

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:

June 23, 2020

Type of Action Requested:

Formal Action/Request
 Information Only
 Other

Subject:

APPROVAL OF MINUTES

FROM:

Lorraine Smith, Staff to the Arizona Judicial Council

DISCUSSION:

The minutes from the March 19, 2020, meeting of the Arizona Judicial Council are attached for your review.

RECOMMENDED COUNCIL ACTION:

Approve the minutes as written.

ARIZONA JUDICIAL COUNCIL

State Courts Building
1501 W. Washington Street
Phoenix, AZ 85007

Draft Meeting Minutes

Council Members Present:

Chief Justice Robert Brutinel
Judge Peter Swann

Vice Chief Justice Ann A. Scott Timmer

Council Members Attending Via WebEx:

Don Bivens
Judge Kyle Bryson
David Byers
Judge Louis F. Dominguez
Denis Fitzgibbons Proxy for Brian Furuya
Judge Charles Gurtler
Clerk of Court Juan Pablo Guzman
Athia Hardt
Mike Hellon
Judge Dorothy Little

Lea Márquez Peterson
Steve Pierce
Judge Antonio Riojas, Jr.
Judge Keith E. Russell
Kathleen Schaben
Judge Monica Stauffer
Lisa Urias
Judge Garye Vásquez
George Weisz
Judge Joseph Welty

Council Members Absent (excused):

Judge David Mackey

Steve Peru

Administrative Office of the Courts (AOC) Staff Present:

Mike Baumstark
Danny Cordova
Alex Fernandez de Jauregui
Liana Garcia
Martin Gaxiola
Susan Hunt
Joe Kelroy
Kevin Kluge

Elise Kulik
Jerry Landau
Alicia Moffatt
Aaron Nash
Lou Ponesse
Lorraine Smith
Mark Wilson
David Withey

Members of the Public and Guests Present:

Martin Lynch
Peter Santini

Melinda Sherwyn

Welcome/Meeting Called to Order

Chief Justice Robert Brutinel, Chair called the meeting to order at 10:00 a.m. at the State Courts Building, Suite 119, Phoenix, AZ.

Approval of Minutes

The Chair called for any corrections to the minutes from the Council's December 12, 2019, meeting.

MOTION: To approve the minutes from the December 12, 2019, meeting of the Arizona Judicial Council, as presented. The motion was seconded and passed. AJC 2020-01.

The Chair called for any corrections to the Executive Session minutes from the Council's December 12, 2019, meeting.

MOTION: To approve the Executive Session minutes from the December 12, 2019, meeting of the Arizona Judicial Council, as presented. The motion was seconded and passed. AJC 2020-02.

Update to the Report Pertaining to Juveniles with Sexually Abusive Behaviors

Mr. Joe Kelroy, Director of the Juvenile Justice Services Division of the AOC updated the Council on the Consultant, Dr. Michael F. Caldwell's review of the National Center for State Court's final report "Enhancing Court and Probation Practices for Cases Involving Juveniles Who Commit Sexually Abusive Behaviors."

Mental Health Summit Cancellation

Mr. Dave Byers reported that the Mental Health Summit scheduled for the end of March has been cancelled in light of the health emergency. It may be rescheduled for August or early September.

Fiduciary Licensing Fee Increase

Mr. Mark Wilson, Director of the Certification and Licensing Division of the AOC provided background information and explained that under the proposal before the Council, individual and business renewal fees would be increased from \$150 to \$400; the initial application fee would be increased from \$250 to \$400; and the effective date would be April 1, 2020 to coincide with the upcoming licensure renewal deadline. Mr. Wilson added that even with this proposed fee increase, the program would continue to require a subsidy to cover the program cost.

Mr. Wilson presented two options for the Council's consideration: Option A: increase renewal fee to \$400.00 (due with renewal application) effective April 1, 2020 to coincide with first day applications to renew licenses are accepted. Options B: increase renewal fee to \$400.00 with the first half of \$200.00 due with the renewal application on or before May 31, 2020 and the second half of \$200.00 due on May 31, 2021. He stated that the renewal cycle for 2022-23 and going forward would be \$400.00 due with application.

Mr. Peter Santini provided public comment on behalf of the Pima County Public Fiduciary. He stated that the proposed 133% increase in fees is unreasonable and asked that the Council consider and support a tiered increase.

A motion was made to approve Option A. Discussion ensued regarding the 2 options. The Chair suggested that both options be offered to fiduciaries, and they could decide which option to take. The motion maker amended the motion to support both Options A and B.

MOTION: To support both Options A and B for increasing fiduciary fees. The motion was seconded and passed. AJC 2020-03.

The Chair provided an update on the court system and what is taking place given the health emergency.

Judicial Branch Budget Update

Mr. Martin Gaxiola, Chief Financial Officer for the AOC updated the Council on the 2021 budget.

Judicial Branch Legislative Update

Mr. Jerry Landau, Government Affairs Director, and Ms. Liana Garcia and Elise Kulik, Legislative Liaisons, for the AOC, updated the Council on the following legislative proposals requiring action:

HB2087: Lengthy Trial Fund; Digital Evidence

MOTION: To support HB2087: Lengthy Trial Fund; Digital Evidence, as presented. The motion was seconded and passed. AJC 2020-04.

HB2320: Psychiatric Security Review Board; Hearings

MOTION: To support HB2320: Psychiatric Security Review Board; Hearings, as presented. The motion was seconded and passed. AJC 2020-05.

HB2383: Sentencing Ranges; Minimum; Maximum; Repeal

MOTION: To support HB2383: Sentencing Ranges; Minimum; Maximum; Repeal, as presented. The motion was seconded and passed.
AJC 2020-06.

Pandemic Contingency Planning

Mr. Kevin Kluge, Director of the Administrative Services Division of the AOC; Mr. Lou Ponesse, AOC Support Services Manager; and Alex Fernandez de Jauregui, AOC Office 365 Solutions Specialist presented an update on pandemic contingency planning and the website that is being rolled out for court leadership.

Call to the Public

Mr. Martin Lynch, representing the We the People Court Services, provided public comment on juries, perjury, and attorney regulation.

Melinda Sherwyn provided public comment on concerns with the Department of Child Safety.

MOTION: To adjourn at 11:22 a.m. The motion was seconded and passed. AJC 2020-07.