

1 Committee on Superior Court
2 Honorable James A. Soto, Chair
3 Superior Court in Santa Cruz County
4 P.O. Box 1929
5 Nogales, Arizona 85628
6 (520) 375-7730

7
8 IN THE ARIZONA SUPREME COURT
9

10 In the matter of PETITION TO) Supreme Court No. R-06-0026
11 AMEND RULE 5(c)(1), ARIZONA)
12 RULES OF CIVIL PROCEDURE) **COMMENT OF THE**
13 (NOW RULE 5(c)(2)(D), AND) **COMMITTEE ON**
14 RULE 43(C), ARIZONA RULES OF) **SUPERIOR COURT**
15 FAMILY LAW PROCEDURE)
16 (NOW RULE 43(C)(2)(d)))
17 _____)
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19 The Committee on Superior Court, through undersigned, files the following
20 comment pursuant to Rule 28, Arizona Rules of the Supreme Court, to Petition R-
21 06-0026, concerning amendments to Rule 5(c)(1), Ariz.R.C.P., and Rule 43(C),
22 Ariz.R.F.L.P., relating to deleting the option of serving a party by leaving
23 documents with the clerk of the Superior Court.

24 The Committee, in conjunction with petitioner, Arizona Association of
25 Superior Court Clerks, supports the effort to eliminate the procedure for leaving
26 documents with the court clerk for those parties who cannot be served through
27 counsel or because the party's address is unknown.

28 Regarding the corrected civil and family law rule numbers cited in the
29 petition, this comment is limited to a statement that the proposed rule changes are

1 not intended to conflict with Rule 7(C), Arizona Rules of Family Law Procedure.
2 Rule 7(C) allows a party to leave documents with the clerk of the court for service
3 upon a party whose address is protected. Protected addresses are fundamentally
4 different from the situation in civil rule 5(c)(2)(D) and family law rule 43(C)(2)(d).

5 The Committee on Superior Court and petitioner, Arizona Association of
6 Superior Court Clerks, supports the continuing ability to leave documents with the
7 Clerk for service upon a party whose address is known, but protected by court
8 order, while eliminating the ability to leave documents with the Clerk for service
9 upon a party whose address is unknown.

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11 **RESPECTULLY SUBMITTED** this 11th day of May 2007.

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COMMITTEE ON SUPERIOR COURT

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15

16

Honorable James A. Soto

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Committee on Superior Court Chair

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19 Electronically filed with the Clerk

20 Of the Supreme Court of Arizona

21 this 11th day of May 2007.

22

23 By: Susan R. Pickard

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25 Copy the foregoing mailed

26 this 11th day of May 2007, to:

27

28 Juanita Mann, President

29 Arizona Association of Superior Court Clerks

30 P.O. Box 668

31 Holbrook, AZ 86025