

**ARIZONA JUDICIAL COUNCIL'S
LIMITED JURISDICTION COURTS COMMITTEE**

**Arizona State Courts Building
Conference Room 345A & B
Phoenix, AZ 85007**

February 14, 2001

Members Attending:

Honorable Michael Lester, Chair
Honorable George Anagnost
Ms. Kathy Barrett
Honorable Sherry Geisler
Honorable Larry Imus
Mr. Theodore Jarvi
Ms. Pamela Jones

Honorable John Kennedy
Ms. Barbara Lasater
Honorable Toni Lorona
Honorable Antonio Riojas, Jr.
Honorable Mary Scott
Mr. Paul Thomas
Honorable R. Michael Traynor

Absent Members:

Mr. Don Jacobson (excused)
Honorable Manuel Figueroa (excused)
Honorable G. M. Osterfeld (excused)

Mr. Ben Rowe, Jr. (excused)
Mr. Frank Startzell (excused)
Honorable William Sutton, Jr. (excused)

Guests:

Mr. Don Taylor

Staff:

Ms. Paula Davey
Mr. George Diaz, Jr.
Mr. Tom Edwards
Ms. Debby Finkel
Ms. Theresa Gonzales
Ms. Jennifer Greene
Ms. Debra Hall
Ms. Lori Johnson
Ms. Karen Karowski

Ms. Deborah Marshall
Ms. Sandra Reyes
Mr. David Sands
Ms. Janet Scheiderer
Mr. Patrick Scott
Mr. Mike Sills-Trausch
Mr. Ted Wilson
Mr. David Withey

REGULAR BUSINESS

1. Call to Order

Judge Michael Lester called the meeting to order at 11:10 a.m. He welcomed new members, Judge Mary Scott and Ms. Pamela Jones.

2. Approval of Minutes from the November 29, 2000 Meeting

Judge Lester asked if there were any changes or corrections to the November meeting minutes.

MOTION: Motion was made and seconded to **approve the minutes from the November 29, 2000 meeting as presented. The motion was passed unanimously. LJC-01-01.**

INFORMATION/POTENTIAL ACTION ITEMS

3. Legislative Proposals

Mr. George Diaz, Jr. introduced Mr. Don Taylor from the Phoenix City Prosecutor's Office. Mr. Taylor is the part of the appeals section and acts at the legislative liaison.

Mr. Taylor present H.B. 2124 which is a strike everything bill and impacts A.R.S. § 28-3473 (C). Currently first offense for driving on a suspended license is categorized as a class 1 misdemeanor, but the defendant ends up with fine and surcharges. The bill proposes that this violation becomes a civil traffic violation instead of a misdemeanor. It was modeled after A.R.S. § 13-702 (E). It gives the prosecutor the opportunity to change the plea from a misdemeanor to a civil penalty because law enforcement is unable to determine if there were prior convictions at the time of citation.

Concerns expressed:

- * Are the computer systems capable of switching between criminal and civil on the same citation?
- * The prosecutor is not on site for all hearings to amend the citation.
- * Will due process occur?
- * If the defendant has not paid a fine and the suspension is based on the failure to pay, how much of a detriment is getting a civil penalty?
- * What standards will a court use to decide if the case is civil or criminal?
- * Is the intent for prosecutors to lower the burden of proof?
- * Does this mean that a judge has to accept a guilty plea without the prosecutor present?
- * Judges would have to inform defendants of the new differentiation between 1st and 2nd offenses to ensure equal protection issues. A 2nd hearing would result. All defendants would end up going to the prosecutors and maybe get a civil penalty.
- * State will not allege priors, law enforcement won't know and the prosecutor is not involved in the case that early.
- * What is the efficiency to the courts? Both civil and criminal require hearings.
- * Is the goal compliance with law or just shifting cases from criminal to civil?
- * How will MVD treat this?

- * Multi-charge citation forms will need review for changes to the form itself.
- * Can the prosecutors handle the plea issue before the stipulated guilty plea is entered with the court with a stipulated guilty plea?

Judge Lester stated that LJC is advising the AOC legislative liaisons to strongly opposed this. He suggested that this bill should perhaps be withdrawn for this year and work with the courts to resolve some of the issues.

Mr. Diaz reviewed the status of some bills that impact limited jurisdiction courts and are being tracked.

HB 2053 and 2095 both require two-year driver license suspensions for 18, 19 and 20 year olds who violate the underage drinking and driving law.

HB 2182 doubles the fine for DUI offenses.

HB 2277 allows for 1st class mail service of a complaint for running a red light. Also allows of the registered owner of the involved vehicle to be cited if the driver cannot be identified.

HCR 2013 allows the legislature to override court rules. The Supreme Court would not be allowed to infringe on victim rights.

Judge George Anagnost commended Mr. George Diaz and Mr. David Sands for their continuity and accessibility with legislative matters.

4. **Arizona Judicial Code of Administration (ACJA) for Court Reporters**

Ms. Nancy Swetnam presented the ACJA for Temporary Court Reporters. An amendment was added in the "Purpose" section to clarify when there are stenographic transcripts. This change reflects changes in statute.

MOTION: Motion made and seconded to **adopt the ACJA for Temporary Court Reporters with the changes. Motion passed unanimously. LJC 01-02**

Ms. Swetnam presented the ACJA for Standard Court Reporters. There is no grand fathering clause at the request of Chief Justice Zlaket and Vice Chief Justice Jones. There is a requirement for proficiency and a test on the laws, rules and codes for Arizona. If the court reporter has passed the national proficiency test and is currently a member of the national professional organization, that individual does not need to take the exam. The candidate must pass 2/3 of the proficiency test to be given a one year provisional certification.

MOTION: Motion made and seconded to **approve the ACJA for Standard Court Reporters as written, giving deference to review by the Committee on Superior Court. Motion passed unanimously. LJC 01-03**

LUNCH BREAK

5. ACJA for the Judicial Collection Fund (JCEF)

Ms. Paula Davey stated there are no significant changes. Sections D3 and 4 are new to the code, however, they are standard components of the signed funding agreements.

Ms. Debby Finkel recommended that Sections D1 and 2 be changed from the 10th of the month to the 15th of the month to be consistent with the surcharge submission dates in statute.

MOTION: Motion made and seconded that **the code be adopted as changed. Motion passed unanimously. LJC 01-04**

6. ACJA for Records Retention and Disposition Schedule for Limited Jurisdiction Courts

Mr. Ted Wilson stated that he may add some verbiage that reference rules pertaining to records retention and destruction. Records retention for electronic records is the same.

Suggestion to change 1a, g and gi for “or” to “and” was made. The concern was with the destruction of civil traffic cases while they are still pending. The judgment stands for five years, but the underlying case could be destroyed with no way of checking accuracy.

MOTION: Motion made and seconded to **approve the ACJA on Records Retention and Disposition Schedule for Limited Jurisdiction Courts with changing 1a, g and gi from “or” to “and”. Motion passed. LJC 01-05**

MOTION: Motion made and seconded to **change 2ai and d from “or” to “and”. Motion passed. LJC 01-06**

7. ACJA for Limited Jurisdiction Courts Committee

Ms. Debby Finkel stated that the only significant change in the code is the elimination of the chief justice’s approval to appoint advisory committees.

MOTION: Motion made and seconded to approve the **ACJA for Limited Jurisdiction Courts as written. Motion passed.**

LJC 01-07.

8. ACJA for Operational Reviews

Mr. Mike Sills-Trausch stated that most of the changes made to the draft were formatting. Section C2 allows the use of reviews and audits conducted by county or city towns if they are similar in nature to the type of review done by the AOC.

D1 and 2 and E1 had slight modifications. Section H had a sentence deleted. COP, COSC and COJC reviewed and approved this code.

LJC's comments that were not included in the code may be incorporated in the CORE field review guide or redirected back to the drafters of the code.

Judge Lester said that LJC wanted an appeals process to resolve disagreements between the judge and the operational review report. There needs to be an avenue for a decision in the case of an impasse.

Judge Kennedy expressed concern about the report being used against a judge during an election or reappointment.

Judge Lester suggested that the tone of the code become more positive. Section A2d should become A2a. Section A1 should be stated more positively. Section C1 should add the word "any" to the phrase "and known problems".

Judge Kennedy and Ms. Barbara Lasater volunteered to help draft the appeals process. Judge Lester suggested that probation and superior court have input as well.

NOTE: Subsequent to the meeting Mr. Paul Thomas also volunteered to assist.

MOTION: Motion made and seconded to **send the ACJA on Operational Reviews back to committee for requested changes. Motion passed unanimously.**
LJC 01-08

SUBCOMMITTEES

9. Strategic Planning

Ms. Lasater stated that the Maricopa County Justice Courts filmed a video for injunctions against harassment and orders of protection. The video is available through Mr. Patrick Scott, Public Access Specialist.

Mr. Scott said that the AOC wants to know about innovations for public access in order to act as a clearinghouse. An informational brochure on bonds is being reviewed as is a 15-page booklet that "walks" defendants through the criminal

process. Part of the clearinghouse plan is to assemble a resource library to share with others.

Judge Lester announced that he has been asked to be part of a panel that reviews Justice 2002 for strategic planning for the next 3-5 years.

10. Forms & Rules Subcommittee

Rule 10. 2 Update - Judge Lester stated that the change of judge upon request provision has been limited.

Rules of Procedure for Civil Traffic Cases - Judge Anagnost drafted changes to the 40 Rules of Procedures for Civil Traffic Cases. He had Mr. Gordon Griller review the draft. He was given consensus to proceed. The changes clean up some inconsistencies and makes the process simpler.

Ms. Barrett noted that new Rule 33 has the lower court holding the filing fee for the appeals until the memorandum of appeal is filed. The court should have the filing fee made out to the limited jurisdiction court and then send a court check to superior court. Otherwise there is a violation of MAS. Ms. Barrett then suggested timing the payment of the filing fee to the appellant's memorandum.

Mr. Ted Jarvi expressed concern that the draft was eliminating use of attorneys in these Rule changes.

Judge Lester suggested to bring the draft Rule changes back in May.

11. Defensive Driving Subcommittee

Ms. Kathy Barrett stated that the ACJA code was approved .

12. Legislative Subcommittee

Judge Michael Traynor reiterated that LJC members should participate in the weekly Friday conference calls to have an impact on changes that impact limited jurisdiction courts.

OTHER BUSINESS

13. Filing Fees - Class E “Research in Locating a Document Fee”

Ms. Finkel reviewed a letter that was sent to a private investigator explaining the intent of the \$17 research fee. Mr. David Withey stated that continues to confusion as to how this fee is being assessed in the courts and clarification is needed. It was suggested that this letter be sent to all courts with a cover letter. Also suggested was posting this on the web on the *Forum Quorum* and on Wendell.

14. Additional Legislative Issues

Mr. David Sands brought up three bills for input by LJC. The 1st was one that impacts productivity credits for the justices of the peace. The 2nd was to restrict how justice courts sharing facilities and staffs. The 3rd takes the authority for administering consolidated justice courts away from the presiding judge of the county.

LJC members discouraged passage of any and all of them.

15. Terms of Service

Judge Lester informed the members that his term of service as chairman expires in June. Anyone interested in assuming the chairmanship should inform Ms. Finkel. Several members of the committee’s term expire and they should inform Ms. Finkel as to their interest in being reappointed.

16. Call to the Public

Judge Lester called to the public. No one from the public responded.

17. Adjournment

Motion: Motion was made and seconded to **adjourn the meeting.**
Motion passed. LJC 01-09.

Meeting was adjourned at 2:58 p.m.

Respectfully submitted,

Ms. Debby Finkel
Staff to the Limited Jurisdiction Courts Committee

**ARIZONA JUDICIAL COUNCIL'S
LIMITED JURISDICTION COURTS COMMITTEE**

**Arizona State Courts Building
Conference Room 119A & B
Phoenix, AZ 85007**

May 16, 2001

Members Attending:

Honorable Michael Lester, Chair
Honorable George Anagnost
Ms. Kathy Barrett
Honorable Sherry Geisler
Honorable Larry Imus
Mr. Don Jacobson

Ms. Pamela Jones
Honorable G. Michael Osterfeld
Honorable Antonio Riojas, Jr.
Mr. Ben Rowe, Jr.
Mr. Paul Thomas
Honorable R. Michael Traynor

Absent Members:

Hon. Manuel Figueroa
Mr. Theodore Jarvi
Honorable John Kennedy(excused)
Honorable Toni Lorona (excused)

Ms. Barbara Lasater
Honorable Mary Scott (excused)
Mr. Frank Startzell (excused)
Honorable William Sutton, Jr. (excused)

Guests:

Honorable Robert Dorfman
Mr. John Fearing
Honorable Elizabeth Finn

Mr. Gary Krcmarik
Honorable Sheldon Weisberg

Staff:

Ms. Theresa Barrett
Mr. George Diaz, Jr.
Ms. Catherine Drezak
Mr. Greg Eades
Ms. Debby Finkel
Ms. Theresa Gonzales
Ms. Jennifer Greene

Ms. Debra A. Hall
Ms. Lori Johnson
Ms. Christine Powell
Mr. David Sands
Mr. Bob Schaller
Mr. Richard Travis
Mr. Ted Wilson

REGULAR BUSINESS

1. Call to Order

Judge Michael Lester called the meeting to order at 11:10 a.m. He introduced Ms. Christine Powell, strategic planning officer for the Administrative Office of the Courts (AOC).

Ms. Powell thanked the members of LJC for responding to her survey asking for issues and trends that are important to limited jurisdiction courts. Judge Lester

stated that he is on the AJC strategic planning subcommittee and will be at an all-day planning session before the Judicial Conference in June.

2. Approval of Minutes from the February 14, 2001 Meeting

Judge Lester asked if there were any changes or corrections to the February meeting minutes. He suggested changing the last bullet on page 3 from: "Can the prosecutors handle the plea issue before if the stipulated guilty plea is entered with the court with a stipulated guilty plea?" to "Can the prosecutors handle the plea issue before the stipulated guilty plea is entered with the court with a stipulated guilty plea?"

MOTION: Motion was made and seconded to **approve the minutes from the February 14, 2001 meeting as amended. The motion was passed unanimously. LJC-01-10.**

Judge Lester mentioned that AJC passed Rule 10.2 on an experimental basis. It is still in draft form.

INFORMATION/POTENTIAL ACTION ITEMS

3. Legislative Updates

Mr. David Sands introduced Ms. Theresa Gonzales, legislative intern and Mr. Richard Travis, public information officer for the AOC.

Mr. George Diaz, Jr. and Mr. Sands presented several bills that have been passed and signed. The general effective date is August 9, 2001 for bills that do not have their own enactment dates or emergency effective dates in them.

SB 1137, no chapter # yet - allows police to impound vehicles for DUI violation, suspended driver's license or too many points on the driver's license. To secure release of the vehicle, the owner/spouse must show a valid driver's license and proof of registration or proof of installation of the ignition interlock device (IID). Courts may order early release of the vehicle if the defendant borrowed or rented the vehicle that was impounded.

HB 2053, Chapter 274 - On receipt of a record of conviction for a violation of underage DUI, MVD is required to suspend or refuse to issue a driver's license for two years while the defendant is 18, 19 or 20 years old.

HB 2182, Chapter 253 - Specifies that the 12-month IID sentences begins either on the date of conviction or the conclusion of the drivers license suspension/revocation, whichever is later. The bill was predominately cleanup to ease the transfer of information between MVD and the court.

SB 1089, Chapter 95 - Lowers the blood alcohol concentration from .10 to .08 for DUI offenses. This has an effective date of September 1, 2001.

HB 2473, Chapter 51 - Lowers the blood alcohol concentration is reduces from .18 grams per 100 ml of blood to .15.

SB 2277, Chapter 190 - Emphasizes that persons convicted of disobeying red-light traffic control signals must be ordered by MVD to attend and complete Traffic Safety School or have driving privileges suspended.

HB 2370, Chapter 337 - Cracks down on drivers speeding through a highway construction zone when workers are present. An assessment equal to the civil penalty is assessed. Payment of the assessment is to be at the same time as the civil penalty and in the case of partial payments, the allocation of the assessment, penalty and surcharge are divided in proportion the civil penalty, assessment and surcharges are to the total amount due.

The fine for driving in the HOV lane has been reduced from \$350 to \$200 with \$100 allocated to the Arizona Clean Air fund. The remaining \$100 is allocated to the general fund.

SB 1007, Chapter 8 - Extends the \$20 time payment fee to December 31, 2003.

HB 2489, Chapter 301 - Increases by 60 % the amount of money sheriffs and constables may charge for service of process and other fees.

SB 2274, Chapter 2 - Mandates that sheriffs or keepers of the jail accept bonds from any person and not just bail bond agencies.

HB 2085, Chapter 41 - Clarifies the existing statute, A.R.S. § 12-302.

SB 1084, Chapter 255 - Eliminates the \$5 filing fee for orders of protection and injunctions against harassment and any appeals fees.

HB 2268, Chapter 217 and HB 2223, Chapter 334 - Both use the same definition of domestic violence.

HB 2223, Chapter 334 - States that a law enforcement affidavit may be used instead of appearing in front of a judicial officer. The requirement for a bond on appeal not to exceed the maximum fine has been eliminated.

Mr. Sands stated that the Legislative Update is being developed for publication.

Mr. Diaz stated that the legislative broadcast is scheduled for June 21st. The deadline for legislative proposals for the 2002 legislative session is being moved up.

Judge Lester thanked Mr. Diaz and Mr. Sands for their efforts on behalf of the courts in Arizona.

4. Arizona Judicial Code of Administration (ACJA) for Defensive Driving Implementation Update

Mr. Bob Schaller reported that Administrative Order (AO) 2000-84 was adopted and became effective March 1, 2001. The prohibition against law officer instructors was opposed by AJC. Three internet traffic schools have applied for certification. New Defensive Driving Program binders are being developed for dissemination to the courts. The Arizona Judicial Information Network (AJIN) has a new Defensive Driving Program web page with resource information on it.

It has been requested that the DDP conduct a study to see if the flow of information can go through ACAP from the schools to the courts.

5. Defensive Driving Subcommittee

Ms. Kathy Barrett stated her committee had nothing additional to report.

LUNCH BREAK

6. Final Disposition Report (FDR)

Judge Elizabeth Finn presented the draft Final Disposition Report (FDR) with an overview of current processes and issues concerning FDR reporting to DPS. She reported on a pilot project currently underway in Maricopa County which will have impact statewide in the future, particularly in the FDR form. In order to assure that fta offenses are properly recorded at DPS, certain modifications are being proposed for the FDR form used by all courts. She summarized the changes needed as such: the superior court case number and limited jurisdiction court case number fields will be merged into one singular case number field, to allow space for a court (name) and violation date for each charge listed on the form.

7. ACJA for Records Retention and Disposition Schedule for Limited Jurisdiction Courts

Ms. Catherine Drezak stated that the federal government needs to have court record to prosecute federal violations of domestic violence with the history of prior convictions. Her contact at the Bureau of Alcohol, Tobacco and Firearms

has indicated that lifetime electronic court records is acceptable. Mr. Jacobson asked if DPS would be able to store the records the ATF needs for future prosecutions. Mr. Ted Wilson will discuss this possibility with DPS. Does ATF truly need court records or will DPS records be acceptable according to ATF's definition of court record?

Judge Lester stated that somehow there should be a way of transferring records after 5 years in the court, either for storage somewhere else or microfilmed and shipped to ATF for their storage. He wants this issue sent back to the Records Retention Committee and the Committee on Technology (COT) for their review.

The Lautenberg Amendment would not uphold a set aside of conviction. The disparity is that if the state overturns a conviction and the federal government doesn't accept the conviction, what happens to the case? There is no conviction or finding of guilt. Ms. Drezak will check with ATF about their position. Ms. Drezak will report back to LJC in September.

Mr. Wilson reported that the Department of Library, Archive and Public Records is willing to accept a blanket waiver in advance so courts will be allowed to purge/destroy old cases without the department reviewing them.

MOTION: Motion made and seconded that the **proposed amendment for the advance blanket waiver be accepted. Motion passed unanimously. LJC 01-11**

A suggestion was made that the term "and" be changed to "and/or" to give more flexibility regarding civil judgments. It was further suggested that a new subsection to 1g be added separating local ordinances from other civil judgments, giving them a 5 year retention and stating in remarks "After adjudication and satisfaction of judgment."

MOTION: Motion was made and seconded to **separate local ordinances (as new 1gi) from civil judgments with a 5 year retention and stating in remarks "After adjudication and satisfaction of judgment." The current section 1gi "Other civil cases including dismissals would become new 1gii. Motion passed unanimously. LJC-01-12**

8. ACJA for Operational Reviews

Ms. Debra Hall stated that she had received feedback from Judges Lester and Traynor concerning the appeals process for limited jurisdiction courts. The contacts from the other AOC divisions involved agree with this addition. This change now has to be approved by other AJC committees before AJC can vote on it.

MOTION: Motion was made and seconded to **approve the Administrative Code for Operational Reviews as presented. Motion passed unanimously. LJC-01-13.**

SUBCOMMITTEES

9. Forms and Rules Subcommittee: Proposed Rules of Civil Traffic Procedures

Judge Anagnost stated that some of the remaining concerns about changing the rules of civil traffic procedures are in the areas of appropriate accounting procedures for filing fees and if the posting of bond should not be required.

Judge Imus asked why couldn't appeals for civil traffic violations be eliminated. Judge Dorfman asked about limiting the circumstances in which appeals would be allowed.

Judge Traynor stated that no matter what direction is taken statutes would need to be changed as well. He cited A.R.S. §28-1600 in particular.

Judge Lester asked Ms. Hall to find out how many civil traffic cases are appealed; and, of those, how many are remanded.

Ms. Barrett and Judge Traynor commended Judge Anagnost for his efforts. They noted that the proposed rules were easier to read and they recognized that pro per litigants were the main audience.

Judge Dorfman noted that the state has the right to appeal in "not responsible" cases, but they do not have that right in criminal cases.

10. Strategic Planning Subcommittee

Mr. Don Jacobson stated that the AJC will be reviewing a new strategic agenda. There will be an all day training before the Judicial Conference which he may attend.

11. Legislative Subcommittee

Judge Michael Traynor reported that this is the time to start looking at potential items for legislative proposals. Judge Anagnost suggested looking at a Title 28 rewrite.

OTHER BUSINESS

12. Report and Recommendations of the Ad Hoc Committee to Study Public Access to Electronic Records

Judge Sheldon Weisberg, Judge Robert Dorfman, Mr. John Fearing and Ms. Jennifer Greene represented the committee. Judge Weisberg explained that the committee is recommending only two types of case files be publicly accessible via Internet initially: general civil and general criminal. For family cases, mental health, probate and juvenile cases, posting on the Internet the actual case files should await the redaction of sensitive data such as social security numbers and financial account numbers. While that information could still be viewed at the courthouse, it would not be part of the Internet-version of the case file. The committee is concerned about identification theft. Accordingly, they want to promote the court's use of a specific form that will segregate confidential information unless it is relevant to an issue to be decided in a case. The form could be viewed in hard copy at the courthouse but not online.

Concern was expressed about erecting a firewall that prevents unauthorized people from getting into the court's automation system.

The committee suggests that one web site be used as a central clearing house for case information. At the same time, each individual court could have its own site if wanted.

Judge Lester commended the committee.

MOTION: Motion was made and seconded **to accept the ad hoc committee's report and recommendations as presented. Motion passed unanimously. LJC-01-14**

13. Call to the Public

Judge Lester called to the public. No one from the public responded.

Judge Lester remarked that this was the last LJC meeting for Judges Imus and Sutton and Mr. Frank Startzell. He thanked them for their participation on LJC. He also thanked all the AOC staff who have been involved with LJC over the past 6 years.

14. Adjournment

Motion: Motion was made and seconded to **adjourn the meeting. Motion passed. LJC 01-15.**

Meeting was adjourned at 3:25 p.m.

Respectfully submitted,

Ms. Debby Finkel
Staff to the Limited Jurisdiction Courts Committee

**ARIZONA JUDICIAL COUNCIL'S
LIMITED JURISDICTION COURTS COMMITTEE**

**Arizona State Courts Building
Conference Room 119A & B
Phoenix, AZ 85007**

September 12, 2001

Members Attending:

Honorable R. Michael Traynor, Chair	Ms. Pamela Jones
Honorable George Anagnost	Honorable John Lamb
Ms. Faye Coakley	Honorable Michael Lester
Honorable Sherry Geisler	Honorable Ronald O. McDaniel
Honorable John Kennedy	Honorable Antonio Riojas, Jr.
Mr. Don Jacobson	Honorable Mary Scott
Mr. Theodore Jarvi	Mr. Paul Thomas

Absent Members:

Ms. Kathy Barrett (excused)	Honorable G. Michael Osterfeld (excused)
Honorable Judy Ferguson (excused)	Mr. Dale Poage (excused)
Hon. Manuel Figueroa	Mr. Ben Rowe, Jr.

Guests:

Honorable Elizabeth Finn

Staff:

Mr. David Berg	Ms. Debra A. Hall
Ms. Beverley Boyd	Mr. Karl Heckart
Ms. Paula Davey	Ms. Stephanie Jaurequi-Hidalgo
Mr. George Diaz, Jr.	Ms. Lori Johnson
Ms. Catherine Drezak	Mr. Raj Kollengode
Ms. Debby Finkel	Mr. Tim Lawler
Ms. Theresa Gonzales	Ms. Pam Peet
Ms. Ann Grossnickle	Mr. David Sands
	Ms. Janet Scheiderer

REGULAR BUSINESS

1. Call to Order

Judge R. Michael Traynor called the meeting to order at 11:10 a.m. Judge Traynor presented Judge Michael Lester with a plaque of appreciation for his six years of service as chairman of LJC.

Judge Traynor welcomed new and returning LJC members. He thanked Ms. Dawn Kotarski for her service to LJC and wished her well in her new position at

the AOC.

Judge Traynor mentioned that copies of Rule 10.2 were included in the LJC materials for information only.

Judge Traynor announced the tentative LJC meeting dates for 2002; February 20, May 22, September 24 (Legislative Subcommittee), September 25 and December 4.

MOTION: Motion made and seconded to **adopt the tentative LJC meeting dates for 2002 as the actual meeting dates. The motion was passed unanimously. LJC-01-16.**

2. Approval of Minutes from the May 16, 2001 Meeting

Judge Traynor asked if there were any changes or corrections to the May meeting minutes. None were made.

MOTION: Motion was made and seconded **to approve the minutes from the May 16, 2001 meeting as presented. The motion was passed unanimously. LJC-01-17.**

INFORMATION/POTENTIAL ACTION ITEMS

3. Rule 7.2

Judge Michael Lester presented background explaining why Rule 7.2 needs to be amended. The statute now provides authority for a judge to set bond, however, there are no limits on the bond.

Four versions have been drafted. All versions start the same as the current rule. The differences are:

Version 1 uses "unless the court finds."

Version 2 uses "clear and convincing evidence."

Version 3 gives unlimited discretion to the court, but allows either party to request a review of the conditions of release.

Version 4 refers silently to ARS § 22-372A which is the bond on appeal and execution of sentence.

Discussion: Currently, judges do not have the right to change the bond. All drafts allow judges to take the defendant into custody at the hearing. Mr. Ted Jarvi stated that limited jurisdiction appeals take about 3-4 months. If someone files notice of appeal and cannot pay the bond, being taken into custody may mean more time in jail than the jail sentence would be. Judge

Lester noted that each version allows for release from custody if the defendant has been in custody for the length of the jail sentence and that is not a change.

Mr. Jarvi stated that he likes the provision for the court to make findings to protect defendants. He would like the findings in writing and explicit explanation why the defendant poses a danger and that other pre-condition release would work. He recommended the proposed Rule be reviewed by the Committee on Superior Courts.

Judge Anagnost stated that Version 2 trumps Rule 26.3A2. Every defendant has the right to counsel if there is a risk of jail time. Should everyone have counsel automatically? Where does the committee want to stand regarding right to counsel? There is also an issue of self-incrimination.

The question was raised concerning when the defendant becomes aware he/she may go into custody. Mr. Jarvi stated that in superior court, the defendant becomes aware of the possibility when the decision to go to trial is made. He further stated that the rule contemplates a defendant being sent to jail when there is a conviction without sentencing.

Judge Geisler mentioned that many times judges do not see the defendant early in the process due to initial appearances by judges pro tempore or commissioners. Judge Lamb stated that he appoints public defenders when there is a possible risk of jail time. Judge Anagnost asked how can judge let a defendant waive counsel when every case has the potential of jail time.

Judge Traynor noted that there has been a move to make some domestic violence offenses non-bondable offenses. Judge Lester stated that the proposed rule change should only effect a very small percent of cases. The move to make some domestic violence offenses non-bondable was presented by domestic violence victim advocates.

MOTION: Motion made and seconded to **table this topic to the next meeting. Motion passed. LJC-01-18**

4. Arizona Judicial Code of Administration-Reduction of Outstanding Fines

Ms. Paula Davey stated that the proposed code eliminated redundant language. Judge Lester suggested removing the reference to ARS § 28-1381 from the code.

MOTION: Motion made and seconded to **approve the code with the removal of the ARS § 28-1381 reference. Motion passed. LJC-01-19**

LUNCH BREAK

5. Legislative Subcommittee

Judge Lester referenced the minutes from the 9/11/01 Legislative Subcommittee meeting (attached) as an aid to the legislative proposals. He encouraged LJC members to participate in the weekly Friday legislative conference calls. He called upon Mr. David Sands, Mr. George Diaz, Jr. and Ms. Theresa Gonzales.

Proposals

02-02 Court Filing Fees integrates and clarifies certain filing fees and other changes required by statute to be collected by the superior court and limited jurisdiction courts. Changes are:

- 1) *increase the justice of the peace case filing fees to support addition staff, training and case processing needs arising from increased jurisdictional limits;*
- 2) *add a \$50 fee for injunctions against workplace harassment filings;*
- 3) *increase by the minimum clerk fees from \$17 to \$18 in justice and municipal courts;*
- 4) *add federal and tribal agencies to the list of governmental entities exempt from payment of court fees ARS § 12-304.*

Ms. Finkel reviewed the outcome from the legislative subcommittee's meeting.

Discussion: Concern was expressed about the proposed faxing fee being so high, and having a postage and handling fee. Concern was also voiced about tying increases to need for more staff which could cause more problems with funding authorities.

Mr Jarvi and Judge Lester stated that an \$18 faxing fee is too high.

MOTION: *Motion made and seconded that the per page faxing fee be set at \$0.50 for local faxing and \$1.00 for long-distance. Motion passed.
LJC-01-20 (14-0-0)*

MOTION: *Motion made and seconded to approve this proposal with the amendments recommended by the Legislative Subcommittee and the new per page faxing fee recommendation. Motion passed.
LJC-01-21 (14-0-0)*

02-05 Employer Compensation of Jurors requires employers to pay regular wages to people who appear for jury duty or are selected for trial.

Ms. Gonzales reviewed the outcome of the Legislative Subcommittee meeting.

MOTION: Motion made and seconded to not include this proposal in the AJC legislative package and to refer it to the subcommittee on jury selection and membership for further study. Motion passed LJC-01-22 (13-0-0)

02-06 Regional Jury Summoning enables jurors to be summoned to the most proximate courthouse to their residence by creating judicial districts in counties where the superior court has more than one location.

MOTION: Motion made and seconded to not include this proposal in the AJC legislative package and to refer it to the subcommittee on jury selection and membership for further study. Motion passed. LJC-01-23 (11-3-0)

02-09 Terms of Pro Tempore Judges amends the statute by extending the term of pro tempore judge from six months to twelve.

MOTION: Moved and seconded to include this proposal with the amendment to include justices of the peace pro tempore in the proposal. Motion passed. LJC-01-24 (13-1-0)

02-15 Domestic Violence makes technical and substantive changes in laws regarding domestic violence, primarily intended to:

1. make consistent presently conflicting provisions of law regarding the effective date of modifications to protection orders;
2. include injunctions against harassment in the statute that elevates an assault to aggravated assault if committed while the perpetrator is subject to a protection order;
3. add the objective standard “reasonably should have known” to statutes that increase terms of sentencing when a felony domestic violence offense is committed against a pregnant victim;
4. make consistent the sentencing provisions of ARS §§ 13-3602(L) and 13-711 regarding domestic violence offenses committed against pregnant victims; and
5. includes spousal rape within the definition of domestic violence.

MOTION: Motion made and seconded to approve the 1st section which makes presently conflicting provision of law consistent. Motion passed. LJC-01-25 (14-0-0)

MOTION: Motion made and seconded to refer the last four sections to back to CIDVC for redrafting and/or submit to the Committee on Superior Courts for consideration. Motion passed. LJC-01-26 (14-0-0)

MOTION: Motion made and seconded to include the first section in the AJC legislative package and refer the last four sections back to CIDVC. Motion passed. LJC-01-27 (13-1-0)

02-16 Sealing/Redaction of Records amends ARS §§ 28-454, 11-483 and 11-484 to seal and redact the public records of judicial officers.

Discussion: Several stakeholders are not included in the redaction component of this proposal. The concern was expressed that it is getting easier to close access to public records.

MOTION: Moved and seconded to include this proposal with the following amendments:

Include justices of the peace.

Delete the justification of a "reason" and have the redaction by virtue of the position.

Redaction should last term plus five years.

Motion passed. LJC-01-28 (11-3-0)

02-18 Records Retention eliminates the statutory requirement that the Arizona State Library, Archives and Public Records review limited jurisdiction court records which are ready for destruction. A blanket waiver indicating absence of any historical significance in the record would be sent to the agency on behalf of all limited jurisdiction courts.

MOTION: Motion made and seconded to include this proposal in the AJC

legislative package. Motion passed LJC-01-29 (14-0-0)

Prioritization:

1. 02-02 close count to #2
2. 02-15 close count to #1
3. 02-18 close count to #4
4. 02-09 close count to #3
5. 02-16

Judge Lester expressed concern that 02-09, 02-16 and 02-18 may not be acted upon if they are not included in LJC's recommendation to AJC.

MOTION: *Motion made and seconded to approve the prioritization.
Motion passed LJC-01-30*

6. *Domestic Violence Requirements for AZTEC System*

Mr. Karl Heckart presented background information regarding the central repository and required fields. This federally funding project's main purpose is public safety. The first phase is to bring ACAP courts online and into the central repository. The second phase is to integrate the system with DPS and non-ACAP court. The AOC is seeking funds for this phase. The third phase is to make the NCIC connection happen and automate the service component. The intent is to have minimal impact on the courts with data entry requirements. The AOC is attempting to get complete business process automated and have a quality control.

Ms. Stephanie Jaurequi-Hidalgo demonstrated the entry screens for entering orders of protection petitions and the orders themselves. Questions were asked concerning why it was necessary to have the type of relationships entered into the system. It was stated that the relationship is desired for statistical profiling of what the population looks like. The relationship information is not necessary for law enforcement purposes.

Public access to this program has not been determined. Questions regarding the need to have the Brady requirement as a mandatory field.

Policy needs to be developed about having a description of the person served. No policy has been set for editing an incorrect name. It was noted that the order can be edited since it is a WordPerfect document. Ms. Jaurequi-Hidalgo demonstrated it and showed that it contains the previous information.

Mr. John Pombier stated that it is desired for the central repository to have a specific number of fields. He doesn't know how many fields are the bare minimum data. He stated that he does not want the courts to be overloaded. The order and what is ordered are the important information.

Judge Elizabeth Finn stated that the mandatory fields are the party information and the six required PCO fields. The policy group is to determine if 26 fields should be part of this program. The petition information was not to be included.

Judge George Anagnost stated that his court is piloting this program. It is a work in progress and cumbersome to use. He stated that before this program is rolled out to all ACAP courts that the AOC needs to make sure of the real objective of this program because it is not a trivial project. A lot of work goes into preparing the worksheets. He is concerned that the worksheets will sit in stacks waiting to be entered.

Mr. Heckart stated there are some big policy issues yet to be determined such as multiple protection orders in other courts.

Judge Lester asked if the Governor's Office would be satisfied with six PCO fields. Mr. Pombier stated more would be preferred, but they want the courts to be able to do whatever they can to keep the process moving.

Ms. Jaurequi-Hidalgo stated that all petition information have been changed to optional fields. All order information will pop into screens for modification orders. Orders can be printed at the terminal. Judge Anagnost stated that Peoria Municipal Court uses a judge's cover sheet which helps the clerks. Information that is needed is that a hearing was requested and one was set.

Flagstaff Municipal Court begins piloting the program the week of September 24th.

The program rolls out to all ACAP courts in October. Judge Lester asked why the program was rolling out so quickly when there were so many questions about screens and data requirements. He stated that LJC should have been directly involved in the development from the beginning.

Judge Traynor stated that this item will be on the agenda for an update in November.

7. **Proposed Final Disposition Reporting Forms**

Judge Elizabeth Finn stated that the court numbers can now be added by law enforcement. The date of offense is needed and the complaint number.

MOTION: Motion made and seconded to approve the draft final disposition form as presented. Motion passed. LJC-01-31

Judge Finn discussed the Automated Fingerprint Information System (AFIS) procedures. Courts need to pay more attention to the type of warrant. Failure to appear (FTA) warrants are from ARS §§ 13-2506 (misdemeanor FTA for pre-trial adjudication) and 13-2507 (felony FTA). ARS §13-3904 is a violation of a promise to appear (VPA) when the defendant has signed the multi-charge citation form.

The post-adjudication cases depend on the code. There are Failure to Pay Fine (FTPF) and Failure to Comply (FTC) and Probation Violation Warrants. Discussions need to occur with law enforcement to coordinate efforts and make sure the booking sheets are accurate and have the date of offense on it. She suggested that a model warrant language committee be formed. The literal description is the statute code. It was suggested that the Limited Jurisdiction Courts Administrators Association may take this project on and present it to LJC when ready.

8. *Rules and Forms Subcommittee*

Judge George Anagnost updated the members on the status of the Proposed Rules of Civil Traffic Procedures. Version 8.0 is almost ready for review and will be presented at the November meeting.

OTHER BUSINESS

9. *Call to the Public*

Judge Traynor called to the public.

10. *Adjournment*

*Motion: Motion was made and seconded to adjourn the meeting.
Motion passed. LJC 01-32.*

Meeting was adjourned at 4:35 p.m.

Respectfully submitted,

Ms. Debby Finkel

Staff to the Limited Jurisdiction Courts Committee

**ARIZONA JUDICIAL COUNCIL'S
LIMITED JURISDICTION COURTS COMMITTEE**

**Arizona State Courts Building
Conference Room 119A & B
Phoenix, AZ 85007**

November 28, 2001

Members Attending:

Honorable R. Michael Traynor, Chair
Honorable George Anagnost
Ms. Kathy Barrett
Ms. Faye Coakley
Honorable Judy Ferguson
Honorable John Kennedy
Mr. Don Jacobson
Mr. Theodore Jarvi
Ms. Pamela Jones

Honorable John Lamb
Honorable Michael Lester
Honorable Ronald O. McDaniel
Honorable G. Michael Osterfeld
Mr. Dale Poage
Honorable Antonio Riojas, Jr.
Mr. Ben Rowe, Jr.
Honorable Mary Scott
Mr. Paul Thomas

Absent Members:

Hon. Manuel Figueroa

Honorable Sherry Geisler (excused)

Guests:

Mr. Tom Dorn
Mr. Jeff Fine
Honorable Elizabeth Finn
Vice Chief Justice Charles Jones

Mr. John MacDonald
Ms. Pamela Najera
Mr. Scott Owens

Staff:

Mr. Mike Baumstark
Mr. David Berg
Ms. Beverley Boyd
Mr. George Diaz, Jr.
Ms. Agnes Felton
Ms. Debby Finkel
Ms. Theresa Gonzales
Ms. Jennifer Greene
Ms. Debra A. Hall
Mr. Karl Heckart
Ms. Lori Johnson

Mr. Robert Molina
Ms. Pam Peet
Ms. Christine Powell
Mr. David Sands
Mr. Bob Schaller
Ms. Janet Scheiderer
Mr. Patrick Scott
Ms. Nancy Swetnam
Mr. David Withey
Ms. Amy Wood

REGULAR BUSINESS

1. Call to Order

Judge R. Michael Traynor called the meeting to order at 11:05 a.m. Judge Traynor welcomed Mr. Dale Poage as a new LJC member and asked Mr. Poage to introduce himself.

2. Approval of Minutes from the September 12, 2001 Meeting

Judge Traynor asked if there were any changes or corrections to the September meeting minutes. None were made.

MOTION: Motion was made and seconded **to approve the minutes from the September 12, 2001 meeting as presented. The motion was passed unanimously. LJC-01-33.**

INFORMATION/POTENTIAL ACTION ITEMS

Since the next presenters were not immediately available, Judge Traynor asked for and received consensus to allow Judge George Anagnost to present the Proposed Rules of Civil Traffic Procedures next on the agenda.

3. Proposed Rules of Civil Traffic Procedures

Judge Anagnost stated that the proposed rule changes are intended to simplify and clarify the Rules for the lay person. The changes are intended to expedite the appeals process. The work group also suggested that the forms be approved for use, but not mandated. The forms will be adopted by either Administrative Order or Code. He gave a brief overview of the changes.

Two changes were suggested:

1. Add references to redirect and recross where there is reference to direct and cross in Rule 19.
2. Remove "without prejudice" in Rule 21.

MOTION: Moved and seconded that the **proposed Rules be accepted with the additional suggested changes Rules 19 and 21. Motion was passed unanimously. LJC 01-34**

Mr. Jarvi commended Judge Anagnost for his perseverance and efforts. Judge Traynor commended AOC staff for their assistance with the project.

4. Legislative Update

Mr. George Diaz stated that two proposals that LJC voted to include in the judiciary's legislative package, records retention and terms of judges pro tempore.

Mr. Diaz presented a new legislative proposal that impacts justices of the peace productivity credits. Judge Mike Osterfeld stated that this proposal cleans up the conflict in productivity credits between misdemeanor and some criminal traffic cases, but they use different multipliers. The proposal also includes petty offenses for the first time.

Judge John Kennedy said that this proposal leaves in two civil offenses and generalized criminal traffic.. The biggest change is in A1. The Legislature changed criminal offenses for boating cases to petty offenses. The statutes were not clear as to how those offenses count with productivity credits. He also stated that this proposal is intended to be for clean up and not a rewrite.

MOTION: Motion made and seconded to **table voting on this issue until after the JP Enhancements presentation. Motion was passed. LJC 01-35**

5. Arizona Code of Judicial Administration - Presiding Judges

Ms. Jennifer Greene stated that no substantive changes were made to the sections referring to presiding justices of the peace, presiding municipal court judges or presiding judges of the county. The administrative order was transferred to code format.

Judge Osterfeld suggested amending the term of position for presiding justices of the peace to be July 1 through June 30 to allow the previous presiding judge to finish the budget cycle. If the term cannot be changed on a statewide basis, he suggested that the term be left to the discretion of the presiding judge of each county. Ms. Greene replied that she will draft an amendment to accommodate the flexible term issue.

MOTION: Motion made and seconded that the **new ACJA for presiding judges be recommended for approval with the term amendment. Motion was passed. LJC 01-36**

6. Justice of the Peace Enhancements - White Paper

Vice Chief Justice Charles Jones updated LJC on the background of the JP enhancement issues. In October, several people from the Supreme Court met with the Arizona Republic editorial board and learned of three editorials that were being written for November publication. The JP system has been in place for about 100 years without change. The Commission on the Courts as well as the

Committee to Study Improvements in the Limited Jurisdiction Courts studied and reviewed the limited jurisdiction courts and made recommendations. No legislative proposals have been enacted to date.

Some areas needing enhancement are:

Training for current justices of the peace as well those considering running for office. Some areas of law need to be taught, such as evidence and procedures.

Qualifications are currently 18, U.S. citizen and able to read and write English. Enhancing qualifications should be reviewed and studied. The Commission on Judicial Conduct does a nice job of ferreting out problems however, there are too many problems.

Mr. Mike Baumstark stated that the white paper was not a planned position at this point. It was “not on the radar screen.” The editorial boards were the catalysts for this effort. Simultaneously, but independently, one of the state senators invited Mr. Dave Byers and Mr. George Diaz to talk about justices of the peace and justice of the peace reform. Both Senators Jerrett and Smith have an interest in doing something, but aren’t specific as to what. The white paper arose from Mr. Byers’ notes at the meeting. The white paper allows the courts to have a say in what happens about a lack of resources, facilities, legal resources and funding.

Vice Chief Justice Jones responded that municipal court judges may be interested in participating in the enhanced training or whatever may be developed to improve the courts.

Mr. Baumstark stated that legislation may come forward this year, but no one knows yet. There will be updates to the white paper based on comments from LJC members and others.

LJC 01-35, tabled issue of productivity credits, was brought back to LJC for action.

MOTION: Motion made and seconded to **include the proposal on productivity credits in the judiciary’s legislative package. Motion was passed unanimously. LJC 01-36**

Lunch Break

7. Arizona Code of Judicial Administration - Public Meetings

Mr. David Withey reviewed the proposed code concerning public meetings. A provision was added defining public council. A section was added about executive sessions. There is a requirement to post meeting notices on the website. There are definitions for “meeting” and “legal advice.”

Ms. Barrett noticed that there is an inconsistency in terms of when public notice

needs to be posted. It was suggested to change subsection C(s)(a) by reducing the time in advance of the meeting when the final agenda must be available from 48 hours to 24 hours. In subsection D(2) clarify that the minutes made available have not been approved by the public council.

MOTION: Motion made and seconded that the **ACJA on Public Meetings be approved with the suggested recommendations. Motion was passed. LJC 01-37.**

8. Proposed Rules of Appellate Procedure - Criminal

Judge Anagnost reviewed the following rule changes:

Rule 1 - Record of proceedings and records are covered in another part of the rules.

Rule 6 - Bond on Appeal are governed by Rule 7.2. Stay of execution issues are addressed in Rule 30.3, so Rule 6 restates it.

Rule 7 - clarifies what constitutes the record.

An abrogation of Rule 30 may be needed since all appeals will be on record.

Judge Lamb suggested that the proposed rule changes may flow better if Rule 10 became Rule 9 and vice versa. Nothing in the Rules address Judge Lamb's concern for time lines within which superior court is to act. Judge Anagnost will look at getting a local rule to clarify it.

The flow of money did not change. Mr. Jarvi expressed concern about the defendant being incarcerated too long. The filing of notice of an appeal is the start of the appeals process. Mr. Jarvi wanted to know at what point does the case become a superior court case. He also wanted to know how the sheriff would know to release an incarcerated defendant. Judge Kennedy stated that the commitment order would give the sheriff the authority to release the defendant.

MOTION: Motion made and seconded to **approve the proposed rule changes with amendments. Motion was passed. LJC 01-38.**

9. Defensive Driving Subcommittee

Proposal to Allow Alternative Delivery Methods (ADM) - Mr. Bob Schaller and Ms. Nancy Swetnam stated that they wanted LJC to review the proposal again before AJC votes on December 13th.

Ms. Swetnam described the original intent of the defensive driving legislation was for the program to serve as a sanction and to divert traffic offenders from the court. ADM gives another option to accomplish this intent. ADM provides

testing of the course participant, compliance with ADA requirements and consistency in content dissemination.

Major concerns about ADM are how does the court/school validate that the person who received the ticket is the same one who attended the class and who took the test. There are several ideas for validation of identification and participation designed to give schools options from which to choose.

Most requests the DDP receives are for internet classes. Video ADM classes can use the same principles for validation and testing.

A concern was expressed if ADM diminishes the sanction component of defensive driving school attendance. Tight parameters can be placed on when the defendant is allowed to complete the course and within what time frame. The DDP will require local retention of both hard and electronic records. Local issues, such as a snow storm, would be addressed more quickly. Ms. Barrett questioned how schools would make allowances for internet providers going down.

Policies 1-4 remain the same and 5 will be amended to 120 days. Number 7 will eliminate the availability to have required certified instructors on site for attendees to question. School staff will have the ADM materials available to respond to questions which addresses policies 8 and 9.

Ms. Swetnam reported that most calls the internet schools receive are related more to technical questions.

Policy 10 needs to be amended to allow for validation options.

The impact on courts' procedures and reporting remains the same. The schools set their own fees and collect their own fees, court diversion fees and state fees.

Judge Antonio Riojas proposed school monitoring and auditing. AOC would require schools to have records to evaluate ADM programs.

The question of whether in-class participants to be tested was asked.

MOTION: Motion made and seconded to **approve the revised defensive driving school policy with amendments as presented. Motion was passed. LJC 01-39**

MOTION: Motion made and seconded to **require the schools to provide instructors during normal business hours. Motion was passed. LJC 01-40**

Mr. Schaller informed the committee that he heard legislation may be proposed

that eliminates defensive driving schools. The proposal would have the court “bank” a defendant’s ticket for two years. If the defendant receives no additional tickets within that two year period, the ticket is dismissed.

Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Update

Judge Traynor stated that Catherine Drezak received a letter from the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Department. It addressed LJC’s concerns if a conviction was set aside, by stating that the original conviction would not be held against the defendant on a federal level.

10. Update on the Disposition Report Form

Ms. Lori Johnson updated the committee on the administrative order that would take the disposition report form out of the Rules.

11. Domestic Violence Module Update

Mr. Karl Heckart stated that all ACAP courts with the exceptions of Mohave County and the Scottsdale Municipal Court have the new domestic violence module. The petition entry fields are now optional.

Other courts are part of phase II which is scheduled for mid-summer. There are 1100 protective orders in the central repository of which 300 have been served.

The AOC is working with DPS to get the access pointer working. He is meeting with the AZ Criminal Justice Commission (ACJC) to talk to law enforcement to update their business processes.

Future Upgrades to AZTEC: The superior court level will have the separate docket entry eliminated. CACC will retest the system for high volume citation entry, bond processing, bank reconciliation. The automatic transmission of disposition processing has some bugs in it. There will be a queuing screen to view before transmission can occur.

12. Public Access Website to Data Warehouse

Ms. Janet Scheiderer relayed the history of public access and progress that has been made to date, including the data warehouse and judicial dashboard. There is still data clean up that needs to occur and increasing requests for bulk data.

Mr. Heckart presented the various screens available through the data warehouse. Discussion enveloped about what information should be made public and in what time frame. Further discussion ensued about just opening

the data warehouse information to just the court community for a while. Judge Elizabeth Finn stated that Rule 123, Public Access, is being followed. Ms. Barrett suggested that there be a disclaimer for cases not included. Ms. Scheiderer added that the disclaimer should include that limited information is available, not entire cases. Mr. Heckart stated that there will be links to other areas.

Mr Heckart and Ms. Scheiderer requested that committee members advise them as to what information should be available and what should not.

13. Domestic Violence Forms

Judge Finn stated that the Forms Committee of the Committee on the Impact of Domestic Violence on the Courts (CIDVC) is in the process of revising the forms.

The petitions for orders of protection and injunctions against harassment are down to one page each. The committee's goals are to reduce data entry and to have one page forms.

Judge Traynor stated that automated systems would have to be re-programmed to accommodate the new forms. Mr. Don Jacobson noted that timing is an issue. Training and resources are tight. Having new forms now would mean changing set priorities.

Mr. Heckart stated that resources would be needed to re-program. Mr. David Berg expressed concern about the impact this would have on the case management component of AZTEC.

Judge Anagnost asked if there could be one form for either petition. Judge Finn stated that CIDVC determined the form would be 2-3 pages. The same situation applies to one order form as well.

The PCO codes and paragraph numbers are not going to be in the next upgrade to AZTEC.

The suggestion was made that the Forms Committee coordinate with the next AZTEC rollout and get input from AZTEC courts.

14. Strategic Planning Subcommittee

Ms. Christine Powell stated that two or more years of work are in Justice 2002. Four have been carried over to next strategic agenda. A fifth one was added. Simplifying and providing forms to pro per litigants and to get attorneys to assist in filling out forms. The Vice Chief Justice wants to take another look at the practice of law to see if it all needs to be adversarial.

The Arizona Judicial Council (AJC) will be looking that the Strategic Agenda for 2002-2005.

OTHER BUSINESS

15. Call to the Public

Judge Traynor called to the public.

16. Adjournment

Motion: Motion was made and seconded to **adjourn the meeting. Motion was passed. LJC 01-41.**

Meeting was adjourned at 4:35 p.m.

Respectfully submitted,

Ms. Debby Finkel
Staff to the Limited Jurisdiction Courts Committee