

ARIZONA JUDICIAL COUNCIL

Camelback Inn
5402 E. Lincoln Drive, Sunshine Room
Scottsdale, Arizona 85253

June 15, 2015

Meeting Minutes

Council Members Present:

Chief Justice Scott Bales
Jim Bruner
David Byers
Judge Rachel Torres Carrillo
Judge Norman Davis
Victor Flores
Athia Hardt
Mike Hellon
Michael Jeanes
Jack Jewett
Judge Diane Johnsen
Gary Krcmarik
Judge David Mackey

William J. Mangold, M.D., J.D.
Judge John Nelson
R. Tony Penn
(proxy for Janet Regner)
Judge Antonio Riojas, Jr.
Judge Sally Simmons
Judge Roxanne Song Ong
Judge Monica Stauffer
Judge Garye Vasquez
(proxy for Judge Peter Eckerstrom)
George Weisz
Judge David Widmaier

Council Members Absent (excused):

Yvonne R. Hunter, J.D.
Richard Platt

Janet K. Regner

Administrative Office of the Courts (AOC) Staff Present:

Mike Baumstark
Cindy Cook
Karl Heckart
Susan Hunt
Kevin Kluge
Jerry Landau
Amy Love

Mark Meltzer
Alicia Moffatt
Heather Murphy
Marcus Reinkensmeyer
Lorraine Smith
Kathy Waters
David Withey

Presenters and Guests Present:

Judge Janet Barton
Judge Michael J. Brown
Judge Kyle Bryson
Bryan Chambers
Joannie Collins
Judge Louis Dominguez

Alvaro Flores
Marcie Kanefield
Lisa Loo
Vice Chief Justice John Pelander
John Phelps
Judge Derek Pullan

Chief Justice Scott Bales, Chair, called the meeting to order at 1:00 p.m. in the Sunshine Room at the Camelback Inn, 5402 E. Lincoln Drive, Scottsdale, Arizona. The Chair welcomed those in attendance and announced the following:

New members: Mr. R. Tony Penn (Public member/proxy for Janet Regner) and Judge Monica Stauffer (Superior Court Presiding Judge Rural member).

New members effective July 1, 2015: Judge Kyle Bryson (Presiding Judge in Pima County member), Judge Janet Barton (Presiding Judge in Maricopa County member), Bryan Chambers and Lisa Loo (State Bar President member), Judge Louis Dominguez (Magistrate member), and Judge Michael Brown (Chief Judge COA Division I member).

Members with terms ending June 30, 2015: Janet Regner, Judge Norm Davis, Judge Sally Simmons, Judge Diane Johnsen, Richard Platt, and Judge Roxanne Song Ong.

The Chair welcomed the new members and thanked the members whose terms are expiring for their service on the Council.

Approval of Minutes

The Chair called for any omissions or corrections to the minutes from the March 26, 2015, meeting of the Arizona Judicial Council. There were none.

MOTION: To approve the minutes from the March 26, 2015, meeting of the Arizona Judicial Council, as presented. The motion was seconded and passed. AJC 2015-11.

Utah Discovery Rules

Judge Derek Pullan, Fourth District Court Judge from Utah presented information on the Utah Supreme Court's Advisory Committee on the Civil Rules of Procedure and Utah's efforts to reform civil discovery rules.

Judge Pullan reviewed the 5 key components: front loading discovery, proportionality, expert discovery limits, give the rule teeth, and expedite resolution of discovery disputes. He spoke on the process and assessment involved.

The Chair noted the Arizona Rules of Civil Procedure are in significant part modeled after the Federal rules, and the Court will assess whether Federal changes are something we would want to implement in Arizona. He stated that we have a Committee already at work restyling all 108 of Arizona's Rules of Civil Procedure, and the Committee will develop recommendations and file a rules petition at the end of this year. The Chair advised that the changes taking place in Utah go beyond what the Federal rules have sought to do in many respects, and added that other states have similar efforts underway.

Commission on Technology (COT)

Vice Chief Justice Pelander, Chair of the Commission on Technology provided an update on the work of the COT.

Mr. Karl Heckart, CIO and Director of the Information Technology Division of the AOC provided an update on COT's achievements, automation project updates, priorities, and the FY 2016 project list.

Mr. Heckart briefed the Council members on the COT's recommended changes to the ACAP device fee structure for local items on the network to take effect in FY 2017. He asked for the Council's approval of these changes as presented.

Judge Mackey asked that the Superior Court Presiding Judges have an opportunity to talk about the impact, affect, and analysis before the Council votes. He suggested the issue be revisited at the October meeting.

Mr. Michael Jeanes suggested that the Council approve the recommended changes and advise the Presiding Judges at their meeting on Tuesday. He stated if there were issues, we could bring this item back to the meeting in October.

MOTION: To approve the ACAP device fee structure to take effect in FY 2017, as recommend by the Commission on Technology. The motion was seconded and passed. AJC 2015-12.

Mr. Kevin Kluge, CFO and Director of the Administrative Services Division of the AOC briefed the Council on JCEF revenues, on-going commitments, comparison of revenue to expense, and the projected year-end fund balance, subject to action by the Legislature. He asked that the Council approve the JCEF automation budget, as recommended by the COT, and the JCEF non-automation court programs budget and the JCEF probation budget, as recommended by the AOC Administrative Director and as appropriated by the Legislature.

MOTION: To approve the JCEF 2016 budget request and JCEF probation budget, as presented. The motion was seconded and passed. AJC 2015-13.

Arizona Case Processing Time Standards

Mr. Marcus Reinkensmeyer, Director of the Court Services Division of the AOC presented the Committee's recommendation that the case processing time standards for the following five case types be adopted as final effective January 1, 2016:

- Probate administration of estates
- Probate guardianship/conservatorship
- Probate mental health cases
- Misdemeanor (1 tier only)
- Justice court civil cases

MOTION: To approve the adoption of the 5 case types effective January 1, 2016, as presented. The motion was seconded and passed. AJC 2015-14.

Legislative Update

Mr. Jerry Landau, Director of Governmental Affairs and Ms. Amy Love, Legislative Liaison for the AOC, presented a legislative update which included a recap of the past legislative session and preparation for next year. Mr. Landau noted that all 4 of the Council bills passed.

ACJA 6-106: Personnel Practices

Ms. Kathy Waters, Director of the Adult Probation Services Division of the AOC presented information on the proposed revisions to ACJA § 6-106: Personnel Practices and asked the Council members to approve as written.

MOTION: To approve Arizona Code of Judicial Administration § 6-106: Personnel Practices, as presented. The motion was seconded and passed. AJC 2015-15.

Task Force on the Review of the Role and Governance Structure of the State Bar of Arizona

Mr. Mark Meltzer, Senior Court Policy Analyst for the Court Services Division of the AOC and Task Force staff provided an update on the work of the Task Force and their recommendations.

Arizona Foundation for Legal Services and Education Project

Ms. Joannie Collins, Chief Administrative Officer for the Arizona Foundation for Legal Services & Education presented information on the youth-focused education programs, including Law Related Education Academy, the updated and newly designed Law for Kids website, and the Law for Veterans and Law for Seniors websites.

International Law and Child Custody Update

Judge David Mackey, Chair of the Committee on Superior Court provided an update on this issue raised at a prior Council meeting. He reported the Committee has no new ideas for legislation, but are looking further into the training aspect to include a session that deals with international law and child custody and the analysis that would follow under Arizona law. Judge Mackey stated the Committee is encouraging the Education Services Division of the AOC to consider organizing a family law conference in the near future and to provide a provision in the Benchbook.

The Chair inquired about training for cross-border issues.

Parenting Coordinator Update

Judge Janet Barton, Chair of the Parenting Coordinator Rule Petition Review Committee provided background information on the work of the Committee. She reported that Committee has filed an amended rules petition (Rule 74) based on comments received and will submit its recommended forms to the Supreme Court by December 1, 2015.

Call to the Public

The Chair made a call to the public; there was none.

The meeting adjourned at 4:40 p.m.