

Hon. Michael K. Jeanes, Clerk of the Superior Court  
Maricopa County Superior Court  
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IN THE ARIZONA SUPREME COURT

In the matter of ) R- 07-0010  
)  
PETITION TO AMEND THE ) COMMENT TO PROPOSED RULES  
ARIZONA RULES OF FAMILY ) RELATED TO AMENDING ARIZONA  
LAW PROCEDURE ) RULE OF FAMILY LAW PROCEDURE  
\_\_\_\_\_ ) RULE 44(B)(4)

The Clerk of the Superior Court for Maricopa County joins the Arizona Association of Superior Court Clerks (AASCC) in the Association's comments related to the Family Law Rules, and submits the following comment regarding the process for informing defaulting parties of a decree or judgment:

Rule 44(B)(4) *Informing Defaulted Party*. While the AASCC would remove the portion of this proposed rule that would require altering a court document, the Clerk's Office in Maricopa County favors eliminating this section of the proposed rule change entirely as it applies to Maricopa County. As written, the proposed rule would add an unnecessary step to the notification process in Maricopa County. Currently, when a decree or judgment is entered by default, the clerk mails a copy of the decree or judgment to the parties and notes the date of this mailing on the court docket. This process satisfies the entry of judgment rules and eliminates the need to issue a minute entry on every decree or judgment. In Maricopa County, the current process eliminates the need for

approximately 800 minute entries per month, or nearly 10,000 minute entries per year where a default decree or judgment is issued.

The proposed rule would require the party obtaining the decree or judgment, rather than the clerk, to mail a copy to the other party within 24 hours of receipt. Putting the burden of mailing on the party obtaining the decree or judgment creates more work for both the party and the clerk's office. For example, the clerk would have to issue a minute entry on each default decree or judgment, indicating that the decree or judgment was mailed to the party responsible for mailing to the other party and the mailing party would have to return a notice of mailing for entry into the court record. This is particularly burdensome in Maricopa County where the electronic court record is created from scanning paper or filing-in electronic filings; this additional step would require more clerk resources rather than fewer.

A version of proposed Rule 44(B)(4), modeled after the process in Pinal County Local Rule 3.6, is supported by all the Clerks in the state, except for Maricopa, because the Clerks feel the proposed rule has the potential to improve the process in their offices. The volume in Maricopa County and the existing method of processing its volume makes this petition necessary as a limited exception to the rule.

The current Maricopa process involving the clerk mailing the decree or judgment to the parties meets the needs of court rule and maintains the veracity of the court record. The proposed rule or the AASCC's recommended modification would add extra steps in Maricopa County, would likely result in fewer decrees and judgments actually being mailed by parties as required, and, in the case of the proposed rule as written, would require altering the filed-in court document. For these reasons, the Clerk of the Superior

Court in Maricopa County recommends that any version of proposed Rule 44(B)(4) not apply in Maricopa County.

DATED this 16th day of May, 2008.

/s/ Michael K. Jeanes  
Hon. Michael K. Jeanes  
Clerk of the Superior Court for Maricopa County

A copy of this comment has been mailed or delivered this 16th day of May, 2008, to:

Hon. Norman J. Davis, Chair  
Family Law Rules Review Committee  
Maricopa County Superior Court  
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Phoenix, AZ 85003  
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Via electronic filing of comment

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