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9 **IN THE SUPREME COURT**  
10 **STATE OF ARIZONA**

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12 **PETITION TO AMEND RULE 123,  
13 RULES OF THE SUPREME COURT**

Supreme Court No. R-13-0002

**Comment of the State Bar of  
Arizona on Petition to Amend  
Rule 123, Rules of the Supreme  
Court**

14 The Advisory Committee of the Administrative Office of the Courts has  
15 petitioned this court to amend Rule 123(g), Rules of the Arizona Supreme Court. In  
16 relevant part, the amendment to Rule 123(g)(1)(D)(iii) would deny online access to  
17 family court minute entries, including temporary orders and final judgments, by  
18 separating them from ‘case information.’ As a consequence, any member of the  
19 public seeking this information would have to travel to a superior court or public  
20 records facility, and download the information from an onsite terminal.

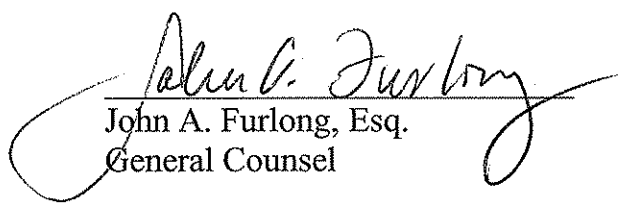
21 The Family Practice and Procedure Committee, debated this measure at its  
22 monthly meeting on January 16, 2013, and reached a consensus on two independent  
23 concerns. First, the State of Arizona has a proud history of transparency in its civil  
24 justice systems. Public access builds public confidence, educates our citizenry, and  
25 informs an electorate entitled to hold the judiciary accountable for its rulings.  
Because our society increasingly depends on technology to acquire data and

1 communicate, a measure that flatly eliminates online access to substantive family  
2 court orders defeats all of these worthy public goals.

3 Second, excessive online secrecy thwarts recent efforts by the State Bar to  
4 improve the public's access to justice because it hinders the ability of attorneys to  
5 evaluate a prospective client and provide informed advice, such as when the  
6 candidate seeks post-decree relief in a case possessed of an extensive litigation  
7 history. This is especially true of nonprofit legal aid organizations that field  
8 thousands of requests for assistance each year from Arizona's low-income  
9 population, and depend on electronic data to assess the merit of an applicant's claims.

10 The FPPC recognizes the strong, competing privacy interest of children that  
11 motivates this petition. For this reason, it advocates an amendment that would  
12 exempt licensed Arizona attorneys from the proposed online ban, except for case-  
13 related materials specifically sealed by court order.

14 RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of April, 2013.

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17 John A. Furlong, Esq.  
18 General Counsel

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20 Electronic copy filed with the  
21 Clerk of the Supreme Court of Arizona  
22 this 1<sup>st</sup> day of April, 2013.

23 By: Kathleen A. Lundgren  
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