

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

Arizona State Courts Building  
Conference Room 119A & B  
Phoenix, AZ 85007  
February 15, 2006

**Members Attending:**

Honorable R. Michael Traynor, Chair  
Honorable James P. Angiulo  
Honorable Ted W. Armbruster  
Mr. Daniel Carrion  
Honorable Thomas L. Chotena  
Ms. Faye Coakley  
Honorable Timothy Dickerson

Ms. Joan Harphant  
Ms. Charlotte Holmes  
Mr. Donald E. Jacobson  
Honorable Wayne Johnson  
Honorable Marie "Toni" Lorona  
Honorable Kathy McCoy  
Mr. James R. Scorza

**Absent Members:**

Mr. Richard Fincher  
Honorable Anna Mary Glaab  
Ms. Debra Hall

Honorable Jeffrey Klotz  
Honorable Nicole Laurin  
Honorable J. Matias Tafoya

**Staff:** Ms. Susan Pickard

**Presenters/Guests:**

Ms. Amy Bain  
Ms. Janet Cornell  
Mr. Mark DiMarco  
Ms. Jennifer Greene  
Mr. Karl Heckart  
Mr. Paul Julien

Commissioner Sheila Madden  
Ms. Elizabeth Ncube  
Honorable Michael D. Ryan  
Ms. J.R. Rittenhouse  
Ms. Nancy Swetnam  
Ms. Sally Wells

**REGULAR BUSINESS**

1. CALL TO ORDER

With a quorum present Judge Traynor called the meeting to order at 10:15 a.m.

Copies of an email sent by Janet Scheiderer, Director, Court Services Division, to all judges, court administrators and Superior Court clerks regarding the National Instant Background Check System were provided to the committee. Judge Traynor asked committee members to view this information because of its applications to courts.

2. APPROVAL OF NOVEMBER 16, 2005 MEETING MINUTES

Judge Traynor asked if there were any changes or corrections to the November 16, 2005 LJC meeting minutes. No corrections were made.

**MOTION: To approve the minutes for November 16, 2005 as submitted.** Seconded.  
Passed unanimously. **LJC-006-001**

3. JANUARY 2006 RULES AGENDA UPDATE  
Patience Huntwork did not provide an update; however, the committee was provided a summary of the Rules which are out for comment. It was noted that R-05-0035 was withdrawn. The comment period is May 22, 2006.
4. TRIAL BY DECLARATION (Taken out of Agenda order)  
Judge Traynor provided this presentation for Judge Tafoya, who was unable to attend. The draft rule change proposal regarding *Trial by Declaration* was distributed to the members. The Form/Rules Subcommittee is looking at this methodology for trials by declaration in civil traffic cases. Judge Tafoya has asked that any comments or questions regarding the draft be submitted to him within the next month. After consideration of the committee's comments, the draft will be distributed for review to the Presiding Judges. Since rule change petitions need to be filed by November 1<sup>st</sup> of each year, unless an emergency measure is present, the goal is to have both reviews concluded by the June meeting.
5. COMMISSION ON TECHNOLOGY (COT) UPDATE  
Mr. Karl Heckart, Information Technology Division Director

E-CORE Committee

- This committee was developed to proceed with the next step of enhanced interactivity with outside partners, i.e. law enforcement and the public, by building off e-filing and developing a model for the state as a standard approach.
- 3-4 pilots are currently moving forward.

KTR Report

- A presentation of the recommendations of the Committee on Keeping the Record will be made at COT's upcoming meeting. COT's interest is to address archival procedures and other issues regarding digital records.

Pima Justice Court

- An acceptance request regarding the iCIS case management system for Pima Justice Courts was made.
- By using Maricopa County as the software vendor, Maricopa will build and maintain the software, Pima would operate it in their environment.
- Detailed project plan is expected in May, 2006 with implementation this summer.

Code Standardization

- The code standardization work group has been meeting and is scheduled to present to COT with a near final report and recommendations.
- Completion is expected this summer
- Current case management systems will not be retrofitted for new code standards

Strategic Planning

- Two part process: Business and Technology
- Business - Surveyed judges and court administrators to identify business processes, pressure points and drivers
- Technology – The next step is to determine what is being done on the technology side to respond to the identified business pressure points
- Plans are due back in late March for analysis by the COT

E-Filing Project

- At the next COT meeting the Supreme Court will request that COT approve an e-filing pilot project

- The intention is to make the rule change process more interactive for attorneys, the public, and the courts
- An Internet site which will allow electronic filing of a rule change petition and submission of comments is anticipated in the April or May

Maricopa County Enforceable Detainer Project (Justice Courts)

- Approval has been received for this project – the financial piece is currently being worked out
- An Internet site with a payment portal will be available
- Fees will be collected electronically
- Anticipated in late spring

E- Citation

- Hand held citation project in Tucson has been positively received
- COT is looking into which other counties might be interested in the hand held project

Photo Radar

- Currently addressing electronic transfer of ticket information into court systems

Update on Tempe Project

- Being built in a modular way
- Analysis piece moving on and bundling up and looking at what is the most effective way to use it
- Anticipating a demonstration in early March
- Completion date: February, 2007

6. FARE Program Update

Michael DiMarco presented update from the FARE program.

- 5 additional courts were added into the backlog. At present 50 courts are in the backlog system which has collected \$7.6 million so far this year compared to \$10.9 million for the whole of last year
- Glendale collections doubled last month - to over \$200,000
- In the original interim courts the collection rate has increased from 26.9% to 29.6%
- Web IVR payments - \$9.6 million
- Through January – 167,000 vehicle registration holds have been placed and 35,000 releases. (21% release rate)
- Two additional courts to be coming into the interim backlog (Eloy Justice Court in March and Williams Justice Court in April)
- Chandler moving towards the Full FARE Model
- Maricopa County Justice Court pursuing FARE functionality (up by end of calendar year)
- Successful implementation on the Navajo County Superior Court Project
- Mohave, LaPaz, Gila, Mesa, Limited Jurisdiction Courts in Yuma and Pima County Justice Courts have shown interest of moving into the Full FARE Model
- General audit of FARE is almost complete and an updated report was provided. and written recommendations will be forthcoming.

Legislative Impact

SB1242

- Originally intended to remove the \$200 threshold and to add parking.
- Parking has been dropped out of the bill

- Amendment has been added - now has a \$100 limit.
- On way to Rules and then full Senate.

#### HB2001

- Requires an interest penalty on erroneous tax intercepts
- Dept. of Revenue will send the notice, not the courts
- Interest would not accrue until after 30 days
- Bill moving forward

Special Action against ACS has been dismissed.

#### 7. COURT LEADERSHIP INSTITUTE OF ARIZONA (CLIA)

Ms. Elizabeth Ncube – CLIA Manager

Ms. Ncube shared background information on the program. The Education Services Division has been working on the concept of developing a management/leadership institute with initial groundwork on learning objectives for management courses and the development of Arizona specific curriculum. A new unit within the Education Services Division was developed in December (CLIA). CLIA is composed of three components:

1. First Level Manager/Supervisory Programs - Clearinghouse directing the court personnel to their local government (city, county) - Basic management skills, coaching, human resources, does not have to necessarily be court specific.
2. Mid-Level Managers, Continuing Managers, New Presiding Judges - In a survey conducted of new presiding judges, an interest was defined in learning administrative and management concepts that they were not introduced before. In this area, local and national partnership could be formed with court organizations.
3. Executive Team, Presiding Judges, and Court Administrators - Part of the process would be to seek faculty that are experts in leadership methodology. These courses could present guidance for learning advantageous practices and leadership principles regarding motivating and building teams that move towards similar goals.

#### Goals:

- Provide programs for the top tier of leadership
- Prepare the next generation of leaders
- Address the problem of turnover within the court system (help define a career path through education)
- Assemble a Policy Committee (under COJET) to help develop a multi-year project plan and determine priorities. There is a web page on the Education Services Portal.

#### 8. SUBCOMMITTEE REPORTS (Taken out of Agenda order)

Limited Jurisdiction Record Retention and Disposition Schedule

Ms. Joan Harphant presented the following update regarding the nearly final Schedule.

- The next step will be to submit the draft Schedule to the Limited Jurisdiction Court Administrators for comment.
- Once the Administrators' comments are consider and the subcommittee has made the necessary changes, the draft Schedule will be distributed to presiding judges and court administrators statewide for comment.
- After those comments are in the Schedule will be brought back to the committee for final approval and submission to AJC in June.

- The goal is to provide judges, administrators and clerks (especially those new to their position) with a user-friendly document which defines how each document should be handled.

9. LEGISLATIVE UPDATE (Taken out of Agenda order)  
Mr. Jerry Landau, Director of Government Affairs

Before Mr. Landau's update, Judge Traynor stressed the importance of participating in the Friday Legislative Teleconference Calls. Participation allows AOC Legislative Staff to receive comments and concerns in a timely fashion for response to the legislature. These conference calls are scheduled every Friday during the legislative session at 12:00 noon. The agenda for each call is sent out via e-mail and includes the teleconference number.

Photo Enforcement Bills - Administrative Office of the Courts (AOC) is not taking a position on these bills. The court's concern is with the transmission of data between the courts, AOC and MVD. The plan is to attach an amendment on these bills that will require the photo enforcement vendor/DPS to modify the traffic citation to indicate: 1) a photo enforcement citation and 2) whether it is on a freeway. AOC must approve that modification, so that notice is received.

HB2174, Photo Enforcement; Signage - Passed out of House going to Senate  
 HB2180, Automated Photo Enforcement - Strike everything amendment in Transportation – moving forward  
 HB2245, Photo Enforcement Traffic Complaints - Not moving  
 HB2251, Photo Enforcement, Highways, Highway Fund - Moving forward in Appropriations - Split of funds to local and state  
 HB2411, Photo Enforcement Traffic Offenses - No points, no traffic survival school. Tracking data issues  
 HB2722, Photo Radar, State Highway Fund - Referred to House Transportation  
 SB1146, Photo Radar, Controlled Access Highways - Stricken from Consent Calendar, not amended  
 SB1410, Traffic Violations, Fines, Distribution - Amendment was a delayed effective date - Effective date is Jan 1 - Redefine what is meant by "freeway."  
 SB1460, Photo Enforcement Contracts, Fee Provisions - Failed  
 SB1473, Photo Radar on Freeways, Citations - Failed  
 SB1500, Weights, Measures, Photo Enforcement Devices - Failed  
 SB1507, Photo Radar, Prohibition, Appropriation - Failed

AJC Legislative Proposals

SB1342, Orders of Protection, Service - Bill is dead - Law enforcement would not come on board

Bills Impacting Limited Jurisdiction Courts

SB1042, Repeat DUI Offenders, Lower BAC - Going to Caucus  
 SB1097, Orders of Protection, Domestic Violence - Was amended to state that a notice to the defendant knows their rights.  
 HB2309, Criminal Trials, Change of Judge - Sitting. Court has to consider the victim's rights prior to change of defense attorney.  
 SB1176, Victims' Rights, Failure to Comply - Moving forward. No longer a right to have the court redo the sentencing - it is a request by the victim and the court must consider the violation of victims rights. Victims must do this in 10 days of the violation.

Four points raised:

- Required re-sentencing - changed
- 10-day limited
- Double jeopardy

- Restitution applies even if court vacates the sentence

Bills Impacting the Superior Court

SB1274, Ignition Interlock Devices - Moving forward - Adds two new sections of aggravating DUI

SB1123, Homicide, DUI, Increased Punishment – Sitting - DUI bill that requires 25 to life for vehicular homicide if convicted of DUI

HB2247, Change of Judge, Defense Counsel - Not going to be heard - eliminates 10.2

HB2819, Adult Probation, County Responsibility - Allow counties to fund their own probation departments in exchange for a reduction in their Arizona Long Term Health Contribution and state would stop funding proportionally - The probation service fee would go to that county.

SCR 1004, Misdemeanor, Jury Trials - Bill is dead - Allow to make every misdemeanor a jury trial.

NOTE:

Approximate sine die for this legislative session is May 9, 2006.

The Senate will start to hear House Bills next week (2/20/06). While the House will continue to hear House bills through possibly through March 3, 2006.

10. COMMITTEE ON KEEPING THE RECORD

Justice Michael D. Ryan, Arizona Supreme Court

Ms. Jennifer Greene, Court Services Division Policy Analyst

Justice Ryan presented the Final Report of the committee to include background information regarding for the formation of the committee, assignments, and work products (Reporting Resource Policy, Rules and Statues, Minimum Standards).

**MOTION: To recommend that AJC approve the Final Report from Committee on Keeping the Record with the modification that a staff employee can become eligible to be an authorized transcriber.** Seconded. Passed unanimously. **LJC-006-002**

Judge Traynor and many of the members commended the Committee on Keeping the Record for their hard work on a task this large extending an all-around “Well done”.

11. PROPOSED CHANGES TO THE ARIZONA CODE OF JUDICIAL ADMINISTRATION

Ms. Nancy Swetnam, Certification and Licensing Division Director

Ms. J.R. Rittenhouse, Certification and Licensing

Ms. Swetnam and Ms. Rittenhouse provided a presentation on anticipated changes to all of the code sections in Arizona Code of Judicial Administration, Part 7, Chapter 2 with the exception of the section regarding private process servers. There are provisions in § 7-201 - General which, for consistency purposes, are being applied to the other sections.

The sections will go out for public comment. At the end of the comment period, the sections that apply to the Limited Jurisdiction Courts will be brought before this committee for a formal recommendation.

§ 7-201- General has provisions that are recommended for application in all programs:

- Establish regulatory boards for all of the programs
- Provide standard processes for certifications
- Enhance complaint processing

Other section-specific recommended changes:  
§ 7-206 - Court Reporter; Standard Certification

- Voice Writers
- Transcript Fees
- Arizona Transcript Format Standards

§7 -208 - Legal Document Preparer

- Restrictions on a legal document preparer doing business with a disbarred attorney.

§ 7-205 - Defensive Driving

- No statutory changes
- Courts running their own defensive driving programs- leave in the code?
- Timeframe for court diversion fees to be changed effective April 1 and October 1
- When is fee effective and how should this be viewed for the citation being received? (Suggestion: Date of citation can be used for the diversion fee)
- Regulatory Boards to be set up for fiduciary, defensive driving and confidential intermediary programs
- How are fees to be refunded and to be set out in the code
- Propose a 2 year renewal cycle for the schools and instructor to begin November 1, 2007
- Propose a provisional and standard certification for instructor certification

Nancy Swetnam and J.R. Rittenhouse will work with the Committee on Limited Jurisdiction Courts' Defensive Driving Subcommittee regarding proposed changes to § 7-205.

Four meetings have been scheduled. Announcements and code sections will be distributed to the Committee before those dates.

12. Subcommittee Reports (re-visited)

Rules and Forms - Trial by Declaration - Addressed earlier

Defensive Driving - Will be working with Certification and Licensing on A.C.J.A. proposals of code sections. Will bring report back to the Committee in June.

Rule Implementation - Effective December 1, 2005, ARCrP Rules 3 and 26 were amended to provide an additional optional method for issuance of court-initiated warrants to compel attendance of defendant pre- (Rule 3) or post- (Rule 26) adjudication.

1. The AOC has reserved AZTEC compatible event codes for warrant issuance / termination for both limited and general jurisdiction courts.

Warrants - Ltd

Pre Adjudicated – Issued 5590  
Pre Adjudicated – Quashed 5591  
Post Adjudicated – Issued 5592  
Post Adjudicated – Quashed 5593

Warrants - Gen

Pre Adjudicated – Issued 3007  
Pre Adjudicated – Quashed 3008  
Post Adjudicated – Issued 3009  
Post Adjudicated – Quashed 3010

2. These rule-based warrants have the benefits of not involving separately filed long-form complaints or prosecutorial involvement. They also do not implicate recurrent issues regarding erroneous data on the NCIC criminal history. At the same time, it is noteworthy that the use of rule-based warrants may reduce important data that is considered highly relevant for pretrial services and interstate exchange of data when scoring conditions of release. In other words, these warrants will create a “wanted person” flag in ACIC, but not NCIC. The clearing of the warrant removes it from the ACIC data base as it is currently maintained.

3. Certain courts will want to proceed with implementation of Rule 3 and 26 warrants. Warrants issued would be linked with 12-864 (pre-) and 13-3904 (post-) as circumstances allow. These types of warrants will not result in a disposition on an FDR that will become part of NCIC Criminal History.

4. Enhancements that would allow DPS / NCIC to access a new database that could archive warrant history are possibilities that have not been explored but have merit in concept.

Strategic Planning – No update to report. Subcommittee will be meeting to gather and discuss issues that affect limited jurisdiction courts and how the committee would facilitate and prioritize these plans for the next 3-5 year timeframe. A progress report will be presented at the June meeting of this Committee.

## **OTHER BUSINESS**

13. NEXT MEETING

**Wednesday, June 7, 2006**

10:00 a.m. – 3:00 p.m.

Arizona State Courts Building

1501 W. Washington St.

Conference Rooms 119A/B

14. GOOD OF THE ORDER/CALL TO THE PUBLIC

A call for public comment was made. No comments were made.

## **ADJOURNMENT**

**MOTION:** The motion was made to adjourn the meeting at 1:45. Seconded.  
Passed LJC-006-003

Respectfully submitted,  
Ms. Susan Pickard  
Staff to the Committee on Limited Jurisdiction Courts

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Arizona State Courts Building  
Conference Room 119A & B  
Phoenix, AZ 85007  
June 7, 2006

**Members Attending:**

Judge R. Michael Traynor, Chair  
Judge James P. Angiulo  
Judge Ted W. Armbruster  
Mr. Daniel Carrion  
Judge Thomas L. Chotena  
Ms. Faye Coakley  
Judge Timothy Dickerson

Ms. Joan Harphant  
Mr. Donald Jacobson  
Judge R. Wayne Johnson  
Judge Jeffrey Klotz  
Judge Nicole Laurin  
Mr. James Scorza  
Judge J. Matias Tafoya

**Absent Members:**

Mr. Richard Fincher  
Judge Anna Mary Glaab  
Ms. Debra Hall

Judge Marie "Toni" Lorona  
Judge Kathy McCoy

**Presenters/Guests:**

Ms. Janet Cornell  
Ms. Janna Day  
Mr. Mike DiMarco  
Mr. Ian Fischer  
Mr. Gary Graham  
Ms. Jennifer Greene  
Ms. Melinda Hardman  
Mr. Paul Julien

Ms. Regina Kaupanger  
Mr. Patrick McGrath  
Ms. Konnie Neal  
Mr. Joseph P. Notaro  
Judge William O'Neil  
Mr. John Overholtz  
Ms. Nancy Swetnam  
Mr. John Sousa

**Staff**

Ms. Susan Pickard

Ms. Annette Mariani

**REGULAR BUSINESS**

1. CALL TO ORDER  
With a quorum present Judge Traynor called the meeting to order at 10:10 a.m.
2. Approval of February 15, 2006 Meeting Minutes  
Judge Traynor presented the February 15, 2006, minutes for approval.

**MOTION:** To approve the minutes for February 15, 2006 as presented. Seconded.  
Passed unanimously. **LJC-006-004**

3. Court Rules Forum  
Mr. Gary Graham  
AOC Information Technology Division

Mr. Graham presented the new Arizona Court Rules Forum website sponsored by the Arizona Supreme Court and the Administrative Office of the Courts. The website allows electronic filing and monitoring of court rule petition and comments. In addition, the Court

Rules Forum provides visitors with a single point of access to all aspects of court rule making in Arizona: from a database of existing rules of court to recent amendments of those rules, pending rule petitions and comments, recent court actions on rules, and an annual schedule of the Court's consideration of rules. Rule change petitions may be filed using electronic filing or by the traditional paper filing method. The court encourages the use of electronic filing and provides user-friendly instructions for using the website.

Committee questions and comments:

- What are the Rule Agenda deadlines?
  - November 1 Deadline to file a petition to adopt, amend or repeal a rule
  - September Court considers new petitions
  - December 1 If ordered, Clerk of the Supreme Court distributes request for comment
  - May 20 Deadline to file comments, unless otherwise specified
  - June 30 Deadline for Petitioner to respond to comments
  - September Court acts upon proposed rule
  - January 1 If adopted, effective date, unless otherwise specified

4. Committee on Technology (COT) Update

Mr. Karl Heckart  
AOC Information Technology Division

Mr. Heckart did not provide an update at this time.

5. FARE Update

Mr. Mike DiMarco  
AOC Court Services Division

Mr. DiMarco presented an update for the Consolidated Collections Unit which includes the FARE Project.

- Collections for this year are at \$28M, \$13M of that was collected for Phoenix Municipal Court
- The MVD registration hold release rate stands at 25%
- Debt Set Off collections are \$600K ahead of last year
- Currently there are 55 participating courts with 3 on the drawing board and 2-3 courts are adding more cases
- TTEAP revision passed - no parking, includes Federal tax intercept

6. Proposed Amendments to ACJA §§ 7-201, 7-205, 7-206 and 7-208

Ms. Nancy Swetnam and Staff, AOC Certification and Licensing Division

The proposed amendments to various sections of the ACJA provide standardization across the sections and incorporating Best Practices. The recommended amendments are:

The proposed amendments to various sections of the ACJA provide standardization across the sections and incorporating best practices. The recommended amendments are:

§ 7-201: General Requirements - contains general provisions regarding certification, licensing, complaints, hearings and the disciplinary process.

- Establishes "regulatory boards" for each profession. Each board will have the responsibility for final decisions on certification and complaints, and will make recommendations to the Supreme Court on policies, procedures and rules affecting the applicable profession. [§ 7-201(D)]

- Requires the administrative director to establish time frames for the processing of certification applications and audits. [§ 7-201(D)]
- Requires the administrative director to establish procedures regarding credit reports. [§ 7-201(D)]
- Authorizes the administrative director to appoint ethics advisory committees. [§ 7-201(D)]
- Authorizes the division director of the Certification and Licensing Division to issue investigative subpoenas. [§ 7-201(D) and (H)]
- Restricts the number of times an applicant can retake the examination for certification. [§ 7-201(E)]
- Establishes criteria for board review of an applicant with a conviction record. [§ 7-201(E)]
- Authorizes the board to conduct an informal interview with an applicant for certification. [§ 7-201(E)]
- Provides an expedited process for complaints that are without merit or are outside the jurisdiction of the Supreme Court. The Certification and Licensing Division director will have the authority to dismiss complaints without merit and to refer complaints without jurisdiction to other appropriate entities. The complainant will have the right to request review of the director's decision by the board. [§ 7-201(D) and (H)]
- Grants boards authority to issue cease and desist orders for enforcement of the ACJA sections and applicable court rules and statutes. [§ 7-201(E)]
- Provides procedures for reinstatement after suspension or revocation. [§ 7-201(E)]
- Grants authority to investigate and take disciplinary action if the misconduct by the certification holder occurred while the certification was active. [§ 7-201(H)]
- Provides an "opt in" process for the complainant where the complainant can request to be kept informed of the progress of the complaint. [§ 7-201(H)]
- Provides a process for the receipt and review of anonymous complaints.
- Specifies the qualifications for hearing officers and authorizes the hearing officer to make a recommendation on the appropriate sanctions in a complaint case upon a finding of violations. [§ 7-201(H)]
- Adds "unprofessional conduct" as grounds for discipline. [§ 7-201(H)]
- Specifies that complaints dismissed by the division director for lack of jurisdiction and clear insufficiencies are confidential. All other complaints are public record upon a finding of probable cause. [§ 7-201(H)]
- Authorizes the board to find a violation for a "technical error" but not impose a sanction. [§ 7-201(H)]
- Provides an expedited hearing process for emergency suspension cases. [§ 7-201(H)]
- Specifies the disciplinary clerk of the Certification and Licensing Division will accept the filings associated with certification and disciplinary hearings. [§ 7-201(H)]
- Expedites the processing and resolution of complaints by providing the option for a "Formal Interview" in front of the Board. [§ 7-201(H)]
- Establishes board policies. These policies prohibit the use of proxies in certification and complaint issues, but allow the proxies on administrative matters. [§ 7-201(I)]

**MOTION: To recommend approval of the changes as presented.** Seconded.  
Passed unanimously. **LJC 006-005**

§ 7-205: Defensive Driving - contains provisions that contain both technical and substantive changes. This was reviewed by the Defense Driving Subcommittee of the

Limited Jurisdiction Courts Committee and received their recommendation to support the adoption of the provision as presented.

- Makes technical changes in conjunction with the proposed changes to § 7-201: General Requirements. As proposed, ACJA § 7-201 will now contain all general requirements regarding administration, certification and disciplinary action; reference to these provisions in § 7-205 is stricken.
- Establishes the Board of Defensive Driving Schools and Instructors. The board will make all final decisions on certification and complaints and will make recommendations to the Supreme Court on policies, procedures and rules for the program. [§ 7-205 (D)]
- Clearly establishes Defensive Driving curriculum course content. [§ 7-205 (E)]
- Incorporates statutory amendments enacted during the 2006 legislative session mandating that instructional time is limited to four and one half hours. [§ 7-205 (F)]
- Requires, as of November 1, 2007, applicants for certification as a Defensive Driving instructor pass an examination. [§ 7-205 (E)]
- Changes the renewal period from one year to two years and moves the renewal date from December 31<sup>st</sup> to October 31<sup>st</sup>. [§ 7-205 (G)]
- Incorporates provisions for Alternative Delivery Method schools. These were previously adopted as policies by the Administrative Director. [§ 7-205 (M)]
- Adds a late fee for Defensive Driving schools and instructors that submit a late application for renewal of certification. [§ 7-205 (K)]
- Adds a code of conduct for Defensive Driving schools and instructors. [§ 7-205 (J)]

Committee questions and concerns:

- Will the administration of the provision to establish the Board of Defensive Driving Schools and Instructors cause a backlog?
  - No.
- Will instructors be certified in time to fill the need of the schools?
  - Test to be taken by November 1, 2007.
- Will instructors be grandfathered in?
  - Applicants must pass an exam – no grandfather clause is included.
- Are ADM instructors held to same certification as in-class instructors?
  - Not at this time.
- Paragraph D.5(c)(5) as it stands states the presiding judge shall allow an eligible offender, if attendance at a primary provider causes a hardship, to attend any defensive driving school. This should be changed to allow the presiding judge to determine undue hardship and then the discretion to allow the offender's attendance at a school other than the primary provider.
- Paragraph D.5(f) should be eliminated.
- Use of Police Officers as defense driver instructors.
  - The subcommittee recommended approval of the provision that if an applicant is currently serving as an active duty Law Enforcement Officer with authority to issue citations, the applicant must obtain a waiver from the Presiding Judge of the Superior Court allowing the officer to serve as an instructor in order to prevent any conflict of interest that may arise. In rural counties the removal of this provision may cause significant hardship.
  - Additionally, clarifying language should be added that states "in the county where the school is located".

**MOTION:** To recommend approval of changes as proposed with requirement that a police officer who writes citations request a waiver from Superior Court Judge in county where school is located. Seconded. Passed unanimously. **LJC 006-006**

**MOTION:** To recommend approval of removal of court to operate the school. Seconded. Passed unanimously. **LJC 006-007**

§7-206: Court Reporters This proposal contains both technical and substantive changes and implements the voice writer legislation passed during the 2005 legislative session.

- Incorporates the statutory changes enacted by the 2005 Legislature requiring certification of voice writers and reference to “certified reporters” instead of “court reporters”. The statutory changes require that voice writers hold certification by January 1, 2007 and specify an applicant may qualify for certification by passing the RPR or CVR examination, or “an alternative demonstration of proficiency approved by the Supreme Court.” The RPR examination is the examination typically used for stenographic reporters, the CVR for voice writers. [§ 7-206(E)]
- Grants the Board of Certified Reporters the authority to renew provisional standard certification if the reporter held a provisional standard certificate on December 31, 2005 and has passed two of the three skills legs of the RPR and the written examinations by December 31, 2006. The reporter must participate in every subsequent administration of the RPR until the pass the RPR. [§ 7-206(G)]
- Clarifies the fee a reporter may charge for additional copies of a transcript. [§ 7-206(J)(3)]
- Increases the fee for initial certification to \$220.00 from \$200.00. The annual renewal fee will remain at \$200.00. Increases the examination fee to \$50.00 from \$25.00 and adopts other miscellaneous fees. [§ 7-206(K)]
- Amends the continuing education policies, specifying that certified reporters will submit an affidavit of continuing education compliance with their application for renewal of certification. Certified reporters will be subject to random audits of their continuing education. [§ 7-206(L)]
- Adopts the Arizona Transcript Format Standards as recommended by the Keeping of the Record Committee. [§ 7-206(M)]

**MOTION:** To recommend approval of changes and extend the provisional standard certification and the adoption of the provisions on voice writers. Seconded. Passed unanimously. **LJC 006-008**

§7-208 – Legal Document Preparers This proposal contains both technical and substantive changes.

Concerns:

- Incorporates recent amendments to Rule 31, Rules of the Supreme Court regarding the unauthorized practice of law. [§ 7-208(B) and (E )]
- Adds a definition for a designated principal. [§ 7-208(A)]
- Strikes the qualifiers for the public members of the Board of Legal Document Preparers. {§ 7-208 (D)}
- Strikes the language for initial certification as initial certification will no longer exist after July 1, 2006. All certificate holders must convert to standard certification by that date. [§ 7-208(F)]
- Requires legal document preparers to place their name and certificate number on all documents they prepare, unless expressly prohibited by a non-judicial entity. The current § 7-208 requires the name and number only on those documents prepared for filing in an Arizona court. [§ 7-208(F)]
- Clarifies the role and supervision of a trainee. [§ 7-208(F)]
- Prohibits a legal document preparer from denigrating judicial officers or judicial staff. [§ 7-208(J)]
- Increases the fee for initial certification to \$325.00 from \$250.00 per year. The annual renewal fee will be \$300.00 per year. Adopts other miscellaneous fees. [§ 7-206(K)]

- Amends the continuing education policies, specifying that legal document preparers will submit an affidavit of continuing education compliance with their application for renewal of certification. Legal document preparers will be subject to random audits of their continuing education.[ § 7-208(L)]

Committee questions and concerns:

- Before granting a certificate to a legal document preparer, individual or entity, steps should be take to ensure that the attorney providing oversight has not been disbarred, suspended or has had disciplinary action taken by the court. Additionally, has the applicant repeatedly failed the bar or is the applicant not allowed to sit for the bar.

**MOTION:** To recommend approval of changes as presented. Seconded. Passed unanimously. **LJC 006-009**

7. Legislative Update  
Mr. Jerry Landau  
Government Liaison  
Ms. Teaunee Duran  
Legislative Staff

Due to agenda overruns, Mr. Landau and Ms. Duran were unable to present an update; however, written materials were distributed.

8. Proposed Arizona Rules of Protective Order Procedure and New Protective Order Forms  
Judge William O'Neil  
Chair, Committee on the Impact of Domestic Violence and the Courts  
Ms. Konnie Neal  
Staff, Committee on the Impact of Domestic Violence and the Courts

Judge O'Neil and Ms. Neal provided members with the following:

- the history of the establishment of the Domestic Violence Rules Committee and their goals;
- a draft of the *Arizona Rules of Protective Order Procedure (ARPOP)*;
- Project Passport - pilot in September, 2006.
  - Work is continuing with non-Aztec courts regarding programming changes.
  - There is currently no solid effective date.
  - Training will be scheduled and made available;
- the new Defendant Guide Sheet; and
- the location of the on-line *ARPOP* comment submission form.  
(<http://supreme.state.az.us/cidvc/DVRules/comment.asp>)

Committee questions and concerns:

- There was a concern that this order may contain protection of other children. In paragraph two it was suggested that the wording "is not a family member" be struck.

**MOTION:** To recommend approval with amendment presented on guide sheets for striking "is not a family member." Seconded. Passed unanimously. **LJC 006-010**

9. Legislative Impact Report  
Melinda Hardman  
AOC Court Services Division

While not included on the agenda, Ms. Hardman presented the Legislative Impact Report for informational purposes only and provided copies of a small portion of the 2005 report.

The Legislative Impact Report is posted on the Supreme Court website (<http://supreme.state.az.us/courtserv/2005Leg.htm>). Committee members were encouraged to view the report and provide feedback to Ms. Hardman at [MHardman@courts.az.gov](mailto:MHardman@courts.az.gov) as to this product and how best it can be utilized.

Committee questions and concerns:

- Members suggested that the report be categorized by subject matter to assist in bill review.
10. ARS §12-1178 Social Security Numbers in FED Judgments  
Ms. Jennifer Greene, AOC Court Services Division  
Ms. Janna Day, Attorney, Credit Reporting Industry  
Ms. Regina Kaupanger, Arizona Chapter of Tenant Network

A.R.S. §12-1178 specifies the content and timing of final judgments and writs of restitution in forcible entry and detainer (eviction) cases. The statute provides in part,

A. . . . If the defendant's social security number is contained on the complaint at the time of judgment, the person designated by the judge to prepare the judgment shall ensure that the defendant's social security number is contained on the judgment.

This policy presents an obstacle to the courts' on-going effort to stop displaying social security numbers and other sensitive data in court records. Elimination of this language would help move the justice courts in the desired direction.

Ms. Greene introduced Ms. Janna Day and attorney working with credit report industries and Ms. Regina Kaupanger a representative of the Arizona Chapter of the Tenant Network.

Ms. Day discussed the importance of maintaining social security numbers on FED judgments. The credit reporting industry, as well as the Tenant Network, uses the data for demographic and other purposes such as:

- tracking sex offenders;
- protecting consumers by better identifying them;
- assisting consumers in establishing credit; and
- tracking public records of evictions to help landlords identify bad risk applicants

Credit agencies are heavily monitored federally.

Committee questions and concerns:

- Social Security Numbers (SSN) are not supposed to be used for identification purposes.
- The inherent issues with maintaining SSNs on FED judgments when they become on-line imaged documents.
- This issue should also be raised with the State Bar of Arizona Landlord/Tenant Committee.

11. CODE STANDARDIZATION  
Pat McGrath  
John Overholtz  
AOC Court Services Division

Since 2004, there has been a statewide effort to develop a set of standardized codes for limited and general jurisdiction courts. Included in this effort is the establishment of a data standard committee to make decisions regarding best practice and revisions to the standardized codes once adopted by the Court.

The Committee was asked to review and provide comment on the proposed limited jurisdiction codes.

Committee questions and concerns:

- The information is lengthy and while the committee had not fully reviewed the proposed codes, the Committee could move to recommend approval with the understanding that there would be future additions, edits or deletions.

**MOTION:** To recommend approval of code sets as proposed. Seconded. Passed. 7-4-0  
**LJC 006-011**

Upon further discussion it was suggested that the Committee should not take an official action as the documents is too lengthy and some members would not be comfortable approving. Perhaps give information to the individual courts and have them review and comment.

**MOTION:** To decline recommendation for approval of code sets as proposed, taking no official action but that individuals courts review and comment. Seconded. Failed. 5-6-0  
**LJC 006-012**

12. Codification of Minimum Standard Accounting  
Mr. John Sousa  
AOC Court Services Division

Mr. Sousa presented the proposed changes to and codification of the current Minimum Accounting Standards (MAS). Some of the keys changes proposed are to:

- eliminate repetition by restructuring the document to group and consolidate related topics;
- provide clarification by changing some language;
- change commentary language to code language to remove the implication of suggestions and make them standards;
- clarify time frames for many operating and reporting procedures;
- remove the attachments that were part of the original document and provide a link to access them, so as updates are made to documents that were attachments, the code will not need to be updated; and
- establish a new standard for the use of a mail payments log for handling the recording of payments received in the mail.

Committee questions and concerns:

- Is training planned?
  - Training will start in January, 2007.
- If the court already has in place a system to segregate duties based upon the number of staff available that is different than that prescribed in the MAS, how does the court achieve compliance?
  - By requesting an exception.

- Were previous granted exceptions considered during the revision process?
  - No.
- The scope of review for external auditors is too small and does not provide a good measure of compliance.

Mr. Sousa asked the Committee to review the proposed code section and submit comments to [JSousa@courts.az.gov](mailto:JSousa@courts.az.gov). Judge Traynor asked the members to share this information with others in their courts and submit input to Mr. Sousa.

### 13. Subcommittee Updates

**Forms/Rules** – No update – A meeting of this subcommittee is set for July 18, 2006. A working draft of Rule 10. Entry of Plea: appearance of Counsel: Hearing in Absentia was disseminated to the committee for their review.

**Limited Jurisdiction Records Retention** – The subcommittee has met four times with the objective to develop a schedule that is easy to understand. The proposed changes include comments received from Limited Jurisdiction Court Administrators, Presiding Judges, Justices of the Peace, Magistrates as well as the Committee on Superior Court and to the Superior Court clerks for possible case appeal review.

The next meeting of the subcommittee is scheduled for June 29, 2006. The issue of emailing has not been addressed. Wordsmithing of this scheduled will be needed and addressed at the next meeting.

Committee questions and concerns:

- Does an original document need to be retained according to the schedule if it has been microfilmed or scanned? The language is clear in the definition section, but not in the gray-boxed header.
  - This comment will be taken back to the subcommittee to consider further language clarification in the schedule's page header.
- If a court were to periodically eliminate unnecessary documents from a case file, what are the documents that must be kept? What defines a case file?
  - Currently this is at the court's discretion, but this could become a future project for a subcommittee.
- SB1560: DUI PENALTIES increases the period in which a prior DUI conviction was committed in order to be alleageable as a prior conviction from sixty to eighty-four months and impacts the schedule.
- Is there a provision to substitute electronic records for hardcopies?
- Does the responsibility for records lie with the city or the court? Prosecutors may not retain documents to support priors. Court documents are easier to certify.

**Defensive Driving** – No update except what was presented today regarding § 7-205

**Implementation of ARCrP §§3.2 and 26.12** – These rules changes have been adopted and are now in effect. A meeting is scheduled for June 15, 2006 to readdress the process and modify the flowcharts accordingly. The subcommittee is currently addressing the following concerns:

- If a person is arrested and printed before final disposition or not printed? How do we inform law enforcement?
- Does the court need to charge contempt of court which is a criminal charge and issue a warrant or is there something simple in the statute that would address this?
- Does a warrant citing a court rule constitute authority to arrest?

- Can DPS add codes to ACIC for rules?
- Wants and warrants database is not archived, which leaves pre-trial services with no information on the defendant FTA history.

**Strategic Planning** – Draft for the Strategic Agenda for LJC was reviewed. Committee members were asked to review and bring back any feedback, additions or suggestions to the next meeting.

Other points of interest for Strategic Planning that were identified included:

- Development of a Peer Review Program
- ACJA § 1-106 and *A Strategic Agenda for Arizona's Courts 2005-2010, Good to Great* should be considered when conducting the strategic planning
- Defining additional topics for judicial academies like those held which covered evidence and jury trials.

## OTHER BUSINESS

### 14. NEXT MEETINGS

Legislative Subcommittee

**Tuesday, September 12, 2006**

State Courts Building

Conference Rooms, 119 A&B

*All members welcome*

Full Committee

**Wednesday, September 13, 2006**

State Courts Building

Conference Rooms 119 A&B

### 15. GOOD OF THE ORDER/CALL TO THE PUBLIC

A call for public comment was made. No comments were made.

## ADJOURNMENT

**MOTION:** to adjourn the meeting at 3:10 pm. Seconded. Passed unanimously. **LJC-006-013**

Respectfully submitted,  
Ms. Susan Pickard  
Staff, Committee on Limited Jurisdiction Courts

**COMMITTEE ON LIMITED JURISDICTION COURTS  
DRAFT MINUTES**

Wednesday, September 13, 2006

10:00 am to 4:00 pm

State Courts Building

1501 West Washington, Conference Room 119

Phoenix, AZ 85007

**MEMBERS PRESENT:**

Honorable R. Michael Traynor  
Honorable James P. Angiulo  
Honorable Ted W. Armbruster  
Mr. C. Daniel Carrion  
Honorable Thomas L. Chotena  
Ms. Faye Coakley  
Honorable Timothy Dickerson  
Honorable Sam Goodman

Ms. Debra Hall  
Ms. Joan Harphant  
Honorable Jeffrey A. Klotz  
Honorable Dorothy Little  
Honorable Kathy McCoy  
Ms. Marla Randall  
Mr. James R. Scorza  
Honorable J. Matias Tafoya

**MEMBERS ABSENT:**

Mr. Richard D. Fincher  
Honorable Nicole Laurin

Honorable Marie A. Lorona

**PRESENTERS / GUESTS:**

Mr. Jerry Landau  
Ms. Leila Gholam  
Mr. John Sousa  
Ms. Julie Dybas  
Honorable Dennis Lusk  
Honorable William O'Neil  
Ms. Konnie K. Young  
Mr. Stewart Bruner  
Ms. Jennifer Greene  
Ms. Marna Murray  
Ms. Julee Bruno

**STAFF:**

Ms. Susan Pickard  
Ms. Kim Ruiz

**I. REGULAR BUSINESS**

**A. WELCOME AND OPENING REMARKS**

With a quorum present, the September 13, 2006, meeting of the Committee on Limited Jurisdiction Courts was called to order by Judge R. Michael Traynor, Chair, at 10:03 am. All the Committee members introduced themselves. Judge Traynor made the following announcements:

- The Data Standards Committee has requested a representative from both this Committee and the Committee on Superior Court join their membership. Judge Traynor asked that volunteers approach him before the end of the meeting.

- The strategic planning originally scheduled for this meeting will be rescheduled for the November meeting. It is anticipated a Strategic Planning Workgroup will be set-up to develop topics.
- Due to the number of items to be discussed on this agenda, Mike DiMarco will not present a FARE Update, but a copy of FY'07 Fast Facts has been included in the handouts.

#### **B. APPROVAL OF MINUTES FROM June 7, 2006**

Minutes for the June 7, 2006, Committee on Limited Jurisdiction Courts meeting was presented for approval.

**MOTION: Moved and seconded to approve the June 7, 2006 meeting minutes as presented. Motion passed unanimously. LJC-06-014**

### **II. BUSINESS ITEMS/POTENTIAL ACTION ITEMS**

#### **A. SUBCOMMITTEE UPDATES (taken out of agenda order)**

##### **FORMS/RULES**

##### **Trial by Declaration**

There have been several comments in opposition to the proposed Rule 10 and every comment has been considered. The idea behind the rule was to develop a standard process for trial by declaration that every court in the state may use. The process is voluntary for a court to have a trial by declaration; if they agree to the trial by declaration then Rule 10 will be followed. If someone agrees to a trial by declaration they give up the right to confrontation. Only a defendant can initiate a trial by declaration.

Some Committee comments and questions were:

- Under subsection E, once the trial by declaration has been initiated, the State can also appear by declaration without a hardship. I think the way the rule is written it allows for an interpretation where a defendant appears for a trial and the state can still have someone appear by paper. It could be clarified by adding "in absentia" to the sentence in question.
- How does the defendant receive the forms? A process would need to be arranged by the court.

**MOTION: Moved and seconded to have the Rules/Forms Committee submit a Rule Change Petition regarding Trial by Declaration as clarified. Motion passed unanimously. LJC-06-015**

##### **Boating Violations**

There is a statutory provision regarding boating violations that states if a person refuses a breathalyzer test there a civil penalty may be imposed. It is the only civil penalty regarding boating violations. No current rules of procedure exist. Administrative Order 2003-99 was put in place to address the process, now it is time for a change to the rules.

The following two methods for processing boating violations in the Arizona Rules of Procedure in Civil Traffic Violations were presented:

- Define civil traffic violations in Rule 2 to include boating violations, all references to civil traffic violations will be modified to include boating, with exceptions noted where the rule does not apply to boating.
- Create a separate definition for boating violations and add language to all the rules where boating violations apply.

**MOTION: Moved and seconded to have the Rules/Forms Committee determine the best method and submit a Rule Change Petition regarding Boating Violations. Motion passed unanimously. LJC-06-016**

**B. Judicial Branch Proposed Legislation**

Mr. Jerry Landau, Director, Government Affairs

Jerry Landau presented the following proposed 2007 legislation:

**2007-01: Record Making**

This proposal stems from the Keeping the Record Committee's majority report. The proposal would statutorily permit court reporting by electronic means in lieu of stenographic means and defines "certified transcript" and "official court reporter".

- The circumstances of "...under certain circumstances the use of electronic means of reporting in addition to stenographic reporting." were explained to include situations where a court reporter is specifically requested.
- At this time, other than court reporters, there is no know opposition to the concept of the legislation

**MOTION: Moved and seconded to recommend inclusion of legislative proposal 2007-01 in the Arizona Judicial Branch Legislative Package. Motion passed unanimously. LJC-06-017**

**2007-02: Eviction Order; SSN**

This proposal seeks to eliminate the requirement to include a defendant's social security number on a judgment in a forcible entry and detainer action. This is the only location in code where a social security number is required in a judgment and not required elsewhere. It is anticipated the credit industry will oppose this legislation.

- There was no group discussion

**MOTION: Moved and seconded to recommend inclusion of legislative proposal 2007-02 in the Arizona Judicial Branch Legislative Package. Motion passed unanimously. LJC-06-018**

**2007-04B: Problem-Solving Courts**

This proposal would designate approximately \$2 million for establishing four additional drug courts and provide supplemental funding to existing drug courts and other specialty courts. This is not currently in the courts budget.

- There are mental health courts in some limited jurisdiction courts; the language should be changed to make them eligible for the fund if it becomes available.

**MOTION: Moved and seconded to recommend inclusion of legislative proposal 2007-04B as amended requesting eligibility of limited jurisdiction specialty courts for the funds. Motion passed unanimously. LJC-06-019**

**2007-10B: LJC; Probation Services; Funding**

This proposal seeks to appropriate monies to the Administrative Office of the Courts to fund probation services for limited jurisdiction courts. This is already in the courts budget.

- There was no group discussion

**MOTION: Moved and seconded to recommend inclusion of legislative proposal 2007-10B in the Arizona Judicial Branch Legislative Package. 14-0-1. LJC-06-020**

Marla Randall abstained from voting due to the practice in Navajo County of prosecutors not revoking probation on lower jurisdiction probationers.

**2007-12: Criminal Code: Sentencing**

This is a proposal would reorganize the criminal sentencing code, Title 13, Chapters 6 and 7.

- This legislation has minor impact on limited jurisdiction courts.
- It was clarified that Title 28 DUI's will not be affected by this legislation. Misdemeanor DUI's will not be moved from Title 28 to Title 13.

**MOTION: Moved and seconded to take no action on legislative proposal 2007-12, due to its minimal impact on limited jurisdiction courts. Motion passed unanimously. LJC-06-021**

**2007-15: Time Payment Fee**

This proposal seeks to repeal previously repealed laws on the time payment fee, so that the time payment fee does not revert from \$20 to \$12 in 2010.

- There was no group discussion

**MOTION: Moved and seconded to recommend inclusion of legislative proposal 2007-15 in the Arizona Judicial Branch Legislative Package. Motion passed unanimously. LJC-06-022**

**2007-17: Justice of the Peace Courts; Appeal of Judgment**

This proposal would update statutory language relating to court records and the use of electronic technology. The Superior Court may remand a Justice Court appellate case for a trial de novo to the original court when the transcript is insufficient.

- There is no prohibition preventing the same judge from hearing the trial de novo when the case is remanded.
- Several years ago the Civil Traffic Rules and the Superior Court Rules of Procedure (SCRCP) on criminal and civil cases were amended, which this proposal indicates necessitates changes to statutory language to make it consistent with SCRCP. However, applying the rules is adequate and updating statutory language is not necessary.
- This proposal is an attempt by the Keeping the Record Committee to update the statute to conform to the changes made to the SCRCP and make Maricopa County's local rule a statewide procedure for trial de novo.
- The current Superior Court Rules of Procedure do not permit the superior court to remand a case to the Justice Court for trial de novo.
- Concern was stated about already strenuous case loads which do not include trial de novo. The case has already been heard once. Having the case remanded for a new (second) hearing due to an alleged transcript insufficiency and a desire to not hear the case in Superior Court will seriously impact already heavy case loads.
- It was suggested that the trial de novo should be conducted by Superior Court if the Justice of the Peace (JP) has done everything they can be reasonably expected to do to create a good record. If a trial that was already heard in one forum goes up on appeal, the next forum should take up the issue.
- This only addresses civil cases in Justice Courts, because of the specific statutes they are addressing.
- It was suggested the issue is not much of a concern in reality, because it is rarely practiced.
- Litigant may not feel they are receiving a fair trial if the same judge hears the trial de novo.
- Another concern is the reference to "verbatim" record. JP courts are called "off-the-record" courts, because there are many parts of a proceeding that are not on the record

and are not meant to be. "Verbatim record" could be misconstrued to mean all parts of the JP proceeding. The language needs to be clarified.

**MOTION: Moved and seconded to recommend inclusion of legislative proposal 2007-17 in the Arizona Judicial Branch Legislative Package as amended to remove the language that permits the Superior Court to remand a trial de novo to a Justice of the Peace and clarify and define verbatim record to mean materially sufficient. Motion passed unanimously. LJC-06-023**

Judge Traynor opened the discussion about the following three bills that passed during the recent legislative session regarding securing information:

**HB2024** is the main "best practices" bill proposed by the business community for protecting records. It is effective September 21, 2006

**HB2484** identifies documents that need to be destroyed and how they are to be destroyed. It is effective October 1, 2006.

**SB1338** is a separate bill from the one proposed by the business community regarding securing information, because courts conduct business very differently than the business community. It is effective January 1, 2007.

They all deal with personal identifying information, but all define personal identifying information differently give direction to governmental entities.

The following legislation was also discussed:

**HB2076:** If a court wants to prohibit someone from carrying a weapon into a courtroom, they need to establish a facility to store them.

Judge Traynor advised members to get together with their city or county attorney to determine how their court will implement the above legislation.

Judge Traynor reminded all members to get involved with the Friday Legislative Conference Calls arranged by Jerry Landau discuss bills that will be coming up the following week in the legislature and how they may impact limited jurisdiction courts. These discussions are held every Friday at noon during the Legislative Session. **The first conference call is scheduled for January 12 at 12:00.**

### **C. SUBCOMMITTEE UPDATES (taken out of agenda order)**

#### **WARRANT RULE IMPLEMENTATION**

Rule Change Petitions:

- R-03-0027; to Amend Rules of Criminal Procedure 4.2, 14.1 and 14.3 Regarding Misdemeanor: Appointment of Council,
- R-03-0028; to Amend Rules of Criminal Procedure 3.1, 3.2 and 3.4 Regarding Warrants and Summonses and Rule 26.12

These rules changes were adopted by the Court and went into effect last December. The R-03-0027/R-03-0028 Rule Implementation Subcommittee has been working on the implementation of these changes regarding a methodology for issuing warrants for Failure to Appear (FTA), Failure to Comply (FTC) and Failure to Pay (FTP) without prosecutor involvement. Traditionally DPS processes required that warrants cite statute to be entered in ACIC (warrants and warrants database) and provide law enforcement with authority to arrest. DPS and their Attorney General Council have rethought this requirement and will allow entry of warrants citing court rules. These warrants will be deemed "issued in good faith" thereby giving law enforcement authority to arrest. By mid-November DPS will modify ACIC to accept these warrants and provide training to officers (arresting and booking) that will in turn

allow courts to implement of Rule 3.1. In terms of Final Disposition Reports (FDR), Rule 3.1 will be designated with a "09" print code that will not create an FDR. DPS is researching the feasibility of establishing a similar process for post-dispositional warrants under Rule 2612. The subcommittee will move forward on both processes with DPS.

### **DEFENSIVE DRIVING**

No report

#### **D. MINIMUM ACCOUNTING STANDARDS**

John Sousa and Julie Dybas presented a proposed Arizona Code of Judicial Administration (ACJA) section for Minimum Accounting Standards (MAS). The major revisions to the standards are:

- A restructuring of the document to group and consolidate standards related to a specific subject to reduce repetition and scattered information,
- Clarification of time frames for operating and reporting procedures, and
- The revision of commentary to standard language.
- An area that had little to no revision was the section on Stop Payment on Checks.

There will also be an "exception" process for courts that have procedures in place that are sufficient, but do not correspond with the requirements of MAS. In those cases, the court may apply to the Administrative Office of the Courts for an exception on that standard. If it is a prevailing issue in many courts, then revision to the MAS ACJA section may be considered.

The following discussion ensued:

- Page 21 - f(1) states, "[t]he court shall issue a single receipt to the outside agency and shall receipt each bond individually..." which goes against the current practice of one receipt for a check of multiple bond payments. It was recommended and agreed to remove the word "single".
- Page 13 - F.9. The committee recommended and AOC staff agreed to remove the rest of the sentence after "authorized individuals". There are courts that consider the person's desk the secure location, because it is in a locked office and a locked drawer.
- Page 19 - 1.d. Concern was voiced about how this section of the code would be enforced, because the courts don't have authority over the outside agencies to enforce the three business day requirement. It is a standard the outside agencies should be informed of, but internally there is understanding of the enforcement issue during audit.
- Another concern about the same section is the last part of the sentence, "...secure all bond monies when transporting to the court." The issue is that some bond monies are received in the mail, not by person and that might be considered a security issue. There are also court programs that receive lump sum payments for multiple bonds. It is possible this language may cause such a procedural focus that it needs to be removed all together.
- Page 8 - 2.a.(1). The F.A.R.E. program enters payment data electronically in the system in real time and this section will need to account for that change in the courts.
- Page 13 - F.7. This section of the code requires overages and shortages to be resolved by the end of each business day. The current practice of some courts is to identify overages and shortages at the end of the business day, investigate the issue(s) the following day and upon resolution, formally document. It was recommended and agreed to remove the word "resolve".
- Page 29 & 30. The language on page 29 - 1.a. is in conflict with page 30 - 3.a. The language of page 30 needs to be reconciled to include the exception accounts on page 29-1.a.
- Page 13 - F.10. Reference to signature stamp in this section doesn't apply, because signature stamps are not allowed for use on checks; they must be personally signed. It isn't appropriate here, because it has to do with misuse of the stamp on documents, not

- financials. It was recommended and agreed to change the language to, "signature stamps should not be used for financial case processing". It should be added to another section that signature stamps should be kept in a secure area.
- Page 23 - 7.a. Some courts have an electronic receipt machine that doesn't issue a new receipt number when making a correction, as required by this section. It is also impossible to write VOID on all copies, because the court does not retain all copies. These were intended for manual receipts and the word "manual" will be added and the word "all" will be removed.
  - Page 27 - 8. Court checks that have a void date printed on them (e.g. "VOID AFTER 90 DAYS") fulfill the requirement.
  - Page 27 - 9. There should be a separate standard for unclaimed checks, because it does not make sense to reissue a new check if it is not going to be claimed.
  - Page 30 - 3.d. "Reasonably safe procedure" needs to be defined. It was recommended and agreed to change it to, "shall establish a safe procedure or practice..."
  - Page 34 - N.1. It wouldn't be the best uses of the courts resources to review all outstanding bonds on a monthly basis. It does not need to be an involved review report; it is simply noting case pending or a more detailed review of those 60 days or more from the court date with no pending court case. It was recommended and agreed to change the language to, "on a monthly basis the court shall review all pending and outstanding bonds that are posted longer than ninety days". A side note, AZTEC has many issues for outstanding bonds.
  - Page 25 - 3.c. It was recommended and agreed to add "court ordered monetary obligations" as another item the bond funds can be used for.
  - Page 2 - Cash Drawer Fund. Most starting cash drawer funds are just cash and not monies. It was recommended and agreed to change "money" to "cash".
  - Page 6 - Unclaimed Fees or Funds. It was recommended and agreed to clarify the language to "Any monies disbursed by the court that remain outstanding"
  - Page 6 - Unidentified Monies. It was recommended and agreed to clarify the language to "Any monies received by the court but the defendant's name, case number or sender is unidentifiable".
  - Page 21 - e. Regarding receipting for defensive driving school. Many courts receipt the bulk payment to a defensive driving school (DDS) case then electronically post the disposition to the individual cases the payment covered. So there is not a financial transaction posting to the individual defendants' cases, but there is a dismissal in the defendants' case for participation in the school. It is different from receiving bond monies, because bond monies have to be credited to the individual they are returned to and they are indeterminate amounts, whereas DDS is a set amount for all defendants. There is a statutory requirement to track all monetary transactions in a defendant's file, so there needs to be a way to record/receipt the payment in each individual case. The point of the standard is to record an entry in each defendant's case regarding the payment; not necessarily "record a receipt" for each payment. It was suggested and agreed to change the language to "record an entry".
  - Page 25 - 3.c. The bond monies may be used to pay for more than fines, fees and surcharges. Rather than risking an incomplete list it was recommended and agreed to change the language to "court ordered monetary obligations".
  - Page 26 - 6.b.(7) Payment distribution. It is not clear where these funds are coming from. There would not be a disbursement coming from fines.
  - Page 11 - b.(2) "Payment received" should be changed to "payment receipted" to correspond with earlier changes.
  - Page 11 - 4.d. Since there are credit/debit card charge backs this should be changed from "dishonored check policy" to "dishonored payment policy".
  - Page 20 - 3.c. Expand "check or money order" to "payment instrument" or "monies".
  - Page 20 - 4.d.(5). The language should be changed from "date payment was received" to "date payment was receipted" to correspond with earlier changes.

- Page 22 - 6.b. The language should be changed from “locked in the safe” to “secured”, because there are courts that have a larger supply of receipts than will fit in the safe. It was decided to keep the language and have courts file for exceptions.

The Committee discussed the possibility of having the Minimum Accounting Standards presented to the Committee, with all the changes incorporated, in November. Delaying approval from this Committee would not allow time for presentation to AJC for approval in December and would postpone approval until March. It was recommended that Joan Harphant and Faye Coakley take the suggested changes to the Limited Jurisdiction Court Administrator’s Association September 14 meeting and if no further significant changes are suggested, move the amended document forward.

**MOTION: Moved and seconded to recommend approval in concept of ACJA § 1-401: Minimum Accounting Standards as amended above, contingent on approval at the Limited Jurisdiction Court Administrator’s Association September 14 meeting. Motion passed unanimously. LJC-06-024**

**E. Standardized Forms for Limited Jurisdiction Court Case Filings**

Judge Dennis Lusk gave a brief review of the program’s goal to have customer-use forms filed electronically in courts. The work will be divided in the following specialty areas:

- Magistrates will work on the criminal forms,
- Konnie K. Young will work on the protective order forms through Domestic Violence Rules Committee, and
- Justices of the Peace will work on the civil forms.

It was determined it was best to have the AOC maintain the forms, which was agreed to as long as there would be a standardized set of customer-use forms statewide. The first step is to have them available online to print and file; the second step is to have the ability to file them online.

**F. ACJA § 4-302: Limited Jurisdiction Courts Records Retention and Disposition**

Judge Matt Tafoya presented the work the Subcommittee. The mission of the process was to make the schedule user-friendly making it more easily understandable. An issue that came up recently has to do with civil citations. Through legislation keeping the records in this instance has been extended from three to five years minimum, but there is no mention of the enforcement of the judgment prior to destruction. The language regarding civil traffic citation should be modified to account for this issue.

Another issue identified is the requirement that files to be kept five years after entry of default judgment regardless if it was satisfied or not. If the sanctions have been satisfied, there is no need to keep the file five years. The intent was to have the file kept for five years, and only for one year after satisfaction, so the language needs to reflect that. It was recommended to change the Civil Traffic Default schedule for it all to be one year after the satisfaction of judgment (remove the five year schedule).

It was recommended to change the Parking Default schedule to six months after satisfaction of judgment and remove the five years.

**MOTION: Moved and seconded to recommend approval of ACJA § 4-302: Limited Jurisdiction Courts Records Retention and Disposition as amended. Motion passed unanimously. LJC-06-025**

**G. Arizona Rules of Protective Order Procedure (ARPOP)**

Judge William O’Neil and Konnie K. Young presented the proposed timelines for adoption of the Protective Order forms (Project Passport) and *Arizona Rules of Protective Order*

*Procedure (ARPOP)*. The approved protective order forms will be put into use January 1, 2007 and the anticipated mandatory implementation date will be December 31, 2007. There will be rollout implementation training court by court prior to the mandatory implementation date.

Judge O'Neil asked the Committee for recommendation for approval in concept of *ARPOP*. One of the suggested changes reflected in the handout materials but not in the rules regards the rules of evidence. That recommendation was to include language by comment or rule that the judicial officer retained discretion to require strict adherence of the rules of evidence when necessary. Judge O'Neil agreed all the recommendations within the proposed changes would be considered by the Committee. Judge O'Neil strongly encouraged people to submit their suggestions to the following Comment Form website: <http://supreme.state.az.us/cidvc/DVRules/comment.asp>

**MOTION: Moved and seconded to recommend approval in concept of the *Arizona Rules of Protective Order Procedure*. Motion passed unanimously. LJC-06-026**

#### **H. Commission on Technology Update**

Stewart Bruner gave the following Commission on Technology (COT) update.

- A governance and maintenance process for standard activity codes associated with cases was approved in preparation for new case management systems. Codes for the limited jurisdiction level have been completed.
- The technology architecture was updated. The architectural components have been divided into several categories based on where they fall in the technology lifecycle.
- Some specifications for e-filing were approved. TAC will manage this level of specifications.
- COT approved an expenditure to increase the capacity of AJIN (Arizona Judicial Information Network, the Court Intranet).
- To improve business continuity, COT will give guidance to courts for electronic records in FY07.
- E-Appeal will be a more digital way of handling appeals that is anticipated to be available by July 2007.
- E-citation is developing a more efficient means for courts to adopt electronic citations and get them in the case management system. A statewide contract has been discussed but not finalized.
- Arizona Disposition Reporting System (ADRS) is being constructed to provide a neutral location where disposition information can be recorded through the justice process. Only the finished collection of charges and disposition is sent to DPS.
- A new item related to IT planning, the LJ Survey Tool, is a subset of the full superior court template designed to collect information from limited jurisdiction court administrators. The process will begin in October.

#### **I. Proposed ACJA §1-603: Manual of Transcript Procedures**

Jennifer Greene presented the Manual of Transcript Procedures proposal that has been reformatted from the original Keeping the Record Committee's recommendation for publication in the ACJA.

There was no Committee discussion.

**MOTION: Moved and seconded to recommend adoption of the ACJA §1-603: Manual of Transcript Procedure. Motion passed unanimously. LJC-06-027**

**J. ACJA § 1-302: Education and Training**

Julee Bruno and Marna Murray presented the following proposed codification of the COJET Administrative Order 99-08:

- Various staff positions were defined (on-call staff, temporary staff, etc),
- Qualifications for accredited COJET programs,
- 8 maximum for independent learning,
- Qualifications for written articles as independent learning credit,
- Deadline for annual reports changed to January 31
- Procedure for appeal of denial of COJET credit at local level,
- Clarified the qualifications for exemption of compliance,
- P/T and on-call pro tem judges must complete COJET approved training
- Requirements for civil traffic and small claims hearing officers,
- Condensed five core curriculum into two,
- Training coordinators must attend new training coordinator orientation (available online),
- Financial assistance for staff, as available.

**MOTION: Moved and seconded to recommend approval of ACJA § 1-302: Education and Training. Motion passed unanimously. LJC-06-028**

**IV. OTHER BUSINESS**

**A. Next Meeting:**

**Wednesday, November 29, 2006**

State Courts Building  
Conference Rooms 119 A & B  
10:00 a.m. – 4:00 p.m.

**B. Good of the Order / Call to the Public**

No response.

**V. ADJOURNMENT**

The meeting adjourned at 3:40 pm.

Respectfully submitted,  
Susan Pickard  
LJC Staff

**COMMITTEE ON LIMITED JURISDICTION COURTS  
MINUTES**

Wednesday, November 29, 2006  
10:00 am to 4:00 pm  
State Courts Building  
1501 West Washington, Conference Room 119  
Phoenix, AZ 85007

**MEMBERS PRESENT:**

Honorable R. Michael Traynor  
Honorable James P. Angiulo  
Honorable Ted W. Armbruster  
(telephonically)  
Mr. C. Daniel Carrion  
Honorable Thomas L. Chotena  
Ms. Faye Coakley  
Honorable Timothy Dickerson

Honorable Sam Goodman  
Ms. Joan Harphant  
Honorable Jeffrey A. Klotz  
Honorable Nicole Laurin  
Honorable Kathy McCoy  
Mr. James R. Scorza  
Honorable J. Matias Tafoya

**MEMBERS ABSENT:**

Mr. Richard D. Fincher  
Ms. Debra Hall  
Honorable Dorothy Little

Honorable Marie A. Lorona  
Ms. Marla Randall

**PRESENTERS / GUESTS:**

Mr. Karl Heckart  
Mr. Mike DiMarco  
Ms. Leila Gholam  
Honorable Kevin Kane

Ms. Fran Johansen  
Ms. Jennifer Greene  
Mr. David Withey

**STAFF:**

Ms. Susan Pickard

Ms. Kim Ruiz

**I. REGULAR BUSINESS**

**A. WELCOME AND OPENING REMARKS**

With a quorum present, the November 29, 2006, meeting of the Committee on Limited Jurisdiction Courts was called to order by Judge R. Michael Traynor, Chair, at 10:12 am.

Judge Traynor announced AJC November 1, 2006 approval of the follow Arizona Code of Judicial Administration sections:

- ACJA § 4-302: Records Retention and Disposition;
- AJCA § 1-603: Transcription Standards

If you are on the ListServ you should have received the electronic notification of the signed Administrative Orders.

**B. APPROVAL OF MINUTES FROM September 13, 2006**

Minutes for the September 13, 2006, Committee on Limited Jurisdiction Courts meeting were presented for approval.

**MOTION: To approve the September 13, 2006 meeting minutes as presented. Seconded. Motion passed unanimously. LJC-06-029**

## II. BUSINESS ITEMS/POTENTIAL ACTION ITEMS

### A. RULES UPDATE

Patience Huntwork, Supreme Court Staff Attorney, provided a Rule Status List that included the rule change petitions currently being circulated for comment. There is the potential that some of these could affect municipal and justice courts. Judge Traynor proposed that the Rules/Forms Subcommittee review the rule petitions to determine which impact limited jurisdiction courts and if Committee comment should be drafted. The Subcommittee could then present its recommendations to the Committee at the February 7, 2007, meeting.

### B. COT Update

Karl Heckart gave the following report from the Commission on Technology:

- Project Passport - All non-AZTEC courts are in communication with project staff and are in or have completed the testing process. AZTEC courts are anticipating a February implementation.
- Court technology strategic planning is underway and currently in the business requirements phase. Stewart Bruner is traveling out to some counties assisting in developing their coordinated county plans and surveys also are being sent out to aid the counties in determining their technological needs.
- New PC roll-out for AZTEC Courts - In the planning process. Currently working with Microsoft and coordinating with the launch of their VISTA operating system (initially anticipated November 30). The rollout process will begin after the holidays. The courts' own software may be affected by the new operating system. The process will take from late winter to early fall to roll out all the machines. The transition from WordPerfect to Word also will be completed in this process. Live Communication Server (a court communication mechanism) also will be loaded onto the machines.
- The E-Citation project is in a testing phase with Oro Valley. At this time, 2-3 other courts have signed contracts with vendors. It is anticipated that by spring there will be a state procurement contract.
- Red light and photo radar has become an issue as cities implementing the technology want an electronic interface. There is no single state contract with a vendor for the electronic interface, so each city must go through the competitive bidding process. Many companies are very good at setting up the equipment, but lack the technical skills for automation project coordination. Cities should develop a step-by-step project process before entering into a contract with any vendor. Anticipate that it will be a 30-60 day process to establish communication lines, put security systems in place and implement the business workflow of law enforcement and the courts.
- Arizona Criminal Justice Commission (ACJC) is sponsoring a *Criminal Justice Information Sharing Symposium* December 18<sup>th</sup> and 19<sup>th</sup>. Their website has a link for registration for those interested in attending (<http://www.acja.state.az.us> or <http://azcjc.gov/symposium/2006Symposium.asp>). ACJC would like to undertake a large initiative to be proposed to the legislature this year and launched at this symposium. It is a \$25,000,000 investment over 5 years with two primary objectives:
  1. To improve criminal investigation data for law enforcement prosecutors by providing an information sharing mechanism.
  2. To move data timely and with a level of quality between all the partners of the justice process.
- ADRS, a system to move information from arrest, to prosecutor, to initial appearance, is central to the strategic plan ACJC is backing. It is anticipated the web based version will be brought on-line in February. AZTEC should be ready to run a pilot test with DPS by May. ADRS also will become the mechanism for transferring cases from court to court.
- The Magistrate and Justice of the Peace Courts are working independently on their form sets for the Forms Project. They are due in February. The groups will then begin the process of rectifying any overlaps with an anticipated standard packet of forms online for limited jurisdiction courts by late spring.

- A statewide team will be created to begin the assessment of the new CMS in the spring. The system is targeted for a late summer implementation pilot test in Tempe. The project team is currently working on event management pieces utilizing a number of design ideas from the City of Phoenix.

### **C. FARE Update**

Mike DiMarco gave the following FARE update:

- There are currently over 60 courts in system with about 1.2 million cases and over \$606 million.
- They are on track to hit \$30,000,000 this year in collections with an average monthly collection rate is around \$2.4 million.
- A little over \$18.6 million has been collected over the web, which has been up for just two years
- TTEAP continues to be the crown jewel; running slightly over a 29% release rate on vehicle registration holds that have been placed.
- Three courts are scheduled to join FARE in December and five others have expressed interest.
- There are three superior courts now operating in system (Gila, La Paz and Navajo) and two more will be joining shortly (Mohave and Santa Cruz).
- The Maricopa Justice Courts are adding FARE functionality to iCIS.
- Recommendations for the establishment of the FARE Advisory Committee have been sent to the Chief Justice for signature. It is anticipated the first meeting of that group will be in January or February. They will look at:
  1. The list of enhancements that have been proposed for the system.
  2. Establishing priority for the enhancements that can be implemented.
  3. Establish a process to distribute excess collections on the fees back to the participating courts.
- The CMS project team is working on including FARE functionality in that system.
- The Auditor General's audit is complete and overall is very complimentary of the program. They liked the contract and how it was written, but they also had some recommendations about amendments when the contracts are renewed. They liked that data and fiscal reconciliation processes were in place. They recommended adding program performance measures using CourTools performance measures. The Advisory Committee will be assigned the task of working with FARE to determine the tools to put in place.
- There were two bills that passed last legislative session:
  1. The TTEAP bill reduced the threshold to \$0 and excluded parking from being TTEAP eligible. It also allowed for a person to plead a financial hardship.
  2. The tax intercept bill established an interest penalty that would be paid on an erroneous intercept. The penalty will start on the sixteenth day once it is established there is an erroneous intercept.
- The Federal intercept bill has unanimous support in Congress but they ran out of time, so it will be introduced in the first part of next year.
- There is a fraud mailing being sent out in name of "Mike" who claims to be a Supreme Court employee, but it is not from Mike DiMarco or Mike Baumstark.
- A new RFQ is being sent out to vendors in the next 10-15 days. FARE staff will be requalifying vendors and standardizing contracts. The reporting requirements will be increased and compliance will be enforced.

Joan Harphant reported that Tucson is having extensive skip tracing issues. They have been working closely with Mike, FARE staff and ACS to develop a process. Once they finalize the process it will become a state standard. Part of the solution we are asking for is that ACS start sending the letter that informs people it was an error and that the error will not affect their credit.

### **D. ARIZONA JUDICIAL BRANCH LEGISLATIVE PACKAGE**

Leila Gholam gave the following recap of the changes in the legislature after the election:

- House of Representatives: Six seats were picked up by the Democrats with a final count of:
  - 33 Republicans
  - 27 Democrats
  - Speaker: Rep. James Weiers
- Senate: 1 seat was picked up by the Democrats with a final count of:
  - 17 Republicans
  - 13 Democrats
  - President: Senator Timothy Bee from Tucson
  - Chairman of the Judiciary Committee: Senator Chuck Gray

Leila gave the following summary of the bills in the Arizona Judicial Council Legislative Package:

**Proposal I: Jury; Commissioner Duties; Juror Selection (Leila Gholam, Supreme Court Legislative Liaison)**

- Requires the Supreme Court to adopt rules relating to the summoning and selection of trial and grand jurors.
- Removes procedural duties of jury commissioners/clerks from statute and requires that they be placed into court rule. Statutes dealing with policy issues such as substantive jury commissioner duties, excuses, qualifications, disqualification and lengthy jury fund remain.
- Authorizes a countywide juror summoning plan to be developed by the Supreme Court. Courts wanting to adopt an alternative plan must submit a summoning plan to the Supreme Court for approval. Alternate procedures for summoning jurors to superior courts with multiple court locations may include dividing counties into jury districts or using a countywide method that minimizes the distance a prospective juror must travel.
- Consolidates and renumbers many of the remaining statutes.
- Makes conforming changes to internal references.

**Proposal II: Criminal Code; Sentencing (Jerry Landau, Supreme Court Director of Government Affairs)** Reorganizes Title 13, Chapters 6 and 7 to simplify the structure of the sentencing code. Does not make structural or philosophical changes to the code. Major provisions include:

- Adds the definitions of “dangerous offense” and “serious offense” to §13-105, definitions.
- Splits the various provisions of §13-604 into separate statutes dealing individually with dangerous offenses, repetitive offenses, serious offenses and special sentencing provisions, such as crime against police officer.
- Places all statutes dealing with repetitive offenses in the same statute, except those that deal with repetitive dangerous offenses, which are grouped in the dangerous offense statute.
- Places both “three strikes and your out” provisions in the same statute.
- Renumbers sections dealing with death penalty placing the statutes in a separate article.
- Transfers the statute dealing with Class 6 Felonies from Chapter 7 to Chapter 6.
- Makes a clarifying change to §13-604.01, Dangerous Crimes against Children.
- Consolidates all misdemeanor sentencing provisions.
- Within the reorganization, repeals and renumbers some sections.
- Makes conforming changes to internal references

**Proposal III: Forcible Entry and Detainer Judgments, Social Security Numbers (Amy Love, Supreme Court Legislative Analyst)** Modifies the requirement that in a Forcible Entry and Detainer complaint, if the defendant’s social security number is contained on the complaint, it must also be placed on a judgment, to requiring only the last four digits of the defendant’s social security number.

**Proposal IV: Probations Absconders; Apprehension; Funding (Leila Gholam, Supreme Court Legislative Liaison)** Requires Adult and Juvenile Probation Departments to assign

personnel to locate and apprehend probation absconders. Carries an appropriation to be determined.

**Proposal V: Time Payment Fee (Leila Gholam, Supreme Court Legislative Liaison)**

Repeals laws enacted in 1999, 2000, 2001, and 2002 relating to the time payment fee in criminal cases in order to retain the \$20.00 time payment fee. If no action is taken, the time payment fee will revert to \$12.00 in 2010. Reversion of the time payment fee will result in a 1.2 million per year negative impact on the Judicial Collection Enhancement Fund, compromising automation projects that affect all levels of the court system and the Public Defender Training Fund.

**Proposal VI: Sibling Information Exchange Program (Amy Love, Supreme Court Legislative Analyst)**

Establishes a sibling information exchange program for the purpose of facilitating contact between former dependent children and their siblings. The Administrative Office of the Courts would administer the program using the already in existence Confidential Intermediary Program.

Former dependant children at least eighteen years old, parents of former dependant children under eighteen and siblings of former dependant children may participate in the program. The definition of "former dependent child" is added to statute, to mean "a person who was adjudicated a dependent child in a dependency proceeding pursuant to this chapter that has been dismissed by order of the juvenile court."

**Proposal VII: Arbitration: Limit and Compensation (Leila Gholam, Supreme Court Legislative Liaison)**

- Increases the jurisdiction limit for arbitration claims to \$75,000, previously \$50,000.
- Increases an arbitrator's compensation by raising the maximum daily fee from \$75 to \$150.

This is a county by county decision.

- A change to the jury statutes that removes a lot of the procedural aspects and puts them in court rule. The substantive policy issues will remain in statute. Countywide summoning will remain a standard for the state and if a superior court does not do it countywide, they will need to submit their process plan to AOC for approval.
- Reorganization of the criminal code has been approved by AJC. It simplifies the criminal code sentencing chart, with no structural or philosophical changes.
- Change the social security number requirement on Forcible Entry and Detainer Judgments from the full number to the last four digits. Currently if someone includes their social security number on a Forcible Entry and Detainer Complaint it must also be included on the Judgment. Originally the intent was to exclude the entire social security number, but concern was voiced from the business community about possibly miss identifying someone.
- The probation absconders bill is a budget piece to bring more money to the counties that don't have enough resources to look for probation absconders.
- The time payment fee bill maintains the \$20 time payment fee. It is currently scheduled to revert to \$12 in 2010, which will have a significant impact on the Judicial Enhancement Collection Fund.
- The sibling information exchange program bill would allow people that were adjudicated wards of the state at some point in their youth to be able to contact their siblings. They will be able to appeal to the Confidential Intermediary Program to contact their siblings.
- The arbitration limit and compensation bill would increase the limit for arbitration claims to \$75,000 and the arbitrator's compensation to \$150/day.

Leila encouraged the Committee members to call in to the limited jurisdiction courts legislation conference calls on Fridays from 12:00 - 1:00 p.m.

Judge Traynor asked about a bill from CIDVC that Judge Finn informed him about dealing with language required by federal statute to be included in all domestic violence convictions. Leila didn't have the specifics of the proposed language, but Amy Love, another member of her office is working with CIDVC on it.

#### **E. SUBCOMMITTEE UPDATES**

##### **Defensive Driving**

No report.

##### **Forms/Rules**

No report.

##### **Rules Implementation**

The subcommittee has been working with DPS on the warrant rules that were adopted last December. DPS will be able to adopt a Rule 3-1 and a Rule 26-12, so courts do not need to utilize A.R.S. § 13-2506. These warrants will be entered into ACIC as civil warrants so a final disposition report will not be created and sent. The Subcommittee anticipates a late January implementation. All courts will be notified.

Judge Traynor reminded the members that if their court is getting ready to purge documents, to remember the DUI retention schedules changed from 60 months to 84 months.

##### **Strategic Planning**

James Scorza reported that there is nothing new since the submission of the Strategic Plan Report to committee at the June 7 meeting. It was agreed the Committee will discuss the plan in the February meeting. The draft of the Strategic Plan will be redistributed to the members prior to the meeting for review.

#### **F. 2007 MEETING SCHEDULE (out of agenda order)**

Judge Angiulo proposed moving the first meeting in 2007 from February 14 to February 7. The committee agreed. There is not room available at the State Court Building, but Susan will notify members of meeting location once it is confirmed.

**MOTION: To approve the 2007 schedule with the recommended change. Seconded. Motion passed unanimously. LJC-06-030**

#### **G. TASK FORCE REPORT ON LEGAL ADVICE-LEGAL INFORMATION GUIDELINES**

- To assist in achieving the *Good to Great* goal to improve access to the courts, the Task Force Legal Advice – Legal Information Guidelines set their goal to create a comprehensive, statewide program consisting of guidelines, training and materials for court personnel to use to better serve the public.
- Fran Johansen explained the Task Force research methodology and the groundwork laid to develop the Arizona guidelines.
- Suggested methods for implementation include:
  - A March 2007 Video Broadcast to introduce guidelines to court personnel (Court Personnel includes Judicial Officers)
  - A Judicial Staff Conference training session in April
  - A "Training the Trainers" training session is being developed to be included in all future Judicial Staff Conferences.
  - Ultimately, web access and an interactive online training will be implemented.

##### **Comments from the Committee**

- There is a large part of the population that does not have access to courts in civil matters because they can't afford it. Information about possible options other than Legal Aid needs to be included, because not many people are eligible for legal aid, but they are still too poor to afford an attorney.

- Judge Kane agreed that there are other legal service available by county and the Question and Response Handbook encourages all jurisdictions to be aware of what is available in their area and make it available to court customers.
- Paul Julien also explained that resources tend to have challenges when they blanket the state. A relationship needs to be built between the courts and Legal Aid offices. The whole mission of legal aid is to provide services to people that can't afford it.
- Judge Laurin proposed that the issue of providing legal services for those that cannot afford them might be a project appropriate for the presiding judges to address.

**MOTION: To recommend AJC approval of the Guidelines in concept. Seconded. Motion passed unanimously. LJC-06-031**

#### **H. GARNISHMENT FORMS**

Jennifer Greene presented the amended garnishment forms which are a mandated statewide set of forms required by statute. Jennifer gave a brief the history of the forms that are currently in use and the recommendation from superior court judges to make them more user-friendly and with better instructions, so they could be accessible online. Once the forms were available online the courts would lose the staff interface with the customer, making the need for improved instructions essential.

##### Comments from the Committee

- Jennifer asked if the new packet is adopted, should the old packet be eliminated or should courts be allowed to use either set. Joan Harphant recommended just using one set of forms because anytime there are two sets of forms it becomes confusing. While there may be an initial transitional impact to the courts it will be better for the courts to all use one set for training purposes.
- Judge Angiulo recommended selecting a date in the future that all courts need to be in compliance with the new set of forms. As long as there is ample notice for courts to make the transition it should not be a problem.
- Judge Goodman agreed that he spoke with his court staff and as long as there is a transition period Maricopa County will not have a problem implementing the new set of forms.
- Judge Dickerson concurred that it won't be a problem for Cochise County either because they photocopy their forms, so they will just switch which forms they photocopy.

**MOTION: To recommend AJC approval and adoption of the new packet of garnishment forms for online access. Seconded. Motion passed unanimously. LJC-06-032**

#### **I. EX PARTE COMMUNICATION & ARIZONA TRAFFIC TICKET AND CITATION**

Judge Traynor presented an issue brought to his attention regarding information recorded in the open space at the bottom of an ATTC. If the officer writes something in that open space, how should the judge address the communication in the court since the information is blacked out of the defendant's copy of the citation?

##### Comments from the Committee

Judge McCoy explained that when local law enforcement writes in that area they give the defendant a copy of it, in light of public disclosure.

Judge Dickerson stated his understanding for the concern, but explained that there are a number of things that come before a judge they must set aside. As long as the defendant has a copy of it and the judge is aware it is not evidence, then it should not be an issue.

Judge Klotz questioned whether it was a law enforcement training issue, or a judicial training issue? Judge Traynor responded that he believed it to be both and an issue of how much time and resources should be spent on the solution.

Judge Laurin stated the two solutions to *ex parte* communication are disclosure or stop it. The easiest fix to the problem is to change the ATTC so it is not blacked out on the defendant's copy.

All committee members agreed.

#### **J. MUNICIPAL COURT Q&A**

David Withey presented the status of the Municipal Court Q&A developed to address relationship issues between courts and city governments. David noted the involvement of the League of Cities and Towns in developing the Municipal Court Q&A in the early 90's. The issues addressed in the Q&A are grouped by topic area.

David shared the current document with League. They responded that they "find it sufficiently answers most questions regarding the relationship between municipal governments and municipal courts."

The Q&A will also be included in a panel discussion session of the Administrative Conference next week.

#### Comments from the Committee

- Judge McCoy asked how the document will be made available to city managers and council members. David answered they intend to post it on the Supreme Court website, but asked the Committee members if they thought it should be mailed to the city councilmen.
- Judge Angiulo confirmed that it should be mailed and it should include a copy of the letter from the League as a cover letter, so they know the League supports it. The League will need to agree with the use of the letter.
- Judge Tafoya recommended it be included in the new member orientation at the annual League of Cities and Towns meeting.
- Judge Armbruster advised that he uses it as an educational tool with new mayors and council members. They tour the court and he reviews the Q&A with them as part of an introduction to the courts. It is very well received because they have the ability to ask questions and communicate about it.
- Judge McCoy suggested the cover letter also include the invitation to contact the presiding judge if they have any questions.

#### **IV. OTHER BUSINESS**

##### **A. Next Meeting:**

**Wednesday, February 7, 2007**

Location: TBA

10:00 a.m. – 4:00 p.m.

##### **B. Good of the Order / Call to the Public**

No response.

#### **V. ADJOURNMENT**

The meeting adjourned at 1:30 pm.

Respectfully submitted,  
Susan Pickard, LJC Staff