

# *Substantive Law/Court Procedures Workgroup*

## *Minutes*

<b>Date:</b> July 15, 2011	<b>Time:</b> 12:00 PM – 1:30 PM	<b>Location:</b> Conference Room 345 B
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**Minute Taker:** Tama Reily

**Members Attending:**

X	Steve Wolfson	A	Daniel Cartagena	A	Ella Maley	X	Russell Smolden
X	Brian Yee	A	Jami Cornish	X	Robert Reuss	X	David Weinstock
X	Thomas Alongi	X	William Fabricius	X	Donnalee Sarda	A	Sarah Youngblood
X	Theresa Barrett	A	Jennifer Gadow	A	Ellen Seaborne		
A	Keith Berkshire	X	Grace Hawkins	X	Lindsay Simmons		
X	Sidney Buckman	X	Carey Hyatt	A	Laura Sabin Cabanillas		

**Staff/Admin. Support:** Kathy Sekardi; Kay Radwanski; Tama Reily

**Matters Considered:**

**I. Welcome and Announcements**

The July 15, 2011 meeting of the Substantive Law / Court Procedures Workgroup was called to order at 10:13. Members and guests were welcomed.

**II. Approval of Minutes**

The minutes of the Substantive Law / Court Procedures Workgroup meeting April 29, 2011 were presented for approval.

**Motion:** To approve the minutes from the Substantive Law / Court Procedures Workgroup April 29, 2011 meeting as presented. Motion seconded. Motion approved unanimously.

**III. Future Meeting Dates**

Mr. Wolfson addressed the lack of members' responses to staff RSVP requests, emphasizing the importance of determining a quorum prior to going forward with meetings. Additionally, as attendance has been weak over the past several meetings, he discussed the importance of attendance. He noted that if necessary, meeting dates could be changed in order to elicit improved attendance.

**IV. Review of Comments Received**

Members' responses to comments submitted by Bill Fabricius and Bob Reuss were discussed. Mr. Wolfson stated that the concerns of Mr. Reuss were valid and the workgroup would contemplate them as each respective section was addressed. There was mention of developing a "frequently asked questions" (FAQ) form regarding coercive control. Grace Hawkins pointed out that she has received some comments from attorneys and judges in her area and the main concerns were the complexity and length of the bill.

**VI. Review Proposed Custody Rewrite**

Tom Alongi presented his proposed changes to A.R.S. § 25-471; *Sanctions for Litigation Misconduct*, and offered his reasoning for the suggested changes. After discussion, a motion was made to approve the revised language.

**Motion:** To approve revisions to A.R.S. § 25-471(A) as submitted. Motion seconded. Motion approved unanimously.

The workgroup moved on to review Mr. Alongi's suggested revisions to A.R.S. § 25-441(D); *Coercive Control*. Mr. Alongi specified his rationale for the ten proposed items the court should consider with regard to the existence of coercive control. Lengthy discussion ensued on the matter of inclusion of all ten proposed items. A consensus was not obtained at the close of discussion.

Mr. Wolfson mentioned the possibility of modifying the proposed language to alleviate a potential burden to the courts by inquiring of an issue that hasn't already been raised by a party. He therefore recommended that the workgroup should start the next meeting by discussing A.R.S. § 25-404; *Mandatory preliminary inquiry; special circumstances*, to consider a slight change of language in A.R.S. § 25-441(D).

While concluding the meeting, Mr. Wolfson reiterated the importance of members responding to committee staff's requests regarding expected attendance. He again stressed that attendance is paramount to accomplishing the workgroup's task. He also noted that repeated absences could be interpreted as a lack of interest in participating on the workgroup.

**VII. Call to the Public**

No comments were submitted by the general public.  
Meeting adjourned at 1:32.

**Next Meeting**

July 29, 2011  
12:00 p.m. – 1:30 p.m.  
Arizona State Courts Building  
1501 W. Washington  
Conference Room 230