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November 10, 2011

CLERK SUPREME COURT

FILED
NOV 14 2011
RACHELLE M. RESNICK
CLERK SUPREME COURT
BY:

Clerk of the Supreme Court
1501 W. Washington Street, #402
Phoenix, AZ 85007

RE: Petition R-11-0031

Dear Sir/Madam:

My name is Jim Marner and I am a lawyer practicing in Tucson. I have been involved in many cases involving claims against governmental entities. As I am sure you are aware, the Notice of Claim requirements associated with this type of litigation are very complex. I know from personal experience. I had the opportunity to brief a sufficiency of claim issue at the Court of Appeals level.

I am sending you this letter to express my support for Petition R-11-0031 and I urge any of you who are in a position to have it enacted to do so. Adopting this proposed rule change would bring the service requirement for claims against governmental entities in line with long-standing Arizona case law, as well as the existing Rules of Civil Procedures requirements. Additionally, adopting this petition could put an end to the sometimes burdensome and unpleasant necessity of having to "stake out" various government officials to comply with the cumbersome service requirements currently in place. Additionally, the current requirement effectively prevents a citizen of the State who is not represented by an attorney (and does not know of the pitfalls the current rule creates) from bringing a valid claim in accordance with his/her Seventh Amendment right to a civil trial. The proposed changes in this petition address all of the above concerns and create no downside. As such, I strongly encourage you to accept the petition in full.

Thank you for taking the time to read my letter.

Very truly yours,


JAMES E. MARNER

JEM:efb