

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
MINUTES

May 15, 2015

The meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by the Chair, Sheila Polk, on Friday, May 15, 2015, at 1:00 p.m. at the APAAC office located at 1951 W. Camelback Road, Suite 202, in Phoenix, Arizona.

COUNCIL MEMBERS PRESENT

Sheila Polk	APAAC Chair, Yavapai County Attorney
Jon Smith	APAAC Vice-Chair, Yuma County Attorney (telephonic)
Brad Beauchamp	Gila County Attorney
John Belatti	Mesa City Prosecutor
Brad Carlyon	Navajo County Attorney
Vicki Hill	Acting Phoenix City Prosecutor
Brian McIntyre	Interim Cochise County Attorney
Bill Montgomery	Maricopa County Attorney
Derek Rapier	Greenlee County Attorney
Tony Rogers	La Paz County Attorney
David Rozema	Coconino County Attorney (telephonic)
Tobin Sidles	Oro Valley Town Prosecutor
Lando Voyles	Pinal County Attorney
P. Rob Walecki	Glendale City Prosecutor (telephonic)

COUNCIL MEMBERS PRESENT BY PROXY

Mark Brnovich	Arizona Attorney General Proxy Don Conrad
Baird Greene	Tucson City Prosecutor Proxy William Mills (telephonic)
Barbara LaWall	Pima County Attorney Proxy Kellie Johnson
Michael Whiting	Apache County Attorney Proxy Sheila Polk

STAFF PRESENT

Elizabeth Ortiz	Executive Director
Kim MacEachern	Staff Attorney
Diana Cooney	Office Manager
Luke Coyne	APAAC Fellow
Richelle Burch	APAAC Law Clerk (AZ Summit Law School)
Sohil Sheth	APAAC Law Clerk (AZ Summit Law School)
Bethany Jeffress	Administrative Assistant

GUESTS PRESENT

Lynn Arouh	Town of Gilbert Prosecutor
Anne Marie Bruno	Legislative Intern, Arizona Office of the Courts
Amy Love	Legislative Liaison, Arizona Office of the Courts
Kathleen Mayer	Legislative Liaison, Pima County Attorney's Office
Nate Quinn	A/V Specialist, Maricopa County Attorney's Office

CONSENT AGENDA

Ms. Sheila Polk presented the minutes from the April 23, 2015, Council meeting for consideration and approval by the Council. Mr. Tobin Sidles made a motion, seconded by Mr. Bill Montgomery, to approve the minutes. Motion carried.

CHAIR'S REPORT

Ms. Polk was notified by the Attorney General's Office that their Opinion, No. I15-002 dated May 4, 2015, agendized as an attachment for discussion here, will be withdrawn and re-issued. Ms. Polk will update the Council when the new Opinion is released.

EXECUTIVE DIRECTOR'S REPORT

Ms. Elizabeth Ortiz introduced APAAC's new law clerks, both from Arizona Summit Law School: Ms. Richelle Burch and Mr. Sohil Sheth. Ms. Ortiz welcomes them and is grateful for their assistance as APAAC partners with NAPC and NDAA on research projects.

Ms. Ortiz reported on her participation in the National Institute of Justice (NIJ) Court Technology Advisory Panel in Washington, D.C., on May 13, 2015. The panel, coordinated by RAND Corporation, brought together prosecutors and defense attorneys from around the country to brainstorm on contemporary issues involving the practical and legal implications of technology and its impact on our current justice system. RAND anticipates the panel's findings will be available in October, 2015.

On May 8, 2015, Ms. Ortiz, along with other APAAC staff, attended the Coalition to End Sexual & Domestic Violence's 5th Annual Awards Gala. Deputy Coconino County Attorney Stacy Krueger was recognized with an award for her work in advocating for victims.

Ms. Ortiz updated the Council regarding the status of the following cases in which APAAC has filed *amicus curiae* briefs: *LaWall v. Robertson* and *State v. Simcox*.

STAFF ATTORNEY'S REPORT

Ms. Kim MacEachern reported that the Problem Solving Courts Conference held on May 27-28, 2015, in Prescott, had over 400 attendees and presented great networking opportunities. Ms. MacEachern will continue her involvement in the planning process and encouraged Council participation in future events.

Ms. MacEachern commented on scheduling challenges concerning the APAAC Criminal Justice Day for Policy Makers. Ms. MacEachern asked Council members to contact their respective legislators to raise awareness of this law school for legislators and to encourage their attendance at the next event planned for the fall of 2015.

FINANCE COMMITTEE REPORT

Mr. Derek Rapier presented APAAC's financial reports for April 2015, as recommended for approval by the Finance Committee. Mr. Rapier made a motion, seconded by Mr. Don Conrad, to accept and approve the April 2015 financial reports. Motion carried.

Mr. Rapier presented the Proposed APAAC Budget for FY2015-16, as recommended for approval by the Finance Committee. Ms. Amy Love commented on behalf of Mr. Jerry Landau that recent legislation's effect on surcharges and fees may have an impact on future APAAC revenues. Mr. Rapier made a motion, seconded by Mr. John Belatti, to adopt the FY2015-16 APAAC Budget, as proposed. Motion carried.

BEST PRACTICES COMMITTEE REPORT

Ms. Sidles referred Council to the seminar report attachment showing the APAAC sponsored trainings in April 2015, including the three (3) Criminal Year in Review trainings and the Annual Legal Assistant Conference in May 2015.

Ms. Ortiz stated that APAAC will soon announce registration for the upcoming annual Support Staff Conference on July 31, 2015.

Ms. Ortiz also reported that the State Bar of Arizona granted APAAC's exemption request for the *Lessons From The Holocaust: What You Do Matters* training regarding the Mandatory Continuing Legal Education requirement that a minimum of five attorneys be present in order for a training to potentially qualify for CLE credit.

RULES COMMITTEE REPORT

Mr. Belatti presented for approval by Council the following revised draft comments to the Supreme Court's Rules Petitions, with a filing deadline of May 20, 2015:

- **R-15-0005** – Mr. Belatti stated the draft comment to this petition is no longer necessary and recommends it not be filed. Mr. Belatti made a motion, seconded by Mr. Sidles, to permanently table this item without comment. Motion carried.
- **R-15-0011** – Mr. Belatti presented the revised draft comment in opposition to this petition. Mr. Belatti made a motion, seconded by Ms. Vicki Hill, to file the comment, as drafted. Motion carried.
- **R-15-0025** – Mr. Belatti stated he did not receive any feedback concerning the definition of "free talk" language in the draft comment presented at the last Council meeting. Mr. Belatti made a motion, seconded by Mr. Sidles, to file the comment, as drafted. Motion carried.

2015 APAAC ANNUAL PROSECUTOR CONFERENCE ATTORNEY AWARDS

Ms. Ortiz announced the 2015 Annual Prosecutor Conference Attorney Award nominees.

Mr. Conrad made a motion, seconded by Mr. Rapier, to disallow Mr. Brian McIntyre's nomination of Edward Rheinheimer for the Lifetime Achievement Award because the nominee does not fall within the parameters of the award's criteria. Discussion followed. Motion carried, with three dissenting votes.

A roll call vote of the Council members was taken to determine the winner from each of the eight categories. Each nominator was video recorded as they advocated for their respective nominee, and that edited recording will be replayed before the winners are announced during the awards luncheon at the APAAC Annual Prosecutor Conference June 17-19, 2015, in Tucson.

NACo / AACo REPORT

Mr. Brad Carlyon reported that at their last meeting NACo / AACo rolled out an initiative to address mental health problems in our jails. Mr. Carlyon directed Council members to the NACo website for more information.

NATIONAL DISTRICT ATTORNEY'S ASSOCIATION (NDAA) REPORT

Mr. Rapier announced that the NDAA Summer Conference is scheduled for July 19-21, 2015, in Chicago, Illinois.

CALL TO THE PUBLIC

None.

NEXT COUNCIL MEETING

The next Council meeting will be held on Tuesday, June 16, 2015, at 2:00 p.m. at the Starr Pass Resort in Tucson, in conjunction with the APAAC Annual Prosecutor Conference held June 17-19, 2015

ADJOURNMENT

Ms. Polk declared the meeting adjourned at 3:33 p.m.