

MINUTES

No. 4396

Arizona Supreme Court

Wednesday, November 13, 2013

R-11-0033

RULE 42, ER 3.8, RULES OF THE SUPREME COURT

(1)

WOULD INCORPORATE THE ABA'S AMENDMENT TO MODEL RULE 3.8, WHICH PROVIDES ETHICAL GUIDANCE TO PROSECUTORS IN SITUATIONS IN WHICH AN INNOCENT PERSON MAY HAVE BEEN CONVICTED

ORDERED: Petition to Amend ER 3.8 of the Arizona Rules of Professional Conduct = ADOPTED as modified, effective January 1, 2014.

R-12-0028

RULE 38, RULES OF THE SUPREME COURT

(2)

WOULD EXPAND AND CLARIFY THE POOL OF LAWYERS ELIGIBLE TO PROVIDE PRO BONO SERVICES

ORDERED: Petition to Amend Rule 38, Arizona Rules of the Supreme Court = ADOPTED on a permanent basis as of the date of signing.

R-13-0004

RULE 15.8, RULES OF CRIMINAL PROCEDURE

(3)

WOULD AUTHORIZE SANCTIONS FOR PROSECUTOR'S FAILURE TO DISCLOSE MATERIAL INFORMATION TO DEFENDANT PRIOR TO WITHDRAWAL OF A PLEA

ORDERED: Petition to Amend Rule 15.8, Ariz. R. Crim. P. = ADOPTED as modified on an expedited basis, effective January 1, 2014, with a comment period to follow. Comments shall be due May 20, 2014.

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R-13-0009

RULE 32.5, RULES OF CRIMINAL PROCEDURE

(4)

WOULD EXCLUDE COUNSEL FROM THE REQUIREMENT OF CERTIFYING THAT "EVERY GROUND KNOWN" HAS BEEN INCLUDED IN A PETITION FOR POST-CONVICTION RELIEF

ORDERED: Petition to Amend Rule 32.5, Arizona Rules of Criminal Procedure = ADOPTED as modified, effective January 1, 2014.

R-13-0036

RULES 13 AND 47, RULES OF FAMILY LAW PROCEDURE

(5)

WOULD CONFORM RULES WITH SENATE BILL 1073 - LAWS 2013, CHAPTER 31

ORDERED: Petition to Amend Rules 13 and 47 of the Arizona Rules of Family Law Procedure = ADOPTED Rule 13 on a permanent basis.

R-13-0038

RULE 21, RULES OF PROBATE PROCEDURE

(6)

WOULD AMEND THE RULE TO CONFORM TO STATUTORY AMENDMENTS RELATING TO THE REQUIREMENTS AND PROCEDURE FOR BACKGROUND CHECKS OF PERSONS SEEKING APPOINTMENT AS GUARDIANS OR CONSERVATORS

ORDERED: Petition to Amend Rule 21, Arizona Rules of Probate Procedure = ADOPTED on a permanent basis.

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R-13-0039

RULES 133 & 134, JUSTICE COURT RULES OF CIVIL PROC

(7)

WOULD CONFORM RULES TO STATUTORY AMENDMENTS RELATING TO DEMAND FOR JURY TRIAL, CHANGE OF VENUE AND PEREMPTORY CHALLENGES

ORDERED: Petition to Amend Rules 133 and 134, Justice Court Rules of Civil Procedure = ADOPTED on a permanent basis.

R-13-0040

RULE 23, RULES OF CIVIL PROCEDURE

(8)

WOULD CONFORM RULE TO STATUTORY AMENDMENTS RELATING TO CLASS ACTIONS

ORDERED: Petition to Amend Rule 23 of the Rules of Civil Procedure = ADOPTED on a permanent basis.

R-13-0041

RULE 31, RULES OF THE SUPREME COURT

(9)

WOULD CONFORM RULE TO STATUTORY AMENDMENTS AUTHORIZING ACTIVE MEMBERS OR EMPLOYEES OF CONDOMINIUM OR PLANNED COMMUNITY ASSOCIATIONS TO APPEAR IN SMALL CLAIMS COURT ON BEHALF OF THE ASSOCIATION

ORDERED: Petition to Amend Rule 31, Rules of the Supreme Court = WITHDRAWN at Petitioner's request.

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R-13-0045
(10)

RULE 32.2(b), RULES OF CRIMINAL PROCEDURE

WOULD ADD SUBJECT MATTER JURISDICTION TO THE LIST OF EXCEPTIONS TO PRECLUSION UNDER RULE 32.2(a)

ORDERED: Petition For Adoption, Amendment or Repeal of Rules 32.2(a) and (b), Arizona Rules of Criminal Procedure (Treated as Petition to Amend Rule 32.2(b), Arizona Rules of Criminal Procedure) = DENIED.



The foregoing action was taken by the Arizona Supreme Court on Wednesday, November 13, 2013.

_____ Date: _____
Rebecca White Berch, Chief Justice