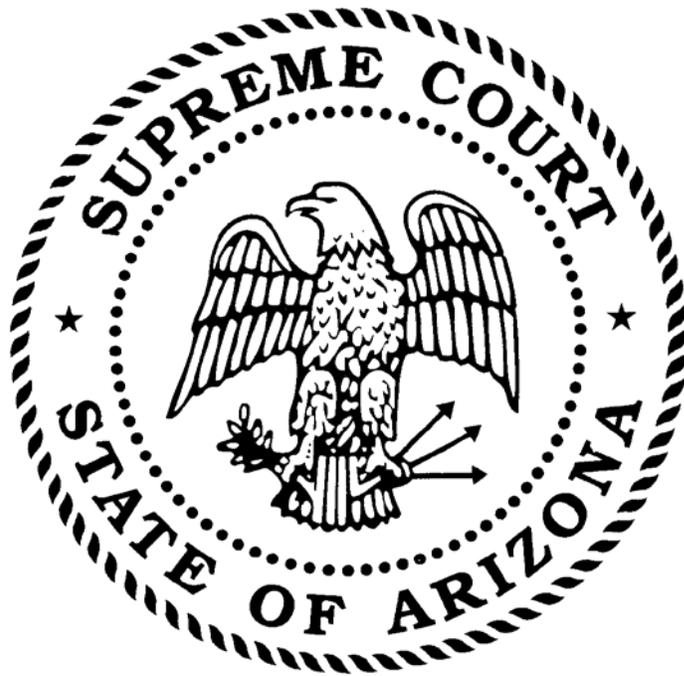


**ARIZONA CODE
OF
JUDICIAL ADMINISTRATION**



**MANUAL FOR PREPARATION OF
CODE SECTIONS**

Rev. January 2010

Arizona Supreme Court, Administrative Office of the Courts

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Introduction

Historically, the chief justice has exercised the supreme court's administrative supervision over the judicial department by issuing administrative orders on subjects ranging from temporary appointments to adoption of requirements for major statewide programs. Administrative orders were distributed by the clerk of the supreme court and filed by year in numerical order, and it has sometimes been difficult to ensure they were up-to-date and available to judicial department and other affected individuals who needed them.

The Arizona Code of Judicial Administration (ACJA) is a codification of all significant, statewide, ongoing operational policies and standards involving the structure and operation of the judicial department. Policies and standards previously adopted by administrative order have been redrafted as code sections. All new and amended code section proposals are reviewed by staff of the Administrative Office of the Courts (AOC), submitted to the administrative director, presented to appropriate standing court committees and the Arizona Judicial Council and adopted as code sections by administrative order of the Chief Justice. The code is published in the Arizona Rules of Court and is also available at <http://www.azcourts.gov/AZSupremeCourt/codeofjudicialadministration.aspx>.

The AOC Legal Services Office has prepared this manual to promote development of a Code of Judicial Administration that will be current, comprehensive, internally consistent, thoroughly reviewed and readily available. These guidelines serve as common standards to be used by drafters and reviewers to promote development of code sections of high quality and consistency.

How to Use this Manual

The manual is divided into chapters designed to acquaint you with the administrative code procedure and the specialized rules for writing code sections. If you have never prepared a code section, you should start at the beginning and work through each chapter in order to make sure you understand the process and have adequately addressed each of the requirements. Experienced code drafters will also benefit by reviewing specific chapters and topics to make sure they have not missed something.

Chapter I provides an overview of the preparation, approval and review process. The forms you will use and a more detailed step-by-step guide, showing who is responsible for each step, are included in the appendices. Chapter II describes the general content and organization of code sections. Chapter III shows how to set up your document, with detailed requirements regarding format, outline form, spacing and attachments. The appendices include two examples of the finished documents. There is also a code section template available on the "X" drive in the ACJA folder. Chapter IV includes detailed style and grammar requirements to insure that all code sections look the same. Appendix 8 is a checklist you can use to make sure you have addressed the most important elements.

CHAPTER I

Preparation, Review and Approval

- A. General requirements.** The general requirements for preparing and routing proposed code sections are described in ACJA § 1-201. This chapter provides more information on the preparation, review and approval process. A detailed, step-by-step outline of the process with required timelines and assigned tasks is shown in Appendix 3. Current forms are available on the “X” drive in the ACJA folder.
- B. Source of code section proposals.** Proposals to adopt new administrative code provisions or to amend or repeal existing provisions may be initiated by judges or court staff outside the AOC by submitting the proposal to the AOC administrative director. The administrative director may assign the proposal to the appropriate division for review and recommendation. If the administrative director decides not to pursue the proposal, the administrative director may suggest appropriate alternatives or the director or originator may refer the proposal to the Arizona Judicial Council (AJC) or one of its committees for a determination as to whether the proposal should be considered. A code section may also be initiated when an AOC division, board or committee determines there is a need for a particular section, drafts and circulates it for comment and recommends it to the AJC for adoption.
- C. Preparation and distribution.** The division staff assigned to prepare or review an administrative code proposal should consult as needed with the proposer, the division director or manager and other divisions regarding the impact of the proposal and the appropriate distribution prior to presentation to AJC. Division staff should also consult with Legal Services when drafting a code section proposal (CSP) to discuss significant issues or changes to current practice. Following these assessments, the assigned division staff should:
1. Prepare a draft code section as required by this manual and insert an automatically updating date/time stamp in the header of the document (see Appendix 1).
 2. Develop a distribution plan (see Appendix 4) and schedule that will allow sufficient time for review and comment prior to presentation to the AJC.
 3. Ask Legal Services to review the written proposal and then obtain approval to post the proposal to the ACJA Web Forum from the administrative director.
 4. Post the proposal to the ACJA Web Forum and distribute the proposal to one or more of the standing AJC committees, boards, commissions and other interested parties and obtain comments from the groups at a regular or special meeting, following a vote of the members present. If this is not practical due to time constraints, request individual member comments and indicate the lack of formal action on the cover sheet.
 5. If the committee review is not completed prior to the date the proposal must be delivered for the AJC mailing, determine whether the proposal should be delayed until the next AJC meeting, mailed “as is” and an amendment offered at the meeting.

- D. Proposal cover sheet.** Prior to circulation, division staff should prepare a proposal cover sheet (Appendix 5) summarizing the proposal and highlighting the most significant changes or new provisions. The cover sheet should be updated before the proposal is submitted to the AJC to reflect all new information obtained during the routing process and the final AOC recommendation concerning the proposal.
- E. Comments and recommendations.** Division staff should summarize any comments submitted and identify and resolve, if possible, policy and legal issues by either revising the proposed code section to incorporate the suggested changes or briefly responding to any suggested changes that were not made. A summary of comments received and the recommendations should be either incorporated in or attached to the cover sheet.
- F. Routing.** The code section, the cover sheet, and a summary of comments, if any, should be routed with the administrative code routing slip (Appendix 6) in the following order for review and approval: (1) Division director; (2) Legal Services; (3) Division director (to review any revisions); (4) Legal Services (to review the final copy); (5) Administrative director; and (6) Executive Office Manager (for AJC mailing). When all reviews are complete, the division should send e-copies of these documents to Legal Services and indicate the code section is in final form with a text comment in the heading as shown on Appendix 2. Legal Services then assumes responsibility for the proposal and submits it to the administrative director for review. Any additional changes must be submitted to Legal Services by email indicating the division director's approval.
- G. Submission to Arizona Judicial Council.** When all necessary signatures have been obtained, Legal Services delivers paper and e-copies of the proposal to the executive office for submission to AJC at its next meeting. Any additional changes after this point must be reviewed by the administrative director and, if extensive or the CSP is late, the director may decide to offer amendments at the meeting or defer consideration of the proposal until the next AJC meeting. If a proposal is not controversial, the code section will be introduced and presented to AJC by Legal Services for summary adoption along with other code sections. If there are issues, the code section will be considered separately and division staff should present the section, discuss the issues and respond to questions. Even with a non-controversial section, division staff should be available in case unexpected questions arise. Division staff will prepare any revisions requested by AJC and submit these to Legal Services for review. Legal Services will incorporate the revisions into the final version and return it to the division for review and approval.
- H. Administrative order preparation and approval.** All code sections and code section amendments are adopted by administrative order (AO). When a code section is approved by AJC, Legal Services will prepare an AO, including a general description of the effect of a new code section or amendment, the orders or code sections adopted, amended or repealed, and when the change is effective. The order may include a delayed effective date or other conditions or requirements that cannot be included in the code section itself. The originator and division director will be asked to review the AO and sign the routing slip to indicate approval. Legal Services will then finalize the proposal and send to the executive office for approval by the chief justice. Changes to the proposal made after the AJC meeting must be specifically identified for approval by the Chief Justice and may require additional review by AJC.
- I. Amendments to adopted code sections.** Amendments to code sections are prepared, routed and approved like new code sections, with a cover sheet and a summary of the comments received regarding the proposed amendment. Before preparing an amendment, obtain the "official" version of the section from Legal Services to make sure you are using the current version of the section. Whenever possible, amendments should be prepared in a "legislative" strikethrough format, showing only the subsections affected and the changes proposed. Portions of the section before and after the changed part may be

included if necessary to show the context of the change. If AJC approves the amendment, Legal Services prepares an AO adopting the amendment. Only the “strikethrough” version of the amendment is attached to the AO. Following adoption of the AO, Legal Services will revise the code section to include the changes and repost it to the ACJA web page. The divisions will review the posting on the ACJA web page to confirm the accuracy of the changes. The revised section will include a notation at the end showing the amending AO and the date.

- J. Emergency and technical changes.** The chief justice may adopt emergency administrative code proposals and technical changes in existing code sections without prior distribution for comment and action by AJC. These changes are prepared in the same form as other code sections or amendments, except the AO will include information on the necessity for adoption without review. Technical changes are revisions required by changes in statutes, rules, non-substantive changes that do not alter the meaning of the text or as otherwise determined by the chief justice. Emergency code proposals must be distributed for comment after adoption and any comments should be presented to AJC at the next meeting.

CHAPTER II

Content and Organization

- A. Characteristics.** Code sections govern the administrative functions of the judicial department. A code section is a statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of a division or program. Typically a code section affects multiple courts, addresses ongoing rather than temporary responsibilities, states the authority of judicial branch officers, implements statutes, or makes significant legal or operational distinctions concerning customers or regulated persons. Code sections should provide direction only to persons or entities subject to the supreme court's administrative authority.
- B. Statutory authority.** Sometimes a statute will require the adoption of rules or procedures that can be promulgated in the code. These sections should refer to the enabling statute and be consistent with the express language of the statute or the clear legislative intent. If a statute provides needed direction, it should be quoted in the code section. Do not paraphrase the statute, because the meaning can change when words are altered.
- C. Scope.** The scope and purpose of a section is often determined by law. It is important to get agreement on the objective before writing begins. If you are writing a code section for a new program, you need to decide first what should be covered in the code section and what the requirements should be. Include only the content your audience needs to know. Do not propose a code section that merely quotes or paraphrases statutes.
- D. Brevity.** Be as brief as clarity and readability permit. Use short sentences. Readable sentences are simple, affirmative, and declarative. Wherever possible, collapse lengthy clauses or lists into concise meaningful paragraphs. Use the simplest possible words to express the idea clearly. Before submitting a code section for review, try to identify instances of vagueness and ambiguity and sharpen the wording.
- E. Consistency.** Code sections covering similar subjects should be organized in the same way and have the same or similar content, unless there is a good reason for a difference. Before drafting a new section, review the adopted code to identify any appropriate models. Be consistent within a section. Do not use different words to denote the same thing -- using a synonym rather than repeating the same term or phrase may confuse the meaning. Do not use the same words to mean different things. Most code sections should be written in the third person; do not alternate between second (where the reader is addressed as *you*) and third person.
- F. Organization.** Organize the code section logically, with headings and subheadings, so that information is easy to find. Try to think of questions a reader might ask when dealing with the code section. Some examples of possible organization include: general to specific, chronological, sequential (the requirements are stated in the order in which they are performed), and provisions grouped by persons affected, such as AOC staff, court staff and the general public.

- G. Outline format.** The section should be arranged in the outline format described in this manual. Start with a list of the major points to cover and number the points in a logical sequence. Once you have used the outline to organize the section, write the text in complete sentences and paragraphs instead of trying to fit every sentence into the outline form. The code section may be organized into different levels of subsections, but a subsection should be included only if there is at least one other subsection at that same level.
- H. Mandatory provisions.** Each section should clearly state what is required, in mandatory terms. The preferred mandatory term for code sections is *shall*. *May* should be used only for discretionary actions. It is permissive and confers a right, privilege or power. *Should, will, ought to, if feasible, or if possible* should not be used in code sections (although they are used in these guidelines).
- I. Objective standards.** In order to be clear and concise, code sections must prescribe or proscribe conduct with words that establish an objective standard for measurement. Words and phrases such as *when appropriate* or *if necessary*, unless further defined in the code section, fail to establish an objective standard. Provisions requiring someone's approval or waiver should include criteria of making the determination. Statements like "unless waived by the program manager" or "unless approved by the director" by themselves fail to set a clear standard for the required action. Whenever possible, list or describe the necessary conditions or criteria for obtaining the waiver or approval.
- J. Procedures.** If the code section contains a series of procedures, present them in sequential order, going step-by-step through each procedure. It may help to develop a flow chart of the steps to reveal "holes" in the procedures that can be described before the code section is submitted for approval. Requirements should come before exceptions. More important items should come before less important ones. Provisions that apply to most situations should appear before the more narrowly applicable provisions.
- K. Headings.** Each first level subsection should have a brief descriptive heading. Headings below the first level are optional, but should be added when they will help the reader. If a heading is used for one subsection, add headings to all subsections within that level. Limit headings to ten or fewer words -- if the heading is too long or contains different topics, the section itself is probably too long or too broad and should be broken into two or more sections. Sometimes the meaning is not clear if a heading is used alone to introduce lower level subsections. Following the heading with a sentence or clause that explains the subsections will make it easier for the reader.
- L. Definitions.** Use definitions sparingly, and write them only after you have written the body of the section to ensure the defined terms are actually used somewhere in the section. Define terms and phrases that have a special meaning outside the common meaning of the term. Do not include regulatory language in a definition. Whenever possible, make definitions consistent with the statutory definitions that apply to the section. Use the defined form of the term consistently. Do not define acronyms and shortened forms used in the code section. Instead, show the shortened form in parentheses after the long form of the phrase the first time you use the term and then use the shortened form from then on.
- M. Attachments.** As a general rule, any substantive policies, procedures, requirements or fees should be included in the body of the code section and not in an attachment. If a substantive provision is placed in an attachment or appendix, it may not be enforceable. Certain supplemental documents (forms, exhibits, illustrations, tables, charts, etc.) may be attached as an appendix if they don't contain substantive requirements and including them in the text would be awkward or interrupt the flow of the text. An attachment should be formatted like the rest of the section unless the content will not allow it (for

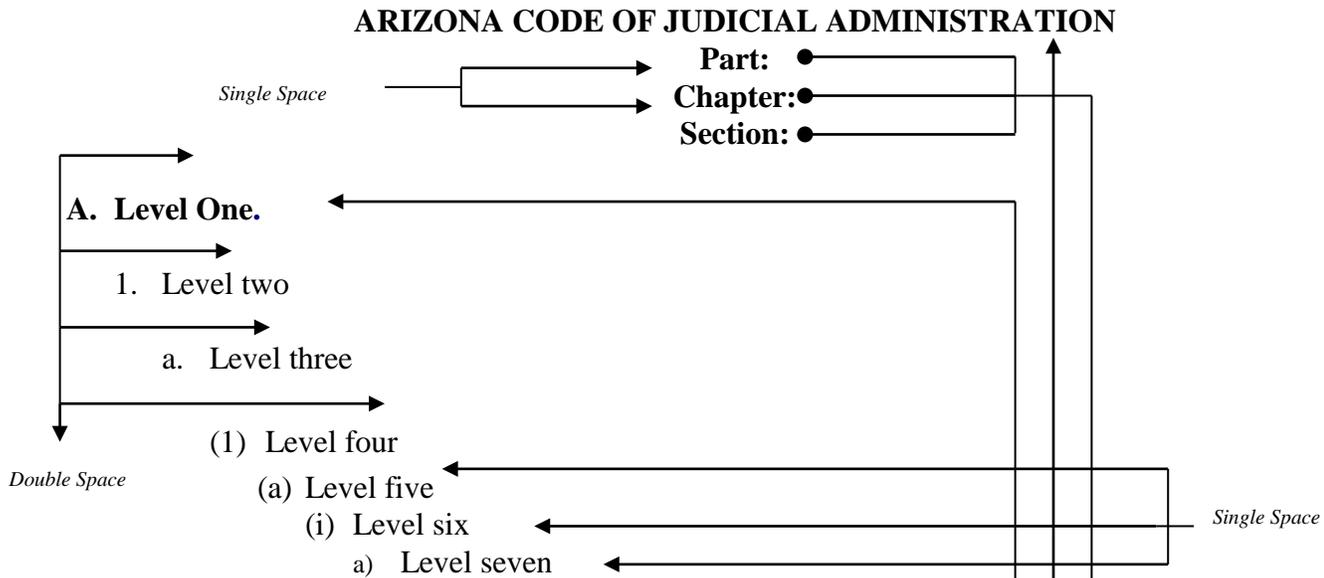
example, forms). All attached documents should be referred to by name and identified as an appendix (“...attached as Appendix ____”) in the body of the section, attached at the end and numbered in the order in which they are referred to. Don’t attach very large or frequently amended documents – instead, they should be described in the section, incorporated by reference, and the location of the current version of the document should be clearly specified (“...available from the AOC Court Services Division”, or “...available here [web link or address]”).

CHAPTER III

Formatting

Code sections must be formatted in a special way so they all look similar. Following are the formatting requirements to be used for all code sections. A model code section showing the proper formatting is attached as Appendix 1. There is also a code section word processing template available on the "X" drive in the ACJA folder. Finally, Appendix 8 includes a checklist of the major formatting and other style requirements.

A. Layout.



Indent: Two indent spaces between all levels and headings

Title: All Caps, Bold, Center

Part, Chapter, Section: Bold, and Center followed by a colon

Level One: Times New Roman 12, Bold Heading followed by a period
Capitalize each word except articles, prepositions and conjunctions.

Level Two through Seven: Times New Roman 12, Regular Font

Page Numbers: Numerals only, no text, centered at bottom of each page including attachments.

B. Page setup.

1. Margins: 1 inch left, right, top and bottom
2. Spacing: 1.0
3. Justification: Full

C. **Text.** Use the Times New Roman font, size 12. If text follows a subsection title, insert two spaces between subsection title and text. Where there is no division into subsections, text should start two spaces after the heading or numeral and additional lines should “wrap” under the first line at the same point.

EXAMPLE

A. **Level One.** Begin inserting text here. Do not press return and begin a new line. Additional text should “wrap” like this.

D. **Legislative format.** "Legislative" formatting is intended to allow decision-makers and reviewers to perceive as clearly and easily as possible the changes proposed in existing provisions. A sample amendment in legislative format is included in Appendix 2. Use ~~striketrough~~ for text that is to be deleted and show added text underlined after any language it replaces.

EXAMPLE

The courts may adopt other administrative ~~practices~~ requirements and procedures.

E. Quotes.

1. Short quotations (fewer than 50 words) are enclosed in quotation marks. Any quotation marks within a quote are converted to a single mark (‘).
2. Set off longer quotations (50 words or more) by inserting a hard return and then indenting the quoted material 5 spaces from the right margin and 5 spaces measured from the immediately preceding line for the left margin. Do not use quotation marks.
3. Quotations should be immediately preceded or followed by a citation to the quoted work, unless the citation is mentioned earlier.
4. Use ellipses (...) to show that text has been omitted. When text is omitted at the end of the sentence, the ellipses are combined with the period (...). Use brackets [] to show additions to quoted text necessary to make the meaning clear. If part of a quote is used alone as a complete sentence, the first word should be capitalized in brackets if it is not already capitalized.

EXAMPLES

Mutual cooperation...between various branches of government is not only desirable, it is a legal prerequisite....

...[P]etitioner was left with no effective alternative other than to bring this action and thereby preserve independence of the judiciary.

5. To the extent possible, quoted text should be formatted to look similar to the remainder of the code section, as long as this can be accomplished without altering the text. For example, statute subsections should be indented and separated by a blank line.
6. Quoted text should never be edited, even if it does not comply with these guidelines. Be careful with spell and grammar checking!

F. Bullets.

1. Form: Use the circular bold bullet
2. Spacing: Leave a blank line before and after bulleted items. Insert five spaces between the bullet and the start of text
3. Tabs: If text following a bullet extends to more than one line, the additional lines should be indented after the bullet to match the starting point of the first line.

EXAMPLE:

Administrative orders should be converted to code sections if they have one or more of the following characteristics:

- They apply to more than one or two courts
- They adopt operational or administrative standards, policies or guidelines
- They adopt rules for administration or operation of the supreme court's statutory non-traditional functions

G. Appendices. Forms, charts, tables and other attachments appended to code sections should show the code section number, the appendix number and a title or description of the contents centered at the top of the document.

EXAMPLE:

Section 5-106: State Grand Jury

Appendix 1

Reimbursement Claim for State Grand Jury Expenses

Chapter IV

Writing Style

Following is an alphabetical listing of common drafting problems and how they are resolved for use in the code.

A, and and the. Use *a* or *an* when you mean any item or individual. Use *the* when referring to a specific subject already described.

Abbreviations. Do not include definitions for abbreviations and acronyms used in a code section. Instead, write out the long form of the word or phrase the first time you use the term and show the shortened form in parentheses, then use the shortened form from then on.

Action verbs. Action verbs are shorter and more direct than passive verbs. Use the shortest and most direct verb available.

EXAMPLES

| DO NOT WRITE: | WRITE: |
|-----------------------|------------|
| Give consideration to | consider |
| is dependent on | depends on |
| make payment | pay |
| give recognition to | recognize |
| utilize | use |

Active/passive voice. Whenever possible, write in the active voice and avoid passive voice.

1. What is it? Active voice is a verb form indicating the subject of the sentence is performing the action. Passive voice uses a form of the verb *to be* to indicate the subject is being acted upon instead of acting. The “actor” is either absent entirely, as in the following example, or hiding in a prepositional phrase somewhere in the sentence.

EXAMPLES

Active: The Court publishes the rules in the Arizona Rules of Court.

Passive: The rules are published in the Arizona Rules of Court.

2. How do I recognize it? Another way to recognize passive voice is to look for the verbs *be*, *is*, *are*, *was*, *were*, *has been*, *have been* and *had been* followed by words that end in *-ed*, *-t*, or *-en*. If the “actor” is identified at all in the sentence, it will usually be as part of a phrase beginning with the word *by*.

EXAMPLE

Passive: The rules are published by the Court in the Arizona Rules of Court

3. Why is it a problem? Passive voice is a problem because it may not be clear what duties are assigned to whom. Code sections exist to explain responsibilities, and drafters need to avoid sentences that do not assign responsibilities clearly. Active sentences are usually shorter and more forceful; a passive structure sounds wordy and has less impact.

EXAMPLE

If a party requests a transcript, a transcript shall be filed in the Superior Court no later than 20 days following the request. Failure to timely file this transcript may be treated as contempt. (Responsibility for filing is not assigned to anyone.)

4. How can I avoid it? It is difficult to avoid passive voice, because it is always easier to focus on things and requirements than on people and duties. If you think in terms of *who* does *what* rather than just *what*, you are more likely to write in active voice. It is always preferable to impose a duty or grant permission in the active voice than to state a requirement in the passive.
5. Is passive voice ever acceptable? Passive voice may be appropriate where the “actor” is in fact unknown or to give emphasis to a word or phrase over the rest of the sentence. Sometimes it also helps you avoid using gender-specific pronouns, but this is not always the best way to do it.

EXAMPLES

Misdemeanor actions may be commenced in Superior Court by indictment or information (“actor” unknown)

The warrant shall be signed by the issuing magistrate and shall contain the name of the defendant or a description by which the defendant can be identified (*warrant* is emphasized)

The judge shall issue the warrant if it is found that probable cause exists that the defendant committed the offense (avoids *he* or *she*)

Capitalization. Avoid capitalizing words unnecessarily. Limit capitalization to the official name of an agency, act, officer or other proper nouns.

1. Code parts. Do not capitalize *code* or parts of the code (*part*, *chapter*, *section*) when they are used alone. Capitalize the following terms referring to specific parts: Part _____, Chapter _____, Section _____, but not “subsection _____” or “paragraph _____”.
2. Names. Capitalize the official names of government agencies, political subdivisions, and laws, as well as the names of people, places, and institutions. Do not capitalize words used as substitutes for titles of agencies, political subdivisions, officers or places except when such titles precede names. In some titles, only the important words are capitalized.

EXAMPLES

| | |
|---------------------------|-------------------|
| Maricopa County | the county |
| Chief Justice Berch | the chief justice |
| Department of Corrections | the department |
| Arizona Constitution | the constitution |

| | |
|------------------------------------|-----------------------------|
| Americans with Disabilities Act | the act |
| State of Arizona | the state |
| Judge Smith | the presiding judge |
| Office of the Attorney General | the office |
| Administrative Director Dave Byers | the administrative director |

3. Internet terms. The words *Internet* and *World Wide Web* or *Web* are proper names and should be capitalized.
4. Common terms. Some terms are used so frequently in the code that it makes no sense to capitalize them. The following terms should not be capitalized:

Generic names of courts (supreme court, superior court, justice court)
AOC divisions (the court services division)
Programs (intensive probation supervision)
Forms (fee waiver form)
Funds, grants and other administrative creations

5. If you are not sure whether something is a proper name, do not capitalize it.

Clichés. Avoid clichés when drafting code sections. Clichés are words or expressions that are used so often they have lost their original impact and meaning. Try to be precise about what you mean.

Colons. Use colons to introduce a list or an example or between two independent clauses when the second clause explains or illustrates the first clause and there is no coordinating conjunction or transitional expression linking the two clauses. Do not use a colon between two independent clauses that are equal in value.

Commas. Commas can be used to set off words or phrases that interrupt the sense or structure of the sentence; separate an introductory subordinate clause from the main part of the sentence; separate independent clauses, separate words, phrases, or clauses in a series; and clarify or emphasize. Do not use a comma to separate the noun from a verb unless an entire phrase between the noun and the verb is set off by commas.

Common court terms. To insure consistency, the following terms should be written only as shown:

1. For the Administrative Office of the Courts, use *AOC* and introduce as an abbreviation with caps as shown here.
2. For the AOC Administrative Director, use *administrative director*.
3. For the Arizona Supreme Court, use *supreme court*. For Superior Court, use *superior court*. If referring to the court in a particular county, use “the superior court in _____ County”.
4. For presiding judge of superior court and presiding judge of the county, use *presiding judge*. Add the name of the court or county only where you need to distinguish between superior and other courts, or one county and another.
5. For Chief Justice of the Supreme Court and Chief Justice of Arizona, use *chief justice*.

6. For Clerk of the Court, Superior Court Clerk and Clerk of the Municipal Court, use *clerk* unless referring to the statutory office of *clerk of the court* or you need to distinguish between different courts or counties.
7. When referring to a section of the ACJA use *section*. The term *code* should only be used to refer to the entire ACJA.

Contractions. Do not use contractions. Write out each verb without omitting letters.

Dates. Spell out the month in a date rather than writing it in numerical form. Do not separate a month and year with a comma.

EXAMPLES

DO NOT WRITE: 2/17/94
WRITE: February 17, 1994
OR: February 1994

Definitions.

1. Format. Introduce definitions with a consistent phrase depending on how you want them used. The form of the definition should be the same part of speech and the same category as the word being defined. List definitions in the first subsection in alphabetical order with no numbering. Place terms being defined in quotations and use the verb “means” to begin each definition.

EXAMPLES

DO NOT WRITE:
“Reasonable access” means no more than twelve miles distant from the transportation system.
“Senility” means an individual with a physical or mental weakness brought on by old age.

WRITE:
In this section, unless otherwise specified, the following definitions apply:
“Oral proceeding” means a public hearing held during the rulemaking process, at which members of the public may comment about proposed code sections.
“Reasonable access” means a distance of no more than twelve miles from the transportation system.
“Senility” means a physical or mental weakness brought on by old age.

2. Terms defined by statute. If you use a term that has been defined by statute, you should quote the statutory language and cite the statutory provision. If you use several definitions from a specific statute, also cite the A.R.S. section number in the definition lead-in statement.

EXAMPLES

“Adult” means “a person eighteen years of age or older” as provided in A.R.S. § 8-101.

In addition to the definitions provided in A.R.S. §§ 44-421, 49-521, 3-201, 3-231, 3-441 and 3-481, the following definitions apply to this section:

Exceptions. Avoid starting a sentence or subsection with an exception. State the requirement first, then describe any exceptions.

Gender-specific terminology. Do not use words that unnecessarily distinguish between male and female.

1. Avoid gender-specific job titles.

EXAMPLES

| | |
|---------------|--------------------------|
| DO NOT WRITE: | WRITE: |
| chairman | chair, chairperson |
| man-hours | hours worked, work-hours |
| manpower | personnel, workforce |
| policeman | police officer |

2. Avoid gender-specific pronouns when the antecedent could be male or female. Do not use “hybrid” pronouns like *s/he*, *he/she*, or *his or her*. Instead, use plural (not gender-specific) pronouns, repeat the noun or rearrange the sentence.

EXAMPLES

| | |
|---------------|--|
| DO NOT WRITE: | The Director or his designee shall complete the evaluation form. |
| WRITE: | The Director or designee shall complete the evaluation form. |

Hyphenated words. Hyphenated words are being created all the time. When in doubt, consult a recent dictionary (less than five years old) to find out whether the current usage includes a hyphen. Used properly, hyphenated words make the meaning clear and avoid unnecessary confusion by telling the reader which words modify which other words.

1. In general, use hyphenated words:
 - a. When two or more words act together to create a new meaning (*cost-effective*)
 - b. When two or more words act together to modify another word (*long-range goal, all-inclusive list*)
 - c. As part of a compound adjective containing a number. (*first-time offender*)
 - d. After a prefix preceding a capitalized word. (*post-Modernism*)
2. Do not use hyphenated words just to create new adjectives (*probation-related*) or when the word after a prefix is not capitalized. (*presentence, pretrial*)
3. Here are some common compound words that should always be hyphenated: *court-ordered* (adj.), *fact-finding* (n, adj.), *county-owned* (adj.), *cross-examine* (v.), *even-numbered* (adj.).

Infinitives. Avoid splitting the two parts of an infinitive.

EXAMPLES

| | |
|---------------|--|
| DO NOT WRITE: | Applicants should be instructed <i>to</i> promptly <i>reply</i> to the notice. |
| WRITE: | Applicants should be instructed <i>to reply promptly</i> to the notice. |

Jargon and technical language. Always use plain English and avoid court jargon and technical language when drafting code sections. Even the most technical information will have to be read and understood by people who are not necessarily familiar with the subject. Using plain English and defining terms will make your code sections more understandable and avoid confusion.

Legalese. Avoid unclear, imprecise and unnecessary words and phrases like *aforesaid, hereby, hereinabove, said* or *such* before a noun, *thereof, to wit, whatsoever, wherein, therefore,* and *deem*. Always spell out a phrase in English rather than using a Latin or other foreign abbreviation.

EXAMPLES

DO NOT WRITE: e.g.
WRITE: for example

DO NOT WRITE: i.e.
WRITE: that is (or omit altogether)

Legal references. All quotations to legal enactments (statutes, rules, administrative orders, codes, regulations, etc.) should be accompanied by a citation to the quoted work.

1. Form of statutory citation. When you refer to a statute, cite to the entire statute or whatever subsection of the statute is quoted or referenced in your code section, using the abbreviation for Arizona Revised Statutes (A.R.S.) followed by a space, the section symbol (§) followed by a space and the section number. The citation should be specific enough to permit the reader to easily find the language you are referencing, but avoid multiple citations to the same statute on the same page. Use parentheses to enclose subsection numbers. Do not separate the parts of a citation at the end of a line or page.

EXAMPLE

DO NOT WRITE: A.R.S. § 41-1041.c.2.B. or subparagraph B. of paragraph 2. of subsection c. of 41-1041.
WRITE: A.R.S. § 41-1041(C)(2)(b)

2. Multiple citations. Multiple sections from the same title should be listed without repeating the title (first number), as §§ 13-2305, -2340 and -2462. If referring to more than one title, use the title number with each section, as §§ 12-102, 13-601 and 16-1486.
3. Citing session laws. When referencing a law that has not yet been codified into the Arizona Revised Statutes, use the word *Laws* followed by the year the law was passed by the legislature, the chapter number using the abbreviation *Ch.*, and the specific section number using the section symbol (§).

EXAMPLE

DO NOT WRITE: Arizona Laws 1995, Chapter 6, section 2 or Section 2 of Chapter 6 of Arizona Laws 1995

WRITE: Laws 1995, Ch. 6, § 2

4. Other legal authority. The Arizona Constitution should be cited as “Az. Const. Art. 6, § 5.” Arizona Rules of Court should be cited as “Rule 4.2(b), Rules of Civil Procedure.” Sections of the Arizona Code of Judicial Administration should be cited as “ACJA § 1-201(A)(2)(a).” Use parentheses to separate subsection numbers.

Lists.

1. Do not make a vertical list if it can be avoided. Write a series of short items in paragraph form without numbering, separating the items with commas. If some items contain commas, separate the items with semicolons.

EXAMPLES

In this recipe, butter, margarine, or vegetable oil may be used interchangeably.

Avoid high-cholesterol foods; sweets such as dessert, sugar, or jellies; or fats such as bacon, cream and salad dressings.

2. If you use an introductory expression, follow it with a colon and two spaces.

EXAMPLE

The administrator shall maintain the following records: registers, daily logs, medical and dental files, programming records, and time sheets.

3. When several items in a list are at least one line long or if they are subordinate clauses, use tabs and a continuation of the outline form and capitalize the first word of each item.

EXAMPLE

If you use a verb phrase, you should:

- a. End the introductory expression with a colon;
 - b. Begin each item with a capital letter;
 - c. Use a conjunction after the next-to-last item;
 - d. End each item except the last with a semicolon; and
 - e. End the last item with a period.
4. Use parallel structure within a list. Avoid inserting whole sentences into your listed items unless they are necessary to clarify.

EXAMPLE

DO NOT WRITE:

The applicant shall:

- a. Submit a completed application on a form approved by the department;
 - b. Authorize release of all medical records. These records shall be treated as confidential by the department. (Extraneous sentence)
 - c. The applicant shall also appear for an interview when scheduled by the director. (Not parallel)
5. Be careful with *and* and *or*. Normally *and* means all items in the list are to be considered together; *or* means one or more items can operate alone.
6. You can use bullets for shorter lists when you want to draw attention to each item and there is little possibility any item will be referred to individually.

EXAMPLE

The application shall include:

- Applicant's current name, address and phone
- Employer's name, address and phone
- A statement of applicant's training and abilities
- A statement of interest regarding this position

Modifiers. Place modifiers properly to communicate your intended meaning, as close as possible to the word being modified. Consider the meanings of the following:

Only he stole the book. (Others were not involved)
He only stole the book. (He could have done something worse)
He stole only the book. (He took just one item)

Numbers and time. Spell out numbers from one to twenty. Write all other numbers as numerals. Do not use both the number spelled out and its numeral in parentheses. When a number begins a sentence, always spell it out unless it is money. Use numerals and the dollar sign (\$) to express dollar amounts – do not show decimal places unless the amount includes part of a dollar or is part of a list containing decimal amounts. For expressions of time, use the abbreviations *a.m.* and *p.m.*

Plurals. Do not make a noun or a verb plural by the addition of the plural form in parentheses. Instead, use either the singular or the plural form, but do not combine the two.

EXAMPLES

DO NOT WRITE: paragraph(s), application(s)
WRITE: paragraph [or paragraphs], application [or applications]

Possessives. Possessives should be shown with an apostrophe and "s" if singular, and an apostrophe alone if plural (or singular but ends with "s").

Prepositions. Try to minimize phrases beginning with *of*. They tend to encumber sentences. Whenever possible, change prepositional phrases to adjectives or possessives. Do not end a sentence with a preposition if it can be avoided without making the sentence too awkward.

EXAMPLES

A preposition is not something you should end a sentence with.

AWKWARD: That is something up with which I will not put.

NOT SO AWKWARD: That is something I will not put up with.

Present tense. In most cases, code sections should be written using the present tense. The code speaks as of the time you apply it, not as of the time you draft it or when it becomes effective.

EXAMPLES

DO NOT WRITE: The fine for employing an unlicensed person shall be \$100.

WRITE: The fine for employing an unlicensed person is \$100.

DO NOT WRITE: When it has been determined by the Director that the application that was submitted by the applicant is complete ...

WRITE: When the Director determines the person's application is complete ...

Problem words. There are many words that people tend to confuse in function and purpose. Make sure you use the word you actually mean. See Appendix 7 for list showing some common problem words along with their definitions and parts of speech.

Pronouns. Do not use a pronoun (*it, they or them*) to substitute for a noun unless the full noun has already appeared in the sentence and there is no possibility of confusion. If in doubt, write out the noun each time.

Publications. Show the names of books, periodicals or other publications in *italics*.

Semi-colons. Use a semi-colon to separate two related independent clauses where emphasis is placed equally on both clauses. Use a semi-colon at the end of each item in a list if none of the items in the list is a complete sentence.

Spelling. Proofread and spell-check your code sections and visually proofread the paper copy. Remember that a spell-check application will not show a misspelled word if it is the wrong word. Be careful about spell-checking quoted text.

Subject/verb agreement. Make the verb agree with its subject in number and person. If the subject is singular, the verb should be singular; if the subject is plural, the verb should be plural.

1. The following words are singular and require a singular verb: *anyone, anybody, each, someone, everyone, everybody, either, somebody, no one, nobody, neither, and one*.
2. The following words are generally singular and require a singular verb if you are thinking of the group as a whole, but they need a plural verb if you are referring to the individuals in the group: *audience, family, number, crowd, class, group, jury, public, committee, team, and none*.

EXAMPLES

The committee has met, and decided to release its recommendation next month. (Singular)

The committee have met, and they have decided to file their disclosures next month. (Plural)

3. The following words are plural and take a plural verb: *media*, *data*, *criteria* and *phenomena*.

Subordinate provisions. Code sections often contain subordinate provisions (conditions, options or alternatives) that result in complex sentences with many clauses. If only one or two simple conditions must be met before a requirement applies, state the conditions first and then state the requirement. If two or more complex conditions must be met before a code section applies, state the requirement first and then the conditions. If several conditions or subordinate provisions must be included, use a list.

Widows. Avoid beginning or ending a page with a single line of a paragraph, or with a single short indented item such as the first or final item in a list. If necessary, combine the “widow” with the related text, even if it means expanding the bottom margin.

APPENDIX 1

MODEL CODE SECTION

The following is not an actual code section and is included only to show the layout and formatting

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 9: Supervision
Chapter 3: Youth Services
Section 9-301: Medical Care, Treatment, and Rehabilitation Payments

A. Definitions. In this section, the following definitions apply:

“Court” or “courts” means the juvenile division of the superior court in each county.

"Department" means the administrative sector of the juvenile division of the superior court in each county.

“Exceptional expenses” means those costs in excess of typical living costs.

“Family” means the juvenile plus any immediate kindred in the household.

“Monthly income” means pre-tax earnings from wages or salary, social security, veterans’ benefits, unemployment benefits, investment income, lottery winnings, trust funds, and inheritance for the juvenile or the parents.

“Parent” means “the natural or adoptive mother or father of a child” as provided in A.R.S. § 8-1501.

B. Purpose. A.R.S. § 8-1243(A) provides “the supreme court shall administer the activities, including providing the cost of services, for the children who are referred to the juvenile court and referred for medical care other than in a state institution or who require treatment or rehabilitation.” This section establishes a process for the collection, accounting, and reporting of payments collected from juveniles or parents of juveniles participating in medical care, treatment or rehabilitation programs in accordance with A.R.S. § 8-1322 and juveniles ordered to comply with a program pursuant to A.R.S. § 8-1321(F).

C. General Administration. The Administrative Office of the Courts (AOC) shall administer the program for collecting, accounting and reporting of payments pursuant to this section and may allocate funds received as supplemental funding to be used in accordance with A.R.S. § 8-1322. Each court or department shall adopt policies and procedures for assessing treatment service costs that conform to this section.

D. Financial Assessment.

1. A.R.S. § 8-1243(A) provides:

...If the juvenile court refers a child for medical care or orders a child to participate in treatment or a rehabilitation program or if a probation officer requires a child to comply with a program pursuant to § 8-1321, subsection F, the juvenile court shall inquire into the ability of the child or the child's parent to bear the charge or expense of the medical care, treatment, rehabilitation program or program required pursuant to § 8-1321, subsection F. If the court is satisfied that the child or the child's parent can bear the charge or expense or any portion of the charge or expense, the juvenile court may fix the amount of the payment and shall direct the child or parent to pay the amount monthly to the clerk of the court until the child is discharged from

medical care, treatment, a rehabilitation program or a program required pursuant to § 8-1321, subsection F.

2. Each department shall develop a financial assessment form to determine the ability of the juvenile or parent to pay for treatment services ordered by the court or assigned by a probation officer during the diversion process. The financial assessment form shall gather at least the following information:
 - a. Number of family members, not including stepparents or significant others, verified by copies of previous years' tax returns.
 - b. Total monthly income, verified for all family members, using one or more of the following:
 - (1) Pay stubs;
 - (2) Statements of earnings from employer;
 - (3) Copies of social security, Veteran's benefits, unemployment, pension, or other checks; and
 - (4) Tax returns.
 - c. Current exceptional expenses, including but not limited to:
 - (1) Non-reimbursed medical expenses;
 - (2) Child support payments;
 - (3) Expenses due to unforeseen financial crises; and
 - (4) Court-ordered fees assessed to the parent, except "one-time" fees.
 - d. Family medical, dental or other insurance coverage available to pay all or part of treatment costs.
3. Each department shall develop a financial assessment process to determine the ability of the juvenile or parent to pay for treatment services ordered by the court or assigned by a probation officer during the diversion process. The financial assessment process shall include, at a minimum:
 - a. A method to adjust the monthly income by subtracting the exceptional expenses from the total monthly income;
 - b. A method to determine whether the juvenile is covered by insurance and treatment costs the insurance company will cover;
 - c. A method to determine whether the juvenile receives supplemental security income (SSI) when placed in an out-of-home care program except for shelter care or respite;

- d. A method to notify the social security administration when a juvenile receiving SSI is placed in out-of-home placement and the payments need to be assigned to someone else for the time period of the out-of-home placement;
 - e. Time-frames for completing the assessment; and
 - f. A method for reviewing the assessment when a juvenile moves to another level of care.
4. Each court or department may, with good cause, reconsider the assessment based upon a juvenile's or parent's request showing changed financial circumstances.

E. Fees.

1. Each department shall develop fee schedules that include a monthly-adjusted income scale or percentage adjusted for family size. The department may use more than one fee schedule, but shall use at last one of the following:
 - a. One time fee schedule for diversion cases or short-term treatment programs.
 - b. Program fee schedule for fees established by applying a percentage of the total fee due for the program. For example; a twelve session program at \$50 contract rate per session = \$600 program fee, of which the parent pays 25% or \$150.
 - c. Monthly fee schedule for ongoing, long term programs such as out-of-home or long-term outpatient programs.
2. Pursuant to A.R.S. § 8-1243(A), "...the juvenile court may fix the amount of the payment and shall direct the child or parent to pay the amount monthly to the clerk until the child is discharged from medical care, treatment, a rehabilitation program or a program required pursuant to § 8-1321, subsection F."
3. The department shall prepare a payment schedule showing the amount to be paid, the schedule of payments and beginning and projected ending dates. The department shall place a copy of the payment schedule in the juvenile's social file and provide the parent with a copy.
4. Each department may utilize a collection process to collect the necessary payments and pass the collection costs on to the client. The department shall not utilize the treatment amount owed to pay for an outside collection agency.
5. Each department shall keep on file all provider billing invoices for treatment services and shall monitor to ensure that payment plans for treatment services are established in accordance with the financial assessment and within the schedule of fees. Each department shall refund any overcharged amount to the juvenile or the juvenile's parent within thirty days from the date that the overcharge is detected.

6. Each department, in cooperation with the clerk, shall establish an accounting process for monies received pursuant to A.R.S. § 8-1243(A) that conforms to standard accounting procedures and minimum accounting standards. The process shall include at least the following:

- Documenting court orders
- Receiving of monies
- Depositing of monies
- Forwarding of payment to the AOC
- Reporting to the AOC
- Collecting delinquent amounts

F. Reports. Each department or clerk shall submit the following to the AOC finance office, attention juvenile medical treatment fund (JMTF), by the fifteenth of each month:

1. A report showing the case number or the juvenile on-line tracking system (JOLTS) file number and the payments that have been processed for the proceeding month, including the name of each party assessed or the payor;
2. A check payable to the AOC in an amount equal to the payments that have been processed for the proceeding month; and
3. A transmittal form (see Appendix A).

G. AOC Responsibilities. The AOC finance office shall:

1. Process the monthly forms and checks received from the courts or the clerk in accordance with the accepted and approved minimum accounting standards; and
2. Deposit all funds received pursuant to this section into the AOC JMTF account.

**Section 6-309: Medical Care, Treatment, and Rehabilitation Payments
Appendix A
CHECK TRANSMITTAL FORM**

| | | | | | | | |
|----------------------------|---|----------------------------|----------|----------------------------|----------|--------------------|----------|
| County: _____ | Court Address: _____ _____ | | | | | | |
| Check #: _____ | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Amount Collected Diversion</td> <td style="width: 30%;">\$ _____</td> </tr> <tr> <td>Amount Collected Treatment</td> <td>\$ _____</td> </tr> <tr> <td>Total Check Amount</td> <td>\$ _____</td> </tr> </table> | Amount Collected Diversion | \$ _____ | Amount Collected Treatment | \$ _____ | Total Check Amount | \$ _____ |
| Amount Collected Diversion | \$ _____ | | | | | | |
| Amount Collected Treatment | \$ _____ | | | | | | |
| Total Check Amount | \$ _____ | | | | | | |

I certify that the attached list represents payments collected pursuant to a court order under the authority of A.R.S. § 8-1243(A). The attached list represents the names and case numbers or JOLTS file numbers of the juveniles for whom payment has been made, the names of parties assessed or payors, and the amounts paid.

Authorized Court Signature Date

No payments have been collected this month pursuant to A.R.S. § 8-1243(A).

Authorized Court Signature Date

FOR AOC USE ONLY

Check Received

AOC Finance Office Date

| |
|--|
| Mail to: Arizona Supreme Court Administrative Office of the Courts Finance Office/Parental Payment Attn.: Juvenile Medical Treatment Fund 1501 West Washington, Suite 221 Phoenix, AZ 85007-3231 |
|--|

APPENDIX 2

MODEL LEGISLATIVE FORMAT AMENDMENT

The following example is not an actual code section and is included only to show the layout and formatting.

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 1: Administration

Chapter 3: Officers and Employees

Section 3-115: Judicial Personnel Enhancement

[Added text is shown underlined, deleted text by ~~strikethrough~~.]

A. Administration.

1. The administrative office shall oversee JPEF. The administrative director or designee shall establish timetables, policies, procedures, forms, and reports necessary to administer the program ~~and govern the use of local and state JCEF monies.~~
2. The administrative director ~~may~~ shall prepare fiscal projections, create a budget based on those projections and make allocation recommendations to the Arizona Judicial Council (AJC). ~~for the purpose of administering the funds.~~
3. The AJC shall review and may approve the administrative director's allocation recommendations of state JPEF pursuant to A.R.S. § 12-1113(C).
4. The administrative director shall ~~allocate and~~ expend projected funds pursuant to A.R.S. § 12-~~1113(C)~~ each fiscal year for administration and authorized projects according to the allocation recommendations approved by AJC.
5. The administrative director ~~is authorized to~~ may monitor court compliance with collection and submission of JPEF surcharges and fees and audit court compliance with the approved project plan or with the signed funding agreement.
6. The administrative director shall submit an annual report by January 8th of each year to the legislature and the governor pursuant to A.R.S. § 12-1113(D) detailing the money collected and expended and progress made in improving the ability of courts to hire competent staff. ~~The administrative director shall submit the report by January 31 of each year.~~

B. State JPEF Funding.

1. Courts shall submit an application for state JPEF projects to the administrative office on forms provided by the administrative office in compliance with ~~The administrative office shall develop and distribute~~ procedures and schedules for submission of applications.
2. The Commission on Judicial Staffing (CJS) shall review and may approve requests for special recruitment projects to be funded with state JPEF monies.
3. The administrative director shall review and may approve all requests for state JPEF projects in accordance with AJC's approved allocation plan.

4. Courts shall sign funding agreements prepared by the administrative office in order to receive state JPEF ~~grants~~ monies.

~~5. JPEF funds typically cover a one-year period, however, the administrative office may award on a multi-year basis. Courts shall follow JPEF program guidelines and meet project objectives as stated in their application to receive continued funding following the first year award.~~

65. A court shall deposit all state JPEF grant monies ~~funds received from the administrative office~~ to an account with the city or county treasurer. A court or its funding authority shall account for state JPEF separately from other funds.

76. A court or its funding authority shall account for interest earned on state JPEF grant awards separately and ~~A court~~ shall request authorization and approval from the administrative office to use spend interest earned ~~and cannot spend this money without written approval from the administrative office~~. The court shall revert the interest if the administrative office does not grant permission.

C. JPEF Reporting. Courts expending state JPEF monies shall submit an annual report by August 30th of each year in compliance with A.R.S. § 12-1116(B). Courts shall detail all grant-funded expenditures and progress made in improving the court's ability to hire competent staff during the prior fiscal year.

E-D. JPEF Receipts. By the fifteenth day of each month following the month in which the money is collected, county and city treasurers shall submit to the state treasurer state JPEF money collected by the superior court, justice of the peace courts and municipal courts and the supreme court and court of appeals shall submit to the state treasurer state JPEF money they collected. The court or funding authority shall not use JPEF funds to pay county or city administrative costs for services associated with receipt of those funds.

APPENDIX 3

CODE PREPARATION AND APPROVAL PROCESS

Code Preparation and Approval Process

Shaded area shows steps where section is maintained by division. For all remaining steps, Legal Services maintains the official version.

| # | Time | Task | Resp. Party |
|----|---|--|-----------------------|
| 1 | | Consult with Legal Services, obtain “official” version of section and/or prepare new or non-AOC CSP and attach date/time stamp. | Division |
| 2a | ASAP after receipt | Develop distribution plan; identify start and end dates for soliciting comments via the ACJA Forum. | Division |
| 2b | ASAP after receipt | If the CSP originated from a source outside the AOC, decide whether to recommend circulation or rejection of the proposal. | Division |
| 3 | Prior to distribution | Review recommendation to not circulate and/or refer to AJC committee for determination on whether CSP should be considered. | AOC Director |
| 4 | Prior to distribution and posting on the ACJA Forum | Consult Legal for code placement/number, if needed, and substantive provision review. | Division |
| 5 | Prior to posting on the ACJA Forum | Obtain AOC Director’s approval for posting CSP on the ACJA Forum. | Division |
| 6 | After consulting AOC Director & Legal | Circulate CSP per distribution plan; post to ACJA Forum; receive and summarize comments. | Division |
| 7 | ASAP, but not later than 5 wks prior to AJC mtg. | Revise CSP as necessary, prepare cover sheet and legislative version, send complete CSP with e-copy and signed routing slip to Legal for review. | Division |
| 8 | ASAP, but not later than 5 wks prior to AJC mtg. | Review CSP for proper formatting and route with suggested changes to assigned attorney . | LS Specialist |
| 9 | ASAP, but not later than 5 wks prior to AJC mtg. | Review CSP for content and recommend formatting and other revisions to division. | LS Attorney |
| 10 | ASAP, but not later than 4 wks prior to AJC mtg. | Make final revisions, remove owner restrictions, add final version “tag” and return code section, cover sheet, signed routing slip and comments to Legal in paper and electronic form. | Division |
| 11 | ASAP, but not later than 4 wks prior to AJC mtg. | Review revisions with assigned attorney, return code section to division with corrections or save code section as official version and forward complete proposal with signed routing slip to Executive Office Manager for AOC Director’s review. Email final copy to division. | LS Specialist |
| 12 | ASAP after receipt | Submit code section with routing slip to AOC Director for review. | Executive Office Mgr. |
| 13 | 3 wks prior to AJC mtg. | Approve code section for AJC agenda and suggest or consider late revisions. If major revisions, determine if code section should be delayed to next AJC meeting. | AOC Director |
| 14 | ASAP after AOC Director's review | Notify Legal of CSP approval or need for revisions and schedule mtg. as needed. | Executive Office Mgr. |
| 15 | ASAP after Director’s review | If revision needed provide amended language to Legal for review. | Division |
| 16 | ASAP after Director’s review | Legal will make changes to the official version and forward to the Division for review. | Legal |
| 17 | ASAP after Director’s review | If controversial, prepare AJC cover sheet for separate consideration. | Division |
| 18 | Prior to AJC mailing, but no later than 2 weeks prior to AJC mtg. | Proof code section, review with assigned attorney, save as official version and send with e-copy to division and Executive Office Manager for AJC mailing. Prepare AJC agenda page for consent agenda sections. | LS Specialist |

| # | Time | Task | Resp. Party |
|-----|--|---|-------------------------|
| 19 | 2 wks prior to AJC mtg. | Mail code sections with AJC agenda materials. Sr. Executive Secretary post to AJC webpage. | Executive Office Mgr. |
| 20 | After AJC mailing and prior to AJC meeting | Any changes to a CSP that post-date the AJC mailing must be reviewed with the AOC Director, and, if approval is given to present the changes to the upcoming AJC meeting, review them with Legal, and draft an appropriate motion to add them to the version the AJC will be asked to approve. Consult with Executive Office Mgr about the handout you will bring to the meeting. | Division |
| 21a | Day of AJC mtg. | Present code sections on consent agenda at the AJC meeting. | Legal |
| 21b | Day of AJC mtg. | Present code sections on regular agenda at the AJC meeting. | Division |
| 22 | Day of AJC mtg. | Review and recommend adoption, modification or rejection of CSP's. | AJC |
| 23 | ASAP, but no later than 5 days after AJC mtg. | Return routing slip to Legal for preparation and routing of adopting AO. If revision needed based on AJC action, send draft minutes reflecting amended language to Legal and the division responsible for the proposal. | Executive Office Mgr. |
| 24 | ASAP, but no later than 7 days after AJC mtg. | If revision needed based on AJC action, provide the amended language to Legal for review and incorporation into code section. | Division |
| 25 | ASAP after CSP revisions | If revision, compare draft revision to AJC minutes and proof code section. | Legal |
| 26 | 7 days after AJC mtg. unless revision and then will be 14 days | Prepare administrative order and return to division with routing slip for review and approval. | Legal |
| 27 | 7 days after AJC mtg. | Review AO and code section, sign routing slip and return to Legal. | Division |
| 28 | | Secure signature of assigned attorney on routing slip and send with e-copy to Executive Assistant for CJ meeting. | LS Specialist |
| 29 | | Review AO, sign routing slip and submit to CJ for signature. | AOC Director |
| 30 | | Sign AO adopting code section. | Chief Justice |
| 31 | | Provide e-copy of AO and code section to Senior Executive Secretary. | Executive Office Mgr. |
| 32 | 7 days after Chief Justice signs AO adopting code section | When AO is filed, post to administrative order web page and advise Legal of posting. Notify division if they requested notice at http://supreme.state.az.us/clerk/ . | Sr. Executive Secretary |
| 33 | Within 2 days after posting | Review posted AO and notify Legal when review completed - including any corrections. | Division |
| 34 | Within 2 days after Division review | Review adopted AO and advise Exec of corrections in posted AO. | Legal |
| 35 | Within 2 days after Division notification | Make corrections to posted AO. | Sr. Executive Secretary |
| 36 | Within 1 week after AO posted | Review formatting, incorporate adopted language and post to ACJA web page and notify division. | LS Specialist |
| 37 | ASAP after ACJA posting | Review posted ACJA section and notify Legal of any corrections. | Division |
| 38 | ASAP after ACJA posting | Make corrections to code section to conform to copy attached to AO. | LS Specialist |

APPENDIX 4

DISTRIBUTION

Administrative Code Proposal Distribution Groups

AOC Divisions

| | |
|-------------------------------|---------------------------|
| Administrative Services | Education Services |
| Adult Services | Executive Office |
| Certification & Licensing | Human Resources |
| Court Services | Information Technology |
| Dependent Children's Services | Juvenile Justice Services |

Court Committees, Commissions and Boards

| | |
|--|---|
| Committee on Superior Court | Commission on Technology |
| Committee on Limited Jurisdiction Courts | Committee on Probation |
| Commission on Minorities in the Judiciary | Committee on Juvenile Courts |
| Committee on Judicial Education & Training | Commission on Judicial Conduct |
| Local Foster Care Review boards | State Foster Care Review Board |
| Commission on Victims in the Courts | Board of Certified Reporters |
| Board of Legal Document Preparers | Confidential Intermediary Board |
| Fiduciary Board | Committee on the Impact of Domestic Violence and the Courts |

Judges & Staff

| | |
|------------------------------------|--------------------------------|
| Presiding Judges of Superior Court | Juvenile Court Directors |
| Presiding Justices of the Peace | Chief Adult Probation Officers |
| Presiding Municipal Court Judges | Court Administrators |
| Clerks of Superior Court | Chief Clerks |
| CASA County Offices | JOLTS County Coordinators |
| Presiding Juvenile Court Judges | Other: |

Others

| | | |
|------------------|-------------------------------|-------------------------|
| FCRB Members | Defensive Driving Schools | Private Process Servers |
| CASA's | Defensive Driving Instructors | Clerks Association |
| State Bar | Court Reporters | Other _____ |
| County Attorneys | Confidential Intermediaries | Other _____ |
| Public Defenders | Private Fiduciaries | Other _____ |

APPENDIX 5

PROPOSAL COVER SHEET

**ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet**

(Part, Chapter and Section numbers and titles)

1. Effect of the proposal: (Start text here, do not bold)

2. Significant new or changed provisions:

3. Committees actions and comments:

4. Controversial issues:

5. Recommended action or motion:

APPENDIX 6

CODE ROUTING SLIP

**Administrative Office of the Courts
ARIZONA CODE OF JUDICIAL ADMINISTRATION
Routing Slip**

ACJA Number & Title: _____

Originator Name: _____ Phone Number: _____

Note: PLEASE ROUTE IN ORDER LISTED.

| Person | Date Received | Signature/Approval | Date Forwarded |
|---|---------------|--------------------|----------------|
| Division Director (initial approval) | | | |
| Approval by the Executive office must be obtained before circulating any proposals. | | | |
| Administrative Director (prior to initial circulation and Web Forum posting) | | | |
| Legal Services (prior to Web Forum posting) | | | |
| Legal Services (format/content review) | | | |
| Division Director* (final approval) | | | |
| *Division Director's signature means that upon forwarding to Legal Services for final review, Legal Services will become the custodian of the official version of this code section proposal, and that the division will thereafter coordinate with Legal Services on any further changes to the code section prior to its adoption, such as amendments recommended by a committee or by the Administrative Director. | | | |
| Legal Services (final review) | | | |
| Administrative Director (AJC approval) | | | |
| Executive Office Manager (AJC mailing) | | | |
| After the AJC meeting the Division will draft any amending language and provide it to Legal Services who will draft the administrative order and incorporate any amendment in the code section and route these documents as follows: | | | |
| Division Director | | | |
| Legal Services | | | |
| Administrative Director (Chief Justice signature) | | | |

APPENDIX 7

Problem Words

Problem Words

The following list includes some common problem words and phrases along with their definitions and parts of speech.

1. Ability/Capacity (noun)
 - a. *Ability* means having the strength, talent or skill to do something.
 - b. *Capacity* means the ability to receive, comprehend or appreciate.
2. About/Approximately (adj.)
 - a. *About* is inexact; it indicates a rough estimate.
 - b. *Approximately* implies a greater degree of accuracy.
3. Accept/Except
 - a. *Accept* means to receive willingly, to agree with. (verb)
 - b. *Except* means excluding. (preposition)
4. Adapt/Adopt
 - a. *Adapt* means to alter or adjust. (verb)
 - b. *Adopt* means to take as one's own without change. (verb)
5. Advice/Advise/Inform
 - a. *Advice* means a suggestion or recommendation concerning a course of action. (noun)
 - b. *Advise* means to offer counsel and suggestions. (verb)
 - c. *Inform* means to communicate information. (verb)
6. Affect/Effect
 - a. *Affect* means to change; to influence. (Usually a verb.)
 - b. *Effect* means result; consequence. (Usually a noun.)
(“RAVEN”: Remember, Affect is a Verb, Effect is a Noun.)
7. Alternate/Alternative
 - a. *Alternate* means a substitute. (noun or adj.)
 - b. *Alternative* means one choice between two or more possibilities. (noun or adj.)
8. Among/Between (preposition)
 - a. *Among* is used when things are shared by more than two people.
 - b. *Between* is used when things are shared by two.
9. Amount/Number (noun)
 - a. *Amount* tells “how much.”
 - b. *Number* tells “how many.”
10. Assure/Ensure/Insure (verb)
 - a. *Assure* means making a person confident that something is true
 - b. *Ensure* means to make certain something happens
 - c. *Insure* means to issue an insurance policy
11. Balance/Remainder (noun)
 - a. *Balance* is used in business to mean “the amount still owed after a partial payment” or “the excess of debits over credits.”
 - b. *Remainder* is what is left when a part is taken away.
12. Because/Due to/Since
 - a. *Because* means by reason of or on account of and refers to a direct causal relationship. (conjunction)
 - b. *Due to* means attributable to. It should follow a form of the verb *to be* and must modify a noun. (preposition)

- c. *Since* means in view of the fact that and refers to a non-causal relationship or refers to something that happened at a particular time in the past.
13. Biannually/Biennially (adverb)
 - a. *Biannually* means two times a year.
 - b. *Biennially* means every two years.
 14. Bimonthly/Semimonthly (adj. or adverb)
 - a. *Bimonthly* means every two months.
 - b. *Semimonthly* means twice a month.
 15. Capital/Capitol (noun)
 - a. *Capital* means an uppercase letter or money.
 - b. *Capitol* means a government building.
 16. Cite/Sight/Site
 - a. *Cite* means to quote or a short form of *citation*, as in “legal cite.” (verb or noun)
 - b. *Sight* means vision. (noun)
 - c. *Site* means a place. (noun)
 17. Compare to/Compare with (verb)
 - a. *Compare to* is commonly used to stress similarities between two things
 - b. *Compare with* is used to show both similarities and differences between two things
 18. Comprise/Constitute/Compose (verb)
 - a. *Comprise* means to include or contain.
 - b. *Constitute* means to form or make up.
 - c. *Compose* means to form by putting together two or more things.
 19. Continual/Continuous (adj.)
 - a. *Continual* means happening again and again, over a long period of time.
 - b. *Continuous* means without interruption.
 20. Council/Counsel
 - a. *Council* means an organized group of people. (noun)
 - b. *Counsel* means an attorney; advice, or to advise. (noun or verb)
 21. Either/Any (adj.)
 - a. *Either* means one or the other of two.
 - b. *Any* means every or some.
 22. Farther/Further (adverb)
 - a. *Farther* refers to physical distance that can be measured.
 - b. *Further* means to a greater degree or extent.
 23. Feel/Think (verb)
 - a. *Feel* refers to physical or emotional sensation.
 - b. *Think* refers to mental activity.
 24. Fewer/Less (adj.)
 - a. *Fewer* means things or units that can be counted individually.
 - b. *Less* refers to overall bulk or volume.
 25. Fewer Than or More Than/Under or Over (adj.)
 - a. *Fewer than* or *more than* refers to figures.
 - b. *Under* or *over* refers to spatial comparisons only.
 26. If/Whether (conjunction)
 - a. *If* means “in case that” or “even though” and introduces a conditional clause.
 - b. *Whether* means “if it be the case that” and introduces a noun clause involving choices.

27. Judgment/Judgement (noun)
- Judgment* is the preferred American spelling
 - Judgement* is the preferred British spelling
28. Principal/Principle
- Principal* means main or chief. (adj.)
 - Principle* means ethical standard or belief. (noun)
29. Precede/Proceed (verb)
- Precede* means to go before
 - Proceed* means to go on
30. Than/Then (conj.)
- Than* is used to compare one thing with another
 - Then* is used show the order of actions in time
31. That/Which (pronoun)
- That* sets off a restrictive (distinguishing something from a larger class) or essential clause and is used without a comma.
 - Which* introduces a quality or sets off a non-essential clause and is normally used with a comma.

EXAMPLES

The Nile is the river that gives Egypt life. (restrictive)

The Nile, which flows into the Mediterranean, gives Egypt life. (non-restrictive)

32. Their/There/They're
- Their* means possession by *them*. (adj.)
 - There* means in or at that place. (noun)
 - They're* is a contraction of *they are*. (noun and verb)
33. Who/Whom (pronouns)
- Use *who* (or *whoever*) whenever *he, she, they, I, or we* could be substituted in the *who* clause (subject).
 - Use *whom* (or *whomever*) whenever *him, her, them, me, or us* could be substituted in the *whom* clause (object).

EXAMPLES

DO NOT WRITE: The director will determine to who the case shall be assigned.

WRITE: The director will determine to whom the case shall be assigned.

APPENDIX 8

COMPLIANCE CHECKLIST

Drafting Manual Compliance Checklist

| Preparation | |
|---------------------------------|--|
| | Distribution plan includes all affected committees and groups |
| | Sufficient time before AJC for comments |
| Submission | |
| | Section in final form (with "tag" in heading) |
| | Cover sheet (including summary of comments) |
| | ACJA routing slip |
| | E-copies of above |
| Content and Organization | |
| | Statutory authorization |
| | Logical organization |
| | Mandatory/discretionary language – <i>shall, may</i> and <i>will</i> (future only) |
| | Objective standards |
| Amendments | |
| | Legislative format |
| | Strikethrough for deleted text |
| | <u>Underline</u> for added text |
| | Only subsections affected or to show context |
| | Explanation of strikethrough and underline after title |
| Attachments | |
| | Referenced in text (use only if non-substantive) |
| | Marked as appendix |
| | Headed with section number, appendix number and title |
| | No long or frequently amended documents (describe with location) |
| Page Setup | |
| | Times New Roman 12 |
| | One inch margins |
| | Full justification |
| | Title in caps, bold and centered |
| | Page numerals centered at bottom of each page |
| Abbreviations | |
| | Not defined |
| | Long form first with abbreviation in parentheses, short form thereafter |
| Active/passive voice | |
| | Avoid passive whenever possible |
| | Look for form of verb <i>to be</i> and subject not performing action |
| | Who is responsible? |
| | Use passive only where actor is unknown or to emphasize word or phrase |
| Bullets | |
| | Circular bold |
| | |

| Capitalization | |
|---|---|
| Capitalize specific code parts, titles and names, proper names | |
| Do not capitalize code parts or titles used alone, common court terms | |
| Dates | |
| Spell out month, date and year | |
| No comma for month and year alone | |
| Definitions | |
| Standard intro | Quote statutory definition |
| Alphabetical order | Used somewhere in text |
| No numbering | Use defined term consistently |
| Same parts of speech | |
| Gender terms | |
| No gender-specific job titles | |
| No gender-specific pronouns | |
| No “hybrid” pronouns – <i>s/he, he or she</i> | |
| Jargon, legal language | |
| Avoid legalese: <i>herein, hereby, said, such, thereof, therefore, deem</i> | |
| Use plain English | |
| Citations | |
| A.R.S. § 41-1041(C)(2)(b) | |
| ACJA § 1-201(A)(2)(a) | |
| Multiple sections shown without title number | |
| Lists | |
| Avoid vertical list if short | <i>and</i> or <i>or</i> after next-to-last item |
| Introductory phrase and colon | Parallel structure |
| Capital letter to begin each item | Avoid inserting whole sentences |
| Semicolon after each except last | Bullets for short lists |
| Numbers and time | |
| Spell out one to twenty | No decimals unless part of a list |
| Numerals for 21 and above | Use <i>a.m.</i> and <i>p.m.</i> for time |
| Do not show both text and numerals | |
| Plurals | |
| Do not use combined singular/plural form: (s) | |
| Do not use both singular and plural forms of words together | |
| Quotes | |
| Fewer than 50, use quotation marks | |
| 50 or more, double indent, no marks | |
| Ellipses to show omissions, brackets to add necessary text | |
| Widows | |
| Avoid single line at beginning or end of page | |
| Combine with text before or after and extend margin | |

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