FILED
AUG 31 2017
JANET JOHNSON
CLERK SUPREME COURT
BY

MINUTES

Arizona Supreme Court

Tuesday, August 29, 2017

No. 5900

R-16-0038
(1)

RULE 98, RULES OF FAMILY LAW PROCEDURE

WOULD PROVIDE A SIMPLIFIED JURY SYSTEM IN FAMILY LAW CASES

ORDERED: Petition to Add Rule 98, Rules of Family Law Procedure = DENIED.

R-16-0040
(2)

RULES 5(a),5(b)(6),5(b)(7) et al, EVICTION ACTIONS

WOULD REQUIRE LITIGANTS STATEWIDE TO USE COURT-APPROVED EVICTION ACTION FORMS AND AUTHORIZES THE ADMINISTRATIVE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC) TO APPROVE, MODIFY, OR DELETE EVICTION ACTION FORMS AS MAY BE APPROPRIATE

ORDERED: Petition to Amend Rules 5(a), 5(b)(6), 5(b)(7) and Add Rules 13(h) and 20, of the Rules of Procedure for Eviction Actions = CONTINUED.

R-16-0045
(3)

RULE 42, ER 6.4, RULES OF THE SUPREME COURT

WOULD AMEND ER 6.4 TO REQUIRE LAWYERS WHO REPRESENT THEMSELVES TO BE SUBJECT TO THE SAME ETHICAL STANDARDS REGARDING CONFLICTS OF INTEREST AS THEIR CLIENTS

ORDERED: Petition for Rule 28(G) Expedited Amendment of Supreme Court Rule 42, ER 6.4 = DENIED.

R-16-0047
(4)

RULE 38, RULES OF THE SUPREME COURT

WOULD AMEND RULE 38, RULES OF THE SUPREME COURT, TO SIMPLIFY THE REQUIREMENTS FOR REGISTERED IN-HOUSE COUNSEL TO PROVIDE VOLUNTEER LEGAL SERVICES THROUGH AN APPROVED LEGAL SERVICES ORGANIZATION

ORDERED: Petition to Amend Rule 38, Arizona Rules of the Supreme Court = ADOPTED as modified, effective January 1, 2018.

R-17-0001
(5)

RULE 4.1(d), RULES OF CIVIL PROCEDURE

WOULD ALLOW SUBSTITUTE SERVICE AT A PRIVATE GUARD-GATED COMMUNITY WHERE ACCESS TO THE COMMUNITY IS RESTRICTED OR OTHERWISE DENIED BY THE HOMEOWNERS' ASSOCIATION OR GATE GUARD FOR SERVICE OF PROCESS

ORDERED: Petition to Amend Arizona Rules of Civil Procedure (ARCP) Rule 4.1(d) = DENIED.

R-17-0016
(6)

RULES 3 & 5, PROCEDURE FOR EVICTION ACTIONS

WOULD AMEND THE RULES TO PROVIDE THE SAME INFORMATION ON COMPUTING TIME PERIODS TO EVICTION COURT LITIGANTS AS OTHER CIVIL LITIGANTS IN JUSTICE COURT AND SUPERIOR COURT

ORDERED: Petition to Amend Rules 3 and 5, Rules of Procedure for Eviction Actions = ADOPTED as modified, effective January 1, 2018.

R-17-0021 (7)

RULES 10.2, 15.1, 16.6, RULES OF CRIMINAL PROC

WOULD AMEND THE RULES TO PROHIBIT THE STATE FROM UNILATERALLY USING ITS POWER TO DISMISS AND REFILE CASES IN ORDER TO NOTICE A PREVIOUSLY APPOINTED JUDGE OR RESTART THE DEADLINE TO FILE A NOTICE OF INTENT TO SEEK DEATH

ORDERED: Petition to Amend Rules 10.2, 15.1, 16.6 of the Arizona Rules of Criminal Procedure = DENIED.

R-17-0030 (8)

RULE 7.3, RULES OF CRIMINAL PROCEDURE

WOULD MAKE NO-CONTACT WITH THE VICTIM A MANDATORY CONDITION OF RELEASE IF THE COURT CLEARLY FINDS GOOD CAUSE TO CONCLUDE THAT THE VICTIM'S SAFETY WOULD NOT BE PROTECTED WITHOUT A NO-CONTACT ORDER

ORDERED: Petition to Amend Rule 7.3 of the Rules of Criminal Procedure = ADOPTED as modified, effective January 1, 2018.

R-16-0042 (9)

RULE 34, RULES OF THE SUPREME COURT

WOULD ALLOW GRADUATES WITH A JURIS DOCTOR FROM AN ONLINE LAW SCHOOL APPROVED BY A FEDERALLY RECOGNIZED REGIONAL ACCREDITOR TO APPLY TO BE ADMITTED TO PRACTICE LAW IN ARIZONA

ORDERED: Petition for Amendment to A.R.S. Sup.Ct.Rules, Rule 34 Regarding Applicant Requirements and Qualifications for Admission to the Bar = DENIED.

R-17-0005
(10)

RULE 50(b) RULES OF THE SUPREME COURT

WOULD AMEND RULE 50(b), RULES OF THE SUPREME COURT, TO REMOVE THE TWO (2) CONSECUTIVE THREE-YEAR LIMITATION ON THE APPOINTMENT OF MEMBERS TO THE ATTORNEY DISCIPLINE PROBABLE CAUSE COMMITTEE

ORDERED: Petition to Amend Rule 50(b), Rules of the Supreme Court = ADOPTED as modified, effective January 1, 2018.

R-17-0006
(11)

RULES 16, 16.1, 26.2, 38 and 38.1, CIVIL PROC

WOULD AMEND THE RULES RELATING TO MEDICAL MALPRACTICE CASES TO CONFORM TO THE RULES GOVERNING ALL OTHER CASES, ELIMINATING SUPERFLUOUS RULES AND SIMPLIFYING PROCEDURES

ORDERED: Petition to Amend Rules 16.1 of the Arizona Rules of Civil Procedure = ADOPTED as modified, effective January 1, 2018.

FURTHER ORDERED: Rules 16, 26.2, and 38.1 of the Arizona Rules of Civil Procedure = ADOPTED as modified, effective July 1, 2018.

R-17-0007
(12)

RULE 5.4, RULES OF CIVIL PROCEDURE

WOULD ADD A RULE SETTING OUT THE PROPER PROCEDURES FOR SEALING AND UNSEALING DOCUMENTS

ORDERED: Petition to Amend the Arizona Rules of Civil Procedure to Add Rule 5.4 Regarding Sealing and Unsealing Documents = ADOPTED, effective January 1, 2018.

R-17-0008
(13)

RULE 39, RULES OF THE SUPREME COURT

WOULD AMEND RULE 39, RULES OF THE SUPREME COURT, TO ALLOW THE STATE BAR TO ESTABLISH PROCEDURES FOR ATTORNEYS WHO ARE NOT MEMBERS OF THE STATE BAR OF ARIZONA TO ELECTRONICALLY FILE WITH THE STATE BAR APPLICATIONS FOR FEES FOR PRO HAC VICE ADMISSION

ORDERED: Petition to Amend Rule 39, Arizona Rules of Supreme Court = ADOPTED as modified, effective January 1, 2018.

R-17-0009
(14)

TECHNICAL AMENDMENTS TO RULES OF CIVIL PROC

WOULD AMEND CERTAIN ARIZONA RULES OF CIVIL PROCEDURE TO ADOPT NECESSARY TECHNICAL AMENDMENTS

ORDERED: Rules 4, 4.2, 5.2, 6, 7.1, 12, 54, 55, 56, and 75 of the Arizona Rules of Civil Procedure = ADOPTED as modified, effective January 1, 2018.

FURTHER ORDERED: Rule 26(e) of the Arizona Rules of Civil Procedure = ADOPTED as modified, effective July 1, 2018.

R-17-0011
(15)

RULE 38, RULES OF THE SUPREME COURT

WOULD CORRECT MINOR ERRORS AND CLARIFY SOME AMBIGUITIES RELATING TO IN-HOUSE COUNSEL REGISTRATION WITH THE STATE BAR

ORDERED: Petition to Amend Rule 38, Arizona Rules of Supreme Court = ADOPTED as modified, effective January 1, 2018.

R-17-0012
(16)

RULE 94, RULES OF THE SUPREME COURT

WOULD AMEND RULE 94, RULES OF THE SUPREME COURT, PERTAINING TO THE DUTIES AND REQUIREMENTS OF THE CLERKS OF THE SUPERIOR COURT TO MODERNIZE THE RULE WITH CURRENT PRACTICE, TO CLARIFY AND IMPROVE THE PROCESSING OF SUBPOENAS, AND TO CLARIFY THAT THE DOCKET IS THE LIST OF DOCUMENTS FILED INTO THE OFFICIAL CASE FILE OF INDIVIDUAL ACTIONS FOR ALL CASE TYPES

ORDERED: Petition to Amend Rule 94, Arizona Rules of the Supreme Court = ADOPTED as modified, effective January 1, 2018.

R-17-0013
(17)

RULES OF PROC FOR JUDICIAL REV OF ADMIN DEC

WOULD AMEND THE RULES OF PROCEDURE FOR JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS (JRAD) TO UPDATE, CLARIFY, AND STREAMLINE THE RULES

ORDERED: Petition to Amend the Rules of Procedure for Judicial Review of Administrative Decisions = ADOPTED effective January 1, 2018.

R-17-0034
(18)

RULE 37, CIVIL TRAFFIC & CIVIL BOATING VIOLATIONS

WOULD AMEND THE ARIZONA TRAFFIC TICKET AND COMPLAINT (ATTC) FORM TO (1) ADD DATA FIELDS FOR A DEFENDANT'S EMAIL ADDRESS AND CELL PHONE NUMBER AND IDENTIFICATION OF A LANGUAGE PREFERENCE FOR INTERPRETATION; AND (2) NOTIFY OFFENDERS OF THE AVAILABILITY OF FINANCIAL HARDSHIP RELIEF AND THAT PROVISION OF A CELL PHONE NUMBER GRANTS PERMISSION TO RECEIVE TEXT MESSAGES FROM THE COURT

ORDERED: Petition to Amend Rule 37, Form 11, of the Arizona Rules of Court Procedure for Civil Traffic and Civil Boating Violations = ADOPTED as modified, effective the date of signing with a delayed implementation date of no later than January 1, 2018.

FURTHER ORDERED: The technical amendment approved on May 2, 2017, is abrogated.

R-16-0022
(19)

RULES OF PROCEDURE FOR EVICTION ACTIONS

WOULD PERMIT A CHANGE OF JUDGE AS A MATTER OF RIGHT AND FOR CAUSE IN EVICTION ACTIONS IN JUSTICE COURT

ORDERED: Petition to Amend the Rules of Procedure for Eviction Actions = CONTINUED to December 2017 Rules Agenda.

FURTHER ORDERED: Experimental Rule 9(c) = CONTINUED in effect until further order of this Court.

R-17-0010
(20)

VARIOUS RULES OF CIVIL PROCEDURE

WOULD AMEND RULES RELATING TO CASE MANAGEMENT, DISCOVERY, AND SANCTIONS IN ORDER TO REDUCE THE COST AND TIME REQUIRED TO RESOLVE CIVIL CASES IN ARIZONA'S SUPERIOR COURTS

ORDERED: Petition to Amend the Arizona Rules of Civil Procedure to Modify Rules 8, 8.1, 11, 16, 26, 26.1, 26.2, 29, 30, 31, 33-37, 45, 45.2; Abrogate Rule 16.3; Adopt New Rules 26.2 and 45.2 and Modify Rule 84 = ADOPTED as modified, effective July 1, 2018.

R-17-0014
(21)

RULE 23.1, RULES OF CRIMINAL PROCEDURE

WOULD AMEND RULE 23.1, RULES OF CRIMINAL PROCEDURE, TO CLARIFY THAT A JURY FOREPERSON MAY SIGN THE VERDICT FORM USING THE FOREPERSON'S JUROR NUMBER AND INITIALS IN LIEU OF A SIGNATURE

ORDERED: Petition to Amend Rule 23.1 of the Rules of Criminal Procedure = ADOPTED, effective January 1, 2018.

R-17-0015
(22)

RULES 4.2, 5.1, 5.4, 7.2 et al, CRIMINAL PROCEDURE

WOULD AMEND THE RULES TO PROVIDE OPTIONS TO COURTS WHEN CONVICTED DEFENDANTS HAVE FAILED TO PAY THEIR MONETARY SANCTIONS IN A TIMELY FASHION AND TO MAKE CHANGES IN BAIL DETERMINATION PROCEEDINGS FOR DANGEROUS FELONY DEFENDANTS

ORDERED: Rules 26.12, and 27.8, Arizona Rules of Criminal Procedure = ADOPTED, effective January 1, 2018.

FURTHER ORDERED: Arizona Rules 4.2, 5.1, 5.4, 7.2, and 7.4, Arizona Rules of Criminal Procedure will be circulated for comment until September 25, 2017.

R-17-0017
(23)

RULES 67(C) AND 67.2, FAMILY LAW PROCEDURE

WOULD IMPLEMENT THE UNIFORM FAMILY LAW ARBITRATION ACT

ORDERED: Petition to Amend Arizona Rules of Family Law Procedure = ADOPTED, effective January 1, 2018.

R-17-0018
(24)

RULES 41, 48.1 AND 49, RULES OF JUVENILE COURT

WOULD CORRECT STATUTORY CITATIONS IN RESPONSE TO STATUTORY CHANGES

ORDERED: Petition to Amend Rules 41, 48.1 and 49, Rules of Procedure for the Juvenile Court = ADOPTED, effective the date of the order.

R-17-0019 (25)

ADD RULE 23.1, RULES OF FAMILY LAW PROCEDURE

WOULD ALLOW A COURT ON ITS OWN MOTION, UPON A FINDING THAT VENUE IS IMPROPER, TO TRANSFER THE CASE TO A COUNTY WHERE VENUE IS PROPER

ORDERED: Petition to Add Rule 23.1 to the Rules of Family Law Procedure = ADOPTED as modified, effective January 1, 2018.

R-17-0029 (26)

RULE 123, RULES OF THE SUPREME COURT

WOULD AMEND RULE 123(g)(1)(A) TO PROVIDE THE PUBLIC WITH THE SAME OPPORTUNITY FOR REMOTE ELECTRONIC ACCESS TO CASE RECORDS

ORDERED: (Petition Re SC Rule 123) = DENIED.

R-16-0020 (27)

RULE 78, RULES OF FAMILY LAW PROCEDURE

WOULD CONFORM THE FAMILY LAW RULE TO THE CORRESPONDING RULES OF CIVIL PROCEDURE REGARDING TIME TO REQUEST ATTORNEYS' FEES AFTER A RULING ON THE OTHER PENDING ISSUES

ORDERED: Petition to Amend Rule 78, Arizona Rules of Family Law Procedure = CONTINUED.

R-17-0002
(28)

RULES OF CRIMINAL PROCEDURE

WOULD COMPREHENSIVELY REVISE THE CRIMINAL RULES BY STYLISTIC AND SUBSTANTIVE AMENDMENTS

ORDERED: Petition and Supplemental Petition to Amend the Arizona Rules of Criminal Procedure = ADOPTED as modified, effective January 1, 2018.

R-17-0003
(29)

RULES 803(16) AND 902, RULES OF EVIDENCE

WOULD AMEND ARIZONA RULES OF EVIDENCE 803(16) AND 902 TO BE CONSISTENT WITH PROPOSED AMENDMENTS TO FEDERAL RULES OF EVIDENCE 803(16) AND 902

ORDERED: Petition to Amend Arizona Rules of Evidence 803(16) and 902 = ADOPTED as modified, effective January 1, 2018.

R-17-0004
(30)

RULES 801 AND 804, RULES OF EVIDENCE

WOULD AMEND RULES 801 AND 804 BY ADDING COMMENTS THERETO IN LIGHT OF THE CONCURRENT ABROGATION OF RULE 19.3, ARIZONA RULES OF CRIMINAL PROCEDURE, AS PROPOSED BY THE COURT'S TASK FORCE ON THE ARIZONA RULES OF CRIMINAL PROCEDURE

ORDERED: Petition to Amend Arizona Rules of Evidence 801 and 804 = DENIED.

R-17-0022
(31)

RULES 32(c) AND (d), RULES OF THE SUPREME COURT

WOULD AMEND RULES 32(c) AND (d), RULES OF THE SUPREME COURT, TO MAINTAIN THE CURRENT MANDATORY MEMBERSHIP REQUIREMENT FOR ALL LAWYERS BUT (1) ELIMINATE MANDATORY MEMBERSHIP DUES FOR NON-REGULATORY FUNCTIONS AND (2) ALLOW VOLUNTARY CONTRIBUTIONS FOR ALL NON-REGULATORY FUNCTIONS

ORDERED: Petition to Amend Rules 32(c) and (d), Rules of the Supreme Court = DENIED.

R-17-0023
(32)

RULE 36(a), RULES OF PROTECTIVE ORDER PROCEDURE

WOULD AMEND RULE 36(a) TO FURTHER CLARIFY CIDVC'S PREVIOUSLY STATED PURPOSE TO ENSURE A DEFENDANT'S FOURTEENTH AMENDMENT RIGHT IS PRESERVED IN A CONTESTED HEARING FOR A CRIMINAL ORDER OF PROTECTION OR CIVIL INJUNCTION AGAINST HARASSMENT

ORDERED: Petition to Amend Rule 36(a), Arizona Rules of Protective Order Procedure = ADOPTED, effective January 1, 2018.

R-17-0024
(33)

RULES 32.4, 32.5, 32.6 and 32.8, CRIMINAL RULES

WOULD MAKE AMENDMENTS TO THE RULES REGARDING POST-CONVICTION PROCEEDINGS TO PROMOTE JUDICIAL ECONOMY AND EFFICIENCY IN THE PROCESSING OF PETITIONS FOR POST-CONVICTION RELIEF

ORDERED: Petition to Amend Rules 32.4, 32.5, 32.6 and 32.8 of the Rules of Criminal Procedure = ADOPTED as modified, effective January 1, 2018.

R-17-0026
(34)

REPEAL RULE 25(g), RULES OF PROTECTIVE ORDER

WOULD REPEAL RULE 25(g), RULES OF PROTECTIVE ORDER PROCEDURE, FOR BEING UNCONSTITUTIONAL AND/OR NOT REFLECTING THE LEGISLATURE'S INTENT

ORDERED: Petition to Repeal Rule 25(g), Arizona Rules of Protective Order Procedure (Emergency Action Requested) = DENIED.

R-17-0027
(35)

RULES 15.1 and 15.4, RULES OF CRIMINAL PROCEDURE

WOULD PROVIDE A REASONABLE PROCEDURE FOR THE DISCLOSURE OF VIDEO FROM OFFICER WORN BODY CAMERAS

ORDERED: Maricopa County Attorney's Petition to Modify Rule 15.1 and Rule 15.4, Arizona Rules of Criminal Procedure = CONTINUED.

FURTHER ORDERED: Referring to the Court's Digital Evidence Task Force for consideration.

FURTHER ORDERED: Extending the period for public comment to October 1, 2017.

R-17-0028
(36)

RULES 20, 24.1, 24.2, et al, CRIMINAL PROCEDURE

WOULD DELETE RULE 20, ARIZONA RULES OF CRIMINAL PROCEDURE, AND MOVE THE POST-VERDICT PROVISIONS OF THAT RULE TO POST-VERDICT PROCEEDINGS IN ORDER TO ENFORCE THE STATE'S RIGHT TO A JURY TRIAL AND TO PROTECT VICTIM'S RIGHTS WHILE RETAINING SUFFICIENT PROTECTIONS FOR DEFENDANTS WHO MAY BE CONVICTED IN CASES WITH INSUFFICIENT EVIDENCE

ORDERED: Maricopa County Attorney's Petition to Delete Rule 20, to Add Rule 24.1 and to Renumber Rules 24.1, 24.2, 24.3 and 24.4, Arizona Rules of Criminal Procedure = DENIED.

MINUTES

Arizona Supreme Court

Tuesday, August 29, 2017

R-16-0046
(37)

APPENDIX TO ARIZONA RULES OF CRIMINAL PROCEDURE

WOULD AMEND FORM 4(a), APPENDIX TO ARIZONA RULES OF CRIMINAL PROCEDURE, TO CREATE A UNIFORM RISK ASSESSMENT FORM TO ASSIST COURTS MAKING A LETHALITY DETERMINATION IN A DOMESTIC VIOLENCE CHARGE

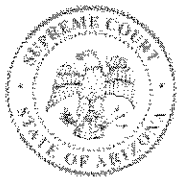
ORDERED: Petition to Amend Appendix to Arizona Rules of Criminal Procedure = CONTINUED until further order of the Court.

R-17-0020
(38)

RULE 13(b)(4), RULES OF PROC FOR EVICTION ACTIONS

WOULD PERMIT COURTS TO ACCEPT STIPULATED JUDGMENTS UPON MAKING CERTAIN FINDINGS

ORDERED: Petition to Amend Rule 13(b)(4) of the Rules of Procedure for Eviction Actions = ADOPTED as modified, effective January 1, 2018.



The foregoing action was taken by the Arizona Supreme Court on Tuesday, August 29, 2017.

/S/ **Date:** August 31, 2017
Scott Bales, Chief Justice