



The Weecks Quarterly©

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Good Day to the Breakfast Club E-Distributees!

In this time of world-wide virus-related headlines, there is an understandable void of non-headline, interesting reads! Since most of us suddenly find our work-related networking and other events postponed, it seems time for a newsletter! It was suggested maybe to share an overview of some of our legal world hot-button topics?

New Rules in Probate Department Cases

On 29th August 2019 together with the order of 12th December 2019 , the Arizona Supreme Court adopted R-18-0044 abrogating and replacing the entirety of the Arizona Rules of Probate Procedure effective 1st January 2020. To read in detail go to:

<https://www.azcourts.gov/Portals/20/2019%20Rules/R-18-0044%20Final%20Order.pdfver=2019-08-29-150128-037>

Some Fun Educational Endeavors

For the past years, I have co-organized a few privately sponsored (not Bar sponsored) continuing legal education series with a few colleagues. One is the Annual Barristers & Baseball, for which I was a contributing editor to the ethics' handout (although the event was scheduled to today, so it's been postponed). The upcoming two-days of the Annual CLE Marathon is still scheduled for May. I've just completed the co-authored legal research essay entitled "Grandparent (and other third party) Child Custody Overview." Giving a slight idea of the types of research comprising the 27 page handout material just completed, here is the introductory paragraph:

"In appropriate circumstances, a non-parent may obtain custodial rights to a child in many lawful ways. Burdens of proof and levels of scrutiny are heightened in these cases wherein parenting is a fundamental constitutional right."

Our Grandparent (and other third party) Child Custody Overview includes discussion about orders of protection, advanced directives, guardianships, *in loco parentis* actions, dependency and severance, and more. The Law Office of Debbie Weecks has historically offered lay and professional class sessions as a public service for the greater good. If you have a business or professional forum that is organizing virtual meetings and would like a guest speaker on these or other issues of law, please call!



Pending Proposed Changes Affecting the Delivery of Legal Services

Perhaps no hot-button topic is more critically gripping than the pending proposals at the Arizona Supreme Court which, if passed, will change the profession of law dramatically. The proposals include permitting investors to create and own law firms (or a big-box store law kiosk even), permitting sharing of fees by attorneys with non-attorneys, and allowing third-parties to charge fees to represent the public but who are not lawyers. These efforts are intended to make legal services more affordable. The reality many of us fear is that the elimination of Rule 5.4 concerning a lawyer's independence, the provision for representation in a case by a non-lawyer without lawyer supervision, and the many intricacies are detrimental not only to the practice of law but to the consumer of legal services. The task force recently presented its case to the State Bar Board of Governors. Sixteen of us presented in opposition to the proposals verbally at that time as "public members" (non-BOG attendees). Many many more are posting opposition comments, and you may, as well.

You may read the report, pending Petition R-20-0034, proposed Code of Judicial Administration regulations ACJA 7-209 -Alternative Business Structures and ACJA 7-210 - Limited License Legal Practitioner, the Hon. Judge Swann's opposition report, and many pages of others' posted comments at <https://www.azcourts.gov/Rules-Forum/aff/123> and at <https://www.azcourts.gov/ACJA-Forum/aft/1120> and <https://www.azcourts.gov/ACJA-Forum/aft/1128>, respectively.

ORDERS OF PROTECTION – AZ POINT

On 06th November 2019, the Arizona Supreme Court implemented Admin Order 2019-143. The Admin Order introduced significant changes, also effective the 1st of January 2020 including usage of AZ POINT [<https://azpoint.azcourts.gov/>], or the "Arizona Protective Order Initiation and Notification Tool." This portal permits the user to prepare and save (for up to 90 days) the court paperwork seeking a protective order. The user may then recall the completed form at the courthouse location.

In a break from prior practice, following issuance of an *ex parte* title 13 Order of Protection (versus title 12 injunctions), the order goes directly to law enforcement for service of process. In this way, orders are not held by petitioners potentially for up to a year until their expiration. The practicality is that judges will ask petitioners whether there is a reason to delay service and they may provide an extra hard copy to the petitioner for law enforcement in case of contact (such as returning home) before that pre-arranged service.

WISHING YOU GOOD HEALTH.,
Attorney Debbie Weeks.

