

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
AMENDING ARIZONA CODE OF)
JUDICIAL ADMINISTRATION §§ 7-202:)
FIDUCIARIES; 7-203: CONFIDENTIAL)
INTERMEDIARY; 7-204: PRIVATE)
PROCESS SERVER; 7-206: COURT)
REPORTER CERTIFICATION; AND)
7-208: LEGAL DOCUMENT PREPARER)
_____)

Administrative Order
No. 2004 - 95
(Affecting Administrative
Orders Nos. 2003-123, 2003-15,
2003 -14, 2002-110, 2002-104)

Whereas, certain sections of the Arizona Code of Judicial Administration contain appendices that have not been incorporated in the sections and § 1-201 (E) authorizes the chief justice to adopt technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration §§ 7-202, 7-203, 7-204, 7-206, and 7-208 are amended as indicated on the attached document. All other provisions of these sections, as originally adopted, remain unchanged and in effect.

Dated this 24th day of November, 2004.

CHARLES E. JONES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

§ 7-202 Fiduciaries is amended as follows:

Subsection (E)(2)(b):

- b. Fees. A.R.S. § 14-5651(A) provides: “. . . The supreme court shall administer the certification program and shall adopt rules and establish and collect fees necessary for its implementation.” An applicant shall pay the fees established in the fee schedule ~~adopted by the supreme court~~ INCORPORATED AS APPENDIX B. The program coordinator shall collect these fees in advance. The fees are not refundable. The program coordinator shall forward the fees to the state treasurer for deposit in the Confidential Intermediary and Fiduciary Fund, pursuant to A.R.S. § 8-135.

Subsection (F)(1):

1. Code of Conduct. Each certified fiduciary shall adhere to the code of conduct ~~incorporated in this section and adopted by the supreme court,~~ pursuant to ~~this section and~~ A.R.S. § 14-5651(A)(1) AND INCORPORATED AS APPENDIX A. Violations of the code of conduct may serve as evidence of a violation of § 7-201 and this section.

Subsection (G)(2):

2. Renewal Training. During each renewal cycle all certified fiduciaries shall attend twenty hours of continuing training AS REQUIRED BY THE CONTINUING EDUCATION POLICIES INCORPORATED AS APPENDIX C. Until May 31st, 2004, ten of the twenty hours shall consist of training provided by the program. From and after June 1, 2004, the program shall not provide this renewal training, except for those sessions offered in accordance with Appendix C(E)(1). The twenty hours shall consist of training specifically relevant to guardianships, conservatorships, personal representatives, or trusts. From and after June 1, 2004, the twenty hours shall include a minimum of three hours of ethics. The certified fiduciary shall maintain documentation, on an approved form, of completion of the twenty hours of training.

§ 7-203 Confidential Intermediary is amended as follows:

Subsection (E)(2)(e):

- e. Pay all applicable fees outlined in ~~Appendix B,~~ the Confidential Intermediary Program Fee Schedule ~~adopted by the supreme court~~ INCORPORATED AS APPENDIX B;

Subsection (E)(2)(h):

- h. Agree to abide by the standards of conduct ~~in~~ INCORPORATED AS Appendix A as ~~adopted by the supreme court.~~ Violations of the standards of conduct may be used as evidence of a violation of § 7-201 and § 7-203; and

Add new subsection (F)(5):

5. CLIENT FEES. A CONFIDENTIAL INTERMEDIARY MAY CHARGE FEES FOR ADOPTION SEARCH RELATED SERVICES AS LISTED ON THE CLIENT FEE SCHEDULE INCORPORATED AS APPENDIX C.

§ 7-204 Private Process Server is amended as follows:

Subsection (F)(1):

1. Code of Conduct. Each certified process server shall adhere to the code of conduct ~~incorporated in this code section and adopted by the supreme court~~ INCORPORATED AS APPENDIX A.

§ 7-206: Court Reporter Certification is amended as follows:

Subsection (E)(2)(b):

- b. Fees. In addition, A.R.S. § 32-4021(A)(8) provides the applicant shall pay: “. . . the fees established pursuant to section 32-4008.” The program coordinator shall collect in advance the fees specified in the fee schedule INCORPORATED AS APPENDIX B. The fees are not refundable. An applicant shall make the payment payable to the Arizona Supreme Court, AOC. The program coordinator shall forward the fees to the state treasurer for deposit in the Court Reporters Fund, pursuant to A.R.S. § 32-4007.

Subsection (F)(1):

1. Code of Conduct. Each certified court reporter shall adhere to the code of conduct ~~incorporated in this section and adopted by the supreme court, pursuant to this section and~~ A.R.S. § 32-4005 AND INCORPORATED AS APPENDIX A.

Subsection F(4):

4. Transcript Production. ~~after Expiration of Certificate, Inactive Status or Voluntary Resignation.~~ THE FOLLOWING REQUIREMENTS APPLY TO TRANSCRIPT PRODUCTION:
 - a. TRANSCRIPT FORMAT. A CERTIFIED COURT REPORTER SHALL PREPARE TRANSCRIPTS IN A FORMAT CONSISTENT WITH THE STANDARDS INCORPORATED AS APPENDIX C.
 - b. Production after Expiration of Certificate, Inactive Status or Voluntary Resignation. A court reporter who is no longer certified, or who is in inactive status may not practice as a stenographic reporter or produce transcripts except for those proceedings that took place while their certificate was valid and active. The court reporter shall use the same

certificate number on the title or cover page of any transcript and letterhead that was used while the reporter was certified.

Subsection (G)(2):

2. Application. A.R.S. § 32-4023(B) provides: “The certificate holder is responsible for applying for a renewal certificate.” A certified court reporter shall annually submit a completed renewal application, applicable fees INCORPORATED AS APPENDIX B and documentation by the renewal application deadline established by the board to remain eligible to serve as a court reporter in Arizona.

Subsection (G)(3):

3. Continuing Education. A.R.S. § 32-4023(D) provides: “A certificate holder shall include with the application for renewal documentation satisfactory to the board that the certificate holder has successfully completed at least ten hours of approved continuing education each year.” The certificate holder shall comply with the provisions of ~~Appendix D~~ regarding continuing education INCORPORATED AS APPENDIX D.

Appendix C, Arizona Transcript Format Guidelines is amended as follows:

Section 7-206: Court Reporter Certification
Appendix C
Arizona Transcript Format Guidelines STANDARDS

Transcripts filed by certified court reporters in courts in the State of Arizona shall conform to the following ~~guidelines~~ STANDARDS:

§ 7-208 Legal Document Preparer is amended as follows:

Subsection (E)(3)(b)(2):

- (2) Fees. The applicant shall pay the nonrefundable fees for initial application, as established in the fee schedule ~~adopted by the supreme court~~ INCORPORATED AS APPENDIX B, at the time the application is submitted. The program coordinator shall not accept an application without payment of the fees.

Subsection (E)(3)(d)(2):

- (2) Fees. The applicant shall pay the nonrefundable fees for initial certification, as a business, as established in the fee schedule ~~adopted by the supreme court~~ INCORPORATED AS APPENDIX B, at the time the application is submitted. The program coordinator shall not accept an application without payment of the fees.

Subsection (F)(2):

2. Code of Conduct. Each certified legal document preparer shall adhere to the code of conduct ~~incorporated in this code section and adopted by the supreme court.~~ INCORPORATED AS APPENDIX A.