

**COMMITTEE ON LIMITED JURISDICTION COURTS  
MINUTES**

Wednesday, February 15, 2012  
10:00am to 2:00pm  
Conference Room 119 A/B  
State Courts Building  
1501 W. Washington  
Phoenix, AZ 85007

**MEMBERS PRESENT:**

Honorable Antonio F. Riojas  
Ms. Carla Boatner  
Mr. C. Daniel Carrion  
Ms. Janet G. Cornell  
Honorable Timothy Dickerson  
Honorable Maria Felix  
Honorable Sam Goodman  
Honorable James William Hazel, Jr

Honorable Eric Jeffery  
Mr. Patrick Kotecki  
Honorable Dorothy Little - *telephonic*  
Honorable MaryAnne Majestic  
Ms. Marla Randall  
Honorable J. Matias "Matt" Tafoya  
Mr. James "Marty" Vance

**MEMBERS ABSENT:**

Honorable Arthur Markham

Ms. Valerie Winters

**PRESENTERS/GUESTS:**

Honorable David Widmaier  
Patrick Scott  
Jerry Landau  
Jim Scorza

Adele May  
Shelly Bacon  
Julie Binter  
Kandace French

**STAFF:**

Mr. Mark Meltzer

Ms. Tama Reily

**I. REGULAR BUSINESS**

**A. Welcome and Opening Remarks**

With a quorum present, the February 15, 2012, meeting of the Committee on Limited Jurisdiction Courts (LJC) was called to order by Honorable Antonio F. Riojas, Chair, at 10:00am.

**B. Approval of Minutes**

The minutes from the October 19, 2011, meeting of the LJC were presented for approval.

**MOTION:** To approve the October 19, 2011, LJC meeting minutes as presented. Motion seconded. Approved unanimously. LJC-12-001

## II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

### A. Justice court Rules of Civil Procedure, R-12-0006

Honorable David Widmaier, Pinetop-Lakeside Justice Court, presented a report on the Justice Court Rules of Civil Procedure. He reported events that have transpired and proposed changes made to the rules since they were presented at the October LJC meeting. In December, the rules were presented to the Arizona Judicial Council (AJC), and on January 6, 2012, the rule petition was filed with the Supreme Court. The proposed rules have been posted on the [Rules Forum](#) for comments and Judge Widmaier discussed a comment posted by the Navajo County bench. He requested LJC members review the rules and post their feedback on the forum.

Mark Meltzer, committee staff to the Rules of Civil Procedure for Limited Jurisdiction Courts (RCiP.LJC), provided some background on decisions and compromises made by the RCiP.LJC in attaining a balance between the rules being simple and short rules versus longer and more cumbersome, especially in the case of self-represented litigants. Mr. Meltzer also explained the RCiP.LJC requested a staggered comment period so that the committee can reconvene in March to consider comments and make recommended changes. Judge Riojas suggested the LJC wait to consider making a formal comment on the proposed rules until the second comment period in May.

### B. Secretary of State's Address Confidentiality Program

Patrick Scott, AOC Court Programs Unit, presented information regarding the Secretary of State's Arizona Address Confidentiality Program that became effective in January 2012. It allows persons who have been subjected to domestic violence offenses, sexual offenses, or stalking or harassment offenses to keep their residence addresses confidential. Participants in the program will receive a substitute address that becomes their lawful address of record and a method will be established for forwarding mail to participants. The program is to be funded through a surcharge on fines or other penalties assessed against persons convicted of domestic violence or sexual offenses and offenses involving violations of injunctions against harassment. Five percent of the surcharge will go to the courts to cover the cost of redaction. Implementation is expected to be around May 1, 2012. Mr. Scott also introduced Betty McEntire, Secretary of State's Office Executive Director of the new program, and provided her contact information.

### C. Case Management System Update *(Item taken out of order)*

Jim Scorza and Adele May, AOC Information Technology Division (ITD), updated the committee on the status of the integrated Case Management System conversion process. Mr. Scorza related some of the challenges in adapting a general jurisdiction product for limited jurisdiction courts and where they are in the process. The LJ courts require a more process driven application suitable to the large volume of limited jurisdiction courts. The next step toward statewide implementation will be to set up a test environment, which will take place in the Mesa court. Mr. Scorza responded to a question regarding problems with the GJ CMS related to FARE cases, stating they plan to completely redesign the fare component of the application.

Adele May reported on the status of the Aztec replacement project. Currently, discussions are ongoing with the pilot court in Maricopa County and the timeframe for that is expected to be the end of this year. They continue to work on developing the forms and reports which will be system-generated in the courts. Ms. May noted they are also assisting the GJ courts with the implementation of the Arizona Disposition Reporting (ADR) functionality within the system and expect to go live with that pilot court in mid-March. They will be providing ADR training to the

courts and the County Attorney's Office. She added that they are building a video library of training materials.

**D. Future Trends in Limited Jurisdiction Courts**

Janet Cornell, Scottsdale City Court Administrator, provided information about trends in LJ courts from an article she wrote for the National Center for State Courts. She discussed a need for more visibility and understanding of LJ courts. In addition, Ms. Cornell shared the results of a non-scientific survey she conducted in late 2011 noting that respondents identified their top concerns as budget, resources, and confusion about the role of LJ courts. Survey participants included LJ court administrators, judges, and clerks primarily in Arizona, and a few from around the nation. Ms. Cornell closed her discussion with a 'call to action' to LJ courts to work together as leaders and role models in the community and promote understanding of the role of the court. A handout summarizing Ms. Cornell's survey findings was provided to members.

**E. Judicial Staff Education Committee** *(Item taken out of order)*

Shelly Bacon, Chair of the Judicial Staff Education Committee (JSEC), and Julie Binter, AOC staff to JSEC, provided information to increase awareness about JSEC. Ms. Bacon gave an overview of the JSEC, a standing committee under the Committee on Judicial Education and Training (COJET) that serves to support the COJET mission by providing recommendations for continuing education for all non-judge, non-probation personnel. JSEC also develops the curriculum for court personnel. She provided a contact list for JSEC members and said staff who need information or have training suggestions can contact JSEC members or send an email to [JSEC2@courts.az.gov](mailto:JSEC2@courts.az.gov).

Ms. Binter spoke to areas of education specific to LJ court staff and asked if there are any current or upcoming issues that could be considered for education opportunities. She noted there are alternate methods of delivery available for trainings, such as statewide webinars or webcasts. They would like to partner with committees and groups across the courts to be sure they are meeting the educational needs of the court community.

**F. Legislative Update** *(Item taken out of Order)*

Jerry Landau, AOC Government Affairs Director, reported on current legislation impacting limited jurisdiction courts. The bills can be found in [Appendix A](#).

**G. 2012 Rule Petitions**

Mark Meltzer, AOC committee staff, introduced pending rule petitions submitted for consideration this cycle. He reminded members the rule petitions are available in the online [Rules Forum](#) for review. Kay Radwanski, AOC committee staff to the Committee on the Impact of Domestic Violence and the Courts, provided explanation on several rule petitions to amend the Arizona Rules of Protective Order Procedures. A list of the rule petitions covered in the meeting can be viewed in [Appendix B](#).

**H. LJC Defensive Driving Subcommittee Update** *(Item taken out of order)*

Kandace French, AOC Certification and Licensing Division, and Judge Goodman, LJC representative on the Defensive Driving Subcommittee reported on the subcommittee. Judge Goodman spoke about the efforts and achievements of the subcommittee. Ms. French discussed the statutory and code changes enacted as a result of the subcommittee's work and the improvements made to their standard automation processes. As there are no current issues for the subcommittee, they are requesting the group be inactivated until future needs are identified.

**MOTION:** To disband the Defensive Driving Subcommittee. Motion seconded. Passed unanimously. LJC-12-002

Judge Riojas thanked the subcommittee for all of its work.

**III. OTHER BUSINESS**

**A. Announcements**

Judge Majestic raised a question about what other courts are doing with regard to harassment injunction orders and using the form adopted by the supreme court, which requires a date of birth be entered. She requested members share feedback via email to her.

Janet Cornell announced that Scottsdale City Court is transitioning to a new presiding judge on March 9, 2012. Judge Joseph Olcavage. New judge Stacia Hendricks will take the place of Judge Olcavage.

Judge Dickerson shared a message from newly retired LJC member, Faye Coakley, who said she enjoyed her time serving on LJC and will miss all.

**B. Call to the Public**

No comments offered.

Meeting was adjourned at 2:00pm.

## Appendix\_A

### Committee on Limited Jurisdiction Courts

Legislative Update February 15, 2012

Day of Session:	37 (as of 2/14/12)
Bills Posted:	1373
Bills Passed:	0
Bills Vetoed:	0
Bills Signed:	0
Mem. Res. Posted:	140
Mem. Res. Passed:	5

#### **HB2264: ASRS; employee; employer contributions; rate (Rep. Robson)**

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2264p.pdf>

In ASRS, reverts employee/employer contributions to 50/50. Requires the return of employee contributions be treated as after-tax earned income for calendar year 2012.

Retroactive to June 30, 2011.

Contains an emergency clause. (Summary amended 1.25.12)

Title affected: 38

#### **HB2285: DUI; ignition interlock device (Rep. D. Smith)**

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2285p.pdf>

Repeals the requirement of installing an ignition interlock device upon conviction of a first offense of a DUI or upon reinstatement of the person's driving privileges.

Title affected: 28

#### **HB2287: driving under influence; retroactive application (Rep. D. Smith)**

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2287p.pdf>

Applies SB1200, from the 2011 legislative session, retroactively to April 29, 2011 with the exception of the following amendments:

- §28-1321; Implied consent
- §28-1381 F; Jury trials
- §28-1383; Aggravated DUI
- §28-1385; Administrative per se
- §28-1464; Ignition interlock deferral
- §28-1464; Ignition interlock violations
- §28-2163; Cancellation of registration

Title affected: 28

**HB2380: search warrants; return (Rep. Farnsworth)**

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2380p.pdf>

Changes the number of days within which a search warrant must be returned to a magistrate after its execution from three court business days to four court business days.

Title affected: 13

**HB2398: judicial actions; children; names; redaction (Rep. Forese)**

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2398p.pdf>

Requires the court to assign a letter in place of each child's name in any order or minute entry relating to paternity, annulment, legal separation, dissolution of marriage, in loco parentis or visitation. Only a parent or a parent's attorney may view the sheet that is used to establish the letter that is assigned to each child, without showing good cause. Allows a person who has access to the information on the sheet to disclose the information only if it is necessary to enforce the court's orders or provide care for the child. Exempts an order of assignment, an order of protection, an injunction against harassment, a document that is designated as sealed according to Arizona rules of family law procedure and a document that must include the name of the child according to law from following the requirements of this section. (Summary amended 2.2.12)

**HB2530: incarceration costs; municipal court warrants (Rep. Ash)**

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2530p.pdf>

Includes a person who was arrested on a warrant issued by a municipal court in the list of who is to be housed in a county jail. Instructs the costs of the incarceration be paid by the city or town that established the municipal court that issued the warrant.

Title affected: 31

**HB2695: deferred prosecution; justice court approval (Rep. Ash)**

Justice Court approval for the prosecutor to divert a case after it is filed.

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2695p.pdf>

Title affected: 11

**HB2709: juveniles; disposition; criminal damage (Rep. Urie)**

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2709p.pdf>

Changes the penalty for juvenile criminal damage committed by graffiti to 100 hours of community restitution (Previously a fine ranging from \$300 to \$1000 or community restitution in lieu of payment).

Title affected: 8

**SB1120: retirement plans; benefit increases (Sen. Yarbrough)**

<http://www.azleg.gov/legtext/50leg/2r/bills/sb1120p.pdf>

Changes the effective date of benefit increases from July 1, 2013 to July 1, 2012. Applies retroactively to June 30, 2012.

Title affected: 38

**SB1212: law enforcement officers; just cause (Sen. Biggs)**

<http://www.azleg.gov/legtext/50leg/2r/bills/sb1212p.pdf>

Allows a law enforcement officer to bring an action in superior court for a de novo hearing, if the officer has been suspended for more than forty fours, demoted or terminated (current law is only terminated) as a result of an employer amending, modifying, rejecting or reversing the decision or recommendation of a hearing officer, administrative law judge or appeals board where the finding states that there was no just cause for the suspension, demotion or termination. Requires the hearing officer, et al. to state in every finding of disciplinary action whether or not just cause existed for the disciplinary action. If there is no hearing officer, ALJ, or appeals board to review disciplinary action, the officer may bring an action in superior court to review the agency's file and if the court finds there was no just cause, the officer is entitled to a de novo hearing.

Title affected: 38

**SB1363: county election law amendments (Sen. Gould)**

<http://www.azleg.gov/legtext/50leg/2r/bills/sb1363p.pdf>

For vacancies, if the person vacating changed affiliations after taking office, the person appointed to fill the vacancy must be of the same political party that the vacating person was when that person was elected. Removes 16-241 which pertains to presidential preference elections and how they will be conducted. Modifies the reimbursement for the presidential preference election from \$1.25 per active registered voter to 100% of the costs incurred, as evidenced by a proper claim submitted to the secretary of the state. Allows the court to award the reasonable expenses incurred by signature verification for any challenge of a candidate's nominating petition. (Summary amended 2.8.12)

Titles affected: 16 and 41

**SB1411: deferred prosecution; justice court approval (Sen. Gould)**

<http://www.azleg.gov/legtext/50leg/2r/bills/sb1411p.pdf>

Mandates that the county attorney must get approval of the justice court on a decision to divert or defer the prosecution of an offender in cases in justice of the peace court.

Title affected: 11

## Appendix\_B

### 2012 Rule Petitions

#### Items of Interest to the Committee on Limited Jurisdiction Courts

This summary excludes a number of petitions, including petitions concerning admission to practice and the practice of law. Please see the [Rules Forum](#) for those other petitions.

<b>CIVIL RULES OF PROCEDURE</b>		
<b>Petition Number and Petitioner</b>	<b>Rule</b>	<b>Summary</b>
R-11-0017 J. Smith	Rule 26(b)(4)	The petition requests that the Arizona rule conform to the federal rule; and that it provide work product protection for an expert’s draft reports, and for most of counsel’s communications with an expert witness.
R-11-0018 Bedsaul	Rule 10(d)	The petition requests a change in the number of lines per page of filed documents from 28 lines to 22 lines.
R-11-0031 Trachtenberg and Abney	Rule 4.1(i)	The proposed rule change would simplify service on a county, municipality, or governmental subdivision, and would permit service upon an administrative assistant or employee of a chief executive officer, secretary, clerk, or recording officer of a public entity's governing group.
R-11-0034 State Bar	Rule 56	This petition requests a variety of changes to Rule 56, including changes that would more fully conform the Arizona rule on summary judgment to the federal rule. It would also allow summary disposition on the court’s initiative.
R-11-0035 State Bar	Rule 8(c)	This proposed rule change would eliminate " <i>discharge in bankruptcy</i> " as an affirmative defense that is waived if it is not pled in an answer.
R-11-0037 M. Raine	Rule 15(a)(3)	Under this proposal, a party would file a response to an amended pleading only if it is " <i>required</i> ".
R-11-0038 Hon. N. Davis	Rule 55 [also ARFLP Rule 44]	This proposed rule change would clarify that the entry of default occurs upon acceptance by the clerk of the filed application.
R-12-0008 Az Process Servers Assn.	Rules 4.1(d) and 5(c) [also ARFLP Rules 41(C) and 41(D)]	The petition addresses issues related to service, including the definition of " <i>suitable age and discretion</i> ;" how to make service when access to a residence is restricted because the home is in a gate-guarded community; and how to make service on a

		defendant at his or her usual place of business.
R-12-0021 Admin. Director	Rules 4(d) and 4(e)	Individuals who meet the criteria of ACJA § 7-204 may be “certified” as private process servers. The proposed amendments to these rules change the word “registered” to “certified” and refer to the provisions of ACJA § 7-204.
R-12-0022 Uniform Law Commissioners (Atwood, Berg)	Rules 28 and 45	The proposed amendments would implement the Uniform Interstate Depositions and Discovery Act.
<b>CRIMINAL RULES OF PROCEDURE</b>		
<b>Petition Number and Petitioner</b>	<b>Rule</b>	<b>Summary</b>
R-11-0016 Sutherland and Ritchie (pro se)	Rules 32.2(b)	The proposed change would amend Rule 32.2(b) and provide that the doctrine of preclusion in Rule 32.2(a) would not apply when the grounds for post-conviction relief is the court's lack of jurisdiction to render judgment or impose sentence.
R-11-0040 Staff Attorney (Armstrong)	Rule 18.3 (comment)	This petition requests deletion of a paragraph in the comment so that the rule is consistent with a previous rule change. This change would further protect juror privacy.
R-12-0004 COVIC	Rules 2.3, 13.2, 16.1, 26.4, 31.13, and 35.1 [also S. Ct. Rule 111; and Juvenile Ct. Rules 15, 24, 34, 106, and 107]	These rule changes would require the use of a crime victim’s initials in lieu of a full name in cases where the victim was either (a) a juvenile at the time of the offense, or (b) an adult victim of a sexual offense. ( <u>Note</u> : Comments are due April 2.)
R-12-0009 Staff Attorney (Huntwork)	Rule 32.5 and Rule 41: Form 25	The petition addresses an inconsistency between Form 25, which requires that a PCR petition be submitted under oath, and Rule 32.5, which does not contain this requirement.
R-12-0016 Staff Attorney (Huntwork)	Rules 38.1 and 38.2	If a deferred prosecution case is pending in justice court, Rule 38.2 and comments to these rules require that the superior court take certain actions. The proposed amendments would eliminate these requirements.
<b>RULES OF EVIDENCE</b>		

<b>Petition Number and Petitioner</b>	<b>Rule</b>	<b>Summary</b>
R-11-0039 Staff Attorney (Armstrong)	Rule 608, and prefatory and other comments.	This petition proposes additional changes to the Rules of Evidence as amended effective January 1, 2012 that were either overlooked in the adopted version or that were suggested by the Court at its September 2011 Rules Agenda. These changes involve the text of Rule 608, the prefatory comment, and comments to Rules 608, 609, 803, and 804.
<b>RULES OF THE SUPREME COURT</b>		
<b>Petition Number and Petitioner</b>	<b>Rule</b>	<b>Summary</b>
R-11-0033 Az. Justice Project: (Hammond) and Phx. School of Law (Swisher)	Rule 42 ER 3.8	This petition requests incorporation within the corresponding Arizona ER of the ABA's amendment to Model Rule 3.8, which provides ethical guidance to prosecutors in situations where an innocent person may have been convicted.
R-11-0046 (Breit)	Rule 42 ER 7.5(a)	This petition requests that Arizona adopt the ABA's language in Model Rule of Professional Conduct 7.5 pertaining to the use of trade names by law firms.
R-12-0003 Admin. Director	Rule 123 (also Crim. Proc. Rule 2.3)	The proposed revisions would clarify provisions in Rule 123 concerning access to judicial records; and would add additional statutory references (chapters 32 and 35: prostitution and furnishing harmful materials to minors) to Rule 2.3.
R-12-0017 Hon. N. Davis and Hon. R. Mroz	Rule 123	The petition requests that probate records be available to the public by remote electronic access; and that a member of the public not be required to have a valid Arizona driver's license or identification to obtain remote access to electronic records.
R-12-0018 Herrod	Rule 42 ER 8.4 (comment)	ER 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice. The proposed amendment, among other things, makes the comment to the rule more inclusive by eliminating special classes of protected persons that, by their specific inclusion, appear to exclude other equally deserving persons from protection.

<b>PROBATE RULES</b>		
<b>Petition Number and Petitioner</b>	<b>Rule</b>	<b>Summary</b>
R-12-0014 Hon. R. Mroz	Rule 11	Rule 11 currently permits appearances by telephone. This amendment would also allow court appearances electronically, i.e., by video conference.
<b>PROTECTIVE ORDER PROCEDURE</b>		
<b>Petition Number and Petitioner</b>	<b>Rule</b>	<b>Summary</b>
R-11-0043 State Bar	Rule 1(M)	This rule amendment would require a court that has issued a protective order, after the court has received proof that the protective order was served on the defendant, to mail a copy of the proof of service to the plaintiff.
R-12-0007 Roth (pro se)	Rule 6(E)(4)(e)(2)	The petition seeks the repeal of a rule that criminalizes the possession of firearms by a person who is the subject of a civil injunction.
R-12-0013 CIDVIC	Rule 1(C) [also ARFLP Rule 13(D)]	This petition would prohibit public disclosure of information regarding the filing or contents of a protective order prior to service of the protective order.
R-12-0023 Palmer (pro se)	Rule 1(D)(4)	The petition requests that if the court following a hearing sustains a criminal order of protection in a domestic violence case, the court may order only the defendant (and not other members of the public) to remain in the courtroom for a short of time after the court excuses the plaintiff to avoid contact between the parties.
<b>OTHER RULES THAT MAY BE OF INTEREST</b>		
<b>Petition Number and Petitioner</b>	<b>Rule</b>	<b>Summary</b>
R-12-0001 Commission on Judicial Conduct	Rules 23 and 27	These amendments would clarify available alternatives for review of informal sanctions under the Rules of the Commission on Judicial Conduct.

R-12-0002 Law school deans	Rule 34	The petition, filed by the deans of the UA, ASU, and Phoenix Schools of Law, would amend this Supreme Court rule and allow law students to sit for a bar exam in February of their third year.
R-12-0006 RCiP.LJC	New set of rules	This rule petition requests the adoption of a new set of rules of procedure for civil lawsuits in justice court. <u>Note:</u> Comments are due March 16.

**COMMITTEE ON LIMITED JURISDICTION COURTS  
MINUTES**

Wednesday, May 2, 2012  
10:00 a.m. to 2:00 p.m.  
Conference Room 119 A/B  
1501 W. Washington St.  
Phoenix, AZ 85007

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**Present:** Judge Antonio Riojas, Chair, Carla F. Boatner, C. Daniel Carrion, Janet G. Cornell, Judge Timothy Dickerson, Judge Maria Felix, Judge Sam Goodman, Judge Eric Jeffery, Patrick Kotecki, Judge Dorothy Little, Judge MaryAnne Majestic, Judge Arthur Markham, Marla Randall (*telephonic*), Judge J. Matias "Matt" Tafoya (*telephonic*), James "Marty" Vance, Valerie A. Winters

**Absent/Excused:** Judge James William Hazel, Jr.

**Presenters/Guests:** Jerry Landau (AOC), Jennifer Liewer (AOC), Nancy Swetnam (AOC), Christi Weigand (AOC), Patrick Scott (AOC), Jennifer Greene (AOC), Jonathan Reeves (AOC)

**Staff:** Mark Meltzer (AOC); Jerri Medina (AOC)

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**I. REGULAR BUSINESS**

**A. Welcome and Opening Remarks**

- The May 2, 2012, meeting of the Committee on Limited Jurisdiction Courts (LJC) was called to order at 10:03 a.m. by Judge Antonio Riojas, Chair. The Chair introduced the newest member, Sharon Yates, Coconino County Deputy Court Administrator for the Superior Court.

**B. Approval of Minutes**

The Chair called for any omissions or corrections to the minutes from the February 15, 2012, meeting of LJC, and there were none.

**The draft minutes from the February 15, 2012, meeting of LJC were presented for approval.** Motion was seconded and passed unanimously.

## II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

### A. Legislative Update

Jerry Landau, Administrative Office of the Courts (AOC) Director of Government Affairs, reported on legislation that impacted the courts. He thanked members of the committee for taking a proactive approach in speaking to their elected officials regarding the proposed \$12 million in cuts to the courts automation system. The budget has been passed and Mr. Landau expects that the legislative session will conclude shortly.

For summaries of bills please see APPENDIX\_A

### B. Technology and Social Media *(out of order)*

Jennifer Liewer, Communication Office for Administrative Office of the Courts discussed how technology was used today in social media, its effect on our courts and court systems, and how the use of social media can be turned into a public relations tool.

### C. Approval of A.C.J.A. §7-204 regarding Process Servers

Nancy Swetnam, Director, Certification and Licensing Division Administrative Office of the Courts discussed proposed amendments to ACJA § 7-204 that would incorporate best practices in the regulatory arena, including: eliminating the residency requirement, factors to consider when reviewing an application for certification, and discipline. Many of the new provisions in § 7-204 are modeled after ACJA § 7-201, which applies to the regulation of a number of other professions under the authority of the Supreme Court.

**Proposed Recommended Action:** To take committee suggestions for incorporation within a revised draft of § 7-204, and to bring the revised code section to the committee to review again before moving forward.

**Motion: To revise § 7-204 pursuant to comments from the members, and to present a revised draft to the committee in the future.** Motion was seconded and passed unanimously.

### D. FARE Update

Christi Weigand, Consolidated Collections Unit Manager – FARE and DSO Programs (AOC) presented an update and highlights of the 2012 fiscal year to date of the Debt Set-Off and FARE programs.

#### Debt Set-Off Highlights:

- The Debt Set-Off Program collections reached \$14 million thru mid-April in CY2012.
- The Debt Set-Off Program collections for CY 2012 have surpassed all of CY2011:
  - CY 2011 collections reached \$11.9 M for the entire year.
  - CY 2010 collections totaled \$6.6 M for the entire year.
- The number of interceptions thru mid-April CY2012 totaled 70,800, surpassing interceptions for the entire CY2011.
- The largest tax interception in CY2011 totaled \$11,359.00.

- The largest lottery winning interception in CY2011 totaled \$10,977.00.

**FARE Highlights:**

- FARE Backlog collections through the life of the program total \$254 million.
- The FARE Program reached the highest backlog collections of \$6.9 million in February 2012, making it the highest in program history in a one month period.
- In collaboration with ITD staff, implemented FARE in the first General Jurisdiction AJACS court. The implementation marked the first AJACS interface to rollout in production.
- Efforts concentrated on increasing collections for Interim Backlog courts resulted in 23,673 new cases submitted to FARE for collections totaling \$16.9 million in FY2011.
- Piloted the Revenue Generating Project in the FARE participating courts statewide resulting in over \$3.1M in additional collections.
- Efforts concentrated on data clean-up resulted in 17,819 cases totaling \$3.5 million cleaned in FY2011.

**E. Update on the Justice Court Rules of Civil Procedure (“JCRCP”)**

Mark Meltzer, staff to the Committee on Civil Rules of Procedure for Limited Jurisdiction Courts (“RCiP.LJC”), summarized the comments received on rule petition R-12-0006; described revisions to the JCRCP made by an amended rule petition, and discussed upcoming deadlines. A full set of rules is online.

RCiP.LJC will meet again on June 1<sup>st</sup> to review and discuss the second round of comments. Please do not hesitate to submit comments on the proposed rule changes, as these are extremely helpful in the final development of the rule.

RCiP.LJC’s amended petition requested an extension of its term for a year after the rules are adopted, if they are adopted, to evaluate their effectiveness, implement improvements if needed, and answer any questions that may arise.

**F. Plans for a New Courthouse**

Judge Antonio Riojas discussed Pima County’s plans to build a new justice court facility in downtown Tucson for use by Pima County and the City of Tucson. The facility will occupy a 4.2-acre parcel near the northeast corner of Stone Avenue and Alameda Street. The building will be approximately 260,000 sq ft with ability to expand the number of court rooms.

**G. Committee on the Impact of Wireless Mobile Technologies and Social Media on Court Proceedings**

Mark Meltzer, staff to this new committee, discussed Administrative Order 2012-22 that established this committee. He reviewed the committee’s objectives and a road map for the coming year. The committee will meet again on June 7<sup>th</sup>, and he will come back later this year to discuss the committee’s progress.

### III. OTHER BUSINESS

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

Mark Meltzer raises a question regarding a provision in rule 38. The petition would amend rule 38.1 and 38.2 regarding deferred prosecution cases, his question to the committee members: “is this going to have an impact in your court if the Superior Court is removed on deferred prosecution cases?” The consensus was that there would be no impact.

#### B. **Motion:** To adjourn. Motion was seconded and passed unanimously. Adjourned at 1:38pm

#### C. **Next Committee Meeting Date:** Wednesday, August 22, 2012 10:00 a.m. to 3:00 p.m. State Courts Building, Room 119 A/B 1501 W. Washington St. Phoenix, AZ 85007

## APPENDIX A

### LEGISLATIVE UPDATE

#### **HB2019: Sex offender registration; multiple residences (Rep. Robson)**

Requires a person who must register as a sex offender to provide the required information for each residence and register in the county of each residence. Requires a sex offender with multiple residences to register as a transient with the sheriff in each jurisdiction no less than every 90 days.

#### **HB2034: hookah use; minors; prohibition (Rep. Yee)**

Includes paraphernalia designed solely for the smoking or ingestion of tobacco, such as a hookah or water pipe, in the list of products that a person is prohibited from knowingly selling, giving or furnishing to a minor and classifies the offense as a petty offense. Also classifies, as a petty offense, the knowingly selling, giving or furnishing to a minor any instrument or paraphernalia designed for the smoking or ingestion of tobacco, including a hookah or water pipe and a minor buying, possessing or knowingly accepting or receiving any instrument or paraphernalia designed for the smoking or ingestion of tobacco, including a hookah or water pipe.

#### **HB2128: landlord tenant; abandonment; personal property (Rep. Urie)**

Lists the items that the landlord is not required to hold (perishables, plants and pets). Expands the definition of abandonment to include situations in which tenancy has been terminated by proper notice by either party, the tenant has returned landlord the keys to the dwelling unit and there is personal property remaining in the unit. Unless the landlord and tenant have otherwise agreed in writing the landlord may dispose of any personal property remaining in the unit. If the tenancy has been terminated by proper notice by either party, authorizes the landlord to enter a dwelling without notice if the keys have not been returned. Requires that the landlord keep a photo or video recording of the condition of the dwelling upon entry. Allows the landlord to take immediate possession of the dwelling if no personal property has been left behind.

#### **HB2130: Disease testing; public safety employees (Rep. Pierce)**

Expands the conditions under which a public safety employee or volunteer or the employing agency, officer or entity may petition the court for an order authorizing testing of another person for HIV, common blood born diseases or other diseases specified in the petition to include where there is probable cause to believe the person bit, scratched, spat, or transferred blood or other bodily fluid on or through the skin or membranes of a public safety employee or volunteer who was performing an official duty. Under this provision of the statute the person may be tested even if charges are not yet filed.

#### **HB2200: forcible entry; detainer; judgment; bond (Rep. Urie)**

Requires the party seeking to appeal file a supersede as bond in the amount of the accruing rent along with costs and attorney fees or the amount ordered to the prevailing party in the judgment in a forcible entry and detainer action, whichever amount is greater.

**HB2264: ASRS; employee; employer contributions; rate (Rep. Robson)**

In ASRS, reverts employee/employer contributions to 50/50. Extends the deadline for actual reimbursement of employee contributions from July 1, 2012 to September 30, 2012.

**HB2284: DUI; jury trial (Rep. D. Smith)**

Removes the requirement the state allege a prior conviction before a first offense non-extreme DUI is jury eligible. Retroactive to January 1, 2012. Contains an emergency clause. Effective 4.11.12.

**HB2286: driver license violations; suspensions (Rep. D. Smith)**

If a person's privilege to drive is suspended for failure to pay a civil traffic violation and the person presents evidence to the court that the privilege is reinstated the court may dismiss the charge of Driving under a suspended driver license.

Prohibits a peace officer from removing, immobilizing or impounding a vehicle pursuant to §28-3511 if the person has a valid privilege to drive in this state.

**HB2374: deferred prosecution program; conditions (Rep. Farnsworth)**

Prohibits the county attorney from deferring the prosecution of an individual who has been convicted of a serious offense, dangerous offense (current law), an offense listed in Title 13, Chapter 14 or a dangerous crime against children or who has been convicted three or more times of possession of drug paraphernalia or of a controlled substance as defined in Title 36. Removes the diversion prohibition for those who previously completed a deferred prosecution program.

**HB2376: court fees; payment method (Rep. Farnsworth)**

Authorizes court fees to be paid using a credit card, debit card, charge card, electronic transfer or any other means approved by the Supreme Court or presiding judge for any monies payable to the court. Permits the court to impose a convenience fee. Defines "convenience fee".

**HB2382: criminal offenses; sentencing (Rep. Farnsworth)**

The annual criminal code corrections bill.

**HB2390: home detention programs (Rep. Pratt)**

Removes the employment requirement for prisoners in a DUI home detention or continuous alcohol monitoring program established by a county or municipality. Authorizes the court to terminate a prisoner's participation in a home detention program or alcohol monitoring program if the prisoner violates certain terms of those programs (current law requires the court to

terminate). Permits the court to order a prisoner to pay an electronic monitoring fee if the prisoner is placed on electronic monitoring (current law requires the prisoner to pay.)

**HB2433: bail bond agents (Rep. Gowan)**

Increases the time in which the bail bond agent lists must be updated from annually to monthly. Requires the names and numbers on the list to be rotated monthly and to be transmitted by the Clerk of Court to city and county jails. Requires the acceptance of a secured appearance bond if the employee has proper bail bond identification. Authorizes bail to be accepted by money order, cashier check or cash in \$50 increments or less.

Authorizes the Director of the Department of Insurance to deny, suspend for not more than 12 months, revoke, or refuse to deny a bail bond agent's license for any of the following:

- Theft conviction.
- Conviction for any crime involving the carrying, use, or possession of a deadly weapon or dangerous instrument.
- Violating statutes on bail bonds.

Prohibits a bail bond agent from employing or assisting in the employment of a person for reasons enumerated in statute.

**HB2462: animals; seizure; hearing; forfeiture (Rep. Ugenti)**

In hearings on the disposition of vicious animals in which a Justice of the Peace or City Magistrate has found the animal to not be vicious, authorizes the court to order an animal be returned to its owner or, in the event of the owner's absence at the hearing, be transmitted to an appropriate agency for adoption or humane destruction.

Outlines acceptable procedures for notification of animal seizure due to animal cruelty and mandates that the owner be notified that the owner has 10 days to request a hearing by declaring ownership to the court.

**HB2550: victims' rights; criminal offense; interviews (Rep. Vogt)**

Expands the scope of the definition of "criminal offense" in relation to crime victims' rights to include any misdemeanor, petty offense, or violation of a local criminal ordinance. Repeals language that excludes on-duty peace officers from being considered victims.

**HB2556: criminal restitution order (Rep. Vogt)**

Requires the court to retain jurisdiction for the purposes of ordering, modifying and enforcing the manner in which court ordered restitution is paid until paid in full or completion of the defendant's sentence. Authorizes the Superior Court, in its discretion to enter a criminal restitution order at the time the defendant is ordered to pay restitution instead of at the completion of the defendant's sentence or probation. Requires the defendant to make all payments on a criminal restitution order issued by the Superior Court to the Clerk of the Court.

Resets the priority of distribution on a criminal restitution order to monies owed on the order first, followed by interest. Applicable to all criminal restitution orders in effect on April 1, 2013. Clarifies that the priority provisions for a CRO do not impact other court obligations imposed pursuant to law

**HB2557: wireless telecommunications carrier; records access (s/e: intersection; definition) (Rep. Vogt)**

Modifies the definition of “intersection” for those intersections that are managed by traffic control signals.

**HB2558: victim restitution; civil actions (Rep. Vogt)**

An order of restitution in favor of a person does not preclude the person from bringing a separate civil action proving damages in excess of the amount of the restitution order that is actually paid. The statute previously read “...in excess of the amount of the restitution order,” not only what was actually paid.

**HB2559: victims’ rights; courtroom posting (Rep. Vogt)**

Extends the requirement victims’ rights be posted in each court to Justice of the Peace and Municipal Courts.

**HB2664: credit card agreements (Rep. Dial)**

Specifies that a cardholder’s acceptance of the terms and conditions of a credit card account can be established as binding and enforceable in accordance with the terms and conditions of the agreement or by either of the following:

- The cardholder’s written or electronic signature or by any other electronic record acceptance pursuant to statute.
- The use of the credit card account by either the cardholder or an authorized user.

Stipulates that the cardholder is responsible for all charges and interest incurred on the credit card account by either the cardholder or an authorized user. The cardholder is not liable for any charges or interest incurred on the credit card account through fraudulent activity.

**HB2677: vehicle insurance; proof shown electronically (Rep. Dial)**

Permits the electronic display of insurance or the image of the insurance card that is displayed electronically to meet the requirement of proof of insurance to Department of Transportation, law enforcement and a court. Allows the court to require a hard copy.

**HB2723: law enforcement officer; discipline; information (Rep. Farnsworth)**

Modifies the time period, in which parties must exchange relevant information, to ten days before the appeal hearing regardless of when the hearing is. Lists the information that must be exchanged including: the name of each witness, the subject matter to which the witness will be

testifying, the name and contact information of each person who has given statements regarding matters relevant to the notice of discipline and the copies of any document that may be introduced at the hearing and have not been previously disclosed. Failure to comply with these requirements results in the exclusion of the witness, evidence or testimony unless the failure is of excusable neglect.

**SB1092: communication service information; technical correction (s/e: communication; elected official; public monies; civil penalty) (Sen. Gould)**

Requires an elected official who refers to an elected official through media to include the statement that the communication was paid for with public monies. The statement must be printed clearly and legibly in a conspicuous manner or spoken. Describes the manner in which the statement must be presented in the case where printed material is delivered by mail or hand. An official who fails to provide the statement as required is subject to a civil penalty of up to three times the cost of producing and distributing the literature or advertisement.

Excludes the following:

- The communication is legally required for official duties,
- The official has no control over the timing or content of the communication,
- The communication is in regards to actions or omissions for which the official is legally responsible,
- Any reference to the official is narrowly tailored so as only to be used to hold the official accountable for their official actions,
- There is not already a reasonably accessible means by which the public can identify the official to hold them accountable for the content of the communication.

**SB1152: homeless court; establishment; jurisdiction (Sen. Driggs)**

Grants the presiding judge of the superior court authority to create a consolidated homeless court for the referral of cases from a municipal or justice court. The presiding judge of the superior court approves eligibility criteria and establishes processes and procedures. Justice of the peace and municipal court cases that meet the criteria may be referred to the homeless court upon approval of the assigned judge, however, jurisdiction remains in the lower court. The presiding judge of the superior court designates the location of the court. A superior court judge, commissioner, justice of the peace, municipal court judge or judge pro-tem may hear the case. In criminal cases, requires the court to notify the prosecutor of a case referred to the homeless court.

**SB1186: law enforcement officers; omnibus (Sen. L. Gray)**

In pertinent part:

Adds to the conditions under which a public safety employee, volunteer, or agency can petition the court for the disease testing of another person, if the person is arrested, charged, or in custody and the volunteer or employee alleges by affidavit that the person interfered with the employee or volunteer's official duties by biting, scratching, spitting, or otherwise transferring

bodily fluids through the skin or membranes of the employee or volunteer. Previously, the disease testing could only be ordered if the person had been charged with a crime or was deceased.

After a request for a change of hearing officer, requires a city or town with a population of less than 65,000 or a county of less than 250,000 to use an alternate hearing officer from another city, town, or county in a disciplinary hearing only when one from its own jurisdiction is unavailable.

Allows a law enforcement officer to bring an action in superior court for a hearing de novo if the officer has been terminated by a chief of a law enforcement agency or by the chief executive officer of a city or town reversing the decision or recommendation of a civil service board or merit board where the finding states that there is no just cause for the officer's termination. This provision does not apply to a probation officer.

**SB1197: law enforcement; overtime compensation (Sen. Yarbrough)**

Requires any person engaged in law enforcement activities to be compensated for each hour worked in excess of forty hours in one work week, unless otherwise agreed to by the employer and the person engaged in law enforcement activities. Current law requires the person to be paid overtime regardless of any agreements between the officer and the employer.

If an employee and employer have an agreement as to the employee's alternate work period and the employee takes a new position with the employer, the employee may terminate the existing alternate work period agreement. The law does not preempt agreements that supplant, revise or otherwise alter the provisions of the section, including preexisting agreements between the employer and the law enforcement officer or the law enforcement officer's lawful representative association.

For the purposes of this section probation and surveillance officers are included, exempting those employed in a bona fide executive or administrative capacity as defined by the employer.

**SB1311: civil actions; justice courts; jurisdiction (Sen. Antenori)**

Increases the concurrent jurisdiction of the Justice of the Peace Courts and Superior Court in cases of forcible entry and detainer in the amount of \$15,000 or less.

Establishes concurrent jurisdiction for Justice of the Peace Courts in civil actions in the amount of more than \$10,000, but not exceeding \$15,000.

Contains a legislative intent clause stating that the increased caseloads will be fully funded according to the existing judicial productivity credit formula as provided by law. A county may fund any increase by using any savings that is associated with the corresponding decrease in superior court caseloads or by any other means of funding that is available.

Delayed effective date of July 1, 2013.

Conditional on a constitutional amendment (SCR 1032).

**SB1351: flood control districts; mining activities (s/e: criminal laws limitations; exceptions) (Rep. Kavanagh)**

Allows the governing body of a municipality, which operates its own detention facility or contracts with a county owned detention facility, to enact an ordinance prohibiting a person from being intoxicated in public if that person is a danger to self or others.

**SB1438: drug lab remediation; investigators (Sen. Nelson)**

In pertinent part, imposes a \$15 assessment on a violation of any Title 13, Chapter 34 (Drug) offense.

**SCR1032: justice courts; civil action; jurisdiction (Sen. Antenori)**

Proposes an amendment to the Arizona Constitution to increase the civil jurisdiction of justice of the peace court from \$10,000 to \$25,000.



# COMMITTEE ON LIMITED JURISDICTION COURTS

## MINUTES

Wednesday, August 22, 2012  
10:00 a.m. to 2:00 p.m.  
Conference Room 119 A/B  
1501 W. Washington St.  
Phoenix, AZ 85007

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**Present:** Judge Antonio Riojas, Chair, Carla F. Boatner, C. Daniel Carrion, Janet G. Cornell, Judge Timothy Dickerson, Judge Maria Felix, Judge James William Hazel, Jr., Judge Eric Jeffery, Patrick Kotecki, Judge Dorothy Little, Judge MaryAnne Majestic, Judge Steven McMurry, Marla Randall (*telephonic*), Lisa Royal, Judge J. Matias "Matt" Tafoya, James "Marty" Vance, Sharon Yates

**Absent/Excused:** Judge Arthur Markham

**Presenters/Guests:** Theresa Barrett (AOC), Larry Claplick (owner of Arizona Crash Course in Traffic Safety), Judge Elizabeth Finn (Glendale City Court), Anne Hunter (AOC), Paul Julien (AOC), Jerry Landau (AOC), Amy Love (AOC), Carol Mitchell (AOC), Dave Puyear (Maricopa County Adult Probation), Marcus Reinkensmeyer (AOC), Patrick Scott (AOC), Glynn Thomas (Maricopa County Adult Probation), Christi Weigand (AOC)

**Staff:** Mark Meltzer (AOC); Julie Graber (AOC)

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### I. REGULAR BUSINESS

#### A. Welcome and Opening Remarks

The August 22, 2012, meeting of the Committee on Limited Jurisdiction Courts ("LJC") was called to order at 10:01 a.m. by Judge Antonio Riojas, Chair. The Chair welcomed two new members, Judge Steven McMurry and Lisa Royal. He also introduced Marcus Reinkensmeyer as the new Court Services Division ("CSD") director at the AOC.

#### B. Approval of Minutes

The draft minutes from the May 2, 2012, meeting of the LJC were presented for approval.

**Motion:** To approve the May 2, 2012, meeting minutes as presented. **Action:** Approve, **Moved by** Janet G. Cornell, **Seconded by** Judge Dorothy Little. Motion passed unanimously.

### II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

#### A. Language Access Plans

Carol Mitchell, AOC staff, updated members on the mandatory language access plans that every Arizona court had to develop and submit to the AOC. Ms. Mitchell directed courts to continually review their plans, which describe the specific services available in their court for non-English speaking court users, as well as identify future enhancements and provide plan updates to the AOC annually. She noted that the plans were helpful to quantify the financial impact of language requests, which would in turn support future

budget requests. She reviewed several resources available to courts, such as the “Spoken Language Benchcard” and the “AJIN Interpreter Resources page,” and discussed potential educational projects to assist in enhancing language access services (e.g., AOC Language Access/Interpreter webpage and Remote Video Interpretation pilot). Ms. Mitchell highlighted the main topics and trends featured at the June Interpreter Coordinator Summit in Tucson, which included how to avoid an inquiry from the Department of Justice (“DOJ”); developing a code of professional responsibilities for interpreters; and building a webpage with information on available education and on how to become an interpreter. Comments may be forwarded directly to Ms. Mitchell at [cmitchell@courts.az.gov](mailto:cmitchell@courts.az.gov).

Janet Cornell suggested drafting best practices that would make information from an expert available to the interpreter prior to court proceedings. Marty Vance agreed with Ms. Cornell and sought additional details about DOJ’s audits. Several members supported interpreter training and education to bring people up to standards. Ms. Mitchell indicated that the AOC was looking to develop interpreter education with some funding assistance and that the Spoken Language Benchcard would be distributed in the next couple of weeks as part of a statewide memorandum.

#### **B. Legislative Update** *(Item taken out of order)*

Jerry Landau, AOC Director of Government Affairs, presented three legislative proposals that will be discussed at the next Arizona Judicial Council (“AJC”) meeting and he sought feedback from members. Comments may be forwarded to Mr. Landau directly at [jlandau@courts.az.gov](mailto:jlandau@courts.az.gov).

1. The first proposal was the annual criminal code clean-up.
2. The second proposal from Maricopa County Superior Court would allow probationers to pay their monthly probation fees at probation offices instead of municipal courts (A.R.S. § 13-901, “Probation”).
3. In this proposal, Gilbert Municipal Court is seeking clarification from the legislature about the court’s ability to convert fines to community service in matters related to Driving Under the Influence (“DUI”) under A.R.S. § 13-810 because there has been confusion and division between the AOC’s and the courts’ interpretation.

Discussion ensued about the third proposal. Several members supported the ability of courts to exercise judicial discretion with regard to the conversion of fines to “community restitution” or “days for dollars” for defendants who proved to be indigents with DUI-related convictions. The proposal’s approach seeking only clarification was criticized by some. Some members suggested proceeding differently so that the law would allow for the conversion of fines and the matter be recognized as one of local concern and subject to a judge’s discretion. There was some frustration articulated about the inability of limited jurisdiction judges to be heard or to challenge the AOC’s position. According to Mr. Landau, the legislative intent was clear that a mandatory fine could not be waived. He advised he would present the legislation to the AJC and a decision would be made

about a strategy. Marcus Reinkensmeyer indicated that he needed to review the background before he could respond.

### **C. Defensive Driving Program Eligibility**

Anne Hunter, manager of the AOC's Certification and Licensing Division, reported overseeing defensive driving schools and the approval process of new schools. Ms. Hunter presented proposed language from defensive driving schools that would allow drivers to become eligible sooner to attend the defensive driving program ("DDP"), from 24 months to 12 or 18 months. She sought comments and the Committee's position on the proposal.

Marty Vance contended that the proposed changes would be a revenue enhancer for driving schools and inappropriate when considering the number of citations that are issued and the number of accidents that occur. Janet Cornell raised perception issues that money could get a person out of a citation. Judge Majestic brought up one of the DDP's stated goals to assist limited jurisdiction courts with caseload processing. A few members responded that their courts did not need help with caseload processing. Several members recommended that the committee take no position and leave the matter to the legislature to decide.

A representative from the defensive driving schools commented that it was beneficial for drivers to get a review of traffic laws because drivers are unaware of the changes to the rules that occur yearly. He cited statistics showing that drivers who attend a class will forget what they learned within 12 months and supported an option for drivers to get a review of the laws and something for their money.

**Motion:** To take no position on the proposed statutory change, as discussed. **Action:** Approve, **Moved by** Judge Maria Felix, **Seconded by** Judge Timothy Dickerson. No further discussion. Motion passed unanimously.

### **D. FARE Update**

Christi Weigand, manager of the AOC's Consolidated Collections Unit, FARE and Debt Set-Off ("DSO") Programs, provided an update on both FARE and DSO collections for fiscal year 2012. Ms. Weigand explained that in order to provide a better perspective, statewide figures were combined for both programs, which have shown the most successful fiscal year for both programs by reaching 64.1M.

#### **DSO Highlights:**

- DSO collections in February and March surpassed collections for the entire CY2011.
  - Collections reached \$18.6M in CY2012.
  - Collections totaled \$11.8M in CY2011.
- The largest tax interception in CY2012 totaled \$5,103. The average amount was \$231.
- The largest lottery winning interception in CY2012 totaled \$4,823. The average amount was \$782.

**FARE Highlights:**

- FARE Backlog collections through the life of the program totaled \$265.1M. During tax season, numbers pickup.
- Efforts concentrating on data clean-up of very old dormant accounts resulted in 17,819 cases totaling \$3.5M cleaned in FY2012.
- In collaboration with ITD staff, FARE was implemented in La Paz and Pinal Superior Courts.
- Efforts concentrating on increasing collections for Interim Backlog courts resulted in 23,673 new cases submitted to FARE for collections totaling \$16.9M in FY2012.
- The Revenue Generating Project resulted in \$3.5M in additional revenue.

Ms. Weigand discussed several revenue generating methods and singled out the addition of cases as the most critical. She noted that since both programs see increases from February through May based on when taxes are filed and refunds expected, a good time to add cases is during tax season preparation in advance of tax season. Ms. Weigand finally reviewed the main obstacles to monetary enforcement and advised that ACS changed its name to Xerox. Ms. Weigand welcomed questions or concerns from the Committee and may be contacted directly at [cweigand@courts.az.gov](mailto:cweigand@courts.az.gov).

**E. Proposed ACJA Section Regarding Storage and Retention of Electronic Records**

Stewart Bruner, staff to Committee on Technology, was unable to attend the meeting but asked that members share proposed ACJA section 5-10X regarding judicial branch automation with clerks and court administrators, and visit the ACJA Forum to make comments on this proposal. Mr. Bruner will return at the October meeting to address any issues.

**F. Update on the Justice Court Rules of Civil Procedure (“JCRCP”), and Upcoming Educational Programs**

Paul Julien, AOC Judicial Education Officer and Chair of the Committee on the Civil Rules of Procedure for Limited Jurisdiction Courts (“RCiP”), updated members on the progress of the proposed Justice Court Rules of Civil Procedure (“JCRCP”), which will be considered by the Supreme Court during its Rules Agenda later this month. Mr. Julien reviewed RCiP’s work and highlighted several features of the proposed rules. RCiP members were commended for their hard work and dedication and Judges Widmaier and McMurry were recognized specifically for their comments and significant contributions. Mr. Julien finally described upcoming programs for limited jurisdiction court judges that will be available in the coming months through the AOC’s Educational Services Division.

Judge Dickerson, who is also a member of RCiP, commented that anyone who reads the proposed rules will gain knowledge, whether it is as a pro per or as a justice of the peace who might not have civil law knowledge.

### **G. Supervised Probation for Limited Jurisdiction Courts**

Presiding Judge Elizabeth Finn from Glendale City Court, Glynn Thomas and Dave Puyear, Supervised Probation Officers from Maricopa County Probation, presented services available through county supervised probation services (“supervised probation”) and explained how courts can participate to become a domestic violence (“DV”) supervised probation court. Glendale City Court was also featured as Maricopa County’s only domestic violence supervised probation review docket.

Judge Finn described supervised probation’s goals, criteria and services for offenders who commit a second DV offense within 60 months and its emphasis on helping the abuser while also holding the abuser accountable. She also reviewed the duties, responsibilities, and services provided by probation officers as well as the grounds for revocation in Glendale specifically. Judge Finn outlined the required steps for courts to setup a DV Supervised Probation Court, which included an administrative order from the presiding judge; standardized terms; and processes to convey information to probation, and to identify which petitions to revoke. She then shared Glendale’s experience as a DV Supervised Probation Court and discussed the advantages of a review docket and of supervised probation over unsupervised probation. In supervised probation, the probation officer determines the type of service that the offender really needs. The review docket allows judge-based monitoring and risk assessment that reinforces accountability for offenders and provides support to the supervised probation officers. This holistic approach has demonstrated less recidivism. Offenders are not as resistant to change and behaviors do change with the focus on consequences and being accountable. While there are consequences when an offender absconds, punishment is not the first response but rather the importance is placed on recovery and getting the offender back on supervised probation. Supervised probation does not last more than one year and does not cost city taxpayers because probationers pay probation fees of \$65 per month (unless there is a waiver). Only 10% of eligible probationers do not choose supervised probation and opt for 180 days in jail plus community service.

### **H. Update re: the Committee on the Impact of Wireless Mobile Technologies and Social Media on Court Proceedings**

Mark Meltzer, staff to the Committee on the Impact of Wireless Mobile Technologies and Social Media on Court Proceedings (“Wireless”) discussed highlights of the Committee’s work to date and requested input from the LJC on specific items that will be considered at the next Wireless meeting. Mr. Meltzer reviewed the Committee’s charge and explained that their focus is on the people who come to court, not on court personnel. He presented revisions to SCR 122 and new proposed SCR 122.1 regarding the use of devices in the courthouse.

Judge McMurry supported the proposed approach but had concerns about those who wear Bluetooth ear pieces. Members agreed that requiring people to surrender their phones would be a logistical nightmare. Several LJC judges reported that they require everyone to turn off their portable devices while they are in the courtroom because these devices cause a lot of distractions. They also expressed concerns that the new uniform rule would take away from their ability to control their courtrooms and hinder their judicial

independence and use of discretion on matters of local concern. A member noted that the prohibition on camera use did not take into consideration that some courthouses are designated as historic courthouses and are often photographed by members of the public. Mr. Meltzer suggested emphasizing a courtroom prohibition on camera use rather than a courthouse prohibition. He indicated that LJC's comments would be brought back to the Wireless Committee for discussion.

### **I. Discussion on § 13-907 Motions Following File Destruction**

Judge Majestic sought a survey of local court practices on how courts deal with a defendant who files a motion to set aside the judgment of conviction pursuant to A.R.S. § 13-907 and the case file has been destroyed.

Carla Boatner reported that in Chandler Municipal Court, if the case number is provided by the defendant, the motion to set aside is sent to the prosecutor and a hearing is held. If the prosecutor has no objection, the motion to set aside is granted. Judge Jeffery noted that before granting a motion to set aside, the party must provide him with the case number and he will check with DPS to see if the defendant is eligible. According to Judge Jeffery, DPS has the original case numbers, which are entered with final dispositions. Judge Felix indicated that she conducts a hearing in open court, which is recorded, with county attorneys, defendants, and defendants' attorneys and recalled that county attorneys had the case information.

## **III. OTHER BUSINESS**

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

None.

### **B. Meeting for October was moved to Halloween.**

**Motion:** To Adjourn. Motion was seconded and passed unanimously. Adjourned at 1:48 p.m.

### **C. Next Committee Meeting Date:**

Wednesday, October 31, 2012

10:00 a.m. to 3:00 p.m.

State Courts Building, Room 119 A/B

1501 W. Washington St.

Phoenix, AZ 85007

**COMMITTEE ON LIMITED JURISDICTION COURTS  
MINUTES**

**Wednesday, October 31, 2012**

10:00 a.m. to 2:15 p.m.

Conference Room 119A/B

1501 West Washington Street

Phoenix, AZ 85007

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**Present:** Judge Antonio Riojas, Chair, Carla F. Boatner, C. Daniel Carrion, Janet G. Cornell, Judge Timothy Dickerson, Judge Maria Felix, Judge James William Hazel, Jr., Judge Eric Jeffery, Patrick Kotecki, Judge Dorothy Little, Judge MaryAnne Majestic, Judge Arthur Markham, Judge Steven McMurry, Lisa Royal, Judge J. Matias "Matt" Tafoya, James "Marty" Vance, Sharon Yates

**Absent/Excused:** Marla Randall

**Presenters/Guests:** Judge Mark Anderson (West Mesa Justice Court), Theresa Barrett (AOC), Stewart Bruner (AOC), Ashley Dammen (AOC), Jennifer Greene (AOC), Anne Hunter (AOC), Cameron Janati (Arizona Association of Certified Process Servers), Jennifer Jones (AOC), Paul Julien (AOC), Ken Kung (AOC), Jerry Landau (AOC), Amy Love (AOC), Michael Malone, (LJCAA President), Sheryl Rabin, Esq. (Maricopa County Justice Courts), Marcus Reinkensmeyer (AOC)

**Staff:** Mark Meltzer (AOC); Julie Graber (AOC)

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**I. REGULAR BUSINESS**

**A. Welcome and Opening Remarks**

The October 31, 2012, meeting of the Committee on Limited Jurisdiction Courts ("LJC") was called to order at 10:02 a.m. by Judge Antonio Riojas, Chair. Judge MaryAnne Majestic announced the retirement of Janet Cornell as of November 1, 2012. Members wished her good luck in her future endeavors. Marcus Reinkensmeyer applauded Ms. Cornell's work and contributions to court administration throughout the years and presented her with a certificate of appreciation from Chief Justice Rebecca Berch for Ms. Cornell's contributions to the LJC.

**B. Approval of Minutes**

The draft minutes from the August 22, 2012, meeting of the LJC were presented for approval.

**Motion:** To approve the August 22, 2012, meeting minutes, as presented. **Action:** Approve, **Moved by** Janet Cornell, **Seconded by** Judge Timothy Dickerson. Motion passed unanimously.

## II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

### A. Legislative Update

Jerry Landau, AOC Director of Government Affairs, discussed legislative proposals of interest to limited jurisdiction courts in the 2013 legislative session.

Criminal code; conforming changes (Criminal Justice System): Adds a definition of “criminal offense” in juvenile victim’s rights cases to conform to adult victim’s rights cases.

### B. Legislative Proposal Regarding Title 22

Judge Steven McMurry introduced Judge Mark Anderson from West Mesa Justice Court, who presented proposed changes that the Legislature may consider in the next legislative session that would bring up to date sections of Title 22 regarding justice courts. Judge Anderson provided some background about this Title, which has not been revised in nearly 60 years, and which consequently needs updates. He explained that the goal was not to make substantive changes but rather to modernize the language and conform it to current practices and procedures. Judge Anderson reviewed the suggested revisions, which included replacing “docket” with “judicial records,” allowing the use of a digital seal as an official seal, and removing language that 1) required summonses for defendants residing in different counties to be issued to each county (summonses are issued to individuals, not counties), and that 2) required a party’s affidavit for a change of venue to be supported by the affidavit of two other creditable persons from the county (superior courts do not have this requirement). In addition, dollar amounts were increased for required deposits, bonds and credits to be consistent with current fees and costs. Judge Anderson sought feedback and suggestions from LJC. Members may forward comments directly to Sheryl Rabin, Esq. at [SherylRabin@mcjc.maricopa.gov](mailto:SherylRabin@mcjc.maricopa.gov).

Judge McMurry supported this proposal and called attention to a substantial change under section 22-220(B) that could be controversial to some. The amendment would require a party to provide fourteen (14) days advance notice to demand a jury trial. Currently, a party may demand a jury trial at any time before the trial, including on the day of the trial, which is extremely disruptive to the courts. Mr. Landau reported the formation of an AOC internal workgroup that will meet in November to review the proposed changes that might impact the new Justice Court Rules of Civil Procedure, and he anticipated hearing more on this subject in the future. Some members noted that the language in Title 22 was not relevant to all counties.

### C. Revisions to A.C.J.A. § 7-205: Defensive Driving Schools

Anne Hunter, AOC Manager of the Certification and Licensing Division, presented proposed revisions to ACJA § 7-205: Defensive Driving Schools, which would establish 1) certification and curriculum requirements for a teenage driver school; 2) guidelines for judges when reviewing a law enforcement officer’s request to be certified as a defensive driving instructor; and 3) advertisement restrictions for driving schools. In addition, the amendments increase driving schools’ reinstatement application fee (from \$100 to \$1,000), and clarify the appropriate appearance and format of fees on driving schools’

websites as well as the process for positively identifying students enrolled in an online class. Finally, the revisions delete 1) the fee distinction in regard to the length of time from initial certification to renewal; and 2) the minimum number of classes required for an instructor to teach during a certification renewal cycle. Ms. Hunter advised that the proposed changes incorporate feedback and comments received from various stakeholders and are posted on the ACJA forum. The deadline for public comment is 11/9/12. Ms. Hunter sought comments from LJC as well as recommendation that the Arizona Judicial Council (AJC) adopt the proposed changes to ACJA § 7-205.

Members inquired about the teenage option and whether this option was required or cost the same as other types of classes. Ms. Hunter indicated that the teenage class is optional and costs the same. Marty Vance sought clarification about the intended goal of the new guidelines for law enforcement officers. Judge Riojas recalled that the intent was to eliminate any appearance of conflict for law enforcement officers that would look like they would be writing more tickets to make more money.

**Motion:** To recommend that AJC adopt the proposed changes to ACJA § 7-205, as presented. **Action:** Approve. Motion passed unanimously.

**D. Revision to A.C.J.A. § 7-204: Private Process Servers**

Anne Hunter, AOC Manager of the Certification and Licensing Division, summarized proposed revisions to ACJA § 7-204, Private Process Servers, which incorporate best practices in the regulatory arena, including residency requirements, factors to consider when reviewing an application for certification, and disciplinary sanctions. Ms. Hunter pointed out that in contrast to other programs and professions regulated by the Supreme Court, the Private Process Servers Program (“Program”) is decentralized. While the Supreme Court is responsible for adopting rules, policies, and forms to administer the Program, the entire application and examination process is overseen by the Clerks of the Superior Courts, and all final decisions regarding the granting or denying of applications and certifications, and regarding complaints and disciplinary proceedings are made by the Superior Court Presiding Judges. She explained that many of the new proposed provisions were modeled after ACJA § 7-201, which covers a number of other professions under the Supreme Court’s authority, to bring consistency. Ms. Hunter noted that the proposed amendments have been circulated for public comment and will be forwarded to the AJC for review. She sought recommendation that the AJC adopt the proposed changes to ACJA § 7-204, with any suggested amendments by LJC.

Cameron Janati, representative from the Arizona Association of Certified Process Servers (“the Association”), presented the Association’s comments in support and in opposition to the proposed changes.

The Association supports:

- using the term “certified” process servers instead of “registered”;
- closing the continuing education loopholes;
- eliminating provisional certification; and
- requiring certified process servers to have at a minimum a high school diploma.

The Association is opposed to:

- omitting the requirement for personal references in application materials;
- allowing non-Arizona residents to become certified process servers in Arizona;
- requiring additional documentation (such as an agenda) for continuing education activities of eight hours or more; and
- any allowance or set-aside order allowing a convicted felon to become a certified process server.

Finally, Mr. Janati put forth an amendment to the proposed changes that would add a requirement for an applicant to complete 40 hours of pre-certification training before taking the initial written examination to become a certified process server.

Members considered the proposed revisions and comments. Discussion ensued about the following points:

- Members were in favor of preserving the professionalism of certified process servers but some worried that the professionalism would be diluted by allowing non-Arizona residents to become certified process servers in Arizona.
  - Some members contended that dropping the residency requirement would eliminate any accountability because it would open up outside companies to come here, make mistakes, and then leave without any responsibility.
  - However, others worried that keeping the requirement would constitute a blanket prohibition that would be very restrictive and probably an unlawful restraint of trade.
  - Questions arose about the actual need for consistency and if any legal challenges were anticipated.
  - Ms. Hunter reported that the code section was modified to bring consistency in keeping with other professions' code sections, which are written this way.
- Several members expressed concerns that professionalism would be diluted by allowing convicted felons to become certified process servers.
  - Several members questioned the message it would be sending.
  - Some members contended that a felony conviction should not be the only criteria considered in the evaluation process and each application should be reviewed on a case-by-case basis. Someone should not be barred for the rest of his or her life for an unrelated felony conviction 40 years ago.
  - Questions arose about what constituted a "reasonable relationship to the profession."
  - Ms. Hunter advised that there is no specific definition given of "reasonable relationship to the profession" and it is written like this elsewhere.
- While a few members did not consider the removal of reference letters as a substantive change that would impact the professionalism of the profession, others reported a reliance on reference letters in their review of applications.
- Members supported continuing education requirements, including mandatory pre-certification training with an ethics component.
- In response to fingerprinting questions, Ms. Hunter clarified that the fingerprinting requirements were not eliminated.

**Motion:** To amend the proposed revisions to ACJA § 7-204 by adding pre-certification training requirements with an ethics component to be completed before applying for certified process server certification, as discussed. **Action:** Approve. **Moved by** Judge Arthur Markham, **Seconded by** Marty Vance. Motion passed 15-1.

**Motion:** To remove any allowance for convicted felons to become certified process servers, as discussed. **Action:** Approve. **Moved by** Marty Vance, **Seconded by** Judge Steven McMurry. Discussion ensued. Ms. Hunter responded to questions about the intent of the current and proposed languages (pages 17-18) by noting that currently, the judge *may* deny an applicant based on a felony conviction, and in the proposed language, a crime's "reasonable relationship to the profession" was added as a qualification. Motion failed 4-11.

**Motion:** To approve the proposed revisions to ACJA § 7-204 by adding a definition for "reasonable relationship to the profession," as discussed. **Action:** Approve. **Moved by** Judge Maria Felix, **Seconded by** Judge Timothy Dickerson. Discussion ensued. Members debated the proposed language under new section E(5)(b)(4) (page 17). Some members found the language in the last sentence to be problematic and not strong enough to protect the process server profession because it would limit the authority and discretion of judges. Motion was amended. **Amended Motion:** To approve the proposed revisions by striking the last sentence under section E(5)(b)(4) and by adding a definition for "reasonable relationship to the profession." **Action:** Amend. **Moved by** Judge Maria Felix, **Seconded by** Judge Timothy Dickerson. Discussion ensued about whether to include at all the proposed language in this paragraph and the "reasonable relationship to the profession." Members agreed that the paragraph should be left as it is currently. Motion was withdrawn.

**Motion:** To amend the proposed revisions to ACJA § 7-204 by removing the proposed language under new section E(5)(b)(4), formerly section (5), and leaving it as is, as discussed. **Action:** Amend. **Moved by** Daniel Carrion, **Seconded by** Judge MaryAnne Majestic. Motion passed unanimously.

**Motion:** To approve the proposed revisions to ACJA § 7-204 that require supporting documentation for continuing education activities of eight hours or more, as discussed. **Action:** Approve. **Moved by** Judge Timothy Dickerson, **Seconded by** Marty Vance. Motion passed unanimously.

**Motion:** To approve the proposed revisions to ACJA § 7-204 that allow an out-of-state entity to be certified in Arizona as a certified process server, as discussed. **Action:** Approve. **Moved by** Judge Timothy Dickerson, **Seconded by** Judge MaryAnne Majestic. Motion passed 8-6.

**Motion:** To recommend that AJC approve the remainder of the proposed revisions to ACJA § 7-204, as discussed. **Action:** Approve. **Moved by** Judge Timothy Dickerson, **Seconded by** Daniel Carrion. Motion passed unanimously.

**E. Updated on the MAS Checklist**

Jennifer Jones, AOC financial specialist, presented changes to the annual Minimum Accounting Standards (MAS) Checklist, which are intended to clarify and make the checklist more user-friendly by aligning questions with court processes and with applicable MAS, as well as to encourage electronic submission of the checklist. Ms. Jones stressed that electronic submission is not mandatory at this time and that the checklist could still be submitted in a paper format. She highlighted the checklist's new features, which include fillable fields; new electronic signature field for the preparer; and the ability to add reviewer(s) so the checklist may be reviewed by others, including the county's presiding judge. Ms. Jones anticipated the checklist to be published by December 1 and is due March 31, 2013. Questions may be forwarded directly to her at [jjones2@courts.az.gov](mailto:jjones2@courts.az.gov).

**F. Proposed A.C.J.A. § 1-50X: Storage and Presentation of Electronic Court Records**

Stewart Bruner, COT staff and AOC manager of strategic planning, provided some background and updates about proposed ACJA § 1-50x, which was posted on the ACJA Rules Forum by COT to gather input from the court community about proposed policies regarding the storage of electronic documents and deletion of documents reaching the end of their retention periods. Mr. Bruner focused on the larger policy issues brought about by digitization of court records and the likely fate of the proposed code section. After he explained that the proposed code section involved the infrastructure below the line (as opposed to interfaces above the line), he reviewed the lifecycle of an electronic document from creation to removal as compared to a paper document. Mr. Bruner discussed some of the implications of access (permissive versus restrictive), retention, and cost ramifications (hardware, administration, privacy risks, and security controls), which highlighted the need for policies regarding the total lifecycle of electronic documents, for input from court executives, and for an appropriate communication vehicle (Administrative Order, Code Section, or Administrative Directive) before any sale of documents can begin.

A member raised an issue with having to purge very old civil citations (20 years old), which cannot be done effectively on a case-by-case basis. Mr. Bruner commented that it is why we need a policy to be implemented across the board but the AOC is not ready at this time.

**G. Recommendations of the Committee on the Impact of Wireless Mobile Technologies and Social Media on Court Proceedings**

Mark Meltzer, staff to the Committee on the Impact of Wireless Mobile Technologies and Social Media on Court Proceedings ("Wireless Committee") updated members on the committee's progress, and reviewed the committee's proposed drafts and recommendations.

1. The jury admonition was revised to make it more effective and understandable and ties in with the smart juror card. The admonition, for example, contains directions to

- jurors about not friending judges and court staff. The oath was changed by including the words: “comply with the admonition.”
2. New proposed Supreme Court Rule 122.1 was added, which describes permissible uses of portable electronic devices in the courtroom and courthouse. Because some courthouses are historic buildings, photography is only prohibited in the courtroom. In response to some concerns, though, language was added listing specific people whom cannot be photographed by the public.
  3. Supreme Court Rule 122 was revised concerning the use of cameras in the courtroom, by prohibiting photography of victims; changing the notice requirements (seven days for trials and 48-hours for other proceedings); and adding a new definition of “person.”

Mr. Meltzer noted that the draft rules have been presented to various stakeholders (COSC, COVIC, Arizona Association of Superior Court Administrators, and Superior Court Presiding Judges) and incorporate pre-filing input received. The Wireless Committee will meet on November 7 to finalize its report and recommendations, which will be presented to the AJC in December. He requested that LJC support the Wireless Committee’s recommendations and approve the four draft rules.

Members voiced concerns about the language in Rule 122.1 requiring portable devices to be silenced rather than turned off and inquired about the committee’s intent regarding a judge’s ability to exercise discretion and control the courtroom.

**Motion:** To approve the Wireless Committee’s four draft rules, subject to substituting the word “terminate” with “prohibit” on page 2, paragraph (e) of Rule 122.1. **Action:** Approve. **Moved by** Judge Dorothy Little, **Seconded by** Judge Steven McMurry. Discussion ensued. Motion passed unanimously.

## **H. 2012 Rules Update**

Mark Meltzer provided an update on the rules impacting the limited jurisdiction courts. The general effective date of the rule changes is January 1, 2013. The following rules were highlighted:

- Some rule petitions were resolved in the JCRC (e.g., removal of discharge in bankruptcy, and entry of default).
- Major changes to Rule 56 of the Ariz. R. Civ. P.
- Changes to E.R. 7.5 allowing the use of trade names by law firms.
- Amendments to ARPOP Rule 1(C) regarding access to the courts and protection order case information. Proof of service is required for a hearing to be scheduled. Questions about this rule may be forwarded to Kay Radwanski.

The court will have its next rules agenda in December 2012.

## **I. Update on the Justice Court Rules of Civil Procedure (“JCRC”)**

Paul Julien, AOC Judicial Education Officer and Chair of the Committee on the Civil Rules of Procedure for Limited Jurisdiction Courts (“RCiP”), and Mark Meltzer, AOC

committee staff, announced the adoption of the Justice Court Rules of Civil Procedure (“JCRCP”) by the Supreme Court during its August 2012 Rules Agenda. Mr. Julien provided a summary of the stylistic changes and other improvements made to the JCRCP. He reviewed upcoming programs from the AOC’s Educational Services Division for limited jurisdiction court judges and advised that a training session on the content and implementation of the new rules would take place on December 10 and hopefully it would be recorded and available for future viewing. The new rules are effective January 1, 2013.

**J. Approval of Meeting Dates for 2013**

Judge Riojas presented proposed 2013 meeting dates for committee approval:

January 23, 2013  
April 24, 2013  
August 21, 2013  
October 2, 2013

**Motion:** To approve the proposed 2013 meeting dates. **Action:** Approve. **Moved by** Judge McMurry, **Seconded by** Janet Cornell. Motion passed unanimously.

**III. OTHER BUSINESS**

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

None.

Mr. Meltzer stated that the strategic agenda would be added to the January agenda and he encouraged members to submit any strategic initiatives before the January meeting.

Judge Riojas announced the formation of a new committee called the Arizona Case Processing Standards Committee, which will be looking at case types for all courts.

**B. Adjournment**

**Motion:** To adjourn. Motion was seconded and passed unanimously. Adjourned at 3:29 p.m.

**C. Next Committee Meeting Date:**

Wednesday, January 23, 2013  
10:00 a.m. to 3:00 p.m.  
State Courts Building, Room 230  
1501 West Washington Street  
Phoenix, AZ 85007