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IN THE ARIZONA SUPREME COURT

In the Matter of)	Supreme Court No. R-13-0002
)	
PETITION TO AMEND ARIZONA)	COMMENT TO PROPOSED
SUPREME COURT RULE 123)	RULE RELATED TO COURT
)	INFORMATION AVAILABLE
)	ONLINE

The Arizona Association of Superior Court Clerks (AASCC) submits the following comments to the petition to amend Rule 123 of the Arizona Rules of the Supreme Court.

The Clerks of the Superior Court limit their comments to the ability to post the docket of events, or register of actions, on the internet (“docket online”). A rule restricting the docket online to party names, case number, judicial assignment, and attorney names was included in petition R-12-0017, which this Court continued, and also appears in the above petition. In this petition (R-13-0002), the rule cite is 123(g)(1)(D)(i) and it prohibits the Clerks from posting the complete docket online in cases where the defendant is charged with an offense listed in Arizona Revised Statutes Title 13, chapters 14, 32, 35, or 35.1 and in cases where the victim was a juvenile at the time of any offense.

The Clerks support victims’ rights and privacy as well as a victim and the public’s right to be informed in public matters. In balancing a victim’s right to privacy with a

victim's interest in knowing the status of their case, the Clerks assert that the greater benefit is in allowing the entire docket in these cases to remain accessible online. The case docket reflects the date a pleading was filed and the title of the document. Basic descriptive information may be entered on the docket as well, such as "settlement conference," "review hearing," "trial," and other hearing and event information. The docket contains textual data in chronological order and contains no images of documents.

Victims often live far from the courthouse where their case is being heard. While victims have an interest in following their case, it may not be practical or convenient to travel to where the records are kept or to call the courthouse for basic information, such as the title of the most recently-filed documents or whether an appeal was filed. Keeping the docket online allows victims and the public to stay informed about the basic progress of cases. Supreme Court Rule 123(g)(1)(D)(iv) has a similar prohibition on the court of appeals and supreme court from posting the case appendix online. The same logic of following the progress of a case online applies to that rule section. While the AASCC supports having the docket online in Superior Court, it raises the issue of the case appendix for the court of appeals and supreme court but does not take a position on the rule's treatment of their register of actions.

The Clerks are unaware of any occurrence where a victim's name appeared on the docket online. A victim's name could conceivably be included in the title of a pleading or otherwise captured in a case note that could appear in the text-based docket online. However, this has not occurred in Arizona that the Clerks can recall.

Victim information that is kept for purposes of restitution does not appear in the docket online. The docket online may contain a general entry titled "Restitution

APPENDIX A

RULES OF THE SUPREME COURT

RULE 123. ACCESS TO THE JUDICIAL RECORDS OF THE STATE OF ARIZONA

(a) – (f) [No change]

(g) Remote Electronic Access to Case Records.

(1) A court may provide remote electronic access to case records as follows:

(A) – (C) [No change]

(D) *General Public, Non-Registered Users.* Unless otherwise provided by rule or law, members of the public may be provided remote electronic access, without registering, to:

(i) the following data elements in ~~closed cases, including~~ juvenile delinquency, mental health, AND probate CASES, ~~and criminal cases in which a defendant is charged with an offense listed in A.R.S. Title 13, chapters 14, 32, 35 or 35.1 or in which the victim was a juvenile at the time of the offense as provided in paragraph (g)(1)(C)(ii)(h) above:~~

- party names,
- case number,
- judicial assignment, and
- attorney names