

Maricopa Lawyer  
Clerk's Corner  
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By Michael K. Jeanes, Clerk of the Superior Court

### **Changes in Mesa**

The criminal court trial divisions at the Southeast Adult Facility in Mesa will move to downtown Phoenix, effective December 1, 2009. The Regional Court Center (RCC) and Early Disposition Court (EDC) at the Southeast Adult Facility will remain in Mesa. This move is part of the Superior Court's long-term plan to centralize services and help the court manage costs. The Clerk's services, including the ability to file documents, access records and courtroom clerk staffing of judicial divisions at the Mesa and downtown Phoenix locations will not be affected by these changes.

### **Public Records**

As the internet evolves and the state moves toward electronic filing in all state courts, discussions continue regarding what should be in the public record and how public it should be. Currently, all superior court public records in Maricopa County can be accessed at the Clerk's Offices around the Valley. Copy and transaction fees are determined by state statute and the Clerk maintains the official record. Some for-profit companies obtain court records and resell them as unofficial records online, either on a per-document basis or as part of a subscription service. When dealing with these third-party companies, remember that the Clerk's Office cannot verify the accuracy of what they provide or influence the prices they charge.

By registering with the Clerk's Electronic Court Record Online, attorneys can remotely access the public records on cases where they are the attorney of record or where an attorney from their firm is the attorney of record. Supreme Court Rule 123 that takes effect January 1, 2010, will allow the Supreme Court to create a new online application that provides access to the images of filings in adult case types in exchange for a fee. If created, access under that system would likely include more public records than ECR Online allows, but would not make all public records available remotely. Regardless, public records unavailable online will still be available at the records' physical locations in justice, municipal and superior courts.

Did you know that family, probate, tax, criminal and civil cases all have records that are available to the public? Many non-lawyers are surprised to learn that the details of their divorce or a loved-one's estate are available as public records. When filing documents, make sure that sensitive information is not included unless specifically required. There are specific forms, such as the Sensitive Data Sheet in family court cases or the Probate Information Form in probate cases for this sensitive information.

Supreme Court Rule 123 that takes effect January 1, 2010 states that sensitive data "means social security number, bank account number, credit card number, and any other financial account number" and requires filing parties to refrain from including that

information “in all pleadings or other documents filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court or as otherwise provided by law.” A document was recently submitted to the Clerk’s Office for filing that included the complete social security numbers for numerous parties listed in the caption. Protecting this information before filing helps reduce the potential for identity theft and other crimes. Specific case types require that certain information be filed separately from public records, such as the full date of birth of minors in a dissolution action.

Because the Clerk’s Office files-in thousands of documents at numerous locations daily, file counter and review clerks do not have the time or authority to inspect documents for sensitive information. To submit the most professional and information-appropriate documents for filing in the public record, carefully review your pleadings before filing. Remind others that what gets filed with the Clerk is available to people well beyond the assigned judicial officer.