from two, is necessary to render a verdict. This legislation would be in effect from date of signing until January 1, 2023. This bill has advanced through the House Judiciary Committee.
- **H2320: Sealing Arrest; Liability; Sentencing Records** – Authorizes courts to seal the record of a person's arrest, conviction and sentence. At the time of sentencing, the court is required to inform the person in writing of the right to petition the court for an order that seals the person's records. This bill is still being processed.
- **H2324: Dangerous; Incompetent Person; Evaluation; Commitment** – Establishes a new chapter in Title 36 (Public Health and Safety) governing procedures for dangerous and incompetent persons who are committed. This bill would be retroactive to January 1, 2021, and has passed the House Judiciary Committee.
- **H2673: Mandatory Minimum Sentences; Judicial Discretion** – Allows a judicial officer discretion in sentencing a defendant if the court finds that the imposition of the mandatory prison sentence would result in an injustice to the defendant and is not necessary for the safety of the public. AOC is required to report to the Arizona Criminal Justice Commission (ACJC) annually on each case in which the court departed from the mandatory sentence. This bill passed through the House Criminal Justice Reform Committee last week.

- **H2751: Search Warrants; Audible Notice; Requirements** – Would eliminate “no knock” warrants. This legislation requires a uniformed peace officer to provide audible notice of the officer’s authority and purpose before executing a search warrant. This bill will be heard in the House Criminal Justice Reform Committee next week.
- **S1059: Mental Health Disorders; Considerations; Involuntary Treatment** – Removes the language distinguishing a mental disorder from conditions that are primarily those of drug abuse, alcoholism, or intellectual disability and from character and personality disorders. A person who initially presents with a co-occurring disorder is eligible for screening and evaluation and may be eligible for involuntary treatment.
- **S1267: Record of Proceeding; Electronic Recordings** - Authorizes the state, state agencies, political subdivisions, the judiciary, and courts of law to use electronic devices in lieu of court reporters or stenographers. If requested by either party in writing at least five days prior to a trial or hearing, a court reporter or stenographer must be used if available on the day of the trial or hearing.
- **S1377: Civil Liability; Public Health Pandemic** – Provides protection to a person or an institution that acts in good faith to protect a person. The public or an institution is not liable for damages in any civil action for injury, death, loss of person or property, or health services performed that are based on a claim that a person or a provider failed to protect the person or the public from the effects of the pandemic, unless it is proven by clear and convincing evidence that the person or the institution failed to act or acted with willful misconduct or gross negligence. Although it is currently not moving, it is anticipated that it will move forward.
- **S1389: Incapacitated Person; Special Investigator** - Authorizes the court to appoint a special investigator to conduct an investigation concerning the need for a guardian or a conservator if the court has reasonable cause to believe that an adult party in a domestic relations proceeding is or may be an “incapacitated person or a person in need of protection.
- **S1390: Guardian Ad Litem; Protective Proceedings** - Authorizes the court to appoint a guardian ad litem for an individual if the court determines that the individual’s best interests would otherwise not be represented or adequately protected. This bill was referred to the Senate Judiciary Committee.

Ms. Garcia said that at this time, it looks like S1390 will pass. Also discussed was the possible passage of S1267. The difficulty that courts, particularly those in rural counties, have in obtaining court reporters because of their limited number was acknowledged.

#### **D. ACJA § 1-107 Commission on Minorities in the Judiciary Code Revision Proposal**

Judge David Gass, member, Commission on Minorities in the Judiciary (COM), discussed a proposal regarding revision to ACJA § 1-107, the code that governs the commission. This proposal will align COM with other state court commissions and national organizations that are working toward racial justice, equity, and inclusion in the justice system. The new name—the Commission on Diversity, Equity and Justice (DEJ)—reflects the commission’s goals. The proposed changes to the commission’s General Purpose are:

- Develop recommendations to promote diversity, equity, and inclusion in the recruitment, hiring, and training of judicial officers and court and probation department employees.

- Promote racial inclusion and fairness in the Arizona Judicial Branch by coordinating efforts with other justice system partners, the legal community, and non-governmental organizations.
- Identify court policies and procedures that disproportionately affect communities of color and advance solutions to ensure racial equity in Arizona's criminal justice, juvenile justice, and child welfare systems.
- Develop programs that encourage diverse group members to obtain internships and clerkships and to participate in other career development and training programs for judicial, legal, court, and law-related positions.
- Monitor and assist in the implementation of goals and strategies identified in the Arizona Judicial Branch Strategic Agenda regarding diversity, equity, and justice.
- Provide reports on the commission's work and recommendations to the Arizona Judicial Council.

**Motion:** Mr. Klain moved to support adoption of the proposed amendments to ACJA § 1-107 Commission on Minorities in the Judiciary. **Seconded:** Judge David Cunanan. **Vote:** Unanimous

#### E. Arizona Child Support Guidelines

Judge Gass, chair of the Family Court Improvement Committee's Child Support Guidelines Review Subcommittee, also presented on the Arizona Child Support Guidelines. The subcommittee was established to conduct the federal and state-mandated quadrennial review of the guidelines. Along with the economic and case file reviews, the committee conducted research on a variety of topics that were recommended by the previous committee, changes to federal and state laws, and case law. Amendments to the guidelines include:

- Restyling and reorganizing guidelines to make them easier to follow.
- Adding a table of contents to direct individuals to the information they are seeking.
- Amending the guidelines so they are gender neutral, with the goal of eliminating ambiguous language and confusion and reflecting the diversity of modern families.
- Defining terms used in the guidelines in everyday language.
- Adding a correlation table to assist attorneys and individuals in finding the section they are seeking in the revised guidelines.

Judge Gass also noted that the child support guidelines will be translated into Spanish.

**Motion:** Judge Michael Peterson moved to support revisions to Arizona Child Support Guidelines. **Seconded:** Judge Wright. **Vote:** Unanimous

#### F. Proposal to Amend Rule 40, ARPOP, Regarding Modifications to Protective Orders

Jennifer Greene, assistant legal counsel, AOC, explained that this proposal is being moved from an action item to an informational item and will not need the committee's vote. She said the purpose of this proposal is to address what to do when a judge discovers a drafting error or omission in an Order of Protection or an Injunction Against Harassment after an ex parte hearing and after the initial order is sent out for service. Both Civil Rule 60(a) and Family Law Rule 85 allow a judge to correct a drafting error in an order at any time with notice to the parties. The AZPOINT system has brought this issue to the forefront because some courts' business practices lead to incorrect orders being served, corrected, and re-served, which is frustrating to law enforcement. Ms. Greene stated that it is unclear if a proposal is needed to address the issue or if reprogramming portions of AZPOINT will address it. She asked committee members if they have any knowledge or experience with this issue, but no one was able to offer examples of issues with corrected orders.

#### G. Probate-Related Projects

Jennifer Albright, senior policy analyst, AOC, announced that AOC staff has begun a regularly scheduled Probate Fee Guidelines Review and asked that superior court judges notify their judges that handle probate dockets and any office staff that are involved with review of fee applications to watch for the emails and survey links associated with the review process in March 2021.

Ms. Albright also announced that the AOC is issuing an “electronic” .pdf certificate of completion for persons who have completed the required probate court investigator training and five-year recertification as required by AO 2012-062 and Rule of Probate Procedure 10(F)(1).

### III. OTHER BUSINESS

#### **Good of the Order**

Judge Warner asked to set aside time at the next COSC meeting to talk about the two proposals concerning the *Batson* challenge issue. He also requested that a draft comment be written and circulated to the committee for review and comment before the next meeting. Judge Gurtler asked Judge Warner to submit a comment for Ms. Radwanski to share with the committee for review and comment. Committee members voted to hold a special meeting in April to vote on rule comments because the comment deadline is May 3, prior to the next regular meeting.

Judge Nelson asked if there has been any discussion on eliminating Criminal Rule 10.2. regarding change of judge as a matter of right. A petition has been filed by the presiding judges to eliminate the change of judge as a matter of right across all of the rules. It was noted that the petition is in the comment period. Judge Gurtler stated that that petition will also be added to the agenda for the April special meeting.

**Call to the Public.** Marina Meeks addressed the committee regarding AO 2020-48, which closed the Maricopa County law library during the pandemic. She said the closure has created a hardship for people who conduct background checks on individuals because they cannot access information. Judge Pamela Gates asked her provide her contact information to Ms. Radwanski. Judge Gates will meet with Judge Welty regarding the issue and then follow up with her. Jeff Fine, Clerk of the Court, Superior Court in Maricopa County, noted that the Jackson Street research center operated by his office is open to the public.

**Adjournment:** The meeting adjourned at 11:56 a.m.

**Next Regular Meeting:** Friday, May 7, 2021; 10 a.m.  
Arizona State Courts Building

# Committee on Superior Court

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## Minutes

Friday, April 2, 2021

Virtual Meeting

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**Telephonic:** Judge Charles Gurtler, Jr., chair, Judge Renee Bennett, Judge David Cunanan, Sarah Douthit, Jeffrey Fine, Judge Thomas Fink, Amy Hunley, William Klain, Judge Joseph Kreamer, Judge Danelle Liwski, Judge James Marner, Judge John Napper, Judge Cathleen Brown Nichols, Ronald Overholt, Judge Michael Peterson, Judge Patricia Starr, Judge Randall Warner, Judge Timothy Wright, Todd Zweig

**Absent/Excused:** Judge Jeffrey Bergin, Judge Pamela Gates, Judge Jason Holmberg, Judge Roger Nelson

**Administrative Office of the Courts (AOC):** Mark Meltzer, Laura Ritenour

**AOC Staff:** Kay Radwanski, Sabrina Nash

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## I. REGULAR BUSINESS

**Welcome and Opening Remarks.** The April 2, 2021, special meeting of Committee on Superior Court (COSC) was called to order at 10:05 a.m. by Judge Charles Gurtler, Jr., chair. Judge Gurtler welcomed Amy Hunley who is replacing Megan Spielman as the Clerk of the Court representative on COSC. Judge Gurtler stated that many consider COSC as one of the heavy hitting committees behind Arizona Judicial Council, Presiding Judges and the Committee on Technology. Comments submitted by COSC are given serious consideration by the Supreme Court. Judge Gurtler summarized that COSC could support a petition, oppose a petition, take no position, submit comments individually or submit a comment from the committee under his name. He also stated that COSC could submit a comment with majority and minority positions stated.

## II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

### A. Comments to Rule Petitions

#### R-21-0020 Jury Selection -preemptory challenges

##### Discussion:

- Judge Randall Warner, Maricopa county, strongly supports eliminating preemptory strikes (Batson challenge). He stated that trial by jury is an essential part of the justice system and the legitimacy of jury trials depends on the juries being a fair representation of their communities. He stated that preemptory strikes, whether used intentionally or not for discriminatory purposes, tend to prevent certain people from getting on juries. People with prior experience with police or the justice system often are kicked off criminal juries. Of the two proposals regarding preemptory strikes he favors the McMurdie/Swann petition.
- Judge Marner, Pima county, is opposed to the petition and stated that he had talked to Judge McMurdie about his petition and they agreed to disagree. Judge Marner stated that something everyone is overlooking is the victims. If we get rid of preemptory strikes and

a trial judge blows it on a for cause challenge and the defendant is not guilty there is no appeal for the defendant, or a victim could be injured significantly because of a juror who juror should have been removed but was not.

- Judge Gurtler, Mohave county, shared that his criminal division bench is split two support the petition and two oppose the petition which is why he summarized the committee's options at the beginning of the meeting.
- Judge Fink, Santa Cruz county, strongly supports the petition. He stated that there is no constitutional right to peremptory challenge. Peremptory challenges are of marginal value to litigants which are outweighed by the detriments. He stated that a better cross-section of the community is represented without the challenges and streamlines the process logistically. We don't see a lot of Batson challenges however when they surface it is not a pretty thing for judges or counsel.
- Judge John Napper, Yavapai county, shared that for the past several months they've been selecting jurors with the two peremptory strikes aside, the efficiency that has resulted without them cannot be understated. The days of summoning 60-70 jurors has been shortened by eliminated the peremptory challenges has reduced the number of jurors needed to 20-30. Supports the petition because of the efficiencies found and juror satisfaction with the process. If a middle ground could be proposed in the committee's comment to limit the number of peremptory strikes to two instead of six Judge Napper would also support.
- Judge Timothy Wright, Gila county, stated that a criminal litigator peremptory challenges weren't helpful. He agrees that the petition is a benefit to the courts and the jurors because it reduces the number that need to be summoned.
- Judge Cathleen Brown Nichols, Coconino county, opposes the petition and supports Judge Marner and his legal analysis. Her courts have been incorporating the standard questions the judge would ask and the attorney questions into Survey Monkey so jurors can answer them before they come to court and we summon smaller groups which has made a difference in fewer people coming to the courthouse.
- Judge David Cunanan, Maricopa county, is torn and feels it's a matter of perspective. As a judge the efficiency of the court process without the peremptory strike is a benefit, as a practitioner, disagree that there is no value to peremptory strikes. It is the one place where his clients really got involved in the court process. It's their case, their life, their liberty and their money. While peremptory strikes are not constitutionally mandated, there is some benefit and needs further evaluation.
- Judge Kreamer, Maricopa county, supports the petition. Batson challenge doesn't work for either civil or criminal cases. The only way you can directly and effectively attack this form of racial bias is to eliminate it, lawyers probably won't like it, but it is time.
- William Klain, attorney, Maricopa county, stated that as a practitioner there is a disconnect between civil and criminal bar on this issue. Supports the McMurdie/Swann petition. Mr. Klain stated that he would be abstaining from the committee vote on R-21-0006 as he is personally involved in writing a comment from the State Bar.

- Judge Patricia Starr, Maricopa county, supports the petition and stated that from her experience Batson challenges are common in criminal cases, they happen all the time and are impossible to deal with.

**Motion:** Judge Wright moved to support R-21-0020 with Judge Warner's comments and with Judge Marner's the minority position. **Seconded:** Bill Klain. **Rollcall Vote:** 11-4-3 in support of Judge Gurtler writing a comment in support of the rule petition.

#### B. R-21-0008 State Bar of Arizona

**Motion:** Judge Randall Warner moved that COSC not support this petition with a rollcall vote of members. **Seconded:** Judge John Napper. **Rollcall Vote:** 13 ayes, 5 abstained.

#### C. R-21-0006 Peremptory Change of Judge

**Discussion:** It is abused by attorneys. When one side files, the other side files in retaliation. Logistically it causes a lot of work for the court and court staff to find an outside conflict judge to take the case, particularly in small rural counties. It also creates confusion regarding where to file and how hearings are scheduled. Whenever an adjourning county needs to find a judge from another county, that county needs to reimburse the other county back for the judge's time and travel.

**Motion:** Judge Nichols moved that COSC support this petition for the reasons outlined in the petition. **Seconded:** Judge Peterson. **Rollcall Vote:** 12 ayes, 6 abstained (presiding judges on the committee did not vote on this motion).

#### R-21-0022 Bail Review Hearings

Kay Radwanski stated that she spoke to David Withey today and because comments on this petition are on a different schedule David Withey will come to the May 7, 2021 COSC meeting to discuss the petition in detail. Mr. Withey is also trying to put together a workgroup of superior court and limited jurisdiction court judges to address this issue. If you are interested in participating in the workgroup let Kay Radwanski know and she will forward the information to Mr. Withey.

### III. OTHER BUSINESS

#### Good of the Order

Judge Marner stated that he appreciated members listening to his rant on R-21-0020.

Kay Radwanski announced that David Withey is retiring at some point this year and his replacement is Ms. Lisa Flores. He is working with her to help her get up to speed on what he's been working on.

**Call to the Public.** No one from the public was present.

Member	Petition R-21-0020			Petition R-21-0006			Petition R-21-0008		
	Y	N	A	Y	N	A	Y	N	A
Bennett		✓				✓	✓		
Cunanan	✓			✓			✓		
Douthit			✓			✓	✓		
Fine			✓			✓	✓		
Fink	✓			✓					✓
Hunley			✓			✓	✓		
Klain	✓**					✓			✓
Kreamer	✓			✓			✓		
Liwski		✓		✓			✓		
Marner		✓		✓			✓		
Napper	✓			✓					✓
Nichols		✓		✓			✓		
Overholt	✓			✓			✓		✓
Peterson	✓			✓					
Starr	✓			✓			✓		
Warner	✓			✓			✓		
Wright	✓					✓*			✓*
Zweig	✓			✓			✓		
<b>Total</b>	<b>11</b>	<b>4</b>	<b>3</b>	<b>12</b>		<b>6</b>	<b>13</b>		<b>5</b>

**Absent:**

Bergin  
Gates  
Holmberg  
Nelson

**Not voting:** Gurtler

\*Wright—temporarily absent; on the bench

\*\*Warner casting vote as proxy for Klain

**Adjournment:** The meeting adjourned at 11:22 a.m.

**Next Regular Meeting:** Friday, May 7, 2021; 10 a.m.  
Arizona State Courts Building

# Committee on Superior Court

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## Minutes

May 7, 2021

Virtual Meeting

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**Telephonic:** Judge Charles Gurtler, Jr., chair, Judge Jeffrey Bergin, Judge David Cunanan, Sarah Douthit, Jeffrey Fine, Judge Pamela Gates, Amy Hunley, Judge Danelle Liwski, Judge John Napper, Judge Cathleen Brown Nichols, Ronald Overholt, Judge Michael Peterson, Judge Timothy Wright, Todd Zweig

**Absent/Excused:** Judge Renee Bennett, Judge Thomas Fink, William Klain, Judge Joseph Kreamer, Judge Jason Holmberg, Judge James Marner, Judge Roger Nelson, Judge Patricia Starr, Judge Randall Warner

**Presenters:** Chief Justice Robert Brutinel, Liana Garcia, Dori Littler, David Withey

**Administrative Office of the Courts (AOC):** Jennifer Albright, Krista Forster, Mariah Gonzales, Jennifer Greene, Mark Meltzer, Susan Pickard, Laura Ritenour

**AOC Staff:** Theresa Barrett, Kay Radwanski, Sabrina Nash

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## I. REGULAR BUSINESS

**Welcome and Opening Remarks.** The May 7, 2021, meeting of Committee on Superior Court (COSC) was called to order at 10:00 a.m. by Judge Charles Gurtler, Jr., chair. Kay Radwanski, committee staff, provided members with Zoom housekeeping information. She also explained how members of the public can address the committee during the meeting.

Chief Justice Robert Brutinel thanked Judge Gurtler for his thirty years of judicial service, including his service as COSC chair, and congratulated him on his upcoming retirement at the end of June. Chief Justice Brutinel welcomed Judge Timothy Wright as the incoming COSC chair, effective July 1, 2021.

Judge Gurtler also welcomed Judge Wright as the new COSC chair and congratulated him on his reappointment as presiding judge in Gila County. He next congratulated Judge Jeffrey Bergin on his appointment as presiding judge for Pima County and thanked him for his service on COSC.

**Approval of Minutes.** The draft minutes from the February 5, 2021, COSC meeting were presented for approval.

**Motion:** Judge John Napper moved to approve the February 5, 2021 minutes as presented. **Seconded:** Todd Zweig. **Vote:** Unanimous.

**Approval of Minutes.** The draft minutes from the April 2, 2021, COSC meeting were presented for approval.

**Motion:** Judge Wright moved to approve the April 2, 2021 minutes as presented. **Seconded:** Judge Napper. **Vote:** Unanimous.

## II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

### A. Legislative Update

Liana Garcia, government affairs director, AOC, stated that the legislature is close to wrapping up this session. They are still working on the language of budget bills and are nearing agreement on general fund spending. The majority party has only a one-seat advantage in each chamber, which could stalemate the budget and create a longer legislative session. She noted that she is hearing positive news about the judiciary budget.

- **H2053: Superior Court Clerk; Salary** – Beginning January 1, 2023, the annual salary of clerks of the superior court is increased to \$78,132, from \$76,600, in counties with a population of 500,000 or more and to \$65,076, from \$63,800. Beginning January 1, 2024, and each year after, the annual salary of the clerk of the superior court increases two percent from the previous year. Effective January 1, 2023. Passed the House.
- **H2067: Criminal Conviction; Set Aside; Applicability** - If the court grants an application to set aside the judgment of guilt, the court's order is required to include a certificate of second chance to ease re-entry to employment and housing for that individual, if the individual has fulfilled the conditions of their probation or sentence. Signed by the governor.
- **H2075: Sentencing; Judgement of Guilt; Fingerprints** - The court must require either that a defendant's fingerprint be permanently affixed to a court document or order or that the defendant's two fingerprint biometric-based identifier be obtained and recorded. There is no longer a requirement to affix or obtain and record a defendant's fingerprint "at the time of sentencing and in open court." Signed by the governor.
- **H2130: Intensive Probation; Requirements; Modification** – The conditions imposed on the offender in order to participate in intensive probation were modified to be less stringent for greater success and to add paying monetary obligations imposed by the court. Should the court find that the person has committed a violation of a condition of intensive probation that poses a serious threat or danger to the community, the court is required to revoke the intensive probation and impose a term of imprisonment as authorized by law. This legislation goes into effect 90 days after the legislature adjourns. Signed by the governor.
- **H2162: Undesignated Offenses; Misdemeanor Status; Exceptions** – An undesignated felony offense must be treated as a misdemeanor until the court enters an order designating it a misdemeanor or felony, instead of being required to be treated as a felony until the court designates it misdemeanor. Signed by the governor.
- **H2185: Civil Juries; Size; Concurrence** – Temporarily reduces the size of the jury to six persons, from eight persons, and the concurrence of all but one, reduced from two, is necessary to render a verdict. This legislation would be in effect from date of signing until January 1, 2023. Signed by the governor with an emergency clause effective immediately.
- **H2186: Prosecution; Deferred; Diverted** – Allows prosecutors to place an individual who has been previously convicted of a dangerous, serious or sexual offense into a diversion program. There is a companion funding bill to increase funding to counties. Signed by the governor.
- **H2334: Dangerous; Incompetent Person; Evaluation; Commitment** – Establishes a new chapter in Title 36 (Public Health and Safety) governing procedures for dangerous and incompetent persons who are committed. This bill is retroactive to January 1, 2021.

Passed the House.

- **H2365: Political Candidates; Address Confidentiality** – Allows a political candidate to provide a post office box or a private mail box on the nomination papers instead of their residential address. Signed by the governor.
- **H2491: Wrongful Arrest; Record Clearance** – Enhances the notification process of individuals who have been wrongfully arrested and allows them to file petitions in superior court to clear the arrest from their records. Passed the House.
- **H2889: Sexual Offenses; Children; Sentencing** – Increased penalties for various sexual offenses related to children involving commercial sexual exploitation of a minor or child sex trafficking. Requires sentences for these offenses to be served consecutively. Signed by the governor.
- **S1059: Mental Health Disorders; Considerations; Involuntary Treatment** – Clarifies the language distinguishing a mental disorder from conditions that are primarily those of drug abuse, alcoholism, or intellectual disability and from character and personality disorders. A person who initially presents with a co-occurring disorder is eligible for screening and evaluation and may be eligible for involuntary treatment. Signed by the governor.
- **S1267: Record of Proceeding; Electronic Recordings** - Authorizes the state, state agencies, political subdivisions, the judiciary, and courts of law to use electronic devices in lieu of court reporters or stenographers. If requested by either party in writing at least five days prior to a trial or hearing, a court reporter or stenographer must be used if available on the day of the trial or hearing. Awaiting the governor's signature; if not signed or vetoed by midnight May 7, 2021, it automatically goes into effect.
- **S1377: Civil Liability; Public Health Pandemic** – Provides protection to a person or an institution that acts in good faith to protect a person. The public or an institution is not liable for damages in any civil action for injury, death, loss of person or property, or health services performed that are based on a claim that a person or a provider failed to protect the person or the public from the effects of the pandemic, unless it is proven by clear and convincing evidence that the person or the institution failed to act or acted with willful misconduct or gross negligence. Signed by the governor.
- **S1389: Incapacitated Person; Special Investigator** - Authorizes the court to appoint a special investigator to conduct an investigation concerning the need for a guardian or a conservator if the court has reasonable cause to believe that an adult party in a domestic relations proceeding is or may be an incapacitated person or a person in need of protection. Signed by the governor.
- **S1390: Guardian Ad Litem; Protective Proceedings** - Authorizes the court to appoint a guardian ad litem for an individual if the court determines that the individual's best interests would otherwise not be represented or adequately protected. This bill was referred to the Senate Judiciary Committee. Signed by the governor.
- **S1412: Probation; Prisoners; Protective Orders** – At the request of the victim, requires the Board of Executive Clemency to order as a condition of parole or probation that the person be prohibited from contacting the victim. The victim may petition the court for an Injunction Against Harassment against the convicted person. Passed the House.

- **S1469: Forensic Evidence Testing; Postconviction Relief** – Permits a person who was convicted of and sentenced for a felony offense to request that any evidence used in the prosecution that resulted in conviction of a felony be forensically tested using a technique that was not previously available but is now a widely accepted practice in the scientific community. Signed by the Governor.
- **S1551: Driver License Suspensions; Restrictions** – Authorizes the courts to mitigate civil penalties if payment within 30 days will place an undue financial burden on a person. This does not apply to the fine imposed for driving under the influence. The Arizona Department of Transportation is required to rescind the suspension or restriction and reinstate the person's driving privilege if suspension or restriction was due to unpaid fines. Signed by the governor.
- **S1660: Crimes Against Children; Dependences; Omnibus** - Numerous changes to statutes relating to dependent children. For the purpose of the Criminal Code relating to sexual offenses, the definition of "position of trust" is expanded. On motion of the prosecution, the court may order that a pro se defendant in a prosecution for sexual abuse or child sex trafficking is prohibited from directly questioning the minor victim if the court determines that direct questioning by the pro se defendant would prevent the minor victim from being able to reasonably communicate. Within 30 days after a dependent child who is at least eight years of age is placed in out-of-home care, the Department of Child Safety is required to ensure that the child receives age-appropriate and developmentally appropriate materials and resources about sexual abuse, child sex trafficking, and exploitation. The State Board of Education is required to establish best practices for social media and cellular telephone use between students and school personnel and encourage school district governing boards and charter school governing bodies to adopt policies that implement these best practices. The Arizona Prosecuting Attorneys Advisory Council is required to develop a statewide training curriculum on the child abuse mandatory reporting laws for public school personnel, and each public school must require its personnel to complete the training. Passed the Senate.

**Discussion:** Regarding judicial salary increases, Ms. Garcia said that the discussions that she has heard appear favorable. Regarding the legislature's reluctance to pass H2334, which protects the public from individuals who are not restorable and not competent, she said there are due process concerns about the bill.

#### **B. Petition R-21-0022: Bail Review Hearings**

David Withey, AOC assistant counsel, stated that Petition R-21-0022 proposes amendments to Criminal Rules 4, 6, and 7, which deal with initial appearance, appointment of counsel, and the defendant's release. The petition includes a request for expedited consideration. The proposed amendments would require the court at initial appearance to appoint an attorney—or a legal paraprofessional if the defendant is charged with a misdemeanor—to represent the defendant at a bail review hearing. There are a number of issues with this rule petition that need further discussion.

**Discussion:** Concerns were raised regarding the constitutionality of the proposed amendment as Rule 6.1(f) refers to appointment of an attorney, not a legal paraprofessional. Mr. Withey explained that the rule change would provide an additional resource to assist defendants. He noted that the Supreme Court recognizes legal paraprofessionals as able to practice law in certain areas. He also stated that there are a number of revisions to the proposed amendment not included in the proposal being presented at this meeting. He will submit a supplement with these changes.

**Motion:** Judge David Cunanan moved to take no action on a recommendation because of a significant number of questions. **Seconded:** Jeff Fine. **Motion:** Ron Overholt proposed a friendly amendment to amend the motion to “take no action due to concerns about constitutionality.” The amendment was accepted. **Vote:** Unanimous.

**C. Proposed Amendments to ACJA § 6-107 Safety Training**

Dori Littler, AOC Adult Probation, discussed proposed revisions to ACJA § 6-107, which moves defensive tactics topics from the Certification Academy to the Defensive Tactics Training Academy and officer safety orientation and updates outdated verbiage.

**Motion:** Judge Wright moved to support adoption of the proposed amendments to ACJA § 6-107 Safety Training. **Seconded:** Judge Danelle Liwski. **Vote:** Unanimous

**D. Proposed Amendments to ACJA § 6-205 DTEF (Drug Treatment and Education Fund)**

Dori Littler, AOC Adult Probation, discussed proposed revisions to ACJA § 6-205, which updates language and adds current definitions found in other probation-related code sections.

**Motion:** Judge Wright moved to support revisions to ACJA § 6-205 DTEF (Drug Treatment and Education Fund). **Seconded:** Judge Michael Peterson. **Vote:** Unanimous

**E. COSC’s Role as a Standing Committee**

Kay Radwanski, AOC senior court policy analyst, presented a PowerPoint explaining COSC’s purpose and role. She explained that according to ACJA § 1-105, COSC is charged with assisting the Supreme Court and the Chief Justice in the development and implementation of policies and procedures for:

- The administration of all courts.
- Uniformity in court operations.
- Coordination of court services that will improve the administration of justice in the state of Arizona.

She discussed COSC’s role as a standing committee of the Arizona Judicial Council, talked briefly about COSC’s subcommittees (Committee on Probation and Committee on Juvenile Courts), the committee make-up, meeting protocol, and the requirements for public meetings.

**III. OTHER BUSINESS**

**Good of the Order**

**Call to the Public.** No members of the public were present.

**Adjournment:** The meeting adjourned at 11:33 a.m.

**Next Regular Meeting:** Friday, September 10, 2021; 10 a.m.  
Conference Room 119 A/B  
Arizona State Courts Building

# Committee on Superior Court

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## Minutes

Friday, September 10, 2021

Hybrid Meeting

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**Present:** Judge Timothy Wright, Jr., chair, Jeffrey Fine, Ronald Overholt

**Remote Appearance:** Judge Renee Bennett, Judge David Cunanan, Judge Ronda Fisk (proxy for Judge Patricia Starr), Judge Pamela Gates, Judge Jason Holmberg, Amy Hunley, William Klain, Judge Joseph Kreamer, Steve Lessard, Judge Danelle Liwski, Judge John Napper, Judge Roger Nelson, Judge Randall Warner, Todd Zweig

**Absent/Excused:** Judge Thomas Fink, Judge James Marner, Judge Michael Peterson, Megan Spielman

**Presenters:** Jeff Fine, Cathy Clarich, Judge Pamela Gates, Liana Garcia, Elise Kulik, Mark Meltzer, Aaron Nash

**Administrative Office of the Courts (AOC):** Jennifer Albright, Paul Julien

**AOC Committee Staff:** Theresa Barrett, Kay Radwanski, Sabrina Nash

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## I. REGULAR BUSINESS

**Welcome and Opening Remarks.** The September 10, 2021, meeting of Committee on Superior Court (COSC) was called to order at 10:03 a.m. by Judge Timothy Wright, who was appointed as chair effective July 1, 2021. He welcomed new member Megan Spielman, who will serve as the public member. Judge Tom Fink and Todd Zweig have been reappointed for three-year terms.

**Approval of Minutes.** The draft minutes from the May 7, 2021, COSC meeting were presented for approval.

**Motion:** Ron Overholt moved to approve the May 7, 2021, minutes as presented. **Seconded:** Todd Zweig. **Vote:** Unanimous.

## II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

### A. Jury Task Force Report and Recommendations

Judge Pamela Gates, chair, Task Force on Jury Data Collection, Practices and Procedures, provided an overview of the task force's charge and discussed the recommendations, which are due October 1, 2021:

- Juror data collection to include demographic data:
  - Transition from a 2-step to 1-step summons process.
  - Collect and analyze juror data to optimize jury operations and ensure courts are using best practices.
  - Statewide use of the National Change of Address Database.
  - Development of online portal for data collection and periodic analysis of data to

assess inclusiveness.

- Overcoming barriers to service:
  - Increase juror daily rate of pay to a rate equal to 4 times the current minimum wage.
  - Recommend amending A.R.S. to permit additional payments to qualified jurors who require dependent care to serve on a jury and amend A.R.S. § 21-221(B) to permit compensation for any juror who is required to and appears in person at the courthouse for jury service.
  - Reduce lengthy trial fund eligibility from six days to four days.
- Develop methods to increase juror response rates and remove barriers to service:
  - Use text messaging/push notifications to contact and provide jurors with information.
  - Change postponement policies.
  - Implement a pre-screening process.
  - Use juror response, utilization, and exit survey data to optimize jury operations and use of jurors.
- Public Education and engagement:
  - Update juror orientation videos.
  - Target and educate individuals convicted of felonies on the restoration of their rights to serve as trial jurors.
  - Outreach to community and public interest organizations to educate individuals on the importance of jury service using frank and direct engagement in discussions about negative feelings about law enforcement and the legal system.

Regarding the transition from a 2-step to 1-step summoning process, Amy Hunley, Clerk of the Court in Cochise County, explained that the rural Clerks, many of whom also act as jury commissioners, do not support this recommendation. (Maricopa and Pima counties use the 1-step method and summon for multiple trials set on the same day. The rural counties use the 2-step method and summon jurors only when a case is ready for trial.) The 1-step method would require jury commissioners to send more summonses and questionnaires earlier. Their courthouses do not have large jury assembly rooms, so summoning jurors for a specific trial is more manageable for them. Regarding online questionnaires, she said that fewer than 40 percent of those summoned use online resources to respond, noting the lack of bandwidth in some rural areas.

In response, Judge Gates said the task force recognized the uniqueness of each county. Therefore, the task force proposed that each county set its own timetable for transition, a process that would include technical support from the National Center for State Courts (NCSC). Cost savings are produced when only one mailing is made to prospective jurors, rather than two.

Judge Gates shared that the task force believed juror pay recommendations could be achieved with a combination of filing fees, court budgets, and employers. She noted that the Supreme Court's elimination of the use of peremptory challenges in jury selection has given the task force the additional charges of reviewing and revising the criminal and civil rules of procedure regarding peremptory strikes and creating training and best practices for judges and court staff on trial management. The supplemental report is due on November 1, 2021.

**Motion:** William Klain moved to support task force recommendations, subject to the committee's ability to comment on details. **Seconded:** Judge Ronda Fisk. **Vote:** Unanimous

**B. Proposals to Amend ACJA § 1-303: Code of Conduct for Judicial Employees and ACJA § 1-308: Code of Conduct for Clerks of Superior Court**

Aaron Nash, chair, Task Force on Countering Disinformation, explained that the proposed changes to the Arizona Code of Judicial Administration (ACJA) are consistent with recent changes applicable to

judicial officers within the ethics canons in the Rules of the Supreme Court. The proposed code changes address how judicial officers, court employees, and elected Clerks of Court can respond to misinformation and disinformation. This applies also when an employee or a clerk responds as a third party on behalf of a judicial officer or a court. A comment is added following Rule 1.2: Promoting Confidence in the Judiciary, stating that those in the judicial branch can respond to misinformation and disinformation if the response conforms to existing conduct requirements to maintain or restore public confidence in the judiciary, subject to Rule 81, Rules of the Supreme Court, Arizona Code of Judicial Conduct, Canon 2, Rule 2.10(E).

**Motion:** Jeff Fine moved to support adoption of the proposed amendments to ACJA § 1-303 and ACJA § 1-308. **Seconded:** Mr. Overholt. **Vote:** Unanimous

### C. Legislative Review

Liana Garcia, AOC government affairs director, stated that there have been several legislative proposals from throughout the court branch, with many of the proposals dealing with juvenile court. Elise Kulik, AOC government affairs liaison, presented the proposals, asking for formal approval for each one.

- **13-501: Persons under eighteen years of age; felony charging definitions** – limits the number of juveniles charged in adult court only to crimes against persons. This would remove the chronic felony offense from a mandatory file to a discretionary file and remove historical prior felonies from a mandatory file for juveniles. Juveniles are better served by the services available in juvenile court, which are not available in adult court.  
**Motion:** Mr. Fine moved to support AOC legislative team bringing awareness of this issue to the legislature. **Seconded:** Judge Danielle Liwski. **Vote:** Unanimous.
- **8-221: Counsel right of juveniles; parent or guardian; appointment; reimbursement; guardian ad litem** – Removes juvenile civil traffic cases from legislation passed last year that was inadvertently captured in the legislation.  
**Motion:** Judge Gates moved to support the proposal as presented. **Seconded:** Mr. Overholt. **Vote:** Unanimous.
- **8-246: Jurisdiction; length of commitment; placement; assessment; definition** – clarifies when the probation department needs to complete a risk assessment on each juvenile adjudicated as delinquent in juvenile court.  
**Motion:** Judge Liwski moved to support the proposal as presented. **Seconded:** Mr. Overholt. **Vote:** Unanimous.
- **8-322: Juvenile probation services fund; program and contract requirements** – broadens the scope of eligible uses of the juvenile probation fund to obtain, operate, and maintain state-approved case management systems serving persons placed on probation or referred to the juvenile court. This would not take money away from the counties.  
**Motion:** Judge Roger Nelson moved to support the proposal as presented. **Seconded:** Judge Fisk. **Vote:** Unanimous.
- **8-349: Destruction of juvenile records; electronic research records, definition** – clarifies that if a juvenile case did not result in adjudication, the juvenile record is eligible for destruction.  
**Motion:** Judge John Napper moved to support the proposal as presented. **Seconded:** Mr. Overholt. **Vote:** Unanimous.

- **8-350: Dangerous offenders; sex offenders; notification to schools; definition** – permits the juvenile probation department to directly notify the school where the juvenile is in attendance as opposed the school district where they live. It also requires notification of the school when the juvenile is released from custody.  
**Motion:** Mr. Overholt moved to support the proposal as presented. **Seconded:** Judge Nelson. **Vote:** Unanimous.
- **8-351, 8-352, 8-353: These rules deal with juvenile intensive probation** and mirror the changes made to adult intensive probation last year, which eliminated the checklist by aligning the juvenile intensive probation with evidence-based individualized interventions and services for juveniles.  
**Motion:** Judge Liwski moved to support the proposals as presented. **Seconded:** Mr. Overholt. **Vote:** Unanimous.
- **8-115: Hearing; procedure; record; evidence** – the court shall allow all persons who have a direct interest in the case to attend the hearing, and the court may require the presence of such witnesses as deemed necessary. The court may consider any and all reports required by this article or ordered by the court pursuant to this article.  
**8-237: Statement of conduct of child; hearsay exception** – allows the out-of-court or nonverbal conduct of a minor regarding acts of abuse or neglect in any adoption, dependency, termination of parental rights or guardianship be allowed if time, content, and circumstances of statement or conduct provide sufficient indication of reliability.  
**8-525: Open court proceedings; closure; records** – permits the court to order any proceeding closed to the public for good cause, except as otherwise provided in section § 8-537 and provides considerations for the court.  
**Motion:** Mr. Fine moved to support the proposals as presented. **Seconded:** Mr. Zweig. **Vote:** Unanimous.

The Juvenile Task Force submitted the following changes.

- **8-535: Notice of initial hearing; waiver; guardian ad litem** – allows for notification of any parent, Indian custodian, and the tribe of an Indian child to be notified by certified or registered mail of the initial hearing.
- **8-815: Indian Child Welfare Act; inquiry** – requires the court to ask if any party has reason to know that any child who is subject to the proceeding is subject to the Indian Child Welfare Act.
- **8-872: Permanent guardianship; procedure** – requires the person who files the motion to serve notice of the hearing and a copy of the motion to all parties, including any person who has filed a petition to adopt or who has physical custody in a foster-adoptive placement. The notice shall be sent by certified or registered mail, return receipt requested to any parent, Indian custodian, or tribe of an Indian child.  
**Motion:** Judge Liwski moved to support the proposals as presented. **Seconded:** Judge Gates. **Vote:** Unanimous.
- **8-871: Permanent guardianship of a child** – currently only the Department of Child Safety (DCS) can file a petition for dependency. This proposal would allow a person or a party other than DCS to file a petition for guardianship or dependency alternative following the same process and due process rights for the parents, the child, and everyone involved in the child's life.  
**Discussion:** Questions were asked about the position of DCS regarding this change. It was noted that DCS is overworked with high case loads and is having trouble keeping up with

notifications of hearings, meeting and filing petitions. Private petitions could be filed, and the courts could order DCS to get involved and provide services. , Title 14 vs. Title 8 dependency.

**Motion:** Judge Randall Warner moved to table the vote until COSC has heard the reaction of the Committee on Juvenile Courts. **Seconded:** Judge Gates. **Vote:** Unanimous.

- **13-712: Calculation of terms of imprisonment** – proposed the by Committee on Release Conditions. If a person released on their own recognizance for an offense commits another offense and is held without bond while on pretrial release, the time spent in custody may be credited against the term of imprisonment for all charged offenses.

**Motion:** Judge Gates moved to support the statutory change with further revisions to proposed language to add specificity. **Seconded:** Judge Fisk. **Vote:** Unanimous.

#### D. Private Process Server ID Card

Jeff Fine, Clerk of Court, Maricopa County Superior Court, discussed the challenges that process servers face with the current Process Server ID card, which is not viewed as field credible by law enforcement and others. He explained that the concerns of process servers in Maricopa County were brought to his attention last year, and he worked with various stakeholders to upgrade the cards to be professional in appearance and field functional. This is accomplished by:

- Replacing the US flag with the State flag to signify that this is a statewide program, not a county-by-county program.
- Reducing the font size of the county of certification. The current font size causes some law enforcement officers to believe that the process server cannot serve outside the county of origin.
- Improving photo quality and readability to improve professional quality of identification cards.

The revised Process Server ID card has received much support from registered process servers, and many have sent emails of support to committee staff. Their names are listed on page 7 of these minutes.

#### E. Smart and Safe Act: Prop 207 Grants and Marijuana Expungement Petitions

Cathy Clarich, Court Services Division, briefed the committee on funds available for courts for processing cases related to Prop 207: Smart and Safe Act. Proposition 207 includes a new statute ([A.R.S. § 36-2862](#)) that authorizes some people to petition a court for an order that will seal their marijuana-related criminal records. Eligible petitioners are those who were arrested, charged, convicted, or acquitted of any of the following offenses based on the offense occurring before November 30, 2020:

- Possessing, consuming, or transporting two and one-half ounces or less of marijuana, of which not more than 12.5 grams was in the form of marijuana concentrate.
- Possessing, transporting, cultivating, or processing not more than six marijuana plants at the individual's primary residence for personal use.
- Possessing, using, or transporting paraphernalia relating to the cultivation, manufacture, processing, or consumption of marijuana.

Ms. Clarich stated that 93.8% of expungements filed were at the superior court level. Preliminary numbers show 4,382 petitions were filed during the months of July 2021 and August 2021. Maricopa County has received the most petitions to date because the county attorney's office is filing most of the petitions for expungement. Of the petitions filed in superior court, most were for

marijuana possession or use (66%) and drug paraphernalia (33%). Ms. Clarich indicated the state has collected approximately \$115 million in tax revenue from the sale of medical and recreational marijuana. Some of the money collected is being used for one-time reimbursement grants that courts can apply for to increase court services by purchasing redaction software, more public access computers, or for costs related to improvements to self-service centers for use by the public. Five courts are currently participating in a time study that tracks the judicial and staff time required to process a petition to determine cost per case. The data will be pulled quarterly from the monthly statistical report to determine the number of petitions at the determined cost per case, and the AOC will reimburse the courts for the cost of each petition filed. It is anticipated that disbursements will occur quarterly. She emphasized that the courts have first priority for the money before it is then distributed to other funds outlined in Prop 207, such as the first responder's fund.

**F. Rules Agenda Update** Mark Meltzer, senior policy analyst, AOC, stated the Arizona Supreme Court held its annual rules agenda August 24, 2021, and reviewed 41 petitions. The Supreme Court amended Criminal Rules 18.4 and 18.5 and Civil Rule 47(E) and eliminated peremptory challenges in jury, but it did not approve R-21-0006, which would have eliminated peremptory challenges of the assigned judge. He discussed the following rule petitions, noting that the effective date for the new rules and amendments is January 1, 2022, unless otherwise noted:

**Juvenile Rules:**

- **R-20-0044: Rule 52.1** - requires the court, upon notification that a juvenile has been placed in a qualified residential treatment program, to schedule a hearing to review the placement. **Effective September 1, 2021.**
- **R-21-0037: Rule 83** - adopted on an emergency basis, concerns documents that must be submitted to a court to finalize an adoption in conformance with a recent statutory enactment. **Effective September 29, 2021.**
- **R-21-0038: Rules 10, 28, 40, 62, and 65** - adopted on an emergency basis, pertains to the appointment of attorneys and guardians ad litem for certain juvenile proceedings. **Effective September 29, 2021.**

**Civil Rules:**

- **R-21-0021: Rules 4.1 and 4.2** – clarifies and modifies the existing rules regarding serving a party by publication.
- **R-21-0011: Rule 68** – amends the sanction calculation to 20 percent of the difference between the amount of the offer and the amount of the final judgement.

**ARPOP and Family Rules:**

- **R-21-0010: ARPOP 16** – provides a process for amending a petition for a protective order and specifies related procedures.
- **R-21-0032: Family Law Rules 3, 36, 37**, adopted on an emergency basis, establishes a procedure for appointing a guardian ad litem in a family law proceeding if the court has reason to believe a party may be incapacitated or is an adult in need of protection. **Effective September 29, 2021.**
- **R-21-0003 ARPOP 35 and Family Law Rule 91.6** – adopts provisions governing harassment injunctions when the subject child is not the defendant's legal or biological child and how that affects the parent's rights.

**Criminal Rules:**

- **R-21-0004: Rule 11(b)** - requires disclosure of an expert's qualifications and, if no expert report is prepared, disclosure of a summary of the general subject matter and opinions about which the expert is expected to testify.
- **R-21-0022 Rules 6.1, 7.2, and 7.4** – allows a legal paraprofessional to represent a defendant in a criminal proceeding and requires the court on motion or on its own to reexamine release conditions if the defendant is unable to post bond due to financial

hardship.

**Supreme Court Rules:**

- **R-21-0001: Rule 81** – is amended to allow a judge to respond to unfair allegations or an attack on the judge’s character or reputation.

**III. OTHER BUSINESS**

**Good of the Order:**

**Call to the Public:** No members of the public were present.

**Adjournment:** The meeting adjourned at 1:02 p.m.

**Next Regular Meeting:** Friday, November 5, 2021; 10 a.m.  
Arizona State Courts Building  
Conference Room 329/330

**Persons supporting redesign of Process Server ID Card:**

Patricia Aguilar (Maricopa)	Joseph W. Liddy (Maricopa)
Angelika C. Babcock (Cochise)	Brett Long (Maricopa)
Lane Balmer (Cochise)	Salim Mangoli
Matthew Basham (Maricopa)	Shelly Moseley (Pima)
Darren Becker	Tina Nemeth (Maricopa)
Paul Brown	Roberto Ponti (Pima)
Floyd R. Brown (Maricopa)	Edward W. Pulley (Maricopa)
Leslie Bryant	Vicki Rieffer (Pima)
Carl Cartwright (Coconino)	Diana Riggs (Pima)
Carolina Copeland	Geoffrey Roberts
Bill Copeland	John Root (Maricopa)
Nick Costello (Pima)	Christine Roy (Pima)
Corey W. Davis (Maricopa)	Cameron Roy
Tammy Fales (Cochise)	Jon Schira (Maricopa)
Fred Fischer (Cochise)	Dawn Steele (Maricopa)
Karin E. Gray (Maricopa)	Lester Steward (Maricopa)
Eric Hahn (Pima)	Paula C. Tallini (Coconino)
Christina Haro-Gracias (Pima)	William Tash (Maricopa)
Eric Henningsen	Matthew Umbower
Catherine Hess	Russell Umbower
Brad Hunt (Pima)	Rolando Valdez
Cameron Janati	Carlos Velez
Colton Joralmon (Maricopa)	Karla Viernes (Maricopa)
Dana K. Juel (Maricopa)	Katherine Weddle (Yuma)
Carter Kyle (Pima)	Dan Weddle (Yuma)
Jason Lendrum (Maricopa)	Kevin Wyatt (Maricopa)