



CITY OF SURPRISE
Judicial Selection Advisory Commission
16000 N. Civic Center Plaza
Surprise, AZ 85374
 Wednesday, March 26, 2025 @ 6:00 PM
 Community Room

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- F. Judicial Selection Advisory Commission Agenda

CALL TO THE PUBLIC:

INSTRUCTIONS: In order to address the Board\Commission, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the Secretary before the meeting begins.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address the Board\Commission only on issues within the jurisdiction of the Board\Commission which are not an item on the agenda. At the conclusion of the open call, the Board\Commission may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

CONSENT AGENDA:

- 1. Citywide Consideration and action pertaining to the approval of the January 15, 2025 Judicial Selection Advisory Commission meeting minutes. Human Resources

REGULAR AGENDA ITEM - PUBLIC HEARING:

- 2. Citywide Consideration and action pertaining to the recommendation to Surprise City Council for the reappointment of Presiding Judge Louis Frank Dominguez, whose current term expires June 30, 2025. Human Resources
- 3. Citywide Consideration and action pertaining to the recommendation to Surprise City Council for the reappointment of Associate Judge Catherine Ann Gaudreau, whose current term expires June 30, 2025. Human Resources

- G. Other Business and Future Agenda Items
- H. Executive Session

For information Purposes; Upon a public majority vote of a quorum of the Commission, the Commission may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city’s attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city’s attorneys regarding the city’s position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations

(A.R.S. §38-431.03 (A)(5)); or

- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6).

- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from

the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

4. Internal Consideration and action to enter into executive session pursuant to A.R.S. § 38-431.03(A)(1) for the purpose of evaluating, in accordance with Surprise City Code Sec. 30-44 Presiding Judge Louis Frank Dominguez and/or Associate Judge Catherine Ann Gaudreau. Human Resources

- I. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: Wednesday, March, 19th, 2025 @ 4:00 PM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR CLERK@SURPRISEAZ.GOV, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Judicial Selection Advisory Commission

Council Meeting Date: March 26, 2025
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the approval of the January 15, 2025 Judicial Selection Advisory Commission meeting minutes.

Motion:

I move to approve the January 15, 2025 meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. JSAC Meeting Minutes 2025.01.15
-

CITY OF SURPRISE
JUDICIAL SELECTION ADVISORY COMMISSION (JSAC) MINUTES

16000 N. Civic Center Plaza

Surprise, AZ 85374

Wednesday, January 15, at 6:00 p.m.

A. Call to Order – the meeting was called to order by Chair Carey at 6:05 p.m.

B. Roll Call – members present: Chair Carey, Vice-Chair Furuya (6:09 p.m.);
Commissioners Lang, Jessen, Stutzman, and Valles

C. Pledge of Allegiance

D. Current Events and Reports – Chair Carey announced the passing of Commissioner Hanzel on October 21, 2024, and that there is a vacancy on the board. Staff announced the vacancy has been posted on the City of Surprise website by the City Clerk’s office and that the term expires June 30, 2025.

E. Staff Reports – None.

F. Judicial Selection Advisory Commission Agenda

Call to the Public: No comments from public.

Consent Agenda:

Regular Agenda Item: Non-Public Hearing

1. Consideration and action pertaining to the approval of the May 15, 2024, Judicial Selection Advisory Commission meeting minutes. – APPROVED

Motion: Jessen

2nd: Valles

Votes: 6 Yes Votes; 0 No.

2. Consideration and action pertaining to the review of the Judicial Selection Advisory Commission Procedural Rules.

Chair Carey provided a brief overview of the yearly requirement for the commission to have at least one meeting per year to review operating procedures under Chapter 30. – No Discussion

3. Discussion and review of the reappointment process and timeline for Presiding Judge Louis Frank Dominguez.

The commission discussed the reappointment process and timeline, and the fact that it would be the same for Judge Dominguez and Associate Judge Gaudreau.

Motion: Chair Carey

2nd: Jessen

Votes: 6Yes; 0 No

4. Discussion and review of the reappointment process and timeline for Associate Judge Catherine Ann Gaudreau.

The commission discussed the reappointment and timeline, and the fact that it would be the same for Judge Dominguez and Associate Judge Gaudreau.

5. Discussion and possible action scheduling a future public input meeting and directing city staff to conduct a judicial performance survey of the current Presiding Judge, including inquiring on pending and past disciplinary actions and soliciting information on administrative performance from the Surprise City Court.

APPROVED

Chair Carey sought feedback regarding the last time surveys were sent out during the reappointment process. Associate Judge Catherine Gaudreau raised concerns regarding having enough time to capture a diverse response for her surveys due to her court schedule. It was decided that judicial performance surveys will capture court interactions with judges between January 10, 2025, through February 21, 2025. March 26, 2025, was agreed upon as the date for a Public Input and Judicial Performance Review Meeting of the incumbent judge.

Motion: Carey

2nd: Jessen

Votes: 6 Yes; 0 No

6. Discussion and possible action scheduling a future public input meeting and directing city staff to conduct a judicial performance survey of the current Associate Judge, including inquiring on pending and past disciplinary actions and soliciting information on administrative performance from the Surprise City Court.

APPROVED

It was decided that judicial performance surveys will capture court interactions with judges between January 10, 2025, through February 21, 2025. March 26, 2025, was agreed upon as the date for a Public Input and Judicial Performance Review Meeting of the incumbent judge.

Motion: Carey

2nd: Stutzman

Votes: 6 Yes; 0 No

G. Other Business and Future Agenda Items - None

H. Adjournment --

Chair Carey commented that there is no other business to discuss and made a motion to adjourn the meeting. Commissioner Lang seconded the motion. The meeting was adjourned at 6:39 p.m.

Flynn Carey, JSAC Chair

ATTEST:

Rhesha Craigen, JSAC Secretary

CERTIFICATION:

I, Rhesha Craigen, Secretary for the Judicial Selection Advisory Commission of the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Judicial Selection Advisory Commission Meeting of January 15, 2025.

Rhesha Craigen, JSAC Secretary



CITY OF SURPRISE
Judicial Selection Advisory Commission

Council Meeting Date: March 26, 2025
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

Consent: No Regular: No Public Hearing: Yes Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the recommendation to Surprise City Council for the reappointment of Presiding Judge Louis Frank Dominguez, whose current term expires June 30, 2025.

Motion:

I move that the Judicial Selection Advisory Commission recommend Louis Frank Dominguez [be] [not be] reappointed as the Presiding Judge of the Surprise City Court based on [summarize the reasons].

Background:

The purpose of the Judicial Selection Advisory Commission is to evaluate and make recommendations to the City Council with regard to the selection and reappointment of incumbent presiding and associate city judges. Surprise City Code requires that the JSAC meet to hold at least one public hearing for the reappointment of a presiding judge that has applied for reappointment. Louis Frank Dominguez is the current Presiding City Judge, whose current term ends June 30, 2025. He has applied for reappointment.

Objective Analysis:

Policy Compliant:

Financial Impact:

The compensation of the presiding judge is fixed by the City Council and is included in the city's annual budget.

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Reappointment Packet 2025-Presiding Judge Louis Frank Dominguez.
2. RE_ Judicial Conduct Review Request - City of Surprise Judicial Selection Advisory Commission
3. Dominguez Judicial Availability Letter 2025

Surprise City Court Presiding Judge Louis Frank Dominguez

2025 Reappointment Packet



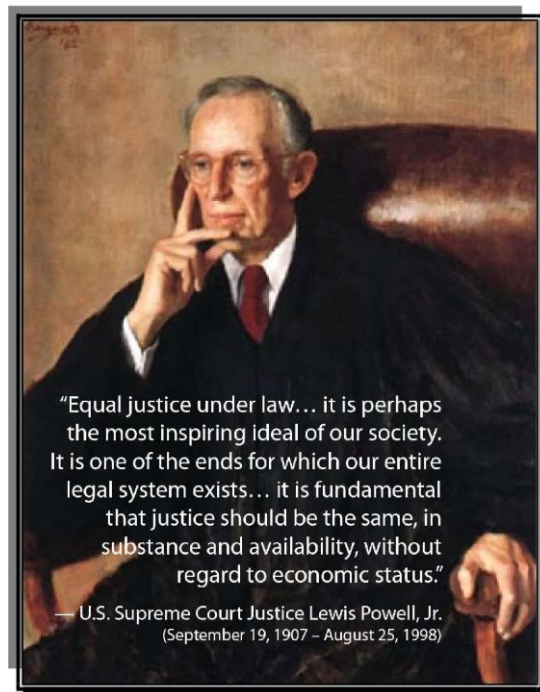
Mission Statement

The Surprise City Court's primary function is to fairly and impartially adjudicate all cases filed in the court and to effectively obtain compliance with the court's orders. We also provide the best possible service to the public by courteously and promptly answering questions and assisting all persons having business at the court, and by ensuring proper and timely accounting for both the judicial and financial activities of the Court. We pledge to faithfully execute the judicial and administrative duties of the Surprise City Court as prescribed by law.

We are committed to upholding and enforcing the law, and to safeguarding the individual rights and liberties of all persons who come before the court. We promise to obey the letter and spirit of the law, the Code of Judicial Conduct, and all other standards as set by the Arizona Supreme Court.

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"Equal Justice Under Law"

Presiding Judge Louis Frank Dominguez - Request for Reappointment



Surprise City Court

16081 N. Civic Center Plaza, Ste. 105

Surprise, AZ 85374

Phone: 623.222.4800

Fax: 623.222.4801

March 17, 2025

Flynn P. Carey, Chair
Judicial Selection Advisory Commission
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

Dear Mr. Carey and Members of the Commission:

Please accept this letter as my formal request for reappointment as Presiding Judge of the Surprise City Court. I have served as Presiding Judge since March 25, 2013 (*approximately 12 years*). Prior to this appointment, I served for approximately 19 years as a judge in the Phoenix Municipal Court.

The Surprise City Court is comprised of professional and outstanding staff, many of whom have worked in the court system for a decade or more. We are committed to providing due process and the right to be heard. The Surprise City Court strives to provide a fair and impartial forum for all.

My aptitudes align well with the needs of the City of Surprise. I am privileged to serve along with court staff to ensure that the integrity and stature of our Court remain elevated. As Presiding Judge, I am dedicated to planning for excellence and "Justice for the Future."

During my time presiding over the Surprise City Court, I have developed excellent working relationships with the City Manager, his team, City Directors, and other City departments. Our effective working relationships and coordination are instrumental in successfully implementing Court policies and procedures.

My resume and information on the Surprise City Court are included in this 2025 Reappointment Packet. Some of those items are highlighted below.

Leader in the Judicial and Legal Communities

Arizona Commission on Judicial Conduct

Chair, 2011 to 2022

Vice-Chair, 2009 and 2010

Judicial Member (Municipal Court), January 2007 to December 2024

Initially appointed by the Arizona Chief Justice as a Judicial Member (Municipal Court) on January 24, 2007. Reappointed for a second term on December 12, 2012, and reappointed for a third term on December 5, 2018. The Commission is an independent state agency responsible for investigating ethical conduct complaints against state court justices and judges. The Commission acts on complaints alleging one or more judges engaged in judicial ethical misconduct in a particular case or circumstance.

Arizona Judicial Council

Municipal Court Judge Member from July 1, 2015, through June 30, 2024.

Appointed by the Chief Justice of the Arizona Supreme Court. The Council is a policy-making body that oversees the judicial system in Arizona. The Council assists the Supreme Court and the chief justice in the development and implementation of policies and procedures for the administration of all courts, uniformity in court operations and coordination of court services that will improve the administration of justice in the state of Arizona.

State and National Presentations as Faculty

Served as faculty for the Arizona Supreme Court, the State Bar of Arizona, the National Judicial College, the American Bar Association (ABA), the National College on Judicial Conduct and Ethics, the National Highway Traffic Safety Administration (NHTSA), and the Governor's Office of Highway Safety (GOHS) for judicial and legal education seminars.

Community Outreach

Surprise City Court Academy

The Surprise City Court Explorers inaugural program year commenced in November 2015. In October 2018, the Surprise City Court Explorers Program was renamed the "Surprise City Court Academy." This unique interactive career education program provides local high school students an opportunity to learn the fundamental values of the justice system and gain insights into the fields of law and government. Students participate in mock trials and observe cases at the Arizona Supreme Court and work closely with key justice system and government participants, including judges, court staff, city staff, attorneys, and police personnel. The students increase their awareness of the judicial system through education, observation, and participation.

Recognition

2021 COJET Excellence in Education Award.

Presented in September 2021 by the Judicial College of Arizona, a standing committee of the Committee on Judicial Education and Training (COJET). This award honors outstanding performance and dedicated service to the Arizona Courts in judicial education.

In conclusion, I genuinely enjoy serving our community and believe that I help "make a difference" as Presiding Judge. I will continue to serve with the highest integrity and strive to ensure that the Surprise City Court provides a fair and impartial forum and "Justice for All." Thank you for your consideration. If you need additional information, please contact me.

Sincerely,

/s/ Louis Frank Dominguez

Louis Frank Dominguez
Presiding Judge, Surprise City Court

Resume

JUDGE LOUIS FRANK DOMINGUEZ

Presiding Judge, Surprise City Court

16081 N. Civic Center Plaza, Surprise, AZ 85374, 623-222-4800

Initial Appointment March 25, 2013.

Primary responsibilities include planning, budgeting, organizing, implementing, and evaluating all organizational operations; coordinating policy development for the mayor and city council through the city manager and other executive departments; as well as coordinating with the Arizona Supreme Court and the Superior Court of Maricopa County. Additional responsibilities include deciding motions, conducting arraignments, pretrial hearings, non-jury trials, and jury trials. Offenses adjudicated include, DUIs, driver's license violations, domestic violence offenses, assault, disorderly conduct, trespassing, shoplifting, theft, illegal possession of alcohol, drug paraphernalia, weapons, civil traffic charges, city code charges, conducting ex parte hearings on protective order petitions, and conducting contested protective order hearings.

EMPLOYMENT HISTORY

- *Phoenix Municipal Court Judge, 1994 to 2013*
 - ❖ Training Judge from 2003 to 2013
 - ❖ Served on the following Phoenix Municipal Court Committees:
 - Training Committee, Chair
 - Judicial Practices and Procedures Committee, Member
 - Pro Tem Judge Committee, Member

- *City of Phoenix Prosecutor's Office, 1984 to 1994*
 - ❖ Trial Bureau Attorney and Appeals Bureau Attorney
 - ❖ Assistant Trial Bureau Chief
 - ❖ Assistant Appeals Bureau Chief
 - ❖ Training Attorney

AWARDS

- *2021 COJET Excellence in Education Award*
 - ❖ Presented in September 2021 by the Judicial College of Arizona, a standing committee of the Committee on Judicial Education and Training (COJET). This award honors outstanding performance and dedicated service to the Arizona Courts in judicial education.

- *2020 State Bar of Arizona Public Lawyers Section Justice Michael D. Ryan Award for Judicial Excellence*
 - ❖ Presented in September 2020. This award honors a judicial officer who demonstrates a dedication and commitment to improving the justice system.

- *2019 Trainer Excellence Award*
 - ❖ Received the Trainer Excellence Award from the Arizona Supreme Court in recognition of my contributions to the goal of excellence in judicial education, and my commitment to serving the Arizona Judiciary as faculty.
- *2003 Distinguished Service Award*
 - ❖ Presented by the Arizona Supreme Court in the “Improving Public Trust and Confidence” category for outstanding achievement in the Judicial Department and my contributions to improving public trust and confidence in the courts.
- *1998 Distinguished Leadership Award*
 - ❖ Presented by the National Association for Community Leadership. This award recognizes graduates of leadership programs who exemplify the spirit and goals for civic involvement and trusteeship.
- *Recipient of two Phoenix City Manager Awards for “Excellence in Public Service.”*
 - ❖ First award recognized for my involvement as a member of a group of adults who read to third graders at Garfield Elementary School in Phoenix.
 - ❖ Second award recognized my Training Unit’s publication of an international newsletter on the Drug Recognition Evaluation and the alcohol-impaired driver.

BAR MEMBERSHIPS

- *United States Court of Appeals for the Ninth Circuit (Admitted 1986)*
- *United States District Court for the District of Arizona (Admitted 1985)*
- *State Bar of Arizona (Admitted 1983)*

PRESENTATIONS

- *October 1994 – Present*
Served as faculty for the Arizona Supreme Court, the State Bar of Arizona, the National Judicial College, the American Bar Association (ABA), the National College on Judicial Conduct and Ethics, the National Highway Traffic Safety Administration (NHTSA), and the Governor’s Office of Highway Safety (GOHS) for education seminars including:

Appeals	Ethics for Court Employees
Arizona Commission on Judicial Conduct	Judicial Demeanor
Case Management	Judicial Ethics
Criminal Law Practice and Procedure	Jury Trials
Direct Contempt	Procedural Fairness
Diversity and Human Relations	Sentencing
DUI Cases	Victims' Rights

➤ *Recent Presentations as Faculty*

❖ *National College on Judicial Conduct and Ethics*

October 19 and 20, 2023 – Judicial Civility and Demeanor (two sessions)

❖ *Arizona Annual Judicial Conferences*

June 18 and 19, 2024 – Hot Topics in Judicial Ethics (two sessions)

June 28 and 29, 2023 – Hot Topics in Judicial Ethics (two sessions)

❖ *Arizona Limited Jurisdiction New Judge Orientation*

January 13, 2025 – Judicial Ethics

January 13, 2025 – Judicial Demeanor and Direct Contempt

January 8, 2024 – Judicial Ethics

January 8, 2024 – Judicial Demeanor and Direct Contempt

January 9, 2023 – Judicial Ethics

January 9, 2023 – Judicial Demeanor and Direct Contempt

❖ *Arizona Court Leadership Conference*

October 11, 2023 – Hot Topics for Limited Jurisdiction Courts

❖ *Judicial College of Arizona: Civil Traffic Hearing Officer Training Program*

October 3, 2024 – Courtroom Management and Judicial Demeanor

PROFESSIONAL ORGANIZATIONS

➤ *Arizona Judicial Council*

Municipal Court Judge Member from July 1, 2015, through June 30, 2024.

Appointed by the Chief Justice of the Arizona Supreme Court. The Council is a policy-making body that oversees the judicial system in Arizona. The Council assists the Supreme Court and the chief justice in the development and implementation of policies and procedures for the administration of all courts, uniformity in court operations and coordination of court services that will improve the administration of justice in the state of Arizona.

➤ *Arizona Judicial Branch - Strategic Agenda Awards Selection Committee*

Appointed by the Chief Justice of the Arizona Supreme Court

Chair, 2018

Member, 2016, 2018, 2019, and 2020

➤ *Arizona Commission on Judicial Conduct*

Chair, 2011 to 2022

Vice-Chair, 2009 and 2010

Judicial Member (Municipal Court), January 2007 to December 2024

Initially appointed by the Arizona Chief Justice as a Judicial Member (Municipal Court) on January 24, 2007. Reappointed for a second term on December 12, 2012, and reappointed for a third term on December 5, 2018. The Commission is an independent state agency responsible for investigating ethical conduct complaints against state court justices and judges. The Commission

acts on complaints alleging one or more judges engaged in judicial ethical misconduct in a particular case or circumstance.

- *Arizona Supreme Court Work Group on the Code of Judicial Conduct*
Member, appointed by the Chief Justice of the Arizona Supreme Court
- *Arizona Task Force on the Code of Judicial Conduct in 2008 & 2009*
Member, appointed by the Chief Justice of the Arizona Supreme Court
- *Arizona Annual Judicial Conference Planning Committee*
Chair, 2000 Annual Judicial Conference
Member, 1998 to 2022
- *Arizona Judicial Traffic Conference Planning Committee*
Chair, 2015 and 2016
Co-Chair, 2017, 2018, 2019, 2020, 2021, 2022, 2023, and 2024
- *Arizona Supreme Court Data Standards Committee*
Member, from 2013 to 2021. Initial appointment in June 2013 by the Chief Justice of the Arizona Supreme Court
- *Judicial College of Arizona*
Chair of 2000 Arizona Judicial Conference Limited Jurisdiction Committee

New Judge Orientation Committee (Limited Jurisdiction)
 - ❖ Chair in 2003 and 2004
 - ❖ Member from 1999 to 2006
 - ❖ Mentor Judge
 - ❖ Faculty from 1996 to present
- *Maricopa County Criminal Justice Workgroups*
Work Release Work Group – Member and lead meetings, from 2023 to present date.
Lower Court Appeals (LCA) Workgroup – Member, from 2024 to present date.
Initial Appearance (IA) Memorandum of Understanding (MOU) Work Group – Member, from 2024 to present date.
- *West Valley Courts Coalition*
Member since 2013
Host and lead meetings from 2023 to present date.
- *American Judges Association*
Member
- *Arizona Magistrates Association*
Member and Faculty at Annual Training Conferences.
- *Los Abogados Maricopa County Bar Association*
Member
- *Maricopa County Bar Association*
Member

- *Arizona Minority Judges Caucus*
Founding Member
- *Phoenix Hispanic Network*
Founding Member
A volunteer employee organization that promotes cultural diversity with commitment to excellence through leadership, education, and service throughout Phoenix.

COMMUNITY ACTIVITIES

- *Surprise City Court Academy*
The Surprise City Court Explorers inaugural program year commenced in November 2015. In October 2018, the Surprise City Court Explorers Program was renamed the “Surprise City Court Academy.” This unique interactive career education program provides local high school students an opportunity to learn the fundamental values of the justice system and gain insights into the fields of law and government. Students participate in mock trials and observe cases at the Arizona Supreme Court and work closely with key justice system and government participants, including judges, court staff, city staff, attorneys, and police personnel. The students increase their awareness of the judicial system through education, observation, and participation.
- *Surprise Youth Justice Program - Teen Court at Surprise City Court*
This ongoing program, in partnership with Maricopa County and the Surprise Human Service and Community Vitality Department, increases the availability of restorative justice opportunities for young people. Teen Court is a diversion program for juvenile offenders, where participants serve as a collection of teen peers to assess cases and determine appropriate consequences. Participants help effectively resolve conflict and deter future offenses by allowing offenders to take responsibility for their actions.
- *Mock Trials Held at Surprise City Court*
Since 2016, the Court has hosted mock trials by local charter schools, and I serve as Presiding Judge volunteer.
- *Xavier Mock Trial Invitational*
Presiding Judge volunteer since 2007
Annual high school mock trial invitational held at Xavier Preparatory Academy.
- *Valley Leadership*
A non-profit organization that was founded in 1979. The mission of Valley Leadership is to "enhance the abilities of individuals to serve and strengthen our communities."
 - ❖ Board Chair (July 2009 to June 2010)
 - ❖ Community Steward
 - ❖ Member of Valley Leadership Class XIII (June 1991-June 1992)
 - ❖ Director on Valley Leadership Board (July 2006-June 2012) (September 1992-2002)
 - ❖ Chair of the First Valley Leadership Board of Directors Retreat (1992-1993)
 - ❖ Chair of the Directory/Yearbook and Members of Undergraduate Selection Committee (1993/1994)
 - ❖ Executive Committee and Assistant Chair of Undergraduate Programs, Class XVI (1994/1995)
 - ❖ Chair of Undergraduate Programs, Class XVII (1995/1996)
 - ❖ Chair Selection Committee for Class XIX (1996-1997)

- ❖ Chair of Man & Woman of the Year Selection Committee, Secretary of Board and Executive Committee Member (1997-1998)
- ❖ Keynote Speaker at Valley Teen Leadership Graduations 2003, 2004, 2005 and 2006.

➤ *Phoenix Midtown Optimist Club*

A non-profit civic organization. The club's primary focus as "Friend of Youth," is working directly with young people through educational programs. Most of our activities took place in Phoenix at Garfield Elementary School, Herrera Elementary School, and St. Mary's High School. (*Midtown Chapter has disbanded*)

- ❖ Member from 1986 to 2006
- ❖ Served as President in 1991 and 1992
- ❖ Served as *Chairman of Various Programs*:
 - Respect for Law
 - Essay Contest
 - Oratorical Contest
 - Bicycle Safety

EDUCATION

➤ *Law School*

Arizona State University Sandra Day O'Connor College of Law, Tempe, Arizona, Juris Doctor (May 1983)

➤ *College*

Arizona State University, Tempe, Arizona
B.A. Psychology (May 1979)

Accolade from Father of Defendant on a Criminal Case

Court Contact Form
01/16/2025 12:36 PM (MST)

First Name [REDACTED]
Last Name [REDACTED]
Address [REDACTED]
City [REDACTED]
State [REDACTED]
Zip [REDACTED]
Email Address [REDACTED]
Contact Phone [REDACTED]
Case Number [REDACTED]

Message January 15, 2025
City of Surprise Leadership RE:
City of Surprise Court
I am a family member of an offender that was in the City of Surprise Court on January 14, 2025. My son was sentenced and plea bargained while I was in Court #1. I wanted to let you know that Judge Louis Frank Dominguez is a real credit to the justice system and the City of Surprise. The judge was very respectful of me and handled each of the offenders in a fair and professional manner. There was not any "attitude" or "talking down" to the young offenders.
I am sure is rare that our justice workers get compliments. Judge Louis Frank Dominguez deserves recognition for what I witnessed. Thank you,

[REDACTED]
[REDACTED]

Email address



SURPRISE CITY COURT

Louis Frank Dominguez, Presiding Judge

Catherine A. Gaudreau, Associate Judge

Elaina Cano, Court Administrator

Introduction & Court Overview

The Court has outstanding professional staff, many of whom have worked in the court system for a decade or more. The Court Administrator, among other significant responsibilities, manages and directs all operational and non-judicial functions of the Court, including the following:

Court Services Unit

The Court Services Unit assists the public with access to and navigating the court system and provides essential administrative support for court operations. Employees in this Unit staff the front counter windows and are the first to assist those who come to the Court. They are also the first contact (whether by telephone or in-person) for those seeking orders of protection. This Unit receives payments, accepts motions, addresses other in-person inquiries, and, subject to exceptions, adjudicates certain civil traffic violations.

Court Operations Unit

The Court Operations Unit provides direct and essential administrative assistance to the judges in all court proceedings. A judicial assistant is present in each courtroom to ensure matters are promptly made ready for the judge to hear and to assist the judge and others present (attorneys, parties, victims, witnesses, court interpreters) with each matter heard. The judicial assistants coordinate telephonic appearances, including for those seeking orders of protection, prepare all necessary documents as directed by the judge, and process all matters post-hearing. This Unit also establishes and prepares the Court's monthly bench calendars and daily dockets, coordinates the weekly in-custody docket, prepares all motions and other matters submitted for judicial review, and processes the judges' orders on all such matters.

Compliance Unit

The Compliance Unit helps defendants reduce their outstanding financial obligations and works to increase compliance with the Court's orders. The Compliance Assistance Program (CAP) provides those with past-due financial obligations the opportunity to establish or reestablish payment contracts based on their ability to pay. Those in CAP are then eligible to reinstate their driver license. Staff provides recommendations to the judges and implements orders related to payment plans or financial obligations. Staff also monitors defendants' compliance with other Court directives, including orders to complete treatment programs, counseling, or community restitution work, pay restitution, serve jail sentences, or complete home detention.

Finance Unit

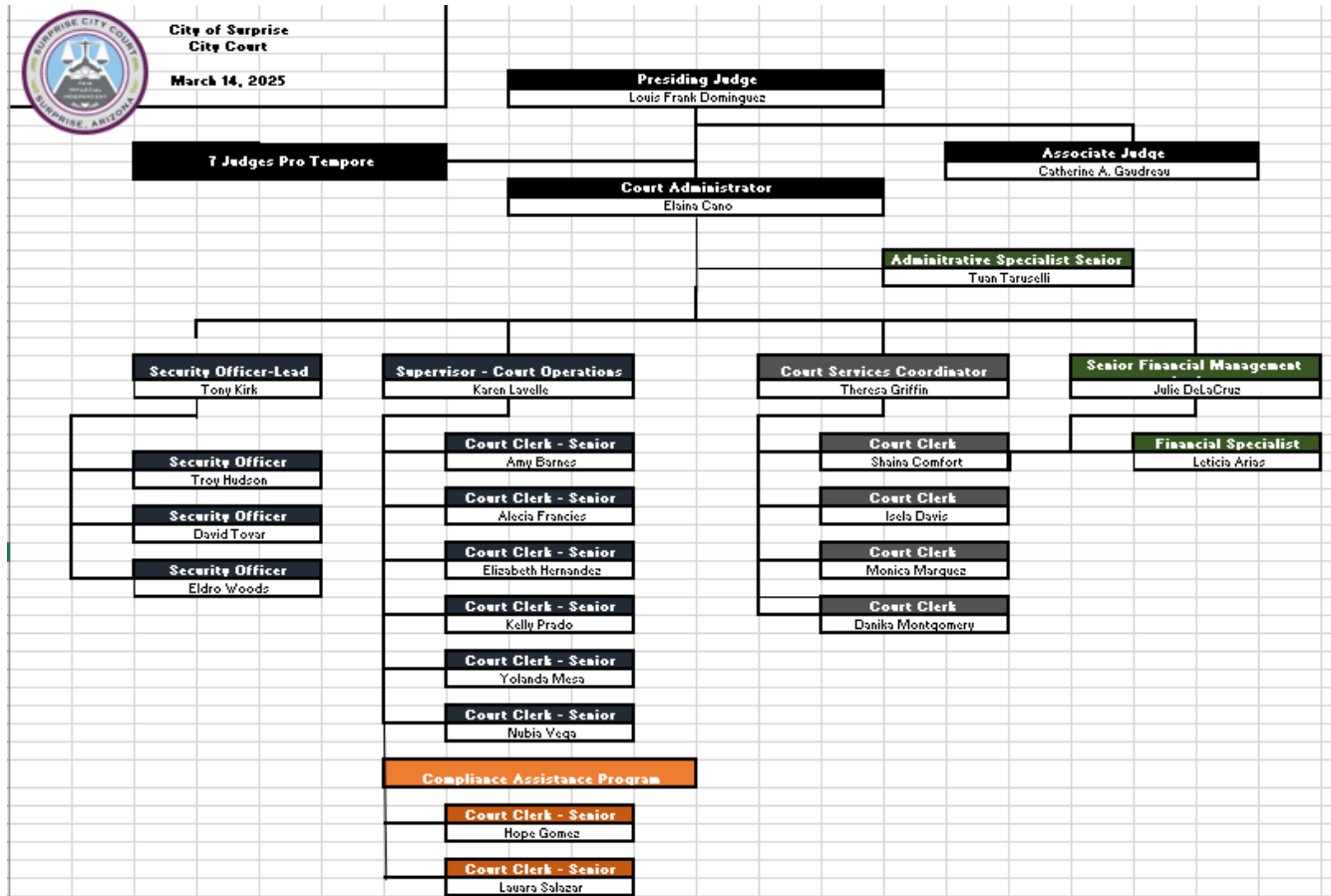
The Finance Unit is responsible for ensuring the Court's accounting practices and procedures comply with Arizona Revised Statutes, Arizona Code of Judicial Administration, Minimum Accounting Standards (MAS), Generally Accepted Accounting Principles (GAAP), and all other applicable financial policies and procedures approved by the City of Surprise Finance Department, City Manager, and the City Council.

Security Unit:

The court security team is responsible for ensuring the safety and security of court facilities, staff, judges, and visitors. Their duties include screening visitors using metal detectors, x-ray machines, and manual searches to prevent prohibited items from entering the court, monitoring courtrooms and public areas to

detect and address any suspicious behavior or potential threats, enforcing court rules, including the prohibition of weapons and other dangerous items, responding to emergencies such as disturbances or threats and coordinating with local law enforcement if necessary. The goal of the court security team is to create a secure environment that fosters confidence, trust, and respect in the administration of justice.

Organizational Chart



Court Staffing

Position	Staff
Judicial Officers	2
Judge Pro Tempore	7
Court Administrator	1
Administrative Specialist Senior	1
Court Operations Supervisor	1
Senior Court Clerks	6
CAP Senior Court Clerks	2
Court Clerks	4
Court Services Coordinator	1
Senior Financial Management Analyst	1
Financial Specialist	1
Court Security Officers	4
TOTAL	31

Accomplishments, Enhancements, and Efficiencies

Fiscal Years 2021-2025

Community Outreach

Justice For All Financial Relief Fair: The Justice For All Financial Relief Fair is a community outreach that serves as a vital access point for defendants with outstanding court fines and fees, assisting in meeting their financial obligations. The event engages the community by offering support and resources to help individuals get back on track with their payments. Participants receive valuable information on court fees, affordable payment plans, and financial management strategies. The fair underscores the judiciary's commitment to promoting economic stability and ensuring equitable access to justice for all. This event is held quarterly.

Surprise City Court Academy- Early Career Development: The Surprise City Court Explorers inaugural program year commenced in November 2015. In October 2018, the Surprise City Court Explorers Program was renamed the "Surprise City Court Academy." This unique interactive career education program provides local high school students an opportunity to learn the fundamental values of the justice system and gain insights into the fields of law and government. Students participate in mock trials and observe cases at the Arizona Supreme Court and work closely with key justice system and government participants, including judges, court staff, city staff, attorneys, and police personnel. The students increase their awareness of the judicial system through education, observation, and participation.

Surprise Youth Justice Program - Teen Court at Surprise City Court: This ongoing program, in partnership with the Maricopa County and Surprise Human Service and Community Vitality Department, increases the availability of restorative justice opportunities for young people. Teen Court is a diversion program for juvenile offenders, where participants serve as a collection of teen peers to assess cases and determine appropriate consequences. Participants help effectively resolve conflict and deter future offenses by allowing offenders to take responsibility for their actions.

Surprise City Academy: This nine-week course allows participants to hear from and interact with the Mayor, Councilmembers, City Manager, and upper-level city staff. The Surprise City Court Presiding Judge presents at each course. The City Academy provides an excellent opportunity for residents, students, and business owners to learn more about the City of Surprise as an organization.

Veterans Community: Maricopa County and the City of Glendale hold annual events for veterans and invite other courts to participate. The Surprise City Court participates in and supports these initiatives to assist veterans with their court obligations. The veteran's circumstances and specific needs are considered. At these events, veterans have an opportunity to address the Arizona Department of Transportation (ADOT), Motor Vehicle Division (MVD) services, and social services, address legal issues with attorneys, and apply for health care and other benefits. Educational opportunities are also provided.

Court Enhancements and Efficiencies

Transition to In-House Court Security Personnel: The transition from contracted security officers to dedicated court security staff was essential to ensuring a higher level of safety, reliability, and operational efficiency within the Surprise City Court. Contracted personnel often experience high turnover rates, leading to inconsistencies in training, familiarity with court procedures, and overall effectiveness in handling security threats. Employing in-house security staff allowed for standardized training, greater accountability, and a deeper understanding of court-specific security protocols. This ensured a more seamless and secure environment for judges, employees, and the public. Additionally, full-time security personnel foster stronger working relationships with court staff and law enforcement, enhancing coordination during emergencies and day-to-day operations. Investing in a dedicated security team ultimately provides long-term cost-effectiveness by reducing reliance on external vendors, improving retention, and strengthening court security operations.

New Court Logo: The development of the court logo establishes a distinct visual identity that reflects the authority, professionalism, and integrity of the court. A well-designed logo enhances official correspondence, legal documents, signage, and digital presence, reinforcing credibility and public trust. It provides a recognizable symbol that distinguishes the court from other government agencies while conveying its commitment to justice and fairness.



Improving Court Forms for Better User Experience: The revision of court forms aims to enhance clarity, user-friendliness, and overall efficiency for both court staff and visitors. Simplifying language, improving formatting, and incorporating clear instructions help ensure that forms are easily understood, reducing errors and the need for staff assistance. Well-structured forms streamline court processes, improving accessibility for self-represented litigants and those with limited legal knowledge. By making court forms more user-friendly, the court fosters transparency, accessibility, and a more positive experience for all users.

Court Webpage: The court website has already undergone improvements, but the court remains committed to enhancing it further to ensure the community can seamlessly navigate and access the information they need. Our goal is to make the website more user-friendly, transparent, and responsive to the needs of residents. We are exploring ways to simplify navigation, improve search functionality, and provide clearer guidance on frequently asked questions, court procedures, and available resources. By continuously refining our website, we are reinforcing our commitment to accessibility, efficiency, and public service, making it easier than ever for individuals to find answers and interact with the court system.

Surprise City Court's Firearms Transfer Program: The efforts of the Firearms Transfer Initiative Work Group, chaired by Surprise City Court Judge Catherine A. Gaudreau, and comprised of criminal justice stakeholders including judges, prosecutors, defense attorneys, police leadership, victim advocates, and court personnel, resulted in the implementation of our Firearms Transfer Program. In compliance with state law, policies, procedures, and forms were adopted in protective order cases to verify compliance with the firearms transfer provision of our protective orders.

Fiscal Responsibility

Strategic Workforce Restructuring for Future Success: As the presiding judge of the Surprise City Court, I remain committed to being a responsible steward of the community’s resources while ensuring the highest standard of judicial service. In evaluating the court’s long-term sustainability and competitive positioning, the court made the strategic decision to restructure certain positions. This approach is fiscally smart and forward-looking, ensuring that we optimize resources while aligning our workforce with future business needs. This allows us to allocate resources more effectively, ensuring that we invest in areas that drive growth and innovation while maintaining long-term stability. Rather than keeping functions outdated, the court is proactively realigning our workforce with roles that will be essential in the years to come. This includes areas such as digital transformation and sustainability—key drivers of future growth.

Year	Category	Revised Budget (\$)	Actuals (\$)	Variance from Revised (\$)
2021	Personnel Services	2,414,500.00	2,287,672.32	126,827.68
2022	Personnel Services	2,515,300.00	2,420,855.01	94,444.99
2023	Personnel Services	2,625,900.00	2,336,393.77	289,506.23
2024	Personnel Services	3,122,600.00	2,569,480.54	553,119.46
2025	Personnel Services	3,263,500.00	1,654,007.53	1,609,492.47

Minium Accounting Standard (MAS) Triennial Audits 2021 and 2024: The **Minimum Accounting Standards (MAS)** establish fundamental financial management guidelines to ensure accuracy, accountability, and transparency in municipal court operations. These standards provide a framework for proper handling of public funds, recordkeeping, and financial reporting, ensuring compliance with legal and regulatory requirements. Key components include segregation of duties to prevent fraud, proper receipting and disbursement procedures, regular financial reconciliations, to maintain fiscal integrity. Adhering to these standards helps safeguard public trust, promotes responsible financial stewardship, and ensures that court operations run smoothly and efficiently. Continuous adherence and periodic review of these standards are essential for maintaining fiscal accountability and operational excellence. The **2021** and **2024 MAS Audits** of the court resulted in **zero findings**, confirming that the court is in **full compliance with all established standards**. This reflects the court’s commitment to maintaining the highest level of financial integrity, accountability, and adherence to regulatory requirements.

Forging the Future: A Strategic Vision for Progress and Excellence

Surprise City Court Strategic Plan for 2024-2029

Goal 1: Expanding and Promoting Access to Justice

1. Services for Limited English Proficient (LEP) Litigants and Participants

The Court will continue to expand services for individuals with limited English proficiency by increasing access to translated information, forms, and tools both at the courthouse and online. Judges and court staff will receive ongoing training to ensure they are well-versed in language access requirements.

2. Improving Communication and Cooperation with Stakeholders

The Court will enhance outreach efforts to educate the public and criminal justice stakeholders on court processes, fostering greater understanding, cooperation, and efficiency. By actively engaging with the community, the Court aims to improve transparency, accessibility, and court visitors' experiences.

Goal 2: Maintaining Public Trust and Confidence

1. Enhancing Court Website Information

The Court will expand its website to include additional forms, instructions, and other resources to assist individuals navigating our court.

2. Promoting Transparency Through Educational Court Process Videos

Creating videos that explain court processes is an effective way to promote transparency and ensure the public is informed about how to navigate through their case. These videos can demystify complex legal procedures, outline how cases are handled, what individuals can expect when they enter a courtroom, and the roles of judges, attorneys, and court staff. By breaking down legal concepts into accessible language and visuals, such videos help to bridge the gap between legal professionals and the community, fostering trust in the system. This transparency not only empowers individuals by enhancing their understanding of their rights and responsibilities, but also reinforces the commitment of the court to operate with fairness, openness, and accountability.

Goal 3: Protecting Children, Families, and Communities

1. To continue our education on protecting children, families, and communities, it is essential to remain informed about evolving laws, legislation, procedures, best practices, and emerging challenges. This requires a commitment to continuous professional development for judges, attorneys, and court personnel, ensuring they are equipped with the knowledge and tools to effectively handle cases. Furthermore, raising public awareness to recognize signs of abuse or neglect, seek help when needed, and engage in preventative measures. By fostering a culture of education and collaboration, we can strengthen our ability to protect those who are most at risk and build a safer, more supportive environment for families and communities.

Goal 4: Advancing Judicial Branch Excellence and Innovation

- 1. Operational Enhancements and Staff Development**

The Court will review internal operations and systems to identify opportunities for technological advancements. Staff development and training initiatives will focus on cross-training and increasing educational opportunities for judicial officers and staff.

- 2. Virtual Appearances and Technological Advancements**

The Court will explore and implement virtual mechanisms for court proceedings, including remote appearances for litigants, defendants, and victims seeking protective orders. Additionally, efforts will focus on enhancing technology for case processing, such as developing electronic document management systems.

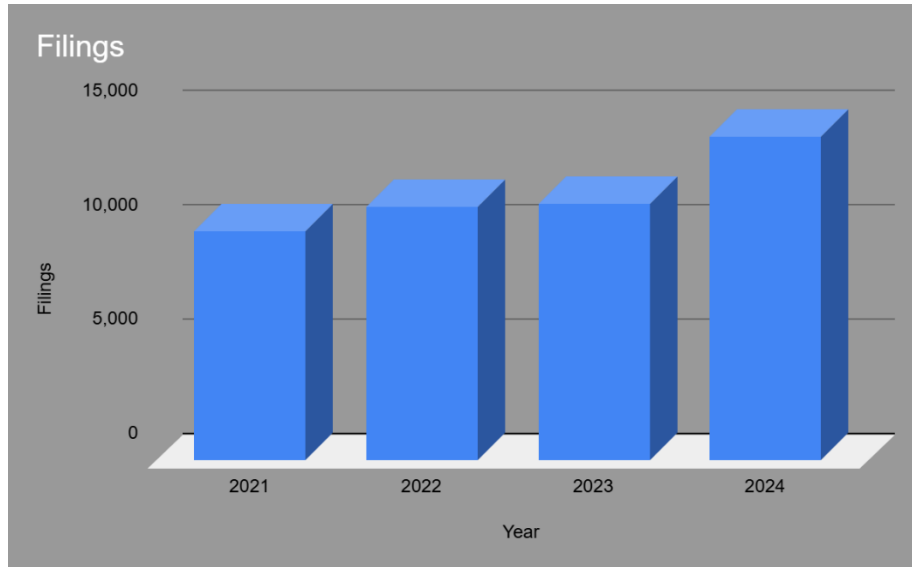
Goal 5: Enhancing Professionalism and Leadership

- 1. Individualized Development Plans (IDPs):** Work with each staff member to create personalized career development plans that identify their professional goals, strengths, and areas for growth. Regular check-ins and adjustments to the plan to help them stay on track.
- 2. Career Mapping:** Help staff map out potential career paths within the court, whether in leadership roles, specialized areas, or administrative functions, to provide a clear vision of potential advancement.
- 3. Develop Leadership Strength:** Ensure a pipeline of trained, capable staff ready to fill leadership positions when needed. This involves cultivating a pool of candidates through targeted development programs and career progression strategies.

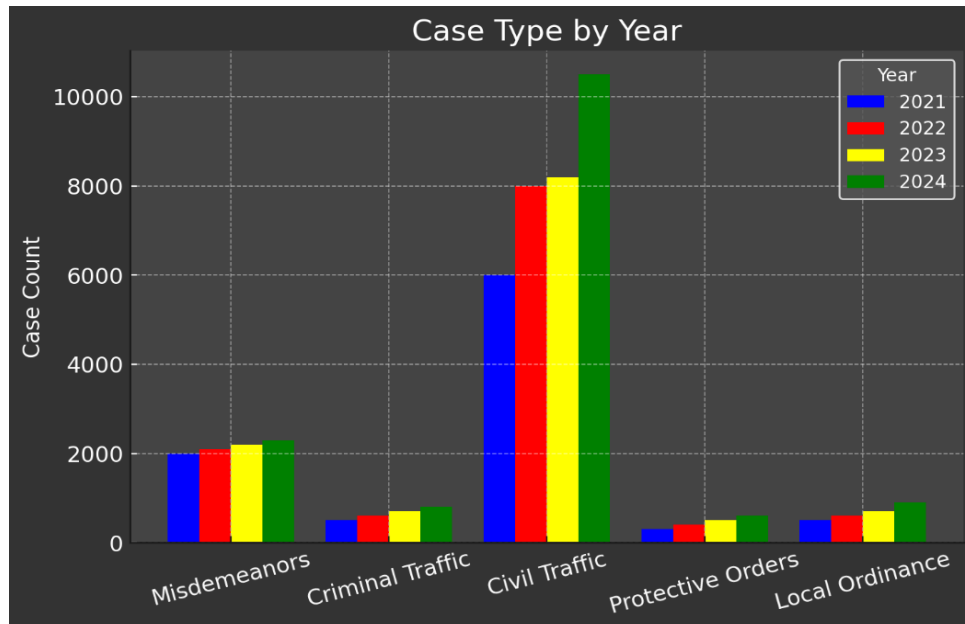
Trend Analysis Reports

Case Filings Statistics Report

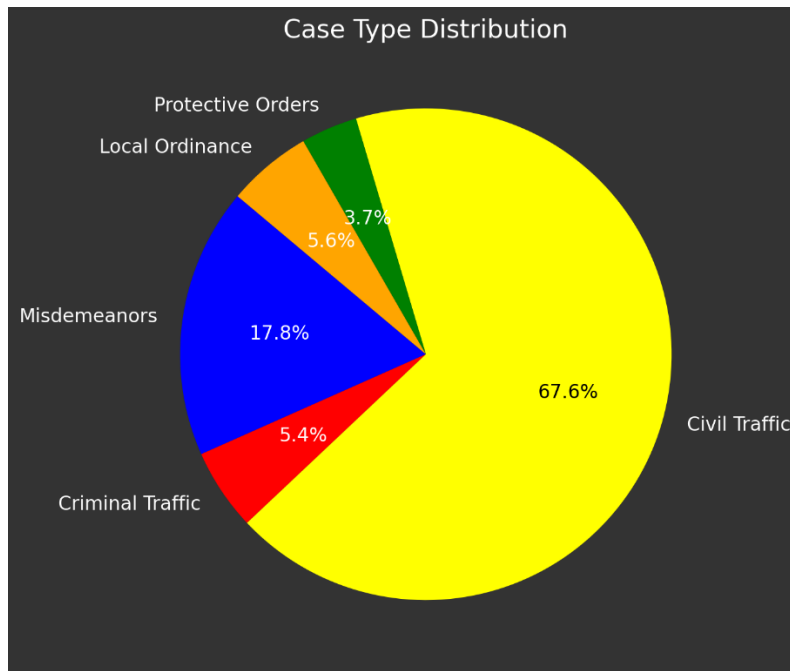
The following charts reflect the growth trends over the past four years of 2021-2024.



Case Types Statistics Report



Percentage Statistics Report



From: [Elliott, April](#)
To: [Rhesha Craigen](#)
Subject: RE: Judicial Conduct Review Request - City of Surprise Judicial Selection Advisory Commission
Date: Tuesday, March 11, 2025 4:10:05 PM

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Good afternoon,

None of the individuals listed in your email below, Judge Louis Frank Dominguez and Judge Catherine Ann Gaudreau, have any public disciplinary history with the Arizona Commission on Judicial Conduct. Pursuant to Rule 9 of the Commission's rules, we are unable to disclose information about dismissed or pending complaints.

Please let me know if you need anything further.

Thank you.

April P. Elliott
Executive Director
Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007
602-452-3200
aelliott@courts.az.gov

From: Rhesha Craigen <Rhesha.Craigen@surpriseaz.gov>
Sent: Monday, March 10, 2025 3:00 PM
To: Downie, Margaret <mdownie@courts.az.gov>; Elliott, April <aelliott@courts.az.gov>
Subject: RE: Judicial Conduct Review Request - City of Surprise Judicial Selection Advisory Commission

Caution! This message was sent from outside your organization.

Ms. Downie,

Thank you for your response and for forwarding my request.

Rhesha Craigen, MBA, MHRM, PHR, SHRM-CP
Office: (623) 222-3521 | Cell: (602) 828-4579
Email: Rhesha.Craigen@surpriseaz.gov
Office Hours: M -Th 7:00 a.m.- 5:00 p.m.

From: Downie, Margaret <mdownie@courts.az.gov>
Sent: Monday, March 10, 2025 2:56 PM
To: Rhesha Craigen <Rhesha.Craigen@surpriseaz.gov>; Elliott, April <aelliott@courts.az.gov>
Subject: Re: Judicial Conduct Review Request - City of Surprise Judicial Selection Advisory Commission

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Good afternoon. I left the commission on judicial conduct in 2021. I am copying the current executive Director, April Elliott, on this message. I'm sure she will be able to assist you.

From: Rhesha Craigen <Rhesha.Craigen@surpriseaz.gov>
Sent: Monday, March 10, 2025 2:40:45 PM
To: Downie, Margaret <mdownie@courts.az.gov>
Cc: Rhesha Craigen <Rhesha.Craigen@surpriseaz.gov>
Subject: Judicial Conduct Review Request - City of Surprise Judicial Selection Advisory Commission

Caution! This message was sent from outside your organization.

Good afternoon Ms. Downie,

The City of Surprise Judicial Selection Advisory Commission is seeking a review of records from the Commission on Judicial Conduct on Presiding Judge Louis Frank Dominguez and Associate Judge Catherine Ann Gaudreau. This information is being solicited as part of the reappointment process for each judge. Attached is a letter of request for both judges. A separate response is requested by Thursday, March 13, 2025. Please let me know if further information is needed to fulfill this request.

Best regards,

Rhesha Craigen, MBA, MHRM, PHR, SHRM-CP
Office: (623) 222-3521 | Cell: (602) 828-4579
Email: Rhesha.Craigen@surpriseaz.gov
Office Hours: M -Th 7:00 a.m.- 5:00 p.m.

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

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0.1



SURPRISE CITY COURT

16081 N. Civic Center Plaza, Suite 105

Surprise, AZ 85374-7478

Office: (623) 222-4800

Fax: (623) 222-4801

March 12, 2025

Attorney Flynn Carey, Chair
Judicial Selection Advisory Commission

Re: Judicial Availability - Presiding Judge Louis Frank Dominguez

Dear Flynn Carey :

This is to advise the Judicial Selection Advisory Commission that there were no instances where Presiding Judge Louis Frank Dominguez was unavailable without good cause for his judicial duties since his reappointment on July 1, 2021.

Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

Elaina Cano

Elaina Cano
Court Administrator


ecano@courts.az.gov

Office: 623-222-4832

Responses Overview Closed


Responses

17



Average Time


17:52



Duration

49

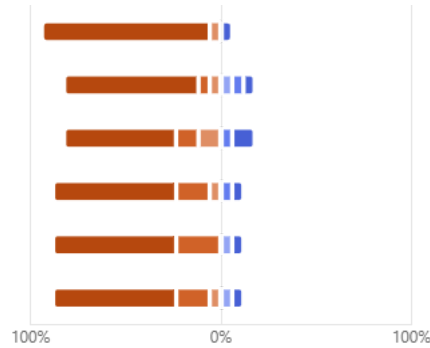
Days



1. Section I: Integrity & Fairness

● Strongly Agree
 ● Agree
 ● Neither Agree nor Disagree
 ● Disagree
 ● Strongly Disagree
 ● No Information

- The judge treated everyone the same without regard to age/race/gender/economic status.
- The judge displayed basic fairness and impartiality.
- The judge listened to all sides of the story before rendering a decision.
- The judge had the information necessary to make good decisions about the case.
- The judge provided clear instructions and answered all questions pertaining to the case.
- The judge exhibited personal integrity.



2. Section I Comments

6

Responses

Latest Responses

"I appreciate the patience from the judge!"

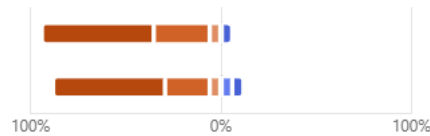
"I appreciate how respectful and fair the judge was"

...

3. Section II: Communication Skills & Understanding of the Law

● Strongly Agree
 ● Agree
 ● Neither Agree nor Disagree
 ● Disagree
 ● Strongly Disagree
 ● No Information

- The judge gives clear and logical oral communications/instructions.
- The judge demonstrated a satisfactory knowledge of the law and procedures.



4. Section II Comments

5

Responses

Latest Responses

"Yes he did a great job with the explanation in the communication."

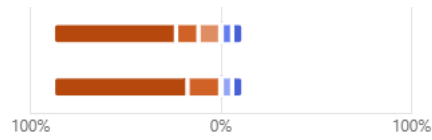
...

5. Section III: Judicial Temperament

● Strongly Agree ● Agree ● Neither Agree nor Disagree ● Disagree ● Strongly Disagree ● No Information

The judge displays understanding and compassion.

The judge treats everyone in the courtroom with courtesy and respect.



6. Section III Comments

5 Responses

Latest Responses

"Yes, he was considerate of my nine mont baby during my Time and he was very r... "

...

7. Section IV: Administrative Performance & Leadership

● Strongly Agree ● Agree ● Neither Agree nor Disagree ● Disagree ● Strongly Disagree ● No Information

The judge is punctual in conducting proceedings.

The judge maintains proper control over courtroom.

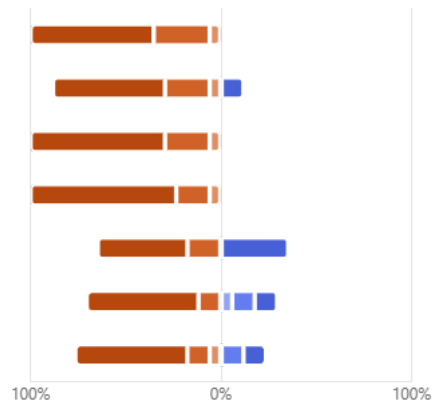
The judge is a diligent worker.

The judge consistently treats court staff with respect.

The judge interacts with other judges in a constructive manner.

The judge promotes the exchange of ideas.

The judge is receptive to feedback.



8. Section IV Comments

5 Responses

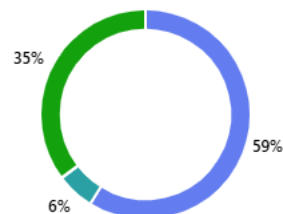
Latest Responses

"Good job!"

...

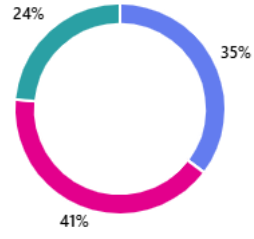
9. Your role in the court business:

- Litigant to a court case 10
- Witness to a court case 0
- Lawyer 1
- Juror 0
- Staff 6



10. Type of business that brought you before the court.

● Civil Traffic	6
● Criminal	7
● Order of Protection/Injunction against Harrassment	4





CITY OF SURPRISE
Judicial Selection Advisory Commission

Council Meeting Date: March 26, 2025
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Citywide

Consent: No Regular: No Public Hearing: Yes Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the recommendation to Surprise City Council for the reappointment of Associate Judge Catherine Ann Gaudreau, whose current term expires June 30, 2025.

Motion:

I move that the Judicial Selection Advisory Commission recommend Catherine Ann Gaudreau [be] [not be] reappointed as the associate judge of the Surprise City Court based on [summarize the reasons].

Background:

The purpose of the judicial selection advisory commission is to evaluate and make recommendations to the City Council with regard to the selection and reappointment of incumbent presiding and associate city judges. Surprise City Code requires that the JSAC meet and hold at least one public hearing for the reappointment of an associate judge that has applied for reappointment. Catherine Ann Gaudreau is the current associate city judge, whose current term ends June 30, 2025. She has applied for reappointment.

Objective Analysis:

Policy Compliant:

Financial Impact:

The compensation of the associate judge is fixed by the City Council and is included in the city's annual budget.

Budget Impact:

FTE Impact:

ATTACHMENTS:

- 1. Catherine A. Gaudreau - 2025 Reappointment Submittal (03172025)
2. RE_ Judicial Conduct Review Request - City of Surprise Judicial Selection Advisory Commission

3. Gaudreau Judicial Availability Letter 2025
 4. City of Surprise Judicial Evaluation Survey_Associate Judge
-

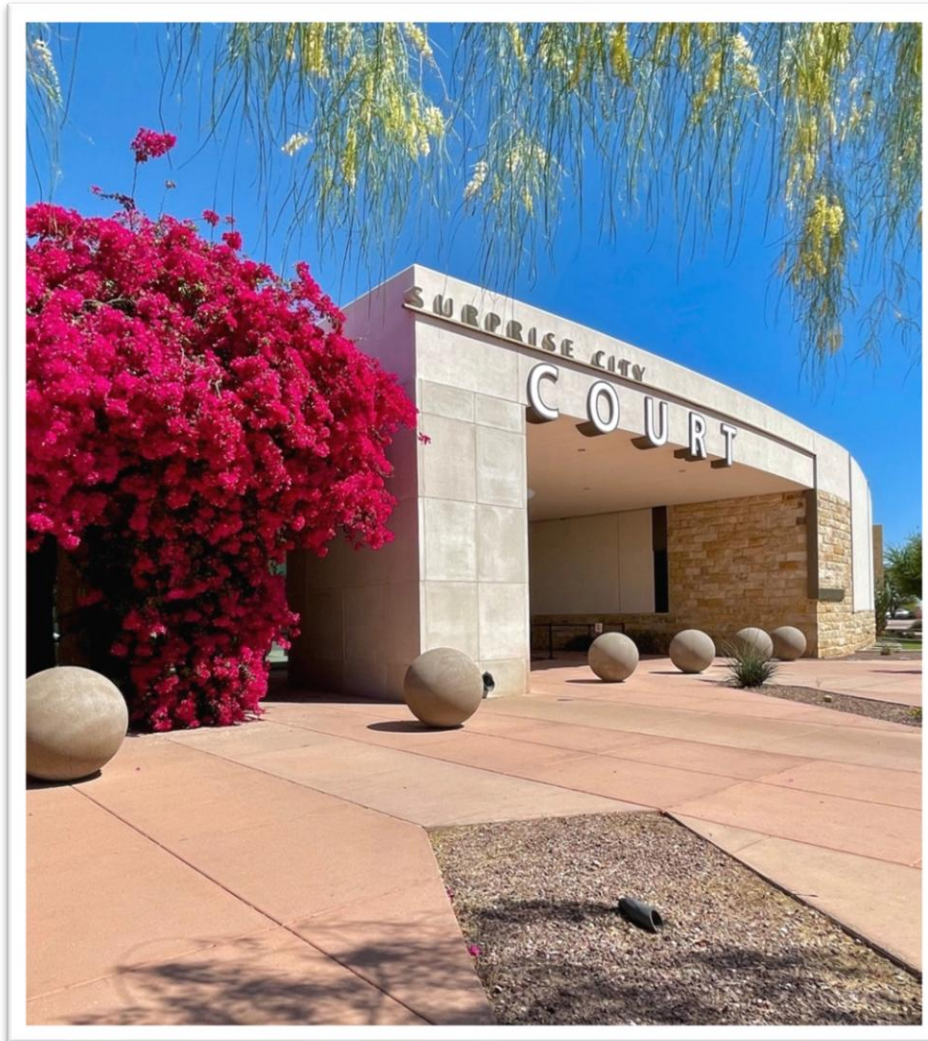


Catherine A. Gaudreau
Associate Judge, Surprise City Court

2025 REAPPOINTMENT SUBMITTAL

I am grateful for the opportunity to serve as the Associate Judge for Surprise City Court, and submit the enclosed materials in support of my request for reappointment. Thank you for your consideration!

Judge Catherine A. Gaudreau
March 18, 2025



(All photos by C. Gaudreau)



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Judge Gaudreau's Letter Seeking Reappointment

March 18, 2025

Attorney Flynn Carey, Chair
Judicial Selection Advisory Commission
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

Dear Mr. Carey and Members of the Commission:

Please accept this letter as my formal request for reappointment as the Associate Judge for the Surprise City Court. It has been my honor to serve in this role beginning with my initial appointment on December 19, 2016, and for the ensuing eight-plus years.

I have a great love for Arizona's municipal court system of justice and am proud of the work I have done during my first two terms in Surprise. I believe our work as city court judges gives us the opportunity to affect lives in a positive and hopefully long-lasting way. During my tenure I have had interactions with individuals appearing before the Court that I will carry with me forever – feeling very fortunate that I was the judge who happened to hear their case that day, and that I had the time to listen to their circumstances and then issue a ruling that would ultimately set them up for success.

In my position, I also appreciate the opportunity to serve as a role model for staff, young attorneys, students, interns, defendants, victims, witnesses, petitioners, and anyone else who may wish to see my actions (or, outside of the courtroom, hear my story) and perhaps find something of value in it as they chart the course of their own life. I am also happy to share with others – judges and attorneys alike – the knowledge and expertise I have gained in my many years of public service, first in California, then for 11 years in Wisconsin, and finally, in Arizona's municipal court system of justice for the last 19 years. My early experience as a civil practice litigation attorney in Florida and California provides another valuable perspective as I hear cases in the criminal courtroom.

The following is an overview of my work and some of my accomplishments as the Associate Judge for Surprise City Court. My service in Surprise continues to be immensely rewarding, and I believe I have much more to offer the City of Surprise, our Court, and the greater Arizona judiciary. In partnership with our Presiding Judge Louis Frank Dominguez, I am excited about what a new four-year term may bring.

My Dockets and Types of Matters Heard in Surprise – During my tenure as the Associate Judge, I have presided over every type of misdemeanor criminal and civil case filed with the Surprise City Court. This includes cases involving charges of DUI, Reckless Driving, Domestic-Violence-designated offenses, Assault, Disorderly Conduct, Shoplifting, Criminal Damage, Misconduct Involving Weapons, Prostitution, Trespass, Possession of Drug Paraphernalia, Indecent Exposure, Contributing to the Delinquency of a Minor, Hit & Run, Accident Causing Death or Serious Physical Injury, Criminal Speed, and any other misdemeanor and civil violations alleged under the Arizona Revised Statutes or the Surprise Municipal Code.

For the past several years, my regular dockets have included all of the Court’s public defender cases, from pre-trial through conclusion (whether by non-jury or jury trial, plea agreement, probation, or other resolution); both contested and pre-issuance hearings on protective orders; and most pretrial matters in which the defendant has either retained private counsel or is self-represented. During my first term, my caseload included the Court’s weekly in-custody docket, the twice-weekly arraignment dockets, the contested civil traffic and code enforcement hearings, and, for self-represented litigants and those with private counsel, all pretrial and trial readiness dockets, non-jury trials, sentence reviews, probation revocations, restitution hearings, orders to show cause, and motion hearings. In addition, for the entirety of my tenure, on a near-daily basis I hear walk-in *ex parte* petitions for orders of protection and injunctions against harassment. Between court hearings or after any dockets have been completed, I rule on motions and other matters submitted for judicial review.

In sum, since 2016 I have presided over many thousands of arraignments, changes of plea, motion hearings, probation violation hearings, protective order hearings, and countless other types of hearings and trials in the City of Surprise.

Jury Trials – In addition to the above dockets, I am assigned to preside over all jury trials held at Surprise City Court. To date, I have presided over approximately 20 jury trials, on charges of DUI, Shoplifting, and Reckless Driving.

Review by the Appellate Court – The Court’s statistics show that during my current term there were four appeals of rulings I issued or criminal trials over which I presided. In each case, my rulings were upheld by the appellate court, which affirmed and remanded the matters to Surprise City Court.

Additional Contributions Within the Court – Over the past eight years, I have also recommended and helped implement a number of improvements to general processes within the Court. For example, after seeking input from the prosecutors, defense attorneys, and court staff, I reconfigured certain dockets to better and more efficiently serve the litigants, with the stated goal of “making every court date matter.” With respect to my public defender dockets, in particular, I believe the reconfiguration has helped to greatly reduce our typical “failure to appear” rate.

I also serve as the judicial representative on the Court’s Forms Committee. In that role, I have personally created or revised numerous court forms and notifications to reflect changes in the law, to better inform defendants, and to improve judicial and staff efficiencies. I have also approved, on behalf of the bench, numerous forms that have been created or revised by members of the Committee.

Additional Contributions to or on Behalf of the Court –

CIDVC – In July 2019, I was appointed, and subsequently reappointed, by the Chief Justice of the Arizona Supreme Court to serve as a Limited Jurisdiction Judge member of CIDVC, the

Committee on the Impact of Domestic Violence and the Courts. CIDVC assists the Arizona Judicial Council with the development and implementation of policies on domestic violence and the courts. I currently serve on several subcommittees of CIDVC, including Judicial Education, ARPOP Rules and Forms, and Protective Orders. My projects include drafting new judicial bench cards, including a procedural card for holding contested hearings on protective orders, and another entitled, “13 Things Every Arizona Judge Should Know About Non-Fatal Strangulation Cases.” On behalf of CIDVC, I will also serve as faculty at the 2025 Arizona Judicial Conference.

Firearms Transfer Initiative – During my second term as Associate Judge, I was pleased to lead Surprise City Court’s Firearms Transfer Initiative (which I did in conjunction with the Fellowship awarded to me by the Judicial Engagement Network in 2021). After meeting with and seeking input from all relevant stakeholders, working with our Court Leadership, preparing the necessary forms and documents, and writing detailed court procedures, we now have a process by which the Court monitors a defendant’s compliance with the Firearms Transfer Order whenever it has been included in an order of protection issued by our Court. For more information on this topic, see my “From the Bench” article published by the Surprise Independent on June 21, 2023, (enclosed at pages 36-39) and my June 21, 2022, article published in the CIDVC News (enclosed at pages 59-63).

In short, where previously (like most courts) there had been no oversight or follow-up of the firearms order, this procedure helps the Court ensure compliance by those who are prohibited possessors under certain orders of protection. As an important component of the process, instances of non-compliance are promptly referred to the Surprise Police Department for follow-up and additional action. While that additional action can include criminal charges being brought for violation of the Court’s order, most often the referrals result in the defendant’s (belated) compliance with the transfer order, thereby enhancing the safety of the victim and the greater community. Along these same lines, and consistent with the Arizona Supreme Court’s 2025 Strategic Agenda, I am also working with CIDVC to help judges throughout Arizona implement similar compliance check protocols in their own courts.

NCSC Site Visit – As a result of my work with CIDVC and our Court’s leadership in establishing the Firearms Initiative process, in September 2024, Surprise City Court was honored to host a team of consultants from the National Center for State Courts (NCSC), along with representatives of Arizona’s Administrative Office of the Courts (AOC). The Project Team’s visit to Surprise City Court was in connection with a federal grant awarded to NCSC regarding civil protective orders. Through its grant, NCSC is working to identify practices and strategies currently in place in courts that have successfully implemented safe, accessible, fair, and effective virtual civil protection order processes.

Surprise City Court was recommended by the AOC as a model court for handling domestic violence cases and civil protection orders, and was the only court in Arizona asked to host the NCSC Project Team.

In their half-day with us, the Project Team observed two protective order hearings (one virtual and one held in person), engaged in Q & A with me after each hearing, observed court staff working to meet the operational requirements of AZPOINT (Arizona’s electronic Protective Order Initiation and Notification Tool), and interviewed members of our staff regarding how AZPOINT impacts their processes. Ultimately, NCSC will develop a national readiness assessment tool and recommended

practices to support courts across the country who may wish to pilot virtual civil protection order processes and systems. Surprise City Court is proud of the contribution we made to help NCSC work toward that important goal.

Pro Tem Judges Recruitment and Training – In June 2024, I was appointed by Presiding Judge Louis Frank Dominguez to serve a two-year term as the Chair of Surprise City Court’s Special Judicial Officer Selection Committee. Our committee recruited applicants for the position of judge pro tempore, reviewed and discussed all applications, interviewed selected applicants, completed due diligence on the finalists, and ultimately recommended five candidates for the position of judge pro tem. One of the five withdrew when she was appointed to be a full-time judge in another jurisdiction; the remaining four were appointed by Judge Dominguez. I thereafter provided training to and brief supervision of our new pro tem judges.

Published Articles, and Furtherance of the Arizona Supreme Court’s 2025 Strategic Agenda – Over the past few years I have written a number of articles which have been published in the *Surprise Independent* – on topics ranging from jury duty, to DUIs, to “quality of life” ordinances under the Surprise Municipal Code, to laws that may help one move forward after receiving a criminal conviction – in an effort to help the general public understand aspects of our court system and the laws that often result in criminal cases being brought in Surprise City Court. (Copies of several of my published articles are enclosed with this submittal.) I have also written several articles regarding aspects of protective orders, since most people who seek, or who defend against, protective orders are self-represented and generally unfamiliar with the court system and protective order processes. In addition, I have written several articles which have been published in the *CIDVC News*, a quarterly newsletter provided to every judge and court administrator, as well as numerous other professionals, throughout Arizona.

While my original intent of writing the articles was to help inform the general public in Surprise, my articles are also consistent with various aspects of the Arizona Supreme Court’s 2025 Strategic Agenda. That Agenda sets forth five goals and 94 initiatives for the State’s Five-Year Plan. Many of the initiatives relate to expanding and promoting access to justice, helping inform self-represented litigants, and maintaining public trust and confidence in the court system. Additional initiatives in the realm of Domestic Violence seek to establish Statewide protocols akin to Surprise City Court’s firearms initiative concerning protective orders which include the firearms prohibition.

Serving as Faculty for Judicial and Other Training – I am also fortunate to contribute to the greater Arizona judiciary by continuing to serve as faculty at various conferences. In December 2024, I served as faculty at the Governor’s Office of Highway Safety (GOHS) Judicial Traffic Conference (serving with panelists for the “DUI Hot Topics” plenary session). In September 2024, I served as a panelist for a lively and quite varied “Hot Topics” plenary session at the Annual Conference of the Arizona Limited Jurisdiction Judges Association. I have also been invited to serve as faculty at the 2025 Arizona Judicial Conference in June, for an in-depth presentation on all aspects of protective orders.

Surprise City Court Academy – The Surprise City Court Academy is a rare gem in the Arizona court system. Designed and instituted by Presiding Judge Dominguez in 2016, he and I, working with the City’s Community Engagement Partner, court staff, and volunteer prosecution and defense attorneys, conduct an in-house, interactive program for students from Surprise’s high schools.

Over a period of four months, we meet with the students twice a month to teach them about court-related legal careers, the work of the court, and conducting a trial. We also invite other city

representatives, including the chief of police, victim advocates, city prosecutors, and court-appointed defense attorneys, to speak with them about their chosen careers. We then supervise their presentation of a mock trial at the court, an event their family and friends are invited to attend. The program culminates with a trip to the Arizona Supreme Court, where the students hear oral arguments and have the opportunity for Q&A with appellate court judges, followed by a final send-off at a city council meeting, where the students are recognized by the Mayor and Council.

It has been my pleasure to work with and mentor the students who join our City Court Academy. With each succeeding year the enthusiasm for our program has grown (from two students in the initial class, to approximately 25 in our current academy), and the accomplishments of our students have continued to exceed our expectations.

In closing, I care deeply about the work I am privileged to do for Surprise City Court and the citizens of Surprise. My personal commitment is to continue to follow the law in a fair and impartial manner; to ensure that each individual has an equal access to justice in our Court, regardless of their station in life or economic status and whether they are represented by counsel or not; to continue to apply my strong work ethic, judicial knowledge, experience, enthusiasm, and dedication, to be well-prepared for each type of proceeding I handle; and to exercise my discretion in a fair, respectful, and compassionate manner, showing grace to one and all.

Judge Dominguez and I, along with our Court Administrator Ms. Cano, have a shared passion for the work of Surprise City Court. Working together with our excellent staff, we will continue to pursue our common goal of improving what is already an outstanding city court. In doing so, I expect we will further establish our Court as a leader in Arizona's municipal court system of justice. I am indebted to Presiding Judge Dominguez for his initial recommendation of me in 2016, and for his continued support of me throughout my tenure.

I also wish to express my appreciation to you and the members of the Commission for your review of my reappointment materials. I look forward to meeting with the Commission on March 26, 2025.

Yours truly,

Catherine A. Gaudreau
Associate Judge, Surprise City Court

CATHERINE A. GAUDREAU

SURPRISE CITY COURT

16081 N. Civic Center Plaza, Suite 105, Surprise AZ 85374

Phone: 623-222-4824 | FAX 623-222-4801

Associate Judge
Surprise City Court • Surprise, AZ

2016 - Present

As the Associate Judge, I preside over all aspects of misdemeanor cases including DUI, Domestic Violence, Reckless Driving, General Criminal, and Criminal Traffic offenses, as well as civil cases including violations of the Municipal Code, Property Code, and Civil Traffic laws. I also preside over jury and bench trials, and to date have conducted approximately 20 jury trials.

My regular weekly dockets include handling all cases in which the defendant is represented by court-appointed counsel, from pretrial, to change of plea or trial, through and including any probation revocation or post-sentencing proceedings; and all pretrial and trial readiness conferences for self-represented litigants and for those with privately retained counsel. On a daily basis, I hear *ex parte* petitions for protective orders; and preside over all contested or pre-issuance hearings for orders of protection heard by our court. I also review matters for those held in custody to determine conditions of release and future settings.

In addition to my regularly scheduled matters, I conduct bench trials, evidentiary hearings on motions to suppress or to dismiss, restitution hearings, sentence reviews, probation revocations, OSCs, contested protective order hearings, and a variety of telephonic settings, including Changes of Plea. I handle walk-in motions as circumstances permit, including motions to quash warrants and for other relief; swear-in long-form complaints; and, in between handling cases in the courtroom or after hours, rule on matters in judicial review. In 2024, I was appointed Chair of the Court's Special Judicial Officer Selection Committee.

With the goal of gaining additional expertise from a very innovative and high-performing city court and then bringing that expertise back to Surprise, I also maintain limited secondary employment by serving as a judge pro tempore for Scottsdale City Court. There, I preside over morning Jail Court proceedings two or three weekends per quarter.

EMPLOYMENT HISTORY

Assistant City Prosecutor II
City of Scottsdale • Scottsdale, AZ

2006 - 2016

With Scottsdale I prosecuted DUIs, domestic violence, general misdemeanors, juvenile traffic and status offenses, and city code violations. I successfully tried 70 cases to Scottsdale juries and hundreds more to the court. I worked in the Domestic Violence, Juvenile Court, Rule 11, and Motions and Appeals units; held a leadership role on courtroom teams, negotiated case resolutions, trained and advised police officers, and helped train less-experienced prosecutors and interns, both in trial practice and in developing their ability to make independent judgments within office guidelines. In 2015, I authored an office training manual entitled, "Victims' Rights and the State's Responsibilities in Scottsdale City Court."

Assistant District Attorney
Milwaukee County District Attorneys Office • Milwaukee and Wauwatosa, WI

1991 - 2002

As a State prosecutor, I conducted numerous jury trials in criminal and civil cases in the Superior Court; litigated suppression motions, detention hearings, competency proceedings, juvenile waiver contests, and civil forfeitures. My assignments included OWI Project Coordinator, Misdemeanor Team, Children's Court, Domestic Violence Unit, Child Sexual Assault, and Intake Court. In child abuse or neglect cases, initial jurisdiction over

the child is a jury issue; while such trials were rare, I tried and won three, in cases involving Munchausen's Syndrome by Proxy; chronic paranoid schizophrenia; and a parent's sexual addiction resulting in the severe neglect of her children. Based on my *pro bono* experience in California, I assisted the District Attorney in establishing an Attorney Loaner Program with area law firms, resulting in *pro bono* services to our office.

Litigation Associate

1987 - 1991

Cooley Godward Castro Huddleson & Tatum (now, Cooley LLP) ·
San Francisco, CA

With this international law firm, I handled business litigation and appeals in state and federal courts. My practice areas included bank fraud, securities litigation, employment discrimination, professional liability, construction litigation, FSLIC/FDIC representation, RICO, product liability, and bankruptcy. By request of the Litigation Dept. Chair, I supervised our firm's *pro bono* representation of a death row inmate's mandatory appeal to the California Supreme Court, including regularly meeting with the client at San Quentin Prison to develop mitigation evidence for a requested new penalty phase trial. I also participated in recruiting efforts and served on the firm's Summer Associate Committee.

Pro Bono Deputy District Attorney

Winter, 1991

Alameda County District Attorney's Office · Hayward, CA

While an Associate at Cooley, through an Attorney Loaner Program between Bay Area law firms and area District Attorney's Offices, I served a 3-month term as a *pro bono* Deputy District Attorney in Alameda County, California, where I successfully tried several criminal cases to juries. A memorable occasion was when local resident Fred Korematsu, of *U.S. v. Korematsu*, was present for jury duty.

Litigation Associate

1984 - 1987

McDermott, Will & Emery · Miami, FL

In the Miami office of this international, Chicago-based firm, I handled jury and bench trials, civil motion practice, and briefed and argued several cases in state appellate courts. My practice areas included RICO, insurance defense, health care litigation, professional liability, UCC, admiralty, construction litigation, aviation law, and general commercial litigation. In one notable jury trial, I worked with a senior partner from our Chicago office to defend an insurer which had denied coverage after an arson fire destroyed a local discotheque, on the grounds that the plaintiff business owner himself was responsible for the fire; we lost at trial after our arson defense was stricken, but following our successful appeal of that ruling the case was remanded for a new trial.

Law Clerk

1982 - 1984

Blackwell, Walker, Gray, Powers, Flick & Hoehl · Miami, FL

During my 2nd and 3rd years of law school, I worked in the firm's litigation and appellate divisions. I wrote several appellate briefs, drafted a wide variety of discovery and case-dispositive motions and responses, and assisted attorneys with all aspects of civil trial practice, including at trial.

EDUCATION

J.D., *cum laude*, 1984
University of Miami School of Law
Coral Gables, FL

B.A., Political Science, honors, 1981
Florida International University
Miami, FL

Moot Court; Dean's List; Tuition Scholarship;
Invitee, Lawyers of the Americas Journal
and Law Review Competition

Concentration in Business and Accounting;
Dean's List; Honorary Accounting Society;
Tuition Scholarships

JUDICIAL CONFERENCES, TRAINING, AND TEACHING

- Arizona's Annual Judicial Conference (2017 to 2024)
- Governor's Office of Highway Safety (GOHS) Annual Conference (2017 to 2024)
- Served as faculty at GOHS 2024 Judicial Traffic Conference, for "DUI Hot Topics" Plenary
- American Bar Association's Judicial Traffic Seminar (2019, 2020)
- Limited Jurisdiction Judges Association (LJJA) (formerly, Arizona Magistrates Association) Annual Conference (2018 to 2024)
- Served as faculty at LJJA's 2024 Annual Conference, for wide-ranging "Hot Topics" Plenary
- Judicial Engagement Network's Leadership Summit (2019); JEN Fellows Leadership Session (2023)
- Tucson City Court's DV Mentor Court Training (2018)
- Limited Jurisdiction New Judge Orientation (2017)
- Arizona Civil Traffic Hearing Officer Training (2017)
- NJIDV's Enhancing Judicial Skills in Domestic Violence Cases Workshop (2017)
- Numerous Webinars, as available on Wendell and YouTube, on topics pertinent to my judicial practice

MEMBERSHIPS, COMMITTEES, AND COMMUNITY

- ❖ Admitted to the State Bars of Arizona (2005), Wisconsin (1991), California (1988), and Florida (1984); Active status in Arizona; Inactive in WI, CA and FL
- ❖ Ninth Circuit Court of Appeals
- ❖ U.S. District Court for the Northern and Central Districts of California and the Southern District of Florida
- ❖ Arizona Supreme Court's Committee on the Impact of Domestic Violence in the Courts (appointed 2019; reappointed in 2022)
- ❖ National Judicial Engagement Network - Member (2019 to date) and Fellow (Fellowship awarded 2021)
- ❖ American Bar Association - Member, Judicial Division, and National Conference of Specialized Court Judges
- ❖ Limited Jurisdiction Judges Association (formerly, Arizona Magistrates Association); Board Member
- ❖ Arizona Chapter of Women Leading Government
- ❖ City of Surprise's Annual City Court Academy (2017 to 2025)
- ❖ Scottsdale Domestic Violence Action Team; awarded Arizona Attorney General's Distinguished Service Award (2015)
- ❖ Finalist for Scottsdale's City-wide "Respect the Individual" Award; nominated by Scottsdale City Attorney for my work in the Domestic Violence Unit (2014)
- ❖ Volunteer panelist and speaker at ASU's Pre-Law Society and Barrett Honors College; Volunteer judge at Sandra Day O'Connor College of Law's client counseling competition
- ❖ "Law Day" panelist at high schools in Scottsdale and Surprise
- ❖ Lecturer regarding juvenile law at Scottsdale middle schools



SURPRISE CITY COURT

Louis Frank Dominguez, Presiding Judge
Catherine A. Gaudreau, Associate Judge
Elaina Cano, Court Administrator

Overview of the Court



Surprise City Court is fortunate to have an outstanding professional staff, many of whom have worked in the Court system for a decade or more. The Court Administrator, among other significant responsibilities, manages and directs all operational and non-judicial functions of the Court, including the following:

Court Services Unit

The Court Services Unit assists the public with access to and navigation through the court system and provides essential administrative support for court operations. Employees in this Unit staff the front counter windows and are the first to assist those who come to the Court. They are also the first contact (whether by telephone or in person) for those seeking orders of protection. This Unit receives payments,

accepts motions, addresses other in-person inquiries and, subject to exceptions, adjudicates certain civil traffic violations.

Court Operations Unit

The Court Operations Unit provides direct and essential administrative assistance to the judges in all court proceedings. A judicial assistant is present in each courtroom to ensure matters are made ready for the judge to hear and to assist the judge and others present (attorneys, parties, victims, witnesses, court interpreters) with each matter heard. The judicial assistants coordinate telephonic appearances, including for those seeking orders of protection, prepare all necessary documents as directed by the judge, and process all matters post-hearing. This Unit also establishes and prepares the Court's monthly bench calendars and daily dockets, coordinates the weekly in-custody docket, prepares all motions and other matters submitted for judicial review, and processes the judges' orders on all such matters.

Compliance Unit

The Compliance Unit helps defendants reduce their outstanding financial obligations and works to increase compliance with the Court's orders. The Compliance Assistance Program (CAP) provides those with past-due financial obligations the opportunity to establish or reestablish payment contracts based on their ability to pay. Those in CAP are then eligible to reinstate their driver's license. Staff provide recommendations to the judges and implement orders related to payment plans or financial obligations. Staff also monitor defendants' compliance with other Court directives, including orders to complete treatment programs, counseling, or community restitution work, pay restitution, serve jail sentences, or complete home detention.

Finance Unit

The Finance Unit is responsible for ensuring the Court's accounting practices and procedures comply with Arizona Revised Statutes, Arizona Code of Judicial Administration, Minimum Accounting Standards (MAS), Generally Accepted Accounting Principles (GAAP), and all other applicable financial policies and procedures approved by the City of Surprise Finance Department, City Manager, and City Council.

Security Unit

The court security team is responsible for ensuring the safety and security of court facilities, staff, judges, and visitors. Their duties include screening visitors using metal detectors, x-ray machines, and manual searches to prevent prohibited items from entering the court, monitoring courtrooms and public areas to detect and address any suspicious behavior or potential threats, enforcing court rules, including the prohibition of weapons and other dangerous items, responding to emergencies such as disturbances or threats, and coordinating with local law enforcement as necessary. The goal of the court security team is to create a secure environment that fosters confidence, trust, and respect in the administration of justice.



Role of the Associate Judge for Surprise City Court



The role of the Associate Judge for the City of Surprise is to adjudicate, in accordance with State law, City ordinances, the Arizona Supreme Court's Rules, and the Arizona and United States Constitutions, any and all cases filed with the Surprise City Court. Such cases include misdemeanor criminal, civil traffic, and code enforcement matters, as well as orders of protection.

The Associate Judge presides over initial appearances and arraignments, pretrial conferences, jury trials, non-jury trials, evidentiary and other motion hearings, civil traffic and code enforcement hearings, the in-custody docket, pretrial and trial readiness conferences, probation revocations, sentencing and restitution hearings, and orders to show cause. The Associate Judge reviews and rules

on all motions and other matters which may be submitted for Judicial Review, whether pre- or post-adjudication; conducts *ex parte* hearings on petitions for orders of protection; presides over contested hearings on protective orders previously issued; hears probable cause statements and reviews and signs long-form criminal complaints; and, as circumstances permit, hears walk-in motions to quash warrants or for other relief.

In all matters, the Associate Judge informs defendants of their rights, conveying the information in a clear and understandable manner. In certain criminal cases, the Associate Judge will appoint an attorney to represent the defendant, under financial guidelines established by the Court or as otherwise determined to be in the interests of justice.

In fulfilling this role, the Associate Judge exercises considerable independent judgment in managing her dockets, ruling on motions, and adjudicating cases. For any proceeding, the Associate Judge must determine the law applicable to each type of matter heard; evaluate in the light of that law any evidence presented to the Court; and render a decision in accordance with the law. The Judge must then convey her decision to defendants, attorneys, and court staff, as applicable, and enter legal decisions into the record and the Court file.

The Associate Judge also assists the Presiding Judge and the Court Administrator in administering court policies, practices and procedures, and in training pro tem judges as needed. When the Presiding Judge is absent due to out-of-state travel, the Associate Judge is appointed to serve as the Acting Presiding Judge.



**Selection of Judge Gaudreau’s “From the Bench” Articles
Published in the *Surprise Independent***

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The Surprise Independent
Feb. 27, 2024

FROM THE BENCH:
“Jury Duty in Arizona”

by
Judge Catherine A. Gaudreau

FROM THE BENCH

Judge: Jury Duty in Surprise City Court

Surprise judge details law

Posted Tuesday, September 20, 2022 12:00 am



Judge Catherine A. Gaudreau

By Judge Catherine A. Gaudreau

If you had to describe your jury duty experience in one word, would it be: Interesting? Boring? Inconvenient? Gratifying? Educational? Tough? Or Better-Than-I-Really-Expected?

If you've ever been summoned for jury duty, you probably know it can be all those things, even in the very same case. Yet serving on a jury is one of the great privileges of being an American citizen.

In this issue of From the Bench, we explain some basics about jury duty in Surprise City Court. But first, a little perspective.

The right to a trial by jury goes back to the inception of our nation. It is rooted in the Declaration of Independence (which lists as one of the many grievances against the King of England, "depriving us ... of the benefits of trial by jury"), and is guaranteed by the United States Constitution and the Bill of Rights. Under the Arizona Constitution, the right to a trial by jury "shall remain inviolate."

But it wasn't always this way.

In ancient times, legal disputes were resolved with "trials by ordeal." Ordeals, overseen by members of the clergy, were essentially appeals to supernatural forces to determine the guilt or innocence of the accused. The most common ordeals were by divination, battle, and physical test.

In a divination ordeal, the accused was put to a painful or dangerous “test” (such as having to hold a red-hot iron), under the belief that God would intervene and perform a miracle to protect an innocent person from suffering any harm. In an ordeal by battle, the accuser and the accused (or perhaps their more physically able representatives) would engage in a battle or duel to the death. And an ordeal by physical test often involved fire (recall the 17th century Salem witch hunts) or water. In a water ordeal, the accused was bound in the fetal position and thrown into a lake or river to see if they would sink, and thus be innocent, or float, and thus be guilty.

Fortunately, we no longer resolve legal disputes with trials by ordeal. Instead, we have trials by jury, where citizens from the community are summoned to court to fairly and impartially evaluate the evidence and reach a verdict based on the facts and the law. Most will agree we are much better off for having this system of justice.

And today, any judge who would fine the jurors and threaten to “cut off the nose” of the jury foreperson in disagreement with their verdict (as reported about a 1670 case from England, where the jury declined to convict two Quakers of preaching in the streets), would presumably not be long for the bench. In a jury trial, any opinion the judge may have regarding the defendant’s guilt or innocence is irrelevant; that decision is one for the jury alone.

Jury Duty Basics

Qualifications: To serve as a juror in an Arizona court, one must be at least 18 years old, a U.S. citizen, a current resident of the jurisdiction in which they are summoned to serve, never convicted of a felony unless their civil rights have been restored, and not currently adjudicated mentally incompetent or insane.

How are names and addresses obtained? Potential jurors are randomly selected from Arizona’s Department of Motor Vehicles and Voter Registration databases. Those individuals are then summoned to a specific court for a date certain.

How much notice is given? Summonses for jury duty in Surprise City Court are usually sent five or six weeks before the required report date.

Is every case tried to a jury? No. Surprise City Court is a court of limited jurisdiction, with authority to hear misdemeanor crimes, petty offenses, civil traffic and civil marijuana charges, and city code violations. But only a handful of misdemeanor crimes are jury eligible under Arizona law.

The most common jury eligible offense filed in Surprise City Court is misdemeanor DUI, for driving while impaired by alcohol or drugs. Other jury-eligible misdemeanors include Shoplifting or Theft, Reckless Driving, Indecent Exposure, False Imprisonment, Resisting Arrest, Aggressive Driving, and Causing Death by a Moving Violation. If you are summoned for jury duty in Surprise City Court, it will likely be for a trial on one or more of those charges.

Other misdemeanors, petty offenses, and all civil charges filed in our court are tried to a judge. (All felony charges, which are filed in the superior or justice courts, are jury eligible regardless of the crime alleged.)

I received a summons; what's next? Promptly complete the check-in process on the Jury Services website noted on your summons, and respond to all questions asked. Otherwise, your check-in at the court may be delayed.

What if I need to reschedule? You may request a postponement through the Jury Services website or by following the instructions on your summons.

Can I be excused instead? Some circumstances (such as being 75 years of age or older) will allow one to be excused from jury duty. Such requests must be in writing, with supporting documentation, and directed to the Jury Commissioner's Office.

What if I just don't show up? A person who willfully and without reasonable excuse fails to appear for jury service may be found to be in contempt of court. So reschedule if you must, but come to court when required!

What about my job? Your employer must give you time off for jury duty. While some employers pay their employees for time missed from work, they are not required to do so.

Will I be paid for jury duty? Arizona law provides for a minimal stipend of \$12 for each day's service on a jury, plus mileage reimbursement at the same rate paid to state officers and employees. Those who are not selected for the jury will receive the mileage reimbursement.

Can I check the day before to see if I'm still needed? Yes. After 5 p.m. the day before your jury duty report date, call the court at 623-222-4810 to check the juror status. A recorded message will advise whether you must come to court, have been placed on standby, or are excused.

If required to appear: There is free parking at the court, and free Wi-Fi in the building. You will be screened by security at the entrance. Weapons of any kind are prohibited. Please dress appropriately for court. "Business casual" is always good; consider wearing layers as temperatures in the courthouse will vary.

What can I bring with me? Bring your summons! You may also bring water (we provide bottled water), a snack, a lunch (although many jurors prefer to have lunch at a local restaurant), reading materials, and your electronic device for use while waiting to be called into the courtroom and during breaks. Do not bring your children, family, or friends.

Juror check-in: Once through security, you will check in with court staff in the Jury Assembly Room, where you will watch a video and soon be welcomed by the judge. Those present will be randomly assigned to a jury panel list.

How is the jury selected? People are summoned for jury duty from all walks of life, and each person brings their own life experiences; the judges and attorneys understand that. The purpose of the jury selection process (called voir dire, meaning “to speak the truth”) is to seat a jury of individuals who can serve as fair and impartial judges in the case at bar, unbiased toward either side, and who will follow the law as instructed in determining the facts.

To begin the selection process, panelists are seated in the courtroom by juror number. The judge will place the group under oath, to avow that they will truthfully answer all questions asked. In turn, each panelist will answer the biographical questions (occupation, marital status, and the like) on the back of their juror number card.

Next the judge will ask questions of the entire group, with those whose answer to any question is “yes” simply holding up their juror number card. The group will then return to the Jury Assembly Room, with individuals called back in one at a time for follow-up conversations with the judge and attorneys.

When there are sufficient panelists who have been passed to serve on the jury, everyone will return to the courtroom. The judge will announce the names of those who will serve on the jury, and excuse the rest. This is often done by early afternoon.

How many will serve? For misdemeanor charges, Arizona law requires a jury of six people. Surprise City Court typically seats seven jurors, one of whom will be randomly selected at the end of the trial to serve as the alternate.

How long will the trial last? The court is open 8 a.m. -5 p.m., Monday through Friday. Jurors are usually not asked to stay past 5 p.m. Most of our jury trials are completed in two days.

Is waiting the hardest part? Hopefully, yes! But know that the court and the attorneys are working, even as you wait. We understand the value of your time and use our best efforts to use it well. But in any trial, some down time for the jury is unavoidable.

The bottom line: We cannot do this job without you. By coming to court and contributing your time and effort – whether you are seated on the jury or are excused – you allow us to honor one of the most fundamental rights of our system of justice: the constitutional right to a trial by jury. For that, we thank you, and look forward to welcoming you to Surprise City Court. For more information, see www.azcourts.gov/juryduty/jury-service-what-to-expect.

Editor’s Note: Judge Catherine Gaudreau is the associate judge for the city of Surprise.

The Surprise Independent
Feb. 27, 2024

FROM THE BENCH:

*“Moving Forward After A
Criminal Conviction:
Set Asides, Sealing Criminal
Case Records, and Expungements”*

by
Judge Catherine A. Gaudreau

FROM THE BENCH

Moving Forward After Criminal Conviction in Surprise - Ending punishment doesn't finish the consequences



Surprise Associate City Judge Catherine A. Gaudreau

Posted Tuesday, February 27, 2024 10:50 am

By Catherine A. Gaudreau

“All the windows of my heart I open to this day...”

With these words, which celebrate being fully present in the here and now, the poet John Greenleaf Whittier ended his poem, “My Psalm.” This closing embodies the idea of a fresh beginning; of embracing a new day of hope, opportunity, and promise, no matter how bad things may have seemed the day before.

How, you may wonder, does that relate to the work of the criminal courts, or to Arizona law?

To answer, consider this scenario: a person commits a crime, is convicted and sentenced, and successfully completes everything the judge’s order required of them. End of story, right?

No, not end of story at all.

A criminal conviction, whether for a felony, misdemeanor, or even a petty offense, can have unintended and in some cases far-reaching consequences that can last a lifetime. It may present barriers to a person’s ability to maintain employment; obtain housing; be accepted into college; qualify for military service; qualify for financial aid; get a driver’s license; obtain or keep a

professional license; keep their legal status as an immigrant; possess firearms; maintain a fingerprint clearance card; and more.

And while the immediate and direct consequences of a criminal conviction are fully intended, many collateral consequences may prevent people from bettering themselves or becoming productive members of society after they complete their sentences. Studies show that a variety of unintended consequences of a criminal conviction and the resulting inability to move forward can both increase recidivism and result in a downward spiral, affecting the individual and their family for years to come.

This is where the law may provide some relief.

Arizona law has three options intended to help a person to move forward in life, even after they have been charged with or convicted of a criminal offense. Subject to certain exceptions, a defendant may apply to have their judgment of guilt set aside; petition the court to have their criminal case records sealed from public access; and, regarding certain marijuana-related offenses, ask to have the criminal records expunged.

In this article, we provide an overview of these options. But understand that the statutes are lengthy and somewhat complex, and in many respects are intertwined with other laws. Anyone wishing to seek such relief should read the entire statute (and any laws referenced in the statute), and consider getting legal advice concerning their own circumstances before proceeding.

Application to Set Aside a Judgment of Guilt. The first option (and the one most commonly seen in Surprise City Court) is the right to apply to have one's judgment of guilt set aside. Under Arizona Revised Statutes § 13-905, with certain exceptions as to types of crimes, any person who has been convicted of a criminal offense may apply to have their conviction set aside and for a certificate of second chance.

To be eligible for this relief, the defendant must have completed everything that was required by their judgment and sentence order (including any term of probation and all mandates ordered by the court).

The exceptions to § 13-905, and the types of convictions that cannot be set aside, include those for a "dangerous offense" (defined as one which involved the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, or the intentional or knowing infliction of serious physical injury on another person); a felony offense in which the victim was under 15 years of age; an offense for which a finding of "sexual motivation" was made; or an offense for which the defendant was ordered to register as a sex offender.

The prosecutor and any victim of the crime have the right to be heard on the defendant's application. If there is an objection, the court may set a hearing to give the parties and the victim the opportunity to address the court. The decision whether to grant or deny the application is within the discretion of the judge, who will consider the factors described in the statute.

If the court grants the application, the court will set aside the judgment of guilt and order that the defendant be released from all penalties and disabilities resulting from the conviction, except for those imposed by the department of transportation or the game and fish commission.

But setting aside a judgment of guilt does not change history; it does not remove information that has been reported to the department of transportation, does not relieve the person of MVD or driver-license-related consequences, does not require law enforcement to redact or remove a record or other information, and does not allow the department of public safety to redact or remove any part of one's record.

What it does do is allow the person who may be required to disclose a criminal conviction to also note that the conviction has been set aside by the court. That lets a potential employer, landlord, financial institution, or other party know that the sentencing court has acknowledged the person's fulfillment of all the conditions of the judgment and sentencing order imposed in their case.

Petition to Seal Case Records. The second option is provided by Arizona Revised Statutes § 13-911. Under this statute, after the required waiting period has passed and again, subject to exceptions, a person may be eligible to petition the court for an order to seal from public access all the criminal case records of their arrest, conviction, and sentence.

However, § 13-911 is particularly intertwined with other laws. Getting legal advice can be crucial in helping one understand both its requirements and its limitations.

For cases in which one was convicted of a crime, they may be eligible to file a petition to seal after certain conditions are met. First, they must complete all the terms and conditions of their sentence; then, they must wait a designated period of time after that date of completion before they file their petition. The statutory waiting period is anywhere from two years to ten years, depending on the level of crime, plus the possibility of an additional five years if they have certain prior convictions. In addition, they must not have been convicted of any other offense thereafter (except for certain misdemeanors under title 28, not including DUI).

Significantly, this right is not limited to cases which resulted in a criminal conviction. It also applies where a person was arrested but never formally charged with a crime; where a person was charged with a crime but the charge was later dismissed; and where a person was charged with a crime but was later found "not guilty" at trial. In all these circumstances, the person may petition to have the criminal case records sealed.

A petition to seal must be filed in the court where the conviction took place. If the charges were dismissed, or the person was found not guilty, or their conviction was vacated, the petition must be filed in the court where the criminal complaint was filed.

If a petition to seal is granted, the records that are under the control of criminal justice entities (including the courts, the Department of Public Safety, prosecutors' offices, and law

enforcement agencies) will be ordered removed from public access. However, any case record that was published or distributed prior to sealing may still be accessible and may not be impacted by the order.

If a petition to seal is denied, the defendant must wait three years from the date of the denial to file a new petition regarding those records. If a petition is instead dismissed (because, for example, it was filed in the wrong court), the 3-year waiting period would not apply.

Petition to Expunge Records of Marijuana-Related Offenses. The third option is under Arizona Revised Statutes § 36-2862. This statute was added as part of Proposition 207, a voter initiative known as “The Smart and Safe Arizona Act.”

Proposition 207 legalized and regulates the adult recreational use of marijuana, and allows for expungement of certain prior marijuana offenses. Under § 36-2862, people with certain criminal records related to marijuana may petition the court to have the records of their arrest, charge, adjudication, conviction, or sentence expunged.

Specifically, one may ask the court to expunge records for charges that relate to possessing, consuming, or transporting small (specified) quantities of marijuana; possessing, growing, or processing not more than six marijuana plants at their home for their personal use; or possessing or using drug paraphernalia that is related to marijuana.

A petition to expunge marijuana-related records must be filed in the court that resolved the case. If the person was arrested but never charged, the petition must be filed in the Superior Court for the county where the arrest took place.

The prosecutor may respond to the petition. However, the court must grant the petition unless the prosecutor shows by clear and convincing evidence that the petitioner is not eligible for expungement.

If the court grants a petition to expunge, the case file and related law enforcement records will be sealed, and the judgment, conviction, and sentence will be vacated. Any monies that are still owed to the court in connection with the expunged charge will be cancelled (although monies previously paid will not be refunded). The court, law enforcement agency, prosecuting agency, and Arizona DPS will no longer make the expunged records available to the public, and the expunged charge cannot be used for any purpose by a prosecution agency or a court in any later prosecution. The defendant’s civil rights as to the expunged charge will also be restored.

The above is an overview of three Arizona laws that may help a person move forward, despite having a criminal conviction or record of arrest in their past. A great deal of additional information on these topics is available at the Arizona Judicial Branch’s website, azcourts.gov (from that “home” page, search for “Petition to Seal” or “Proposition 207”).

For convictions that were adjudicated in Surprise City Court, a fillable pdf of the Application to Set Aside Judgment of Guilt is available at surpriseaz.gov/courts, and the remaining forms may be obtained from the court.

Editor's Note: Judge Catherine Gaudreau is the associate judge for the city of Surprise.

The Surprise Independent
March 14, 2023

FROM THE BENCH:

“DUIs in Arizona”

by
Judge Catherine Gaudreau

FROM THE BENCH

Surprise Judge: Know the DUI Laws in Arizona

Posted Tuesday, March 14, 2023 4:27 pm



Judge Catherine A. Gaudreau

By Judge Catherine A. Gaudreau

You may have seen messages like these on freeways across the Valley: “Drive Hammered, Get Nailed,” “Only Sparklers Should be Lit – Drive Sober” and “Drink and Drive? Meet Police and See New Bars!”

Such messages, often with amusing riffs on current events or pop culture, are posted on ADOT’s dynamic message boards to increase awareness about traffic safety. Whether bold, clever, or tongue-in-cheek, these messages contain an important truth about drinking and driving: in more ways than one, it is a risky business. In fact, Arizona is considered to have some of the toughest DUI laws in the country.

This issue of “From the Bench” provides general information about DUIs in Arizona, including what constitutes a DUI, what evidence can be used, one’s constitutional rights, the mandatory penalties, and how to avoid getting a DUI in the first place (spoiler alert: it’s easy). For legal advice about DUIs or any other topic, please consult with an attorney.

What constitutes a DUI?

DUI means driving under the influence, typically of alcohol or drugs. In Arizona, it is against the law to drive a motor vehicle “while impaired to the slightest degree” by alcohol, drugs, or any combination of alcohol and drugs. Under this standard, one does not have to be “hammered” to commit a DUI.

It is also against Arizona’s DUI laws to be “in actual physical control” (APC) of a vehicle while impaired, even if the person is not driving. For example, an impaired driver may stop at a red light and promptly fall asleep, maybe with their foot on the brake or maybe not, and remain there for some time; such a driver can be charged with DUI for being in APC of the vehicle while impaired.

Arizona also has DUI per se (Latin for “in itself”) laws, which make it illegal to drive while having a blood or breath alcohol concentration (BAC) that is at or above a certain limit. There are three levels of per se DUI in Arizona: Regular (BAC .08 or more); Extreme (.15 or more), and Super Extreme (.20 and above), each with increasingly higher mandatory penalties. The DUI per se laws likely originated in what is known as “universal impairment,” the scientific principle that at a BAC of .08, everyone – regardless of age, sex, alcohol tolerance, physical condition, or drinking history – is impaired to at least the slightest degree. With a BAC charge, the State does not have to prove impairment.

A person can also be charged with DUI based on drugs. The DUI drug laws apply whether the drug is legal or illegal, and even if it has been prescribed. If the drug is legal or was prescribed to the driver, the State would have to prove that it impaired the driver to the slightest degree. Otherwise, the State need only prove that the drug was in the person’s body.

Some people are surprised to learn that one can commit a DUI while taking their prescribed medication. But when the effects of certain drugs are considered – narcotic painkillers and sleeping pills, for just two examples – it makes sense for the safety of everyone. While people should take their medications as prescribed, if the drug is one that may impair to the slightest degree (something that should be discussed with one’s health care provider), they should not drive while it is in their body.

Arizona’s DUI penalties

The legal penalties for a DUI conviction are significant. In Arizona, jail is mandatory. For a first offense misdemeanor, the minimum jail is either 10, 30, or 45 days, depending on the person’s BAC. For a second such DUI within 7 years, the minimum jail is 90, 120, or 180 days (again, depending on the BAC). While a person may be eligible for home detention or suspension of some of the jail time, a certain number of days must be served in jail.

A DUI conviction is also expensive. The mandatory minimum fines, fees and assessments range from about \$1,500 for a regular first offense DUI, to about \$4,600 for a second Super Extreme DUI. One must also pay for the mandatory alcohol or drug program, jail costs, home detention costs, restitution for economic loss sustained by any victim, installing and maintaining the required interlock device, traffic survival school, and any attorney’s fees. MVD will also suspend or revoke the person’s license.

Can a 'first DUI' be a felony?

Yes. Even if a person has never had a DUI, there is no guarantee that a first offense will result in misdemeanor charges, with the potential maximum jail sentence of six months. If there are aggravating factors, one may be charged with a felony, with the possibility of years or even decades in prison.

For example, a first offense DUI for a driver alone in the vehicle, with no accident, personal injury, or property damage, is often charged as a misdemeanor. But that exact scenario can result in felony charges for an Aggravated DUI if it is committed while someone under the age of 15 is in the vehicle; while the person's license is suspended or revoked; or while they were driving the wrong way. A DUI is also a felony if the person's license is restricted due to a prior DUI, or they were required at the time to have a certified ignition interlock device on the vehicle.

Perhaps most sobering is the fact that drinking and driving may contribute to an accident which results in serious injury or death. If a death occurs, a DUI driver may be charged with manslaughter, negligent homicide, or second-degree murder, even if they have never had as much as a speeding ticket in the past.

What evidence is used to prove a DUI?

A DUI arrest may start with a civil traffic violation, such as speeding, a cell phone violation, weaving in the lane, or anything else. Once the officer contacts the driver – even if they were pulled over simply because a taillight was out – the officer may note aspects of the person's demeanor and presentation that might be attributed to alcohol or drug use.

For example, is there an odor of alcohol or drugs, is the person's speech slurred, are their eyes bloodshot? Are they able to follow instructions (provide a license and other documents as requested) and answer basic questions while doing so? Is there evidence of alcohol or drug use in view? If the driver is asked to get out of the vehicle, do they do it just fine, do they stumble or hang on the car door, or something in between? And once out of the vehicle, how is their balance?

While none of these or other things the officer may note are conclusive, and there may be other reasons for what the officer is seeing, if the driver is ultimately arrested for DUI then all of those observations may be considered by the jury.

While still at the scene of the traffic stop, if the officer suspects DUI they may ask the person to submit to field sobriety tests (FSTs), such as the Walk and Turn and the One Leg Stand. These and other FSTs were developed and standardized by NHTSA, the National Highway Traffic Safety Administration. The FSTs are used to test one's ability to divide their attention – that is, to complete a physical task and a mental task at the same time – since driving is a divided attention task. If the officer is certified, they may conduct an eye test known as HGN, or Horizontal Gaze Nystagmus. They may also ask the driver to submit to a preliminary breath test, which may indicate alcohol consumption.

If the totality of the circumstances establishes probable cause to believe the person was driving while impaired by drugs or alcohol, or is over the legal limit, the officer may arrest the person for DUI.

After the arrest, police will ask the driver to submit to a breath test or blood draw (sometimes both), to determine their BAC. Under Arizona's "implied consent" law, one who drives a vehicle in Arizona is deemed to have given consent to a chemical test to determine BAC. The driver has the right to consult with an attorney before submitting to the test, so long as it does not interfere with the DUI investigation.

While a person has the power to refuse to submit to the breath test or blood draw, they do not have the legal right to do so. One who refuses may lose their driver's license for a year simply for the act of refusing. And the refusal is usually not the end of it: the officer can apply for a telephonic search warrant from an on-duty judge to get the evidence anyway. If a search warrant is granted, police can draw the person's blood even though they said no or continue to refuse.

Constitutional rights in a DUI case

It is important to know that in any DUI – from the traffic stop to the investigation to the resulting court proceeding – one has constitutional and statutory rights.

Among their constitutional rights, a defendant in a criminal case has the right to remain silent, to not incriminate oneself, to gather and present evidence in their own behalf, to cross examine the State's witnesses as to the truthfulness of their testimony, and to be presumed innocent unless or until the State proves guilt beyond a reasonable doubt. In any DUI, one has the right to a trial by jury.

And, as in every criminal case, one has the right to be represented by an attorney at all stages of the proceeding. If the defendant cannot afford to hire an attorney, the court will appoint one for them, at a reduced cost or at no cost.

In Surprise City Court, at the defendant's first court appearance (typically, the arraignment), the judge will advise the defendant of their constitutional rights. The Court also provides an experienced criminal defense attorney at the arraignment, to serve as advisory counsel at that time. The defendant will hear the terms of the State's plea offer and can consult with the advisory defense attorney before deciding how they wish to proceed. The defendant may ask the Court to formally appoint a criminal defense attorney for them; may choose to resolve their case by accepting the State's plea offer; or, if they wish to consult with their own attorney or simply want more time to consider their options, may get a new court date.

Whatever decision the defendant may make at their arraignment, the judges of Surprise City Court are committed to presiding over the case fairly, impartially, and respectfully, honoring the defendant's constitutional and statutory rights throughout the proceeding.

How to avoid getting a DUI

Alcohol and many drugs are substances that impair a person's ability to safely operate a motor vehicle – whether in their reasoning, reaction time, vision, hearing, muscle coordination, motor skills, concentration, judgment, or all of the above. Studies also show that impaired drivers cannot accurately assess their own impairment.

And yet, there is good news: getting a DUI is entirely preventable. As NHTSA's literature says, being a responsible driver "... is simple: if you are drinking, do not drive." No matter what your plans, it is always a good idea to plan your safe ride home before you even go out – keeping in mind, of course, that "a designated driver is NOT the person who drank the least."

With the substantial direct and collateral consequences that a DUI arrest or conviction can entail, why take the chance? Instead, "Be wise, Surprise – don't drink and drive."

Editor's Note: Judge Catherine Gaudreau is the associate judge of the Surprise City Court.

The Surprise Independent
June 21, 2022

FROM THE BENCH:

*“Summer in the City:
Surprise City Code and Quality of Life
Ordinances”*

by
Judge Catherine Gaudreau

FROM THE BENCH

Surprise Judge: Learn the Law as Summer Rolls In – Local rules are easy to look up

Posted Tuesday, June 21, 2022 12:00 am



Judge Catherine A. Gaudreau

By Judge Catherine A. Gaudreau

Summer in the City, and the living is ... Easy? Safe and fun? Law-abiding? If you know the local laws that apply in the City of Surprise, it can help make your summer in the city all that and more.

Today's issue of "From the Bench" reviews the types of activities, conduct, and events that are regulated by the Surprise Municipal Code, and the potential consequences one may face for violating the city's laws. As always, this article is purely informational. For legal advice on any matter, consult with an attorney.

Most people know that the laws enacted by the Arizona Legislature or passed by the State's initiative or referendum process (which are then codified in the Arizona Revised Statutes), apply statewide. But did you also know that each locality has authority to pass laws that only apply within its specific jurisdiction?

In Maricopa County there are 27 cities and towns, and each one likely has its own municipal code. The city of Surprise is no exception. The Surprise Municipal Code contains ordinances that regulate such diverse subjects as alcoholic beverages, animals, businesses, curfews, firearms, fireworks, land maintenance, noise and nuisance, parking, public conduct in parks, recreational marijuana, special events, traffic and vehicles and a whole lot more.

To learn about these areas of the local law, you can review the Surprise Municipal Code at [library.municode.com/az/surprise/codes/municipal code](http://library.municode.com/az/surprise/codes/municipal%20code) or at the link under the City Council tab at surpriseaz.gov. The code is divided into chapters, each of which addresses a different subject. If you do review a particular section, consider reading any related sections, including definitions that may be provided.

For example, if you keep animals, including pets, livestock, or fowl, consider reviewing Chapter 10, entitled Animals. If you own firearms, BB guns, or other weapons, consider various portions of Chapter 34, entitled Offenses and Miscellaneous Provisions.

In fact, Chapter 34 contains laws on a number of important topics, including property rights and public safety; use and sale of fireworks; discharge of firearms within the city limits; public peace and order; curfew; noise violations; behavior at athletic contests and venues; recreational marijuana; and much more.

If you enjoy the city's parks, consider the laws in Chapter 38, Parks and Recreation. There, you'll find a list of activities that are regulated in the city's parks (including bicycle riding, flying model airplanes or sailing model boats, picnicking, swimming, fishing, and playing various games or sports to name a few). Chapter 38 also lists general and miscellaneous rules of conduct in the parks, including things that may only be done in designated areas or may not be done at all; restrictions on alcoholic beverages; rules on fireworks, glass and weapons in parks; when permits are required; rules regarding animals in parks, including those that apply in the city's dog parks; and yes, much more.

With respect to homes and businesses in Surprise, the code prohibits a property owner from allowing or having a condition on his or her property that constitutes blight, including trash and debris, over height weeds and grass, improper parking of inoperable, unlicensed, or unregistered vehicles, and more. For the maintenance, beautification and safe enjoyment of both commercial and residential areas in Surprise, the city has a Code Enforcement Division which may investigate and issue civil charges against property owners for these and other alleged violations of the City's Code.

The code also regulates parking, and has a specific law (Section 54-89) that regulates how and where one may park their vehicles within the city, including on neighborhood streets and in front of residential properties and driveways.

The city's ordinances are the law. They apply to everyone while they are within the city limits — whether they are living in, working in, visiting, or simply driving through Surprise at the time — and even if neighboring cities and towns regulate the subject differently or not at all. Like other laws, Surprise's ordinances apply even to those who may be unaware of the particular law, and some laws can apply even to those who did not intend the violation to happen.

A couple of examples may help illustrate these principles. Until the statewide law which prohibited a driver's physical use of a cellphone went into effect in January 2021, that conduct was already prohibited in Surprise by the city's local "hands-free cell phone use" ordinance.

So, theoretically, before 2021 a person may have been able to legally use a hand-held cell phone while driving in a neighboring city or town, but as soon as they crossed into Surprise it was against the law to do so, even if they were unaware of Surprise's "hands-free"

ordinance. In enacting the 2021 statewide ban, the Legislature voided any local laws regulating the topic, including Surprise's law. Now, the statewide law applies (with exceptions) to all drivers throughout Arizona.

For another example, people are sometimes surprised to find out that it is against city law for one's dog to be off-leash while off their fenced or gated property. The city's dog-at-large ordinance says that no person shall "intentionally, recklessly, or negligently" allow a dog that they keep, harbor, or maintain, to be at large ("at large" is also defined). As written, this ordinance might apply even if the dog was in a gated backyard and, unknown to the owner, managed to unlatch the gate or jump over the wall because the dog is, well, just that "good."

Canine parkour aside, for the safety of people and animals, dogs should be safely enclosed or supervised such that they are unlikely to be able to unlatch a gate or otherwise let themselves out. If a dog does get out "by accident," and if the facts show either recklessness or negligence on the part of the dog's keeper, that keeper might be found liable for violating the dog-at-large ordinance even if they did not intentionally allow the dog to be at large.

What happens when a person is charged with a violation of the city code? Anyone charged with violating a city ordinance has the same rights one has when charged with violating a state law, including the right to hire an attorney and to have a hearing or trial to contest the charges. The further extent of the person's rights depends on whether the charges are criminal or civil offenses.

Surprise's code designates whether particular categories of violations are criminal offenses, civil violations, or civil traffic violations. Certain charges may be cited as (or, depending on the circumstances, may later be treated as) either criminal or civil.

Generally, when charges are issued for a violation of the city code, a court date is set for arraignment. If the complaint is for civil charges only, the defendant may choose to resolve some or all of the charges before the arraignment date (often, without coming to court), by paying the specified fines and fees.

If any of the charges are criminal offenses (or a civil charge that has not been resolved by the court date), the defendant must appear at the court on the specified date. If a defendant fails to appear for their court date (or does not file a timely request for a new court date), a default would be entered on any civil charges, with fines and fees imposed, and an arrest warrant would be issued on any criminal charges.

A defendant who is convicted of or found responsible for violating a city ordinance faces an array of potential consequences. The code sets a mandatory minimum fine of \$100 for each violation (whether civil or criminal), with a potential maximum fine in the thousands

of dollars. If the offense is a criminal charge or a civil traffic violation, an additional fee of \$29.19 is required.

Perhaps most significantly, if one is convicted of any criminal charge, in addition to monetary penalties the sentence could include jail, probation, restitution, and any other sentencing provision allowed under state law.

This article is an overview of some of the categories of city ordinances that apply to those while they are living in, working in, or visiting Surprise. But I hope it has piqued your curiosity about the local law, and a desire to learn more about the city of Surprise.

From all of us at Surprise City Court, we hope this information will help you have a happy, healthy, safe, and law-abiding summer in the city of Surprise.

Editor's Note: Judge Catherine Gaudreau is the associate judge for the city of Surprise.

The Surprise Independent
June 21, 2023

FROM THE BENCH:

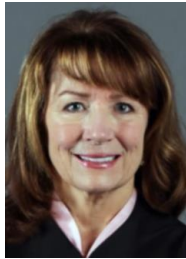
*“Surprise City Court’s
Firearms Transfer Initiative”*

by
Judge Catherine Gaudreau

FROM THE BENCH

Surprise Judge: Firearms, domestic violence are lethal combo

Posted Wednesday, June 21, 2023 12:00 am



Judge Catherine A. Gaudreau

By Judge Catherine A. Gaudreau

Surprise City Court is pleased to announce its Firearms Compliance Initiative for certain Protective Orders involving domestic violence. But first, some background.

Domestic violence and firearms can be a lethal combination. Arizona law recognizes this in several respects, including by its laws governing civil orders of protection. Under Arizona law, a judge who issues an order of protection may include – if the circumstances are appropriate – a provision known as the “firearms prohibition and transfer order.”

When included in an order of protection, that provision will do two things: bar the defendant from possessing firearms while the order is in effect, and require the defendant to immediately transfer to law enforcement any firearms they own or possess. The goal of the provision is to remove a potentially dangerous defendant’s ability to grab their firearm in a moment of rage, frustration, or despair, and use it to kill their former partner, loved one, or others.

The law is this: When a judge hears testimony on a plaintiff’s petition for an order of protection, if the Court finds that the defendant “poses a credible threat to the physical safety of the plaintiff or other protected persons,” the Court may prohibit the defendant from possessing, receiving, or purchasing firearms while the order is in effect. In doing so, the Court must also require the defendant to immediately transfer to law enforcement any firearms they currently own or possess.

The standard provision in such a protective order is this: “Under A.R.S. § 13-3602(G)(4), the Court finds that Defendant poses a credible threat to the physical safety of Plaintiff or Protected Persons. Therefore, Defendant shall not possess, receive, or purchase firearms for the duration of this order, and shall surrender same within 24 hours of service to: [a designated law enforcement agency].”

There is no statutory requirement for a court to verify a defendant’s compliance with the firearms transfer order. But courts have a strong interest in determining a party’s compliance with their orders, especially those that may impact someone’s physical safety. In these situations – which by definition involve recent or potential domestic violence in an intimate partner or family relationship, a judicial finding that the defendant poses a “credible threat” to the physical safety of the plaintiff, and the possible presence of now-prohibited firearms – the stakes can be extremely high.

For these reasons, to fill that compliance-check gap Surprise City Court has created its Firearms Compliance Initiative. In developing our process, we began with the procedures in place in Phoenix Municipal Court. We then sought input from Surprise Police Department leadership and other stakeholders, including City of Surprise prosecutors, defense attorneys who regularly practice in our Court, other judges, victim advocates, and court leadership. Our initiative was also an aspect of a Fellowship awarded to Judge Gaudreau by the national Judicial Engagement Network, whose members provided expertise along the way.

The result is this: Going forward, if the firearms provision is included in an order of protection issued by Surprise City Court, the defendant will be required to provide proof to the Court that they have complied with the order to transfer their firearms.

To facilitate defendant’s proof, two additional documents will be served with the protective order. One is the “Instructions for Transferring Firearms to Law Enforcement and Firearms Information,” which tells the defendant specifically how and where they must transfer their firearms to the Surprise Police Department. It also explains how they may get their firearms back when the order is no longer in effect.

The other is a blank form entitled, “Defendant’s Declaration of Firearms Transfer.” The defendant must complete the Declaration and sign under penalty of perjury either that they have transferred their firearms as ordered (in which case the officer receiving the firearms will also document and sign the Declaration) or that they have not transferred any firearms because they do not own or possess any firearms.

The protective order itself will require the defendant to file their completed Declaration with Surprise City Court within two business days after being served with the order. Court staff will immediately check the defendant’s compliance. If the defendant has timely filed their completed Declaration, the Court will take no further action. If they have not, the Court will send a non-compliance packet to the Surprise Police Department for potential criminal charges.

The purpose of the Court's initiative is to obtain compliance with the firearms provision. But a defendant who does not file their Declaration as ordered, or who possesses firearms in violation of the protective order, may face criminal charges. That decision is one for the City's police and prosecutors.

A defendant who disagrees with a protective order has the right to have a hearing to contest it, and nothing about the Court's Firearms Compliance Initiative changes that. Contested hearings are usually set within five to ten business days after the request is made. In the meantime, the order remains in effect. If a defendant does not comply with any of its terms – including the firearms provision and the requirement to timely file their Declaration – they may be charged with a crime, even if a hearing to contest the order has been scheduled. When considering their right to a contested hearing, a defendant should know that under a federal law, certain conditions may also cause them to be prohibited from possessing firearms. As explained in the Defendant's Guide Sheet (given to the defendant along with the protective order), if a contested hearing is set and those conditions exist, the federal prohibition will take effect even if the protective order itself does not prohibit firearms possession.

After the protective order is no longer in effect – whether because the order has expired or was dismissed, or because the firearms prohibition was removed at a contested hearing and the circumstances did not implicate the federal law – the defendant may seek a Court order directing law enforcement to return the firearms they had previously transferred.

To our knowledge, Surprise City Court is the fourth court in Arizona (along with the municipal courts in Phoenix, Scottsdale, and Tempe) with a process in place to verify compliance with the firearms transfer provision of its protective orders. We believe this practice will enhance the services provided to those within our jurisdiction and will make for a safer community, including for individuals who have been victims of domestic violence.

For legal advice on firearms or any other topic, please consult with an attorney. To file a petition for a protective order through AZPOINT, go to <https://azpoint.azcourts.gov/>. For general information on domestic violence, see azcourts.gov/domesticviolencelaw.

Editor's Note: Catherine Gaudreau is the associate judge for the Surprise City Court.

The Surprise Independent
April 8, 2022

FROM THE BENCH

“Q & A on Protective Orders”

by
Judge Catherine A. Gaudreau

FROM THE BENCH:

Protective Orders in Arizona

*By Judge Catherine A. Gaudreau
Associate Judge, Surprise City Court
Submitted April 8, 2022*

Welcome to the first installment of From the Bench! Each month Judge Catherine Gaudreau, the Associate Judge for the City of Surprise, will write about an area of the law that may be of interest to Surprise citizens or those having business at the Surprise City Court. Today and always, the article is purely informational; it does not constitute legal advice. Today's topic is protective orders.

What is a protective order, and what can it order? A protective order is a court order issued to stop a person (the defendant) from committing domestic violence or acts of harassment against another (the plaintiff).

The order may prohibit the defendant from contacting the plaintiff and other protected parties, and from going to the plaintiff's residence, work, or other location. If the parties are living together, the order may grant exclusive use of that home to the plaintiff with a civil standby for the defendant. If the defendant is a danger to an animal in the household, the order may grant custody and care of the animal to the plaintiff. And, if the appropriate finding is made, the order may prohibit the defendant from possessing or buying firearms or ammunition while the order is in effect.

Who can seek a protective order? Any person who has been a victim of domestic violence or who is being harassed by another person can seek a protective order. If the person to be protected is a minor, a parent or legal guardian can request the order on the minor's behalf.

How does one apply for a protective order? To get a protective order, a petition must be filed with a court, heard on the record, and decided by a judge. In many Arizona courts, the plaintiff must appear in person. In some courts, including Surprise City Court, the plaintiff may appear by telephone. Any party may hire an attorney to advise or represent them, but protective orders are civil matters, not criminal, so the court will not appoint an attorney for any party.

In their petition, the plaintiff must specifically describe what happened, when it happened, and why they need the order. The petition can be prepared by using AZPOINT, the Arizona Protective Order Initiation and Notification Tool, available at <https://azpoint.azcourts.gov>. A plaintiff may also handwrite their petition on a form provided at the court, but AZPOINT is the preferred and most efficient method.

What are common types of protective orders? Three types of protective orders are available through AZPOINT: An Order of Protection, an Injunction Against Harassment, and, for employers, an Injunction Against Workplace Harassment. The information the plaintiff

provides in AZPOINT will help determine what type of order is appropriate. If the plaintiff and the defendant have a “qualifying relationship” (defined at AZPOINT), an Order of Protection would be sought. Otherwise, the plaintiff would request an Injunction Against Harassment.

Where can a petition for a protective order be filed? A plaintiff may file their petition with any municipal, justice, or superior court in Arizona. If a family court action – such as one for dissolution of marriage, paternity, or legal decisionmaking and parenting time – is pending between the parties in an Arizona court, the petition should be filed with the Superior Court. And only the juvenile division of the Superior Court can issue a protective order against a child who is under the age of 12.

What happens next? Once the petition is filed, the court will hold a hearing with the plaintiff on the record. The judge will review the petition and hear the plaintiff’s sworn testimony about what is in the petition. In limited circumstances, it may be appropriate to set a pre-issuance hearing, with notice to both sides, instead of holding a hearing when the petition is filed.

What are grounds for an Order of Protection? To grant an Order of Protection, the court must find, from the facts alleged in the petition, a qualifying relationship between the parties and reasonable cause to believe that an act of domestic violence may occur or has occurred in the past year (or longer, if good cause). The petition must include each specific act of domestic violence that will be relied on at the hearing, including the date or approximate date it occurred.

Does an act of domestic violence require physical harm? No. A person does not have to be physically harmed to be a victim of domestic violence. In addition to assault or other crimes involving violence, an act of domestic violence includes actions that amount to harassment; endangerment; stalking; threatening or intimidating; disorderly conduct; surreptitious surveillance; trespass; criminal damage; illegally restraining the plaintiff; and more.

What are grounds for an Injunction Against Harassment? To grant an Injunction Against Harassment, the court must find, from the facts alleged in the petition, reasonable cause to believe that the defendant has committed a series of acts of harassment, or one act of sexual violence, against the plaintiff in the past year. In their petition, the plaintiff must describe the facts of the harassment, or must allege the act of sexual violence, which will be relied on at the hearing, including when the incidents occurred.

When does a protective order go into effect? If a protective order is granted, it will not be in effect until it has been personally served on the defendant (a copy of the plaintiff’s petition will also be served with the order). The order will remain in effect for one year from that date of service. The court will send an Order of Protection to law enforcement for service, and there is no fee to have it served. For an Injunction Against Harassment, the plaintiff must arrange for service, and may have to pay a fee to the process server.

What if the defendant violates the protective order? Once a protective order is in effect, any violation of the order is a crime. The plaintiff may ask the court to modify or dismiss the order, but a protective order can only be modified or dismissed by a judge's written order.

Can the defendant ask to have a protective order dismissed or modified? Yes. If the defendant disagrees with the protective order or wants to contest any of its terms, the defendant has the right to a hearing. The hearing will be usually be held within 5 to 10 business days after the defendant files a written request with the court. This, and other important information is contained in the Defendant's Guide Sheet for Protective Orders, which is given to the Defendant when the protective order is served.

Can the defendant get a protective order against the plaintiff? A defendant who does not want contact by the plaintiff may seek a protective order against the plaintiff by filing their own petition. However, granting the requested order is not automatic; as with any other request for a protective order, it must meet the legal requirements.

We hope this information is helpful to you. For additional information about protective orders, including links to legal aid resources, hotlines, shelters, victim advocates, safety planning, and more, see AZPOINT or <https://www.azcourts.gov/domesticviolencelaw>. For legal advice as to any matter, consult with an attorney.

The Surprise Independent
August 16, 2022

FROM THE BENCH

*“Contested Protective Order
Hearings”*

by
Judge Catherine A. Gaudreau

FROM THE BENCH

Judge: Learn about contested hearings for protective orders - Surprise judge details law

Posted Tuesday, August 16, 2022 12:00 am



Judge Catherine A. Gaudreau

By Judge Catherine A. Gaudreau

A recent issue of From the Bench addressed protective orders. Today we review contested hearings on those orders.

As always, this article is purely informational; it does not constitute legal advice.

What happens when the defendant on a protective order (an Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment) wants to object to the order? A defendant who disagrees with a protective order has the right to have one hearing, any time during the year the order is in effect.

When a defendant is served with a protective order, they will also get a form entitled, “Defendant’s Guide Sheet for Protective Orders.” The defendant should carefully review the terms of the protective order and read the Defendant’s Guide Sheet. A defendant who does something that is prohibited by the protective order can be charged with a crime for violating it. And the Guide Sheet contains important information about the protective order, the defendant’s rights, and other considerations.

To request a hearing to contest a protective order, the defendant must file a written request with the court. If the order grants plaintiff the exclusive possession of the residence, the hearing will

be set within 5 business days; otherwise, within 10 business days. The court will notify both parties of the hearing. Either party may hire an attorney.

Typically, contested hearings are held in person. You may contact the court to ask if there are other options, or if you need special accommodations. If a party is absent from a contested hearing, the judge will determine, based on the rules, whether the order should stand or be dismissed.

At the hearing the plaintiff has the burden to prove by a preponderance of the evidence why the order should remain in effect. Each side may offer evidence they believe will prove, or disprove, the allegations made in the plaintiff's petition. Both sides will have the opportunity to be heard, to call and ask questions of witnesses (whose testimony should relate to the incidents alleged in the plaintiff's petition), to cross-examine the other side's witnesses, and to present documentary or other evidence.

When the hearing ends, the judge can keep the protective order in place with its original terms, modify the order, or dismiss it entirely. The judge will explain the basis for his or her decision. Either side may appeal that decision.

There are other important things to consider. For example, the sworn testimony given at a contested hearing may be used as evidence in any other proceeding, including in a criminal case. This may be especially important if criminal charges have been filed or there is a criminal investigation pending that relates to the allegations made in the plaintiff's petition. To protect their constitutional rights (which both a defendant and a victim have in any criminal case), in these circumstances the defendant may wish to seek legal advice before asking for a hearing. For the same reason, a plaintiff who has been a victim of a crime may wish to seek legal advice, assistance from a victim advocate, or both, before a contested hearing.

In addition, the defendant's request for a hearing can impact their right to possess firearms. As explained in the Defendant's Guide Sheet, under a federal law certain conditions may cause a defendant to be prohibited from possessing firearms while the order is in effect. If a hearing is set and those conditions exist, the federal prohibition will apply even if the protective order itself does not prohibit firearms possession.

This article is a brief overview. For resources, legal authorities, and more, see azcourts.gov/domesticviolencelaw/Domestic-Violence-Resources. For legal advice, contact an attorney.

Editor's Note: Judge Catherine Gaudreau is the associate judge for the city of Surprise.



**Judicial Bench Card Created on Behalf of CIDVC,
and Two of Judge Gaudreau’s Articles
Published in the *CIDVC News***

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JUDICIAL
BENCH CARD:

“13 Things Every Arizona Judge
Should Know About
Non-Fatal Strangulation”

Created for CIDVC by
Judge Catherine Gaudreau



13 Things Every Arizona Judge Should Know About NON-FATAL STRANGULATION CASES

1 Arizona Strangulation Law	6 It Can Happen Fast
Under A.R.S. § 13-1204(B) , a person who intentionally or knowingly impedes the normal breathing or circulation of blood of a person by applying pressure to the throat or neck or by obstructing the nose and mouth, either manually or through the use of an instrument, is guilty of aggravated assault by strangulation. This statute requires a DV relationship under § 13-3601 . Aggravated assault by strangulation is a Class 4 felony, § 13-1204(F) , punishable by one to 3.75 years in prison, § 13-702(D) .	A strangulation victim can become unconscious in 5-10 seconds and die within minutes. ³ It takes very little pressure to block off vital structures in the neck. A study documented that it takes only 4 pounds of pressure to block the jugular vein, 11 pounds to block the carotid arteries, and 33 pounds to block the trachea. ⁴ Opening a can of soda takes 20 pounds of pressure. ⁵
2 Misdemeanor DV Assault	7 Impact to the Brain
Allegations involving strangulation are sometimes filed as misdemeanor DV assault under A.R.S. § 13-1203(A) , for intentionally, knowingly, or recklessly causing any physical injury to another. If the injury is caused intentionally or knowingly, it is a Class 1 misdemeanor punishable by up to six months in jail; if recklessly, a Class 2 misdemeanor punishable by up to four months in jail. Upon conviction, the court must order the offender to complete a domestic violence offender treatment program, § 13-3601.01(A) .	Strangulation is a form of asphyxia that typically deprives the victim's brain of oxygen. Millions of brain cells die every second the brain is deprived of oxygen. ⁶ The consequences of this include but are not limited to memory loss, inability to concentrate, behavior changes, brain damage, and difficulty speaking. ⁷ One should not expect the victim to describe this near-death experience calmly or chronologically.
3 Physical Injury	8 Terminology
Physical injury is defined as the "impairment of physical condition," A.R.S. § 13-105(33) . Unpublished Arizona caselaw indicates that physical injury reasonably encompasses even relatively minor injuries, such as red marks, scratches, soft tissue swelling, bruising, or cuts.	Many court participants use the word "choke" rather than the correct legal and medical term "strangulation." Strangulation is external compression of the neck that can impede blood flow (oxygen) to or from the brain or direct air compression. A judge should focus on the facts described, rather than the terminology. ⁸
4 Bail and Conditions of Release	9 Lethality
In setting bail and determining a defendant's conditions of release for a DV charge, the judge must consider, among other factors, the results of a risk or lethality assessment that is presented to the court, § 13-3967(B)(5) . Conditions of release may include prohibiting: any contact with the victim, return to the home, possession of any firearms or deadly weapons, the use of intoxicating liquors or certain drugs, etc. § 13-3967(D) .	In almost every lethality assessment, strangulation is a high-risk factor for lethality. The most dangerous domestic violence offenders strangle their victims. ⁹ The next step may be homicide; the violence will not decrease. ¹⁰
5 Lack of Visible Injuries	10 Future Danger – High Risk of Homicide
On average, only 50% of strangulation victims have visible injuries, and only 15% have injuries that can be photographed at the time police respond. ¹ Most victims of adult non-fatal strangulation are women.	A woman who has suffered a non-fatal strangulation by her intimate partner is 750% more likely to be killed by that partner. ¹²

11 Hidden Danger

Strangulation may cause internal injuries; it may have immediate, delayed, or long-term consequences. Of most concern is injury to the carotid artery, including a carotid dissection leading to stroke or death days or even weeks after the assault.¹¹

12 Medical Attention

Victims often do not seek medical attention for their injuries and may be unaware of any internal injuries. If the victim exhibits signs or symptoms of injuries consistent with strangulation, the victim should be encouraged to seek medical attention.

13 Victims Often Minimize What Occurred

Relevant areas of inquiry during a strangulation trial or hearing may include but are not limited to:

- Did it happen from in front of or behind you?
- Did the attacker use a ligature?
- If the attack was manual, did the attacker use one hand or two?
- How long did it last? [Trauma may affect a victim's ability to recall the length and sequence of events.]
- Did you have marks or bruises on your neck at the time of, or after, the assault?
- Did you have trouble breathing?
- Afterward, did your tongue swell? Did you have trouble swallowing?
- Did you get a sore throat? Did your voice change?
- How did you feel when pressure was being applied?
- Is it possible you lost consciousness?
- Did you have any vision changes? Did you see stars? [The victim may not know.]
- Did you have ringing in your ears?
- Did you have a headache or head pain?
- What did the attacker say before, during, and after the attack?
- Did you have any tiny red spots or pinpoint [petechiae] anywhere – eyeballs, eyelids, neck, face, scalp, inside throat, in or behind ears?
- On a scale of 1-10, how much pressure did the attacker use?
- On a scale of 1-10, how much did it hurt?
- Where did the attack occur?
- Why and how did it stop?
- Did you change your clothes after the attack?
- Did you urinate or defecate during the attack?
- What did you think was going to happen to you? Did you think you were going to die?

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This card was produced by the Arizona Supreme Court's Committee on the Impact of Domestic Violence and the Courts (CIDVC) (adapted from a card created by Judge Lee Chitwood, presiding judge of the Juvenile and Domestic Relations District Court, Pulaski, VA). For further information and links to additional Arizona resources, go to <https://www.azcourts.gov/cscommittees/Committee-on-the-Impact-of-DV-and-the-Courts>. Rev. 11182024

CIDVC News

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“Contested and Pre-Issuance Hearings on Protective Orders – Informing the Parties”

by
Judge Catherine Gaudreau

CIDVC NEWS

Volume 2/Issue 4



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ALLOW CONTACT AND RETURN? THE QUESTION THAT PLAGUES JUDGES IN DV CASES

Judge Wendy Million, CIDVC Chair

I've been running a dedicated domestic violence court for twelve years. I have independent victim advocates assigned to my courtroom; the prosecutors, public defenders, and probation officers who appear in the courtroom have all received domestic violence training; and I've taught about domestic violence dynamics and risk factors to judges all over the country. In my county, the city magistrates conduct the initial appearances for all felonies and misdemeanors, and I've been making release decisions on domestic violence cases for sixteen years.

In other words, I have a lot of experience in the field. Yet, every time a victim tells me, or Pre-Trial Services, or an advocate that she wants to have contact with and return to the offender—and I have to make that decision—I still feel a little bit of dread and fear in my heart. It feels like a no-win decision for a judge—if you make the wrong call, someone might get hurt.

But in my years of experience dealing with DV Court cases, I have mostly learned to set aside my dread, stopped substituting my judgment for the victim's judgment, and educated myself about victim autonomy. In my experience with victim advocates and after overseeing so many cases that involve DV victims, I've learned there are many ways to victimize a DV survivor. One of those ways is for the system—including judges and prosecutors who think they are protecting survivors—to make a judgment as to what is best for the survivor and their family. That's why we honor victim autonomy in my courtroom.

Domestic violence survivors have spent their relationship being told what to do, who they can associate with, what they can wear, and where they can go. If I, as an authority figure, tell them they can't have contact with the offender, I'm just one more person taking away their choice and autonomy. There are many ways to put a DV victim in danger, and sometimes allowing the offender to return home is the least dangerous choice the victim has.

The survivor may need the offender because he is the only one who is employed. The survivor may need the offender to provide childcare so the survivor can continue to go to work. Survivors face the risk of food insecurity, housing insecurity, DCS involvement, transportation issues,

In preparing for DV group facilitation, I think the only advice I received was, “Don’t let them sense your fear.” I don’t know if that’s a real or a false memory, but it seems fitting either way—and I do remember telling myself those very words as I entered the room. I don’t remember if I had a plan for the group. I likely didn’t have a structured curriculum beyond what had been passed down in some sort of typed tradition. Ultimately, I didn’t know what to expect. I was drawing off my previous group experience leading process groups with adolescent girls at an expensive residential facility, and I was used to just seeing where the session took us. I felt confident in those counseling skills, but I have since learned not all skills are transferable.

Most importantly, I remember a man with shoulder-length silver hair leaning his chair back against the wall, so the two front legs were in the air. I heard him tell the person next to him, “Alright, we got a blonde this time.” I do remember what I felt at that moment and what I said to myself: “If I am going to do this work, I’m going to be good at it.” I was much better prepared the next week and for any group that

followed. I made it a point to read about domestic violence, learn how to work with offenders, and attend training. My dissertation research was also about DV offenders.

In coming full circle, I recently presented at a national conference, teaching others how to better prepare counselors for this work. Now I can pick out several themes from that man in group:

- He didn’t think the rules applied to him, demonstrated by the way he was sitting in his chair;
- This wasn’t his first time in a group like this, so what had been offered to him before hadn’t stuck;
- He lacked awareness of others as evidenced by the way he spoke about me; and
- His beliefs about gender roles didn’t help.

I wish I could remember how his time in group ended. I wish I could say he became a mentor in the group and never came back through the system, but I don’t know. However, that is my hope for every man who takes a seat in one of my groups, and that is how I approach my work with these guys.

CONTESTED AND PRE-ISSUANCE HEARINGS ON PROTECTIVE ORDERS—INFORMING THE PARTIES

Judge Catherine A. Gaudreau, CIDVC Member, Surprise City Court

We all know the adage that the case we’re handling in the moment is “the most important case in the world” to the litigants. In a limited jurisdiction court, this is perhaps never truer than at a contested hearing on a protective order. To add to the parties’ anxiety, one or both parties often appear without counsel, having chosen to (or

perhaps having no choice but to) represent themselves. The parties’ general inexperience in the courtroom and lack of knowledge about protective order hearings can sometimes prolong the proceedings, and—where emotions may already be heightened—make them more contentious.

Whether you’re presiding over a pre-issuance



hearing for an Injunction Against Harassment (IAH) or one to contest an Order of Protection (OP) that has already been issued, it's important that the parties understand the basics about such hearings. These basics include the court's authority at the hearing; the plaintiff's burden of proof and what their evidence must establish; the procedure for the hearing; and how the parties may present their evidence.

When this information is given to the parties at the outset, it helps them focus their presentations on the relevant issues (that is, the incidents alleged in the plaintiff's petition), rather than on collateral or irrelevant matters. It also enables the judge to quickly get them back on track should they go afield, by reminding them of the information they were given at the outset.

In Surprise City Court, the first thing we do to help the parties prepare for their contested or pre-issuance hearing on a protective order is give them a document entitled, "Protective Order Hearings." This document is provided along with the notice setting the hearing date. It explains the types of hearings held; basics about presenting their evidence (including that "testimony is evidence"); how the hearing will proceed; what must be established for an OP or an IAH; and what may happen if a party fails to appear for the hearing. (Our document is reprinted on page 8 of this newsletter, and any judge or court may adapt it for their own use. Also included is a one-page case log or checklist, reprinted on page 9, which our judges use at all ex parte hearings on protective orders.)

The second thing we do takes place at the hearing itself. After calling the case and confirming that both sides are ready to proceed, we generally inform them as follows:

- Announce that this is the time set for a Contested Hearing to determine whether the protective order that has been issued and served should be modified, dismissed, or remain in place as issued OR a Pre-Issuance Hearing to determine whether a protective order should be issued as requested in the plaintiff's petition filed on x date.

- Confirm that both sides have a copy of the plaintiff's petition (which can help guide their testimony) and that the clerk has marked any exhibits and provided copies to the other side.
- Clarify what is at issue: It is sometimes helpful to ask the defendant if they contest the entirety of the order issued or being sought or simply one or more terms of the order or request. For example, a defendant may have asked for a contested hearing because they disagree with the firearms prohibition or an order to have no contact with one of the protected persons, not realizing that while such a request was made in the petition it was not included in the order issued. Once the terms of the protective order are clarified, the defendant may have no objection to the order as issued.
- Is there a criminal case or investigation pending? At times, the petition may indicate that there has been police involvement regarding an incident between the parties. In these situations, it's a best practice to advise the parties as follows:
 - *Today's hearing is a civil case. But if there is a criminal case or a police investigation pending that relates to an incident between the two of you, you should know this: In a criminal case, both the defendant and the victim have constitutional rights. But your constitutional rights in the criminal case, whether you are the defendant or the victim, can be affected by today's civil hearing IF you choose to testify today.*

Then ask each party: *Is there a criminal case or a police investigation pending for any incident between the two of you?*

If a party says "Yes," you may wish to further explain:

- *In a criminal case, the defendant has the right to remain silent, the right to be represented by a lawyer, and the right not to incriminate himself or herself (among other constitutional rights). But if you are a defendant or a potential defendant in a criminal case and you choose to testify at today's hearing, a prosecutor may get a transcript or recording of your testimony from today and use it against you in a criminal case.*

- *The victim of a crime also has constitutional rights in a criminal case. Among other rights, the victim has the right to choose whether they want to be interviewed by the defendant or the defendant's attorney or whether they will refuse to be questioned by the defense in the criminal case. If you are the victim in a criminal case (or the victim of an incident between you and the defendant that is under police investigation) and you choose to testify at this hearing, the defendant can question you today about what happened. The defendant or their attorney may also get a transcript or recording of your testimony from today and use it in the criminal case.*

“Does either party have any questions about what I’ve just explained?”

- Next, review the court’s authority for the type of hearing being held: At a contested hearing, the court may uphold as written, modify, or dismiss the protective order; at a pre-issuance hearing, the court may issue a protective order or deny the petition.
- Advise that each party will have the opportunity to be heard, to present evidence, to call and ask questions of witnesses, and to cross-examine or ask questions of the other party and any witnesses they may have.
- Explain that the plaintiff has the burden of proof and must prove by a preponderance of the evidence why the order should remain in place (or, if pre-issuance, why it should be issued).
- You may wish to explain that the court will be listening for evidence of the following:
 - For an OP: the plaintiff’s evidence must show that the defendant may commit an act of domestic violence or has committed an act of domestic violence in the past year (longer if the court finds good cause). Explain that an act of domestic violence is not necessarily a violent act; Arizona law defines a number of crimes as domestic violence (including criminal damage, harassment, disorderly conduct, false imprisonment, stalking, trespass,

endangerment, interfering with judicial proceedings, assault, and more).

- For an IAH: the plaintiff’s evidence must show either (1) that the defendant committed a series of acts of harassment against the plaintiff (at least two acts, one of which must have occurred in the past year), or (2) one act of sexual violence as defined in A.R.S. § 23-371. “Acts of harassment” for an IAH means acts that are directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed, or harassed, and that do in fact seriously alarm, annoy, or harass the person, and serve no legitimate purpose. “An act of sexual violence” under § 23-371 includes crimes such as indecent exposure, sexual abuse, sexual conduct with a minor, unlawful disclosure of certain types of images, and more.
- Explain the order of proceedings: Any witness will be placed under oath. The plaintiff will present their evidence first, and the defendant may proceed next, with direct, cross, and redirect testimony of each party and any witness they may call.
- Advise that the petition is NOT evidence; the plaintiff must present evidence about the incidents alleged in the petition (or whichever incidents in that petition the plaintiff wants the court to consider), including the dates.
- Scope of the hearing: The evidence must be limited to incidents alleged in the petition.
- Exhibits: If a party wants the court to consider any documents or recordings, they must offer their exhibits (which have been marked but not yet admitted into evidence) during their initial testimony.
- Note any ground rules you may have, including:
 - The hearing must proceed in a calm, courteous, and respectful manner.
 - The hearing is being audio and video recorded, so it is important that only one person speaks at a time. Do not interrupt, talk over, or jump in when someone else is speaking.

- If you are asking questions of a witness on cross-examination, do not make statements of your own. Cross-examination is your time to ask questions, not your time to testify.
- Finally, advise the parties that at the end of the hearing, you will review the evidence, announce your decision, and explain the basis for your decision.

We hope this information will help you in conducting protective order hearings. If you have any questions or would like more information, please contact Judge Gaudreau at Surprise City Court at 623-222-4800 or cgaudreau@courts.az.gov. Thank you.

CIDVC Speakers Bureau

If you're in need of an expert on a domestic violence-related topic for an event or a training, consider inviting a CIDVC member to be your speaker. CIDVC members have a wealth of expertise, and many are willing to speak as experts in their subject areas. Volunteer members are ready to speak about protective orders in limited jurisdiction and general jurisdiction court, domestic violence and law enforcement, victim advocacy, the dynamics of intimate partner violence, lethality of strangulation, physical assessment of IPV victims, and more. Please contact Shanneyvie Halk, AOC, (shalk@courts.az.gov) if you'd like to be connected to potential speakers.

2024 CIDVC Meeting Dates

February 13

May 14

September 10

November 5

For CIDVC meeting information, [click here](#).

Case Law Update

The Court of Appeals issues opinions and memorandum decisions, and we've selected protective order-related rulings that may be of interest to you. Unlike opinions, memorandum decisions are not precedential and may be cited only as authorized by rule. Nevertheless, memorandum decisions directly affect the cases brought on appeal, are instructive in similar matters, and are often simply interesting to read.

OPINIONS

[2 CA-CR 2022-0056](#)

STATE v. SANCHEZ

[2 CA-CV 2023-0022](#)

FUENTES v. TUCSON CITY COURT

MEMORANDUM DECISIONS

[2 CA-CV 2023-0062](#)

DAVIS v. IGNATOVA

[2 CA-CV 2023-0067](#)

HANDLEY v. HARRIS

[2 CA-CV 2023-0033](#)

SCARIATI v. SCARIATI

[2 CA-CV 2023-0054](#)

MURISSET v. POWER

[1 CA-JV 23-0041](#)

IN RE TERM OF PARENTAL RIGHTS
AS TO C.R. and A.R.

[1 CA-CV 22-0736](#)

NAVA-AMAYA v. HORSTMAN



SURPRISE CITY COURT
16081 N. Civic Center Plaza, Surprise, AZ 85374
Phone: 623-222-4800 • Fax: 623-222-4801 • www.surpriseaz.gov/court

PROTECTIVE ORDER HEARINGS

*A **CONTESTED HEARING** is set when a Defendant who has been served with a protective order files a written request to contest the protective order or any of its terms.*

*A **PRE-ISSUANCE HEARING** is set when the Court has determined that both sides shall have the opportunity to be heard before the Court decides whether or not to issue the requested protective order.*

EVIDENCE

Testimony is evidence, and is usually the most important evidence for the court to consider. If you have documents, photos, or recordings (which must relate to the incidents alleged in the plaintiff's petition) that you also want the judge to consider at the hearing, you must:

- Check in at least 15 minutes before the scheduled hearing time to have your exhibits marked.
- Bring three copies of your documents or photos: one for you, one for the Court, and one the Court will provide to the opposing party before the hearing begins.
- If your evidence is on an electronic device (cell phone, laptop, etc.), you must print the document and put any audio or video recordings on a flash drive or disk so that it (and not your electronic device) can be received in evidence.

AT THE HEARING:

- The scope of the hearing will be limited to the allegations of the Plaintiff's petition.
- The hearing will be audio and video recorded.
- Parties and any witnesses will be placed under oath.
- The plaintiff has the burden of proof (see below).
- Both sides will have the opportunity to be heard. Parties may testify; present other relevant evidence; call and ask questions of witnesses; and cross examine the other side's witnesses.
- At the conclusion of a Contested Hearing, the judge will determine whether the protective order shall be upheld as originally issued; modified; or dismissed, and will explain their ruling.
- At the conclusion of a Pre-issuance Hearing, the judge will determine whether the Plaintiff's petition for a protective order shall be granted or denied, and will explain their ruling.
- Any modified or any newly issued protective order will then be served on the Defendant.
- The parties will be excused from the Courtroom one at a time.

BURDEN OF PROOF:

The Plaintiff has the burden to prove their allegations by a preponderance of the evidence (that is, that an allegation is more likely true than not).

Order of Protection: Plaintiff's evidence must show that the Defendant may commit an act of domestic violence or has committed an act of domestic violence in the past year (longer, if the court finds good cause). An "act of domestic violence" means any act specified in A.R.S. § 13-3601(A).

Injunction Against Harassment: Plaintiff's evidence must show that the Defendant committed a series of acts of harassment against the Plaintiff (at least two acts of harassment, one of which must have occurred in the last year), or one act of sexual violence as defined in A.R.S. § 23-371.

FAILURE TO APPEAR FOR THE HEARING:

- If the Plaintiff appears and the Defendant does not appear, the protective order may remain in effect as issued. If the hearing is pre-issuance, a protective order may be issued on testimony the Plaintiff may then present.
- If the Defendant appears and the Plaintiff does not appear, the protective order may be dismissed or denied.
- If neither party appears, the protective order may remain in effect; or, if pre-issuance, may be denied.

Clerk: _____ Date: _____

CASE LOG

Case No: _____

Plaintiff's Counsel: _____

Defendant's Counsel: _____

<i>Date</i>	<i>Activity</i>	<i>Name or Initials</i>
_____	Petition for protective order is filed	_____
_____	<p>Ex Parte Hearing is held: <input type="checkbox"/> In Person <input type="checkbox"/> By Telephone</p> <p>Plaintiff is sworn <input type="checkbox"/> and testifies. It is ordered:</p> <p><input type="checkbox"/> ISSUING an <input type="checkbox"/> OP <input type="checkbox"/> IAH <input type="checkbox"/> IAWH</p> <p style="margin-left: 20px;"><input type="checkbox"/> NO HOLD for Service</p> <p style="margin-left: 20px;"><input type="checkbox"/> Service hold for (circle one): 24 / 48 / 72 hours (maximum)</p> <p>TERMS OF ORDER ISSUED:</p> <p><input type="checkbox"/> <u>No contact w/Plaintiff, except as checked:</u> <input type="checkbox"/> Phone <input type="checkbox"/> Electronic (email, text, etc.) <input type="checkbox"/> Mail <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> <u>Additional Protected Persons</u> (names): _____</p> <p><input type="checkbox"/> <u>No contact w/additional Protected Persons, except:</u> <input type="checkbox"/> Phone <input type="checkbox"/> Electronic (email, text, etc.) <input type="checkbox"/> Mail <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> <u>Prohibited Locations:</u> <input type="checkbox"/> Residence <input type="checkbox"/> Work <input type="checkbox"/> School <input type="checkbox"/> Other: _____</p> <p style="margin-left: 20px;">Address Confidential? <input checked="" type="checkbox"/> Residence <input type="checkbox"/> Work <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> <u>Exclusive use of residence to Plaintiff, and</u> <input type="checkbox"/> Court advised Plaintiff that if they move out of this residence, they must notify the Court, in writing, within 5 court days of moving out</p> <p><input type="checkbox"/> <u>Civil standby for Defendant</u></p> <p><input type="checkbox"/> <u>Firearms Prohibition:</u> Court finds that Defendant poses a credible threat to physical safety of Plaintiff or other Protected Persons, thus: <input type="checkbox"/> Firearms prohibition ordered, and <input type="checkbox"/> Defendant must transfer firearms to: _____ within 24 hours of being served</p> <p><input type="checkbox"/> <u>Defendant's Declaration of Firearms Transfer:</u> must be filed within 2 court days after service</p> <p><input type="checkbox"/> <u>Animals:</u> care and custody of _____ granted to Plaintiff</p> <p><input type="checkbox"/> <u>Other terms ordered:</u> _____</p> <p><input type="checkbox"/> <u>Requested terms denied:</u> _____</p> <p><input type="checkbox"/> If OP: <u>verify parties' relationship</u> is correctly shown on Petition and Order (poss. Brady issue)</p> <p><input type="checkbox"/> If <u>any correction</u> to Plaintiff's petition is ordered to be made in AJACS (to be based on Plaintiff's testimony), note correction ordered: _____</p> <p><input type="checkbox"/> IAH is based on an act of sexual violence [no fee for service]</p> <p><input type="checkbox"/> Weapon is alleged in the petition</p> <p><input type="checkbox"/> Defendant's DOB is estimated</p> <p><input type="checkbox"/> DENYING PETITION FOR A PROTECTIVE ORDER</p> <p><input type="checkbox"/> SETTING PRE-ISSUANCE HEARING on _____ at _____ AM / PM</p> <p>Add'l notes: _____</p>	_____
_____	<input type="checkbox"/> Order reviewed and approved for electronic signature by Judge	_____

Case Log Form - Ex Parte Hearing for Protective Order (Rev. 09-05-2023)

CIDVC News
Vol. 1, Issue 2, pp. 2-4

*“Firearms Initiative for
Orders of Protection”*

by
Judge Catherine Gaudreau

CIDVC NEWS

Volume 1/Issue 2



IN THIS ISSUE

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[Firearms Initiative for Orders of Protection](#)

[Address Confidentiality Program Part II—ACP and Real Property](#)

[Pre-Issuance Hearings, Contested Hearings, and Res Judicata](#)

[Case Law Update](#)

[CIDVC Speakers Bureau](#)

Contact Us

Magistrate Wendy Million, Chair
Tucson City Court
Domestic Violence Court
tucsoncitydvcourt@courts.az.gov

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Senior Policy Analyst/CIDVC Staff
Administrative Office of the Courts
kradwanski@courts.az.gov

Websites

[CIDVC](#)
[ARPOP](#)
[Domestic Violence Info](#)

CHANGE AHEAD: HB2604 AND OTHER LEGISLATION

A significant change to the Order of Protection statute will be coming later this year—the duration of Orders of Protection will expand to two years from date of service. This session, the legislature passed [HB2604](#), which the governor has signed. This modification to ARS § 13-3602 will make any Order of Protection (OP) served on or after the general effective date a two-year OP. Any OP served before the general effective date will be in effect for one year from date of service. Conceivably, an OP issued today but served on or after the general effective date will be a two-year order.



The general effective date of legislation is 90 days after the legislature adjourns (*sine die*). However, until the legislature adjourns, the general effective

date of bills passed this session cannot be determined. Nevertheless, preparations are under way at the AOC so courts can be prepared to implement the revised statute. Revisions to the OP form and the Plaintiff's and Defendant's Guide Sheets have been prepared and are ready for adoption so the forms can be promulgated by administrative directive as soon as we know the general effective date. Advisory language, including the effective date of the law, will be added to the first page of the OP, and the parties' guide sheets will also be updated. The AZPOINT team is prepared to incorporate these three forms into AZPOINT as soon as possible after *sine die*. This will ensure that when the serving agency prepares the OP for service on the defendant, the updated versions of the OP and the Defendant's Guide Sheet will print from AZPOINT. The Plaintiff's Guide Sheet will be available in the AZPOINT Petition Portal. The AOC will also provide the finalized forms to the courts for immediate use after *sine die*, so they can be used in courtrooms and incorporated into case management systems.

HB204 also affects Emergency Orders of Protection (EOP) by extending their duration to seven calendar days from issuance. Currently, an EOP expires 72 hours from issuance or on the next judicial business day, whichever is longer. It should be noted that ARS § 13-3624(B) requires all courts to register copies of criminal

release orders with the county sheriff and notify the sheriff's office of any material changes to conditions of release. The sheriffs' offices are required to maintain a central repository of the orders and advise victims about how to access and verify such orders.

Two other bills—SB1633 and SB1653—have also been passed and affect Orders of Protection and Injunctions Against Harassment in other ways.

[SB1633](#) redefines the definition of the act of harassment in ARS § 13-2921 to “include knowingly and repeatedly commit an acts or acts to harass another person” and also redefines the word “harass” to encompass conduct that humiliates or mentally distresses the victim.

In ARS § 13-2921.01, the bill also amends provisions regarding aggravated harassment. It adds to the type of court orders that, if in effect, enhance the crime of harassment to aggravated harassment:

- a DV Order of Protection,
- an Injunction Against Harassment,
- “any other criminal-related injunction issued under the laws of this state,”
- an Emergency Order of Protection,
- any previous conviction under ARS § 13-3601 against the same victim, or

- a condition of release prohibiting contact.

These definitions of harassment and aggravated harassment apply to Orders of Protection and are referenced in ARS § 13-3601, the domestic violence statute.

[SB1653](#) creates a new lifetime injunction against a defendant who has been convicted of a certain crime (specified in new ARS § 13-719). The criminal court, at the time of sentencing, can issue a lifetime injunction at the request of the prosecutor or the victim. The injunction takes effect immediately. A victim can ask for this type of injunction to be issued retroactively. The bill also amends ARS § 12-1809, the IAH statute, by eliminating a reference to “dating relationship” in determining service fees, since this relationship belongs under domestic violence OPs. It also eliminates the brief inclusion of serious crimes as harassment, but it still includes one or more acts of sexual violence as harassment.

FIREARMS INITIATIVE FOR ORDERS OF PROTECTION

Judge Catherine Gaudreau, Associate Judge, Surprise City Court

A movement is afoot in the Arizona courts. With respect to Orders of Protection (OP) that contain a firearms prohibition, certain Arizona courts are taking steps to check the defendant’s compliance with the firearms transfer requirement of their orders. Other Arizona judges have expressed an interest in pursuing a similar process for orders issued by their courts.

With the goal of achieving full compliance with the firearms transfer requirement of its OPs, the Surprise City Court is pursuing a Firearms Transfer and Proof of Compliance Initiative for orders that include the firearms prohibition. Surprise’s initiative is modeled on the materials created and procedures implemented by Assistant Presiding Judge Marianne Bayardi and her team in the Phoenix Municipal Court in 2019-20. (In March 2022, Judge Bayardi became presiding judge at the Scottsdale City Court.)



Associate Judge Catherine Gaudreau, Surprise City Court, is heading the effort to establish a similar

practice for OPs issued in Surprise. The court’s goal is to serve as a model for other Arizona courts that wish to establish a similar process. As members of CIDVC and its Protective Orders Workgroup, both judges also hope to work toward establishing a generally applicable firearms compliance procedure for such protective orders,

including development of standardized forms and recommended best practices for use by courts across the state.

Here’s a description of the work-in-progress initiative in the Surprise City Court.

The law: Under Arizona law (ARS § 13-3602(G)(4)), when issuing an OP, if the court finds that the defendant poses a credible threat to the physical safety of the plaintiff or an other protected person,

the court may prohibit the defendant from possessing, receiving, or purchasing firearms for the duration of the order. In doing so, the court requires the defendant to surrender any firearms they own or possess to law enforcement within 24 hours of being served with the OP.

The standard firearms provision: The standard provision in an OP is this:

[X] ARIZONA FIREARMS LAW. Under A.R.S. § 13-3602(G)(4), the Court finds that Defendant poses a credible threat to the physical safety of Plaintiff or Protected Persons. Therefore, Defendant shall not possess, receive, or purchase firearms for the duration of this order, and shall surrender same within 24 hours of service to: [a designated law enforcement agency].

What happens next regarding the firearms transfer order? Arizona judges often include the firearms prohibition and transfer order in their OPs. However, unless it is an order issued by the Phoenix Municipal Court, it's likely that *nothing* happens next. To our knowledge, Phoenix Municipal Court is the only court in Arizona with a procedure in place to check compliance with the firearms transfer requirement of its protective orders.

To many, this is a stunning gap in determining compliance with the court's orders.

Neither the Arizona Rules of Protective Order Procedure nor the Arizona Revised Statutes that govern protective orders require any follow-up or compliance check by the court. But just as with any other order, the courts have a strong interest in determining a party's compliance with their firearms transfer orders. And in these cases—which likely involve recent or potential domestic violence in an intimate-partner relationship *and* the possible presence of now-prohibited firearms—the stakes can be extremely high.

Surprise's initiative: Surprise is establishing a process whereby the court will *immediately* determine whether the defendant has timely complied with the firearms transfer order. If the defendant is noncompliant, the court will promptly refer the matter to law enforcement for review.

The process in a nutshell: When the firearms prohibition and transfer order is included in an OP issued by a Surprise City Court judge, the service packet will include two additional documents that will be attached to the OP and served on the defendant: (1) Instructions for Transferring Firearms to Law Enforcement, whereby the defendant will be informed about how and where they must transfer their firearms to the designated agency (always within 24 hours of being served with the order); and (2) a form Declaration of Firearm(s) Transfer, which the defendant must complete and file with the court.

The defendant must show compliance: The order requires the defendant to transfer their firearms within 24 hours of being served. It will also require the defendant to sign the enclosed declaration, avowing either that they have transferred their firearms as required (in which case the law enforcement officer receiving the firearms will also sign the declaration) **or** that they have not transferred any firearms because they do not own or possess any firearms. The defendant must file the completed declaration with the Surprise City Court within two business days of being served.

The court will immediately check compliance: The court will note the date the defendant was served with the OP and then calendar the due date for the defendant's declaration of firearms transfer (two business days hence). If the defendant is compliant by that due date, the court will notify the plaintiff of the defendant's compliance and will take no further action. If the defendant is noncompliant, the court will send a certified packet to the Surprise Police Department noting the defendant's failure to comply. While the court's primary interest is in getting compliance with the firearms transfer order, the decision whether to investigate further or to issue criminal charges for violating the order will rest solely with the police and the prosecutor.

How we designed the process in Surprise: In formulating our initiative, we chose to follow the procedures and forms already successfully being used by the Phoenix Municipal Court. The matter was then presented to and received the full support of our presiding judge and court administrator. As was done in Phoenix, we sought input from others who would have a significant role in the process.

In March 2022, the court held a stakeholder meeting to which we invited leadership from the Surprise Police Department, the City Prosecutors Office, defense attorneys who regularly practice in our court (including private, court-appointed, and advisory counsel), victim advocates, and neighboring judges, including Maricopa County’s judicial education officer, who often serves as a *pro tem* judge in Surprise. We were very gratified by the participants’ overall enthusiasm for the initiative and especially appreciated the important perspectives, questions, and suggestions shared by all who attended. Their input further improved our proposed initiative. One such suggestion—to include a QR code that would link the defendant to a video explaining the process and the potential consequences of non-compliance—will be pursued in the future. The information will also be posted on our court website.¹

Where we are now: We’re currently working with Surprise Police Department leadership to finalize the firearms transfer instructions the defendant will receive with the OP. Court leadership is drafting written procedures for staff to follow. We’ve prepared most of the necessary court forms, including the defendant’s declaration, a motion to release firearms, and an order to release firearms. Once we finalize internal procedures, complete the

¹ Surprise’s proposed initiative was also one aspect of a 2021 Fellowship awarded to Judge Gaudreau by the [Judicial Engagement Network](#), a national community of engaged judges and judicial officers leading efforts to improve community responses and judicial and court practices in areas including domestic and dating violence. Throughout this process, JEN provided Judge Gaudreau with resources, mentorship, and the opportunity to collaborate with judges and other professionals nationwide.

instructions to defendant, and review our processes with court staff, we’ll be ready to implement the procedures. Thereafter, we’ll track the data to determine how our practices can be further improved.

Other considerations: To enhance compliance with the firearms transfer requirement, our intent is to make the transfer process as easy as possible for the defendant. The safety of all is our paramount concern, and achieving full compliance is our goal. If on occasion a defendant transfers their firearms to a law enforcement agency other than the one designated in the protective order, the defendant will be deemed in compliance so long as the defendant’s declaration is appropriately completed and timely filed with our court.

Requests for further information: For further information about the compliance check process already in place in Phoenix or Surprise’s work in progress, please contact Judge Bayardi at Scottsdale City Court, Judge Gaudreau at Surprise City Court, or CIDVC staff. We would be happy to provide our materials and other assistance to those who may be interested in implementing a similar procedure in their jurisdictions.²

² View the December 9, 2021, “Firearm Transfer Process” webinar presented by Judge Bayardi in collaboration with the Arizona Coalition to End Sexual and Domestic Violence (ACESDV), available at <https://www.youtube.com/watch?v=bYBxDLefl4ot>, or the presentation made by Judge Gaudreau at the April 13, 2022, (Virtual) Justice of the Peace Roundtable at <https://www.youtube.com/watch?v=s77oKF2Kny4>.

PRE-ISSUANCE HEARINGS, CONTESTED HEARINGS AND RES JUDICATA

Judge Wendy Million, CIDVC Chair

Does a pre-issuance protective order hearing count as the defendant’s one opportunity for a contested hearing? If no, and a subsequent contested hearing is held, does *res judicata* (claim preclusion) apply?



ARS §§ [13-3602\(F\)](#), [12-1809\(E\)](#), and [12-1810\(E\)](#) have

this identical language: *If the court denies the requested relief, the court may schedule a further hearing within ten days with reasonable notice to the defendant.* This is typically called a “pre-issuance” hearing and is referenced as such in Rules 21(b), 23(k), 25(h), and 26(g), [Arizona Rules of Protective Order Procedure](#) (ARPOP). But each statute also allows a person who is subject to a protective order the opportunity for “one hearing on

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~ Thank You ~

Thank you for your consideration of my reappointment application and materials. I look forward to meeting with the Commission on March 26, 2025.

Catherine A. Gaudreau
Associate Judge, Surprise City Court
March 18, 2025



From: [Elliott, April](#)
To: [Rhesha Craigen](#)
Subject: RE: Judicial Conduct Review Request - City of Surprise Judicial Selection Advisory Commission
Date: Tuesday, March 11, 2025 4:10:05 PM

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Good afternoon,

None of the individuals listed in your email below, Judge Louis Frank Dominguez and Judge Catherine Ann Gaudreau, have any public disciplinary history with the Arizona Commission on Judicial Conduct. Pursuant to Rule 9 of the Commission's rules, we are unable to disclose information about dismissed or pending complaints.

Please let me know if you need anything further.

Thank you.

April P. Elliott
Executive Director
Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007
602-452-3200
aelliott@courts.az.gov

From: Rhesha Craigen <Rhesha.Craigen@surpriseaz.gov>
Sent: Monday, March 10, 2025 3:00 PM
To: Downie, Margaret <mdownie@courts.az.gov>; Elliott, April <aelliott@courts.az.gov>
Subject: RE: Judicial Conduct Review Request - City of Surprise Judicial Selection Advisory Commission

Caution! This message was sent from outside your organization.

Ms. Downie,

Thank you for your response and for forwarding my request.

Rhesha Craigen, MBA, MHRM, PHR, SHRM-CP
Office: (623) 222-3521 | Cell: (602) 828-4579
Email: Rhesha.Craigen@surpriseaz.gov
Office Hours: M -Th 7:00 a.m.- 5:00 p.m.

From: Downie, Margaret <mdownie@courts.az.gov>
Sent: Monday, March 10, 2025 2:56 PM
To: Rhesha Craigen <Rhesha.Craigen@surpriseaz.gov>; Elliott, April <aelliott@courts.az.gov>
Subject: Re: Judicial Conduct Review Request - City of Surprise Judicial Selection Advisory Commission

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Good afternoon. I left the commission on judicial conduct in 2021. I am copying the current executive Director, April Elliott, on this message. I'm sure she will be able to assist you.

From: Rhesha Craigen <Rhesha.Craigen@surpriseaz.gov>
Sent: Monday, March 10, 2025 2:40:45 PM
To: Downie, Margaret <mdownie@courts.az.gov>
Cc: Rhesha Craigen <Rhesha.Craigen@surpriseaz.gov>
Subject: Judicial Conduct Review Request - City of Surprise Judicial Selection Advisory Commission

Caution! This message was sent from outside your organization.

Good afternoon Ms. Downie,

The City of Surprise Judicial Selection Advisory Commission is seeking a review of records from the Commission on Judicial Conduct on Presiding Judge Louis Frank Dominguez and Associate Judge Catherine Ann Gaudreau. This information is being solicited as part of the reappointment process for each judge. Attached is a letter of request for both judges. A separate response is requested by Thursday, March 13, 2025. Please let me know if further information is needed to fulfill this request.

Best regards,

Rhesha Craigen, MBA, MHRM, PHR, SHRM-CP
Office: (623) 222-3521 | Cell: (602) 828-4579
Email: Rhesha.Craigen@surpriseaz.gov
Office Hours: M -Th 7:00 a.m.- 5:00 p.m.

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1



SURPRISE CITY COURT

16081 N. Civic Center Plaza, Suite 105

Surprise, AZ 85374-7478

Office: (623) 222-4800

Fax: (623) 222-4801

March 12, 2025

Attorney Flynn Carey, Chair
Judicial Selection Advisory Commission

Re: Judicial Availability -Associate Judge Catherine A. Gaudreau

Dear Flynn Carey :

This is to advise the Judicial Selection Advisory Commission that there were no instances where Associate Judge Catherine A. Gaudreau was unavailable without good cause for her judicial duties since her reappointment on July 1, 2021.

Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

Elaina Cano

Elaina Cano

Court Administrator


ecano@courts.az.gov

Office: 623-222-4832

Responses Overview Closed


Responses

35



Average Time


05:52



Duration

49

Days



1. Section I: Integrity & Fairness

● Strongly Agree
 ● Agree
 ● Neither Agree nor Disagree
 ● Disagree
 ● Strongly Disagree
 ● No Information

The judge treated everyone the same without regard to age/race/gender/economic status.

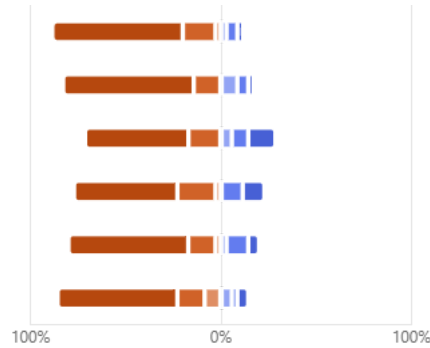
The judge displayed basic fairness and impartiality.

The judge listened to all sides of the story before rendering a decision.

The judge had the information necessary to make good decisions about the case.

The judge provided clear instructions and answered all questions pertaining to the case.

The judge exhibited personal integrity.



2. Section I Comments

10

Responses

Latest Responses

"I wasn't even aware of a hearing. I already filed a restraining order again them th... "

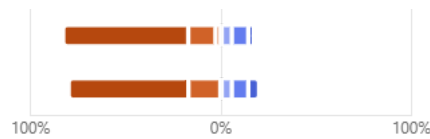
...

3. Section II: Communication Skills & Understanding of the Law

● Strongly Agree
 ● Agree
 ● Neither Agree nor Disagree
 ● Disagree
 ● Strongly Disagree
 ● No Information

The judge gives clear and logical oral communications/instructions.

The judge demonstrated a satisfactory knowledge of the law and procedures.



4. Section II Comments

6

Responses

Latest Responses

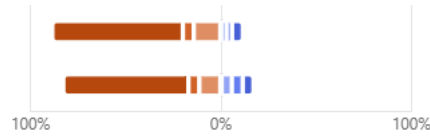
...

5. Section III: Judicial Temperament

● Strongly Agree ● Agree ● Neither Agree nor Disagree ● Disagree ● Strongly Disagree ● No Information

The judge displays understanding and compassion.

The judge treats everyone in the courtroom with courtesy and respect.



6. Section III Comments

8 Responses

Latest Responses



7. Section IV: Administrative Performance & Leadership

● Strongly Agree ● Agree ● Neither Agree nor Disagree ● Disagree ● Strongly Disagree ● No Information

The judge is punctual in conducting proceedings.

The judge maintains proper control over courtroom.

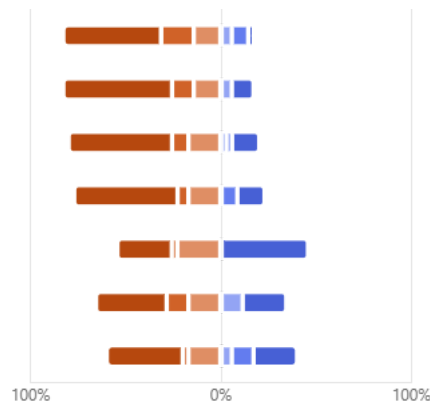
The judge is a diligent worker.

The judge consistently treats court staff with respect.

The judge interacts with other judges in a constructive manner.

The judge promotes the exchange of ideas.

The judge is receptive to feedback.



8. Section IV Comments

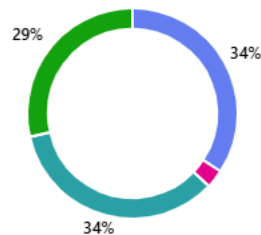
5 Responses

Latest Responses



9. Your role in the court business:

- Litigant to a court case 12
- Witness to a court case 1
- Lawyer 12
- Juror 0
- Staff 10



10. Type of business that brought you before the court.

● Civil Traffic	4
● Criminal	27
● Order of Protection/Injunction against Harrassment	4





CITY OF SURPRISE
Judicial Selection Advisory Commission

Council Meeting Date: March 26, 2025
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

Consent: No Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

For information Purposes; Upon a public majority vote of a quorum of the Commission, the Commission may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Judicial Selection Advisory Commission

Council Meeting Date: March 26, 2025
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Staff Recommendations:

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District: Internal

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Agenda Wording:

Consideration and action to enter into executive session pursuant to A.R.S. § 38-431.03(A)(1) for the purpose of evaluating, in accordance with Surprise City Code Sec. 30-44 Presiding Judge Louis Frank Dominguez and/or Associate Judge Catherine Ann Gaudreau.

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
