

**ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL**  
**RULES COMMITTEE**  
**MINUTES**

March 9, 2015

The meeting of the Rules Committee of the Arizona Prosecuting Attorneys' Advisory Council was called to order by the Chair John Belatti on March 9, 2015, at 2:00 p.m. at the APAAC Office which is located at 1951 W. Camelback Road, Suite 202, in Phoenix.

**ROLL CALL**

**Rules Committee Members Present**

John Belatti, Chair  
Barbara LaWall

Mesa City Prosecutor  
Pima County Attorney  
Proxy Kathleen Mayer  
Coconino County Attorney  
Proxy Bryan Shea  
Maricopa County Attorney  
Proxy Ken Vick

Dave Rozema

Bill Montgomery

**Staff Present**

Kim MacEachern

Staff Attorney

**Guests**

John Humphries  
Luke Coyne

Arizona Summit School of Law Fellow  
Arizona Summit School of Law Fellow

**MINUTES OF THE FEBRUARY 9, 2015, MEETING**

Ms. Kathleen Mayer made a motion, seconded by Mr. Bryan Shea to adopt the minutes from the February 9, 2015, Rules Committee meeting. Motion carried.

**PENDING RULES PACKAGES**

Mr. Belatti presented each of the petitions as outlined in the Rules Packages attached to the agenda. After brief discussion on each petition and considering chief deputy input, the following was decided:

**A. R-14-0030 - Petition to Amend Rule 7.2, Rules of Criminal Procedure**

Mr. Belatti made a motion, seconded by Mr. Shea, to strike this petition from consideration. Motion carried.

**B. R-14-0031 - Petition to Amend/Repeal Rules 32.2 (a) and (b), Rules of Criminal Procedure**

Mr. Ken Vick will prepare the draft comment to oppose.

**C. R-15-0003- Petition to Amend Rule 32(c)(9), Rules of Superior Court and Create Task Force to Examine State Bar's Keller Compliance**

Mr. Belatti made a motion, seconded by Mr. Shea, to strike this petition from consideration. Motion carried.

**D. R-15-0005 - Petition to Amend Rule 7.5, Rules of Criminal Procedure**

Mr. Belatti will prepare the draft comment in support, but will not include the probable clause language from Chief Deputies.

**E. R-15-0008 - Petition to Amend Rules 34 – 36, Rules of Supreme Court**

No comment will be prepared.

**F. R-15-0009 - Petition to Repeal the Rules of Procedure in Traffic Cases and Boating Cases, to Amend the Rules of Procedure in Civil Traffic and Civil Boating Violation Cases, and to Amend Rules 1, 2, and 3 of the Rules of Criminal Procedure**

Committee recommends support; however, no comment needed.

**G. R-15-0010 - Petition to Amend Rules of Protective Order Procedure and Family Law Procedure**

Committee recommends support; however, no comment needed.

**H. R-15-0011 - Petition to Amend Rules 15.5 and 39, Rules of Criminal Procedure**

Mr. Vick stated that MCAO opposes the petition as superfluous. Mr. Vick will prepare the draft comment to oppose with mentioning white- on-white redaction.

**I. R-15-0012 - Petition to Amend Rule 7, Rules of Procedure for Special Actions**

No comment will be prepared

**J. R-15-0014 - Petition to Amend Canon 2.3 in Rule 81, Rules of the Supreme Court**

No comment will be prepared

**K. R-15-0016 - Petition to Repeal Rule 6(E)(4)(e)(2), Rules of Protective Order Procedure**

No comment will be prepared.

**L. R-15-0018 - Petition Amend Rules 31, 34, 38, 39 and 42, Rules of the Supreme**

Mr. Vick will prepare the draft comment opposing petition in its entirety, and to point out the issues with the clause:

*When communicating with the accused in a criminal prosecution about a matter other than the criminal prosecution, a government lawyer must comply with this Rule in addition to honoring the constitutional rights of the accused.*

**M. R-15-0020 - Petition to Amend Rules 2.3 and 3.6, Code of Judicial Conduct, Rule 81, Rules of the Supreme Court**

No comment will be prepared.

**N. R-15-0022 - Petition to Amend Rule 38(d), Rules of the Supreme Court**

No comment will be prepared.

**O. R-15-0024 - Petition to Amend Rule 41, Rules of Criminal Procedure**

Mr. Belatti will prepare the draft comment in support.

**P. R-15-0025 - Petition to Modify Rule 15.4(b), Rules of Criminal Procedure**

Ms. Mayer will prepare the draft comment in support.

**Q. R-15-0026 - Petition to Amend Rule 41, Rules of Criminal Procedure**

Mr. Belatti will prepare the draft comment in support, and suggest moving section "i" from Form A to Form B.

**R. R-15-0027 - Petition to Amend Rule 123, Rules of the Supreme Court**

No comment will be prepared.

**S. R-15-0028 - Petition to Amend Rule 31.5, Rules of Criminal Procedure**

Committee recommends support; however, no comment needed.

**T. R-15-0029 - Petition to Add Rule 32.13 for Limited Court Post-Conviction Relief Proceedings Criminal Procedure**

Mr. Shea will prepare the draft comment in support, with time change from 30 days for response; MCAO may ask for time change of 45 days.

**CALL TO THE PUBLIC**

Mr. Belatti previously suggested that after receiving the Chief Deputies' input on Friday March 6, 2015, the next Rules Committee meeting should be scheduled for Monday, April 13, 2015. That suggestion was approved by the members on February 09, 2015, and was not revisited at this meeting.

**ADJOURNMENT**

Meeting was adjourned by Mr. Belatti.