

Honorable Rosa Mroz
Presiding Probate/Mental Health Court Judge
Superior Court of Arizona, Maricopa County
125 W. Washington St.
Phoenix, AZ 85003
(602) 372-0384

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:

} Supreme Court No. R-12-____

}
} PETITION TO AMEND RULE 11
} OF ARIZONA RULES OF
} PROBATE PROCEDURE
}

Pursuant to Rule 28, Rules of the Supreme Court of Arizona, the Presiding Probate/Mental Health Court Judge of the Superior Court of Arizona in Maricopa County, respectfully petitions this Court to adopt the attached proposed amendment to Rule 11 of the Arizona Rules of Probate Procedure.

The current version of Rule 11 limits the court to allowing an appearance by “telephone.” This fails to allow the use of video-conferencing technologies that are now available to courts via secure internet connections. The Superior Court in Maricopa County has the ability to use secure video conferencing technology for probate events that would not require personal attendance, such as status conferences. The Superior Court in Maricopa County has conducted tests with other video-conferencing technologies, and the use of video-conferencing technology or other electronic means does not interfere with creating a full and complete record.

Using video-conferencing technologies for events such as status conferences in probate will save money for the wards. These events generally last 15 minutes or less. However, the wards are charged for travel and wait time for the attorneys. This results in charges of up to 2 hours of time at \$300 an hour

1 for a 15 minute proceeding. Using video-conferencing technologies can lessen
2 the financial burden on the estate for these short proceedings. The Superior
3 Court in Maricopa County would like the option of scheduling proceedings to be
4 done via telephone or video-conferencing technology when appropriate without
5 a request by a party, as a cost-effective means to conduct these hearings. Exhibit
6 A contains the changes proposed by the Superior Court in Maricopa County.

7 The proposed changes to Rule 11 would allow the Superior Court to
8 conduct appropriate hearings via telephone or video conference on the court's
9 own motion or at the request of a party. This will not compromise the ward's
10 rights or the record, and will reduce the costs to the ward's estates. For the
11 foregoing reasons, the Presiding Probate/Mental Health Court Judge of the
12 Superior Court of Arizona in Maricopa County, respectfully requests this Court
13 adopt the attached proposed amendment to Rule 11 of the Arizona Rules of
14 Probate Procedure.

15 Respectfully submitted this 10th day of January, 2012.

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17
18 Hon. Rosa Mroz
19 Presiding Probate/Mental Health Court Judge
Superior Court of Arizona, Maricopa County

20 Original and six (6) copies delivered this
21 10th day of January, 2012 to:

22 Clerk of the Arizona Supreme Court
23 1501 W. Washington, Suite 402
24 Phoenix, AZ 85007

25 Copy mailed this
26 10th day of January, 2012 to:
27
28

David K. Byers, Director
Administrative Office of the Courts
1501 W. Washington St.
Phoenix, Arizona 85007

Exhibit A

Rule 11. Telephonic OR ELECTRONIC Appearances and Testimony

A. Upon timely written motion OR ON THE COURT'S OWN MOTION, a judicial officer may allow telephonic appearance OR APPEARANCE BY ANY APPROVED ELECTRONIC MEANS during any proceeding. In the event more than one participant has requested telephonic OR ELECTRONIC appearance, the first party requesting telephonic appearance shall arrange at his or her expense for the call or conference call, unless the court orders otherwise.

B. Unless a shorter time is authorized by the judicial officer, a motion to allow ~~telephonic~~ testimony or argument VIA TELEPHONIC OR OTHER APPROVED ELECTRONIC MEANS shall be filed at least 30 days before the hearing, unless the notice setting the hearing provides for fewer than 30 days' notice, in which case the request shall be filed within five days after receipt of the notice setting the hearing. The motion shall be served on all parties and on any person who has filed a demand for notice and shall be accompanied by a form of order.

C. A party opposing a motion for telephonic OR ELECTRONIC appearance or telephonic OR ELECTRONIC testimony shall file a written response within five days after service of the motion.

D. Telephonic OR ELECTRONIC appearances and testimony shall be of such quality that the voices of all parties and counsel are audible to each participant, the judicial officer, and, where applicable, the certified reporter or electronic recording device.