



**Maricopa County
Clerk of the
Superior Court**

Meeting Minutes

Meeting:	Process Server Open Forum		
Date:	August 11, 2021	Location:	Virtual
Time of Meeting:	12:00 PM	Length:	1 Hour 15 Minutes
Facilitator:	Jeff Fine, Clerk of the Superior Court		

Purpose of Meeting

The elected Clerk of the Superior Court hosts quarterly meetings where helpful information and updates are shared with the Private Process Server community.

Contact Information:

Wepage: <https://www.clerkofcourt.maricopa.gov/services/additional-services/process-servers>

Email: COCProcessServerCorrespondence@maricopa.gov

Phone: 602-372-5375

Minutes

1) Welcome:

Health and Safety Briefing - The Clerk shared information about recent decisions made by the Presiding Judge to delay reductions in social distancing requirements and reinstating facial covering requirements for persons inside of court facilities in response to increased virus activity in Maricopa County. The Clerk shared that he had hoped to be able to meet in person with everyone and apologized for the inability to do so.

2) Overview:

The Clerk shared again with everyone the purpose of the open forum meetings: to share information and updates related to the services of the Clerk's Office; to pass along information received by the Clerk's Office; to share responses to questions received by the Clerk's Office related to process servers and document runners; and to share information about resources available to process servers including introduction to others such as special guest speakers who may be helpful.

3) Introductions:

The Clerk introduced speakers and special guests present for the meeting. The Clerk also announced that it appeared a representative of the Administrative Office of the Courts (AOC) would not be joining us as the director of Certification and Licensing, Mr. Mark Wilson is retiring. The Clerk advised that when Mr. Wilson's successor is announced that such information will be shared.

4) Eviction Update:

Attorney Denise Holliday, President of the Arizona Landlord Tenant Association provided an update on eviction related issues. In her presentation she mentioned that during the pandemic several administrative orders have been issued often changing requirements for documents that are to be served in eviction cases including one that was just published immediately prior to the meeting that she had not fully reviewed yet. She recommended that process servers stay up to date with requirements by staying in touch with any attorneys they may work with and to also subscribe to automatically receive notifications from AOC of new administrative orders when they are issued. To



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sign up for notifications go to the following website: <https://www.azcourts.gov/orders/administrative-orders-index>. There is a link on that page to request to be put on the AOC's Administrative Orders distribution list. Ms. Holliday also shared information about how to determine if a case involves forcible detainer or special detainer and whether personal service or service by post and mail is required. Because Ms. Holliday sits on an eviction forms committee at the state level, the Clerk shared a related suggestion received from a process server. Ms. Holliday also shared that one of the challenges related to service of court documents she sees is the difficulty approach residential properties that are gated either in a yard or in a gated community. Ms. Holliday said that in 2017 that a bill was introduced to address the issue, but that the bill did not pass that year. Ms. Holliday recommended that if process servers have questions about the bill or are interested in talking with someone about the issue in the bill, they should reach out to their legislators. The Clerk also shared that anyone can comment in support or opposition to any bill on Arizona's legislative website. Ms. Holliday can be reached at holliday@h3landlordlaw.com.

5) Legislative & Rules Update:

Jessica Fotinos, General Counsel and Public Information Officer for the Clerk's Office presented brief updates on the following:

- R-21-0021 – Petition to Amend Rules 4.1 and 4.2 of the Arizona Rules of Civil Procedure filed by the State Bar of Arizona. The proposed amendments, if adopted by the Arizona Supreme Court, would make changes to the requirements for service by publication. Comments were due for submission to the Arizona Supreme Court on or before Monday, May 3, 2021. The Supreme Court will take up this Petition when it meets in late August to review filed Rule Petitions. A copy of this Petition, Comments and Reply can be found on the Arizona Supreme Court Rules Forum under the Rules of Civil procedure tab: <https://www.azcourts.gov/Rules-Forum>.
- On the Supreme Court's Rules Forum Webpage, there is a significant amount of information regarding the Arizona Supreme Court rulemaking process. If you would like additional information about the Supreme Court's rulemaking process, Ms. Fotinos recommends you view the following two sources:
 - <https://www.azcourts.gov/rules/Forum-FAQ> - Frequently Asked Questions
 - <https://www.azcourts.gov/rules/Guidelines-for-Filing-new-Petitions-or-Comments> - Guidelines for filing Petitions and Comments
- HB 2158: Protective Orders; Central Repository; Notification
 - This Bill will go in effect on September 29, 2021, and among other things, provides the following:
 - Requires the Supreme Court to maintain a central repository for injunctions prohibiting harassment.
 - Require the court issuing an injunction, or modifying an injunction, to enter the order and proof of service into the Supreme Court's central repository for injunctions.



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- States the Supreme Court must register the injunctions with the national crime information center.
- SB1412: Probation; Prisoners; Protective Orders
 - This Bill will go into effect on September 29, 2021, and among other things, provides the following:
 - Permits the Board of Executive Clemency to inform the victim of the ability to petition the court for an injunction against harassment.
 - Requires the court to serve an injunction against harassment on the defendant before ending probation or intensive probation.
- The full text of Bills may be found on the Arizona Legislature's website:
<https://www.azleg.gov/>.
 - When looking at a Bill that has been signed into law, you will want to look at the "Chaptered Version."
 - Bills signed into law this session have a general effective date of September 29, 2021, unless the Bill contained an emergency effective date.
 - Valuable resource on Arizona's Legislative process can be found here:
<https://www.azleague.org/98/How-a-Bill-Becomes-a-Law>
- Administrative Orders
 - Arizona Supreme Court Administrative Orders can be found here:
<https://www.azcourts.gov/orders/administrative-orders-index>. They are indexed on an annual basis and are posted in sequential, chronological order.
 - Maricopa County Superior Court Administrative Orders can be found here:
<http://www.superiorcourt.maricopa.gov/SuperiorCourt/AdministrativeOrders/Index.aspx>. They are indexed on an annual basis, posted in reverse chronological order, and you can search by year and case type.
- Questions
 - For questions that you may have concerning these updates, please feel free to submit your inquiries to cocprocessservercorrespondence@maricopa.gov.

6) State Bar Update:

Mr. Jim Lee, Sr Legal Counsel for the Arizona State Bar appeared. He thanked process servers for the important work that they do and shared efforts he has undertaken to be helpful to process servers. He mentioned that he has presented at process server training sessions and facilitates engagement between the Bar and process servers including a recent meeting between some process servers and the Executive Director of the Arizona State Bar. Mr. Jim Lee can be reached at Jim.Lee@staff.azbar.org.



7) Clerk Operations & Process Server Resource Update:

Mr. Michael Nimitz, Deputy Director for the Clerk's Office, provided the following operational and process server resource updates:

- Process Server Webpage Enhancements:
 - <https://www.clerkofcourt.maricopa.gov/services/additional-services/process-servers>
 - Online Study Guides – printable PDF and hyperlink versions contain the same content and will be periodically updated based on feedback and changes to the governing authorities.
 - Upcoming Process Server Open Forum Dates / Locations
 - Upcoming Testing Dates
 - Link to Arizona Supreme Court Resources
 - Maricopa County Process Server Coordinator Contact Information
 - Email: COCProcessServerCorrespondence@maricopa.gov
- **Please remember to maintain up to date contact information with the Process Server Coordinator.** This will ensure that you receive Certificates of Attendance for Continuing Education Credit, details on upcoming forums, procedural updates, and other helpful information.
- Attendees, please email the Process Server Coordinator within (1) week of Open Forums to receive your Certificate of Attendance.
- Masks Requirements: Per current Maricopa County mandate, masks are required for all visitors to the Clerk's Office Customer Service Center at 601 W. Jackson.

8) APOST Executive Director Update:

Mr. Matt Giordano, Executive Director of the Arizona Peace Officer Standards and Training Board (APOST) presented to the process servers. APOST is responsible for the training standards and certification of all Arizona law enforcement officers. Mr. Giordano concluded his presentation by acknowledging how challenging and potentially dangerous the work process servers perform can be and thanked process servers for their service. Mr. Giordano shared with process servers that his office is interested in creating training materials for Arizona law enforcement officers about the roles and work of process servers and constables. Mr. Giordano invited process servers to contact him to share any information they feel would be helpful with this project. Mr. Giordano's can be contacted at mattg@azpost.gov.

9) Clerk Update:

Mr. Jeff Fine, the elected Clerk of the Arizona Superior Court in and for the County of Maricopa presented last. Mr. Fine shared a question that his office recently received from a process server about fees in certain protective order cases. The question was whether or not the statutory language prohibiting fees for service of orders of protection as covered by A.R.S. § 13-3602(D) applied only to government officials effecting service. The Clerk shared that neither A.R.S. § 13-3602(D) nor § 12-1809(D) (specific to injunctions against harassment if petition arises out of a dating relationship or sexual violence) includes limiting language with regard to who is effecting service, i.e., a governmental official or a private process server. The Clerk indicated that he and his staff are precluded from providing legal advice, and that the Office could not render a formal legal opinion on the matter. Mr. Fine however did state that any further information or resources that are found on the subject will be passed along. Mr. Fine also shared an update on the new process server ID card that is being developed by the office including updates made to the card based on recent feedback. Mr. Fine advised that the ID card was recently reviewed by legal advisors to answer a few questions



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asked by Arizona Clerks and that the matter was discussed this week by Arizona Clerks. Mr. Fine advised that next steps include consulting with AOC officials on what final approvals may be needed. Mr. Fine advised that upon any final approval, that he intends to make it available as widely and as soon as possible to promote the use of an improved ID card uniformly in the field.