

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

Arnold vs. Sarn and the Electronic Record on Appeal

Arnold vs. Sarn and other Historically Significant Cases

The Clerk's Corner in the May edition of the Maricopa Lawyer discussed historically significant cases that have touched the Superior Court in Maricopa County in one way or another. Parties, attorneys, judicial officers and others were encouraged to designate qualifying cases for this designation. The process and forms are readily available and the brief time it takes to file the motion potentially preserves the case for all time.

Among the cases listed as examples was this description: "Public Fiduciary v. Arizona State Hospital (Sarns Case/mental health), which began as a class action in 1981 and continues today." Fortunately, this cursory write-up caught the attention of Charles Arnold, the "Arnold" in Arnold vs. Sarns, as the case is nationally and internationally known by the legal and non-legal community. Mr. Arnold ("Chick" when engaged informally) was willing to share his insight into the case and its far-reaching effects and agreed to have his comments published in this edition of the Maricopa Lawyer.

The value in designating a case historically significant is that the case remains available to educate and put the legal and social environment in context. Even more valuable is designating cases while the players are still available and passionate about their insight.

The Electronic Record on Appeal Expands

In August of 2009 the Clerk's Office started a pilot with Division One of the Arizona Court of Appeals by providing the record on appeal electronically in one probate case, followed by appeals in all family and probate court cases. General civil cases on appeal were added to the electronic appeals program in September of 2010, followed by all non-criminal appeals as of June 1, 2011. Based on the success of the initial pilot, the Clerk's Office will begin to expand the electronic transmission of the record on appeal to the Court of Appeals, Division One for appeals related to the criminal case type. This Fall the Clerk's Office anticipates using the electronic record on appeal to transmit death penalty cases and election challenges to the Arizona Supreme Court.

To further enhance the electronic record on the criminal appeal cases, effective July 1, 2011, the Clerk's Office will provide documents associated with the record on appeal, including the index, on a CD-ROM. Public defense agencies as well as private defense counsel will access the superior court record on appeal through the CD-ROM. This method replaces the former paper process and only applies to public and private attorneys representing a client whose criminal case is on appeal from the Superior Court in Maricopa County to the Court of Appeals, Division One. Access to public records will

remain available from the Clerk's Public Access Terminals located around the Valley as well as through the Electronic Court Record Online (ECR Online).