

**APPLICATION FOR NOMINATION TO
JUDICIAL OFFICE**

**SECTION I: PUBLIC INFORMATION
(QUESTIONS 1 THROUGH 65)**

PERSONAL INFORMATION

1. Full Name: Jeremy Adam Rovinsky
2. Have you ever used or been known by any other name? No
3. Office Address: 717 E. Maryland Ave., Phoenix, AZ 85014
4. How long have you lived in Arizona? 8 years. Home zip code: 85014
5. Identify the county you reside in and the years of your residency. Maricopa, 7 yrs.
6. If nominated, will you be 30 years old before taking office? YES
If nominated, will you be younger than age 65 at the time the nomination is sent to the Governor? YES
7. List your present and any former political party registrations and approximate dates of each:
 - ~ November 2015 to present: Republican
 - ~ January 2013 to ~ November 2015: Independent
 - ~ June 2006 to ~ January 2013: Democrat

Applicant Name: _____ Jeremy Rovinsky

8. Gender: Male

Race/Ethnicity: Jewish

EDUCATIONAL BACKGROUND

9. List names and locations of all post-secondary schools attended and any degrees received.

American University (Washington DC)	From: 8/2003 Through: 12/2006	BA with honors
The Heiden Institute (Jerusalem)	From: 8/2007 Through: 6/2009	2-year fellowship
The George Washington University Law School (Washington DC)	From: 8/2009 Through: 5/2012	JD with honors

10. List major and minor fields of study and extracurricular activities.

At American University, I earned two Bachelors of Arts degrees: one in Philosophy and one in Political Science. I minored in Jewish Studies.

- President, American University Students for Israel
- Member, AU Hillel Governing Board
- Contributing Writer for The Eagle, AU's student newspaper
- Vice President, AU Debate Society, 1st place novice speaker
- 1st place in humanities, College of Arts and Sciences Student Research Conference (presentation contrasted Socrates's speeches in Plato's writings)
- Phi Beta Kappa
- University Honors Program
- Recipient of the Jane Glaser Scholarship to study abroad
- Member, The National Society of Collegiate Scholars

At the Heiden Institute, my two-year graduate fellowship focused on studying Talmud, Jewish Law, and Ethics.

At GW Law, I earned a Juris Doctor degree with honors.

11. List scholarships, awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during college and law

Jeremy Rovinsky1
Applicant Name: _____

school.

- Thurgood Marshall Scholar
- Recipient of the Franklin L. Gordon Scholarship
- Recipient of the Shapiro Public Service Scholarship
- Journal: The George Washington International Law Review

PROFESSIONAL BACKGROUND AND EXPERIENCE

12. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for any administrative bodies that require special admission to practice.

Maryland bar: January 8, 2013

District of Columbia bar: September 20, 2014

Arizona bar: May 14, 2014

I am currently only an active member of the Arizona bar.

13. a. Have you ever been denied admission to the bar of any state due to failure to pass the character and fitness screening? NO
- b. Have you ever had to retake a bar examination in order to be admitted to the bar of any state? NO
14. Describe your employment history since completing your undergraduate degree. List your current position first. If you have not been employed continuously since completing your undergraduate degree, describe what you did during any periods of unemployment or other professional inactivity in excess of three months. Do not attach a resume.

Trial Courts of Arizona: Judge Pro Tem, 1/2017 – present

Administrative Headquarters: 222 N Central Ave., Phoenix, AZ 85004

National Paralegal College: Dean & General Counsel, 7/2014 – present

717 E. Maryland Ave., Phoenix AZ 85014

Mitchell-Hamline Law School: Adjunct Professor of Law, 11/2020 – present

875 Summit Ave., St. Paul, MN 55105

Concord Law School at Purdue University Global: Adjunct Law Professor, 5/2019 – present

Administrative Headquarters: 10100 Santa Monica Blvd., Los Angeles, CA 90067

Sandler Law, PLLC: Of Counsel, 5/2018 – present

10869 N. Scottsdale Road, Scottsdale, AZ 85254

Filing Date: March 15, 2021

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Arizona Summit Law School: Adjunct Law Professor, 8/2015 – 7/2017
2 North Central Ave, Phoenix, AZ 85004

Arizona Court of Appeals: Judicial Law Clerk, 8/2013 – 7/2014
1501 West Washington Street, Phoenix, AZ 85007

The Rovinsky Law Practice: President, 1/2013 – 8/2013
Multiple locations (Tucson, AZ / Washington, DC / Jerusalem, Israel)

15. List your law partners and associates, if any, within the last five years. You may attach a firm letterhead or other printed list. Applicants who are judges or commissioners should additionally attach a list of judges or commissioners currently on the bench in the court in which they serve.

My attorney colleagues are Stephen Haas (NY/NJ bars) and DeDe Sandler (Arizona bar).

I have served as a Judge Pro Tem for the Maricopa County Justice Courts since 2017. In this role, I preside over a wide range of civil and criminal matters, including civil and criminal jury trials.

Court Administrator: Hon. Jim Morrow
(former Superior Court Presiding Commissioner)

List of judges who sponsored my original Justice Court Judge Pro Tem Application:

Hon. Anna Huberman, Country Meadows Justice Court
Hon. Steve Urie, Highland Justice Court
Hon. Keith Frankel, San Marcos Justice Court

I have also served as a Judge Pro Tem for the following Justice Courts:

Desert Ridge Justice Court, Hon. Kathy Riggs
White Tank Justice Court, Hon. David Osterfeld
Moon Valley Justice Court, Hon. Andrew Hettinger
Maryville Justice Court, Hon. Andy Gastelum
Arcadia-Biltmore Justice Court, Hon. Leonore Driggs
West McDowell Justice Court, Hon. Rachel Carrillo; Hon. Teresa Lopez
Encanto Justice Court, Hon. C. Steven McMurry; Hon. Ken Chevront
Downtown Justice Court, Hon. Enrique Medina
McDowell Mountain Justice Court, Hon. Michael Reagan
South Mountain Justice Court, Hon. Cody Williams
Dreamy Draw Justice Court, Hon. Frank Conti
Agua Fria Justice Court, Hon. Joe Guzman
West Mesa Justice Court, Hon. Elaissia Sears

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I have served as a Judge Pro Tem for the Superior Court of Arizona in Maricopa County since 2020. In this role, I handle civil settlement conferences and preside over criminal matters. In the Criminal Department, Commissioner William Wingard is my supervisor. Regarding civil matters, Emelda Dailey is the Program Coordinator.

16. Describe the nature of your law practice over the last five years, listing the major areas of law in which you practiced and the percentage each constituted of your total practice. If you have been a judge or commissioner for the last five years, describe the nature of your law practice before your appointment to the bench.

During my clerkship with Judge Gould at the Arizona Court of Appeals, I drafted appellate decisions for a wide range of cases, including family, juvenile, criminal, and civil. After completing the clerkship, I became Dean & General Counsel of National Paralegal College. I teach a wide range of legal doctrine (contracts, torts, legal ethics, constitutional law, criminal procedure) and legal writing courses at National Paralegal College and taught upper-level writing and advanced property classes at Arizona Summit Law School and Concord Law School. I have hired, trained, and monitored law professors, and as General Counsel I deal with disgruntled students, represented the school in Superior Court when sued by a denied applicant, represented the school against claims filed in the Attorney General's Office and the Illinois Department of Human Rights, reviewed contracts, and act as a strategic partner. I teach International Law to upper-level students at Mitchell-Hamline Law School. I frequently serve as a Judge Pro Tem for the Trial Courts of Arizona; I've presided over evictions, traffic, criminal arraignments, small claims, protective order hearings, and civil and criminal jury trials. I have also worked pro bono assisting friends with contract disputes, landlord-tenant issues, defamation litigation, and criminal proceedings. Since 2018 I have served in an "of counsel" capacity for Sandler Law PLLC, where I litigate on behalf of the firm in juvenile dependency court.

17. List other areas of law in which you have practiced.

I assisted with contract formation and review for corporate clients at Tulchinsky Stern & Co., in Jerusalem. I handled immigration issues when I ran my own law firm. At Hausfeld LLP, I was involved in plaintiff class action work, primarily in the areas of mass tort and antitrust. I've also served pro bono as a member of the Salt River Pima-Maricopa Indian Community Court Rules Committee, assisting the court in updating its Rules of Professional Conduct.

18. Identify all areas of specialization for which you have been granted certification by the State Bar of Arizona or a bar organization in any other state. N/A
19. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.

As General Counsel, my primary client is National Paralegal College, a school with roughly 1,000 to 1,500 students at any time. I report directly to the President to provide legal and HR advice and review business contracts. I have also successfully negotiated with FINRA's counsel to have them withdraw opposition to a trademark registration, successfully defended

Jeremy Rovinsky
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against a fraud complaint filed with the Attorney General, Civil Litigation Division, successfully defended against a lawsuit filed in Maricopa County Superior Court, and successfully defended against a discrimination charge filed with the Illinois Department of Human Rights.

As a Judge Pro Tem for the Maricopa County Justice Courts, much of my focus has been on handling traffic violations and other misdemeanors, and presiding over criminal DUI jury trials. I have also handled many landlord-tenant disputes, eviction actions, and small claims litigation.

20. Have you practiced in adversary proceedings before administrative boards or commissions? Yes.
21. Have you handled any matters that have been arbitrated or mediated? Yes
If so, state the approximate number of these matters in which you were involved as:

Sole Counsel: 2

Chief Counsel: 0

Associate Counsel: 2

22. List at least three but no more than five contested matters you negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the names, e-mail addresses, and telephone numbers of all counsel involved and the party each represented; (3) a summary of the substance of each case: and (4) a statement of any particular significance of the case.

1. My colleague at the time, Compliance Officer Matt Bycer (480-707-9741; mbycer@gmail.com), and I fought the Opposition of a trademark we had submitted on behalf of VoiceProctor, a subsidiary of National Paralegal College to the United States Patent and Trademark Office. The party opposing our mark was FINRA, and opposing counsel was Victoria Doyle of Fried Frank LLP (212-859-8000; Victoria.doyle@friedfrank.com). After much back-and-forth, we eventually got her to agree to our proposed settlement. (Opposition number 91217235, Filing Date 07/07/2014, Trademark Trial And Appeal Board).

2. I represented Allen Fink (646-549-3896; afink@taxemedia.com), CEO of Taxe Media, a local Phoenix company, in a contract dispute with Spero Media, a larger company based in New York City. In short, the dispute involved Spero Media's objection to Taxe Media selling certain benefits that Spero Media had previously given to Taxe Media as part of a larger agreement. I contacted Spero Media and successfully put Mr. Fink into a favorable position agreed to by Spero Media.

3. I represented Daniel J. Brick (314-941-4166; meirbrick@gmail.com) in

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Hassayampa Justice Court (CC2019018745RC), suing a pro per defendant under theories of assault, unlawful imprisonment, and intentional infliction of emotional distress, seeking \$9,999.99 in compensatory and punitive damages. Trial was set for 2/18/2020. The week before trial, my client settled.

23. Have you represented clients in litigation in Federal or state trial courts? Yes
If so, state:

The approximate number of cases in which you appeared before:

Federal Courts: 1

State Courts of Record: 5

Municipal/Justice Courts: 1

The approximate percentage of those cases which have been:

Civil: 20%

Juvenile: 80%

The approximate number of those cases in which you were:

Sole Counsel: 5

Chief Counsel: 0

Associate Counsel: 1

The approximate percentage of those cases in which:

You wrote and filed a pre-trial, trial, or post-trial motion that wholly or partially disposed of the case (for example, a motion to dismiss, a motion for summary judgment, a motion for judgment as a matter of law, or a motion for new trial) or wrote a response to such a motion: 10%
a motion to dismiss, in State court

You argued a motion described above 20%

You made a contested court appearance (other than as set forth in the above response) 50%

You negotiated a settlement: 10%

The court rendered judgment after trial: 10%

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A jury rendered a verdict:

0%

The number of cases you have taken to trial:

I have *presided* over multiple civil and criminal trial cases as a Judge Pro Tem.

24. Have you practiced in the Federal or state appellate courts? No

25. Have you served as a judicial law clerk or staff attorney to a court? Yes
If so, identify the court, judge, and the dates of service and describe your role.

I served as a judicial law clerk at the Arizona Court of Appeals for Judge Andrew Gould (who currently sits on the AZ Supreme Court). Between August 2013 and July 2014, I drafted judicial decisions, and performed related legal research, regarding a wide range of civil and criminal cases, including multi-million dollar awards, parental terminations, and murder convictions. In an email to Judge Diane Humetewa, Judge Gould described me as “a very enthusiastic, hard-working young man” and “very loyal” (5/19/2014).

26. List at least three but no more than five cases you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts that were not negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency and the name of the judge or officer before whom the case was heard; (3) the names, e-mail addresses, and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case.

- 1) *Daryl Kinney v. National Paralegal College*, CV2018-005974, assigned to Hon. Sherry Stephens, Maricopa County Superior Court. Plaintiff appeared in pro persona, suing National Paralegal College for denying him admission into an undergraduate program. Plaintiff claimed Defendant discriminated against him on the basis of his race. Serving as General Counsel, I partnered with Hymson Goldstein Pantilliat & Lohr, PLCC, 16427 N. Scottsdale Road, Ste. 300, Scottsdale AZ 85254 to strategize and respond. We filed a Motion for Summary Judgment along with our Answer. I appeared on 7/18/2018 for Oral Argument and the court ruled in my favor.
- 2) One student at National Paralegal College filed a Complaint against the school with the Office of the Arizona Attorney General, Civil Litigation Division, Consumer Protection Information and Complaints Section (Sara E. Chase / CIC 17-011255). I worked with my colleague, the Director of Financial Aid for the school, and successfully prevailed in this case. I am attaching a copy of the Response that we filed with the Office of the Attorney General.
- 3) *Michael Gragg v. National Paralegal College*, State of Illinois Department of Human Rights, Charge No.: 2019SP0249. An applicant to National Paralegal College alleged that

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the school denied him service due to his physical disability (blindness). As General Counsel I responded and successfully prevailed. I am attaching a copy of the Response.

27. If you now serve or have previously served as a mediator, arbitrator, part-time or full-time judicial officer, or quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether elected or appointed, periods of service and a thorough description of your assignments at each court or agency. Include information about the number and kinds of cases or duties you handled at each court or agency (e.g., jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

I serve frequently as a Judge Pro Tem for the Trial Courts of Arizona. I was first appointed 1/2017. I preside over a wide range of cases: eviction actions, small claims hearings, orders of protection, criminal arraignments, traffic violations, garnishment hearings, and civil and criminal jury trials. Over the past 3 years, I've sat behind the bench in 14 different courts, working with self-represented litigants as well as attorneys, presiding over multiple criminal jury trials, and adapting to many different types of calendars.

28. List at least three but no more than five cases you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) the names, e-mail addresses, and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case.

1) In Justice Court, proceedings are often very fast and the volume is very high. It is not uncommon for me to preside over dozens of evictions actions over the course of a few minutes. Most parties (although certainly not all) appear without an attorney.

Case 1: I presided over a civil jury trial in Moon Valley Justice Court, case number CC2016231063RC, Lonny Vanatta & Lisa Vanatta v. Cox Communications Arizona LLC. Plaintiffs were pro se and counsel for Cox was Ranalli Zaniel Flower & Moran LLC, 209 E Baseline Road, E-205, Tempe, AZ 85283. Plaintiffs claimed breach of contract and related damages, while Cox counter-sued for unjust enrichment. I held two status conferences, ruling on several procedural and evidentiary motions. I presided over the trial on December 18, 2017. It lasted one full day, and Defendant Cox prevailed.

2) On April 14, 2017, I spent 7½ consecutive hours adjudicating small claims cases at the Desert Ridge Justice Court. The parties appeared pro se (one was a Harvard educated attorney). The schedule required me to maintain a rapid pace, while still giving every party the opportunity to be heard and have his or her arguments considered. One case involved a dry cleaner losing a customer's garment, another involved a woman claiming to have been the victim of a fraudulent diet program, another involved a contract dispute between a couple and their house-sitter, and another involved a dispute between a former boyfriend and girlfriend regarding the payment of a plane ticket for a planned, and aborted, vacation.

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3) On October 16, 2017 I sat behind the bench at White Tank Justice Court. There was one garnishment hearing in which one side, an apartment complex, was represented by an attorney, Alan Zimmerman, and the other side was pro per. The plaintiff presented to me a signed judgment showing an eviction and outstanding financial balance, with the defendant listed as a party. The defendant claimed he had been evicted two months earlier after a domestic violence altercation and presented paperwork to me showing the landlord terminating his lease. At first, the attorney was very stern that my job as a judge during a garnishment hearing was simply to assume the previous judgment was legitimate. I told him that I believed the defendant was not given proper notice that a judgment was to be filed against him, since he had previously left the apartment complex, by request of the management company. I informed the attorney that Chief Justice Bales has articulated that Justice Court judges have an obligation to seek justice and assist pro per litigants to understand the context of their litigation, while remaining fair to all parties. After some time, the lawyer agreed to a 2 week continuance of the garnishment hearing, and to investigate if the notice was legitimate, and, if it was not, to dismiss the suit. I am sure I can receive the case number and information of the parties involved from White Tank's court administrator if requested.

4) On November 10, 2017, I presided over a civil trial for the Encanto Justice Court. The Plaintiff was George Matter, and the Defendant was Oliver Tyrone. Both parties conducted the trial pro per. The matter was an eviction action – the parties agreed that Mr. Tyrone owed Mr. Matter unpaid rent, but they disputed the amount owed. Mr. Matter claimed Mr. Tyrone owed him \$2,915.00, while Mr. Tyrone claimed he owed only \$400.00. I gave both sides the ability to present their evidence and be heard by the court. At the end, I explained that my obligation was to rule based on the evidence presented, and I ruled for Mr. Matter for \$2,915.00 and allowed a Write of Restitution to be issued. After I announced my ruling, Mr. Tyrone (who was NOT the prevailing party) looked at me and said, "Thank you for being fair." I could tell he was being sincere. It felt very rewarding to see that my strong desire to treat both parties with respect, allow them to voice their opinions, and articulate my reasoning clearly and in a non-judgmental way, paid off. (The recording for this proceeding was captured on Arcadia-Biltmore's FTR).

5) On November 1 through November 4, 2019, I presided over a criminal DUI jury trial, State v. Ming (TR2018153949). The Maricopa County Attorney's Office was represented by Haleigh Farrelly and Leslie Lemense; the defendant was represented by Timothy Hintze of Rosenstein Law Group, 8010 E. McDowell Road, Ste. 111, Scottsdale, AZ 85257. Before trial I ruled on numerous Motions in Limine, as well as a Motion for Reconsideration. We had extensive voir dire and I also had to make rulings based on objections throughout the voir dire and the trial itself. Ultimately, the jury found the defendant not guilty on both charges. While certain moments were heated between the attorneys and I had to make numerous rulings, both attorneys remain genuinely friendly with me. One thanked me after the trial for being accessible and fair.

29. Describe any additional professional experience you would like to bring to the Commission's attention.

I am recognized by the Society For Human Resource Management as a Senior Certified Professional (SHRM-SCP). This credential highlights my abilities to lead and effectively manage others, act as a strategic partner, and culminate a safe and productive environment in an organization.

I recently completed an intensive 2-year course in Jewish law that culminated in a final comprehensive exam and the conferment of Orthodox Rabbinical ordination. This experience has further sharpened by legal skills in analyzing and applying complex laws. I also study Jewish Talmudic law in the original Hebrew and Aramaic languages, and organize structured group learning of Jewish legal topics in my community. I volunteer at the local Jewish high school and am a board member of a local organization that distributes food to the poor.

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I am married and we have 6 beautiful children – 4 boys and 2 little girls. I attend daily religious services and am a leader in my synagogue.

BUSINESS AND FINANCIAL INFORMATION

30. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding judicial or other public office, other than as described at question 14? No
31. Are you now an officer, director, majority stockholder, managing member, or otherwise engaged in the management of any business enterprise? No
32. Have you filed your state and federal income tax returns for all years you were legally required to file them? Yes
33. Have you paid all state, federal and local taxes when due? Yes
34. Are there currently any judgments or tax liens outstanding against you? No
35. Have you ever violated a court order addressing your personal conduct, such as orders of protection, or for payment of child or spousal support? No
36. Have you ever been a party to a lawsuit, including an administrative agency matter but excluding divorce? No
37. Have you ever filed for bankruptcy protection on your own behalf or for an organization in which you held a majority ownership interest? No
38. Do you have any financial interests including investments, which might conflict with the performance of your judicial duties? No

CONDUCT AND ETHICS

39. Have you ever been terminated, asked to resign, expelled, or suspended from employment or any post-secondary school or course of learning due to allegations of dishonesty, plagiarism, cheating, or any other “cause” that might reflect in any way on your integrity? No
40. Have you ever been arrested for, charged with, and/or convicted of any felony, misdemeanor, or Uniform Code of Military Justice violation? No
41. If you performed military service, please indicate the date and type of discharge. If other than honorable discharge, explain. N/A
42. List and describe any matter (including mediation, arbitration, negotiated

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settlement and/or malpractice claim you referred to your insurance carrier) in which you were accused of wrongdoing concerning your law practice. N/A

43. List and describe any litigation initiated against you based on allegations of misconduct other than any listed in your answer to question 42. N/A
44. List and describe any sanctions imposed upon you by any court. N/A
45. Have you received a notice of formal charges, cautionary letter, private admonition, referral to a diversionary program, or any other conditional sanction from the Commission on Judicial Conduct, the State Bar, or any other disciplinary body in any jurisdiction? No
46. During the last 10 years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by federal or state law? No
47. Within the last five years, have you ever been formally reprimanded, demoted, disciplined, cautioned, placed on probation, suspended, terminated or asked to resign by an employer, regulatory or investigative agency? No
48. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? No
49. Have you ever been a party to litigation alleging that you failed to comply with the substantive requirements of any business or contractual arrangement, including but not limited to bankruptcy proceedings? No

PROFESSIONAL AND PUBLIC SERVICE
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50. Have you published or posted any legal or non-legal books or articles? Yes

Articles

- *A Stunning Decision: How The ECJ Butchered Both Religious Freedom And Animal Welfare* (2021, forthcoming in the Tulane Journal of International and Comparative Law).
- *Don't Have A Cow, Flanders: Guidance For The European Court of Justice As It Considers The Flemish Parliament's Ban On Ritual Slaughter*, 97 Univ. Det. Mercy L. Rev. 180 (2020).
 - Listed on SSRN's Top Ten download lists: Comparative Constitutional Law; Law & Religion
- *Troubleshooting Legal Malfunction: Lexmark and Consumer Standing Under The Lanham Act*, 48 J. Marshall L. Rev. 453 (2015).

- Cited in Clay Calvert, *Beyond Headlines & Holdings: Exploring Some Less Obvious Ramifications of the Supreme Court's 2017 Free-Speech Rulings*, 26 Wm. & Mary Bill Rts. J. 899 (2018).
- *The DC Human Rights Act: A Model For The Nation?*, 6 Charlotte L. Rev. 1 (Spring 2015).
- *The Cutting Edge: The Debate Over Regulation Of Ritual Slaughter In The Western World*, 45 Cal. W. Int'l L.J. 79 (Fall 2014).
 - Cited in 10 publications: law review/law journal articles in the US and abroad and a textbook
- *Time To Move Beyond Walls And Suspicion: The Need To Protect Religious Freedom By Exposing Jordan's Discriminatory Policies*, 2(3) A38 JIL (2013) 134.
- *Monopoly – University Edition: The Case For Student Housing Independence*, 2013 BYU Educ. & L.J. 45.
- *A Captivating Proposition: The Ethics And Likely Effectiveness Of Israel's Proposed Prisoner Exchange Law*, 10 Rutgers Conflict Res. L. J. 1 (Fall 2012).
- *Using the Constitution to Destroy Free Speech: Citizens United v. FEC, The Forum: Newsletter of the District of Columbia Chapter of the Federal Bar Association*, Volume 1, 2010.

Chapters in books

- The Standard Procedures for Animal Slaughtering in the Industry, *Preparation and Processing of Religious and Cultural Foods*, Woodhead/Elsevier Publishing, September 2018 (co-authored with Hal Cohen).
- Prosecuting Class Actions and Group Litigation, *World Class Actions: A Guide To Group And Representative Actions Around The Globe*, Oxford University Press USA, September 2012 (contributor).

Book

- *Basic Trust Drafting*, Carolina Academic Press (2d ed., 2019) (co-authored with Stephen Haas).
 - Listed in BookAuthority's [Best New Estate Planning Books To Read in 2019, 2020, and 2021](#)

51. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge? Yes

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52. Have you taught any courses on law or lectured at bar associations, conferences, law school forums or continuing legal education seminars? Yes

I have taught Advanced Legal Writing, Advanced Property, Professional Responsibility and Legal Ethics, Torts, Real Property, Legal Document Preparation, Criminal Procedure, Legal Research and Writing, Electronic Legal Research, Business Law, Contracts, and Constitutional Law. My work for LawShelf.com is currently being reviewed by an accrediting agency for the granting of college and/or continuing education credit.

53. List memberships and activities in professional organizations, including offices held and dates.

I am active with several religious and education institutions in the Jewish community of Phoenix.

Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar? Yes

List offices held in bar associations or on bar committees. Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

Supreme Court of Arizona Commission on Judicial Performance Review
Phoenix, AZ

Member, Judicial Performance Review Conference Team
December 2019 – present

- Meet with judges, identify areas needing improvement, and assist in developing self-improvement plans
- Create a report for the Presiding Judge, Chief Justice, and Judicial Education Commission

Salt River Pima-Maricopa Indian Community Court
Scottsdale, AZ

Member, Rules Committee
August 2016 – January 2017

- Appointed by the Chief Judge to assist the court as it updated its Rules of Professional Conduct

54. Describe the nature and dates of any relevant community or public service you have performed.

For the past 8 years I have been a member of numerous educational and religious institutions that benefit the Orthodox Jewish community.

55. List any relevant professional or civic honors, prizes, awards or other forms of recognition you have received.

I received the Certificate of Merit Award from Congressman Steve Israel on June 4, 2003.

56. List any elected or appointed public offices you have held and/or for which you have been a candidate, and the dates. N/A

Have you voted in all general elections held during the last 10 years? Yes

57. Describe any interests outside the practice of law that you would like to bring to the Commission's attention.

I enjoy playing with my kids, taking my wife out to eat, doing community service, and traveling. Before attending law school, I traveled through the Middle East, the Far East, and Australia.

HEALTH

58. Are you physically and mentally able to perform the essential duties of a judge with or without a reasonable accommodation in the court for which you are applying?

Yes! I am young and full of energy!

ADDITIONAL INFORMATION

59. The Arizona Constitution requires the Commission to consider the diversity of the county's population in making its nominations. Provide any information about yourself (your heritage, background, life experiences, etc.) that may be relevant to this consideration.

I would bring fresh diversity to the Court. I believe I would be the first Orthodox Rabbi to be appointed to the Court, and it would reflect well with the city's rapidly growing Jewish community. I do not believe that any of the current judges has spent time studying Jewish law full-time in an institute in Jerusalem, or even part-time in Phoenix.

My academic background is also a strong source of diversity. I believe I would also be the first full-time law professor or Dean of a school to subsequently join the Court.

60. Provide any additional information relative to your qualifications you would like to bring to the Commission's attention.

I love my current job, but serving the past four years as a Judge Pro Tem has made me very passionate about becoming a full-time judicial officer. I also love my city and genuinely desire to give back to it. I believe in treating everyone in my court with courtesy, dignity, and respect – that includes attorneys, self-represented litigants, and colleagues - including support staff. I have developed a solid reputation based on these principles in all of the courts where I serve.

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61. If selected for this position, do you intend to serve a full term and would you accept rotation to benches outside your areas of practice or interest and accept assignment to any court location?

Yes! I love learning new things.

62. Attach a brief statement explaining why you are seeking this position.
63. Attach two professional writing samples, which you personally drafted (e.g., brief or motion). **Each writing sample should be no more than five pages in length, double-spaced.** You may excerpt a portion of a larger document to provide the writing samples. Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission's website.
64. If you have ever served as a judicial or quasi-judicial officer, mediator or arbitrator, attach sample copies of not more than three written orders, findings or opinions (whether reported or not) which you personally drafted. **Each writing sample should be no more than ten pages in length, double-spaced.** You may excerpt a portion of a larger document to provide the writing sample(s). Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission's website.
65. If you are currently serving as a judicial officer in any court and are subject to a system of judicial performance review, please attach the public data reports and commission vote reports from your last three performance reviews.

**-- INSERT PAGE BREAK HERE TO START SECTION II
(CONFIDENTIAL INFORMATION) ON NEW PAGE --**

Brief Personal Statement

I currently serve as Dean & General Counsel of National Paralegal College, and as a Judge Pro Tem for the Maricopa County Justice Courts and Superior Court. While I enjoy my current job, I desire to dedicate my career to the public sector.

I have a passion for public service. In high school I served as captain of the debate and mock trial teams, and I remember reading Senator Joe Lieberman's *In Praise of Public Life* and being inspired to serve as a public servant. In college I interned in Congress and the Senate, and saw firsthand how rewarding a career dedicated to public service can be. In applying to be a full-time Judge, I am answering a calling that will allow me to utilize my experience in law practice, academia, and the judiciary, and continue to grow and develop.

Over the past three years I have spent a significant time behind the bench in over a dozen trial courts. I have seen firsthand how much responsibility a Judge has in administering justice, and how I have the ability – and responsibility – to make litigants feel heard and respected. When I am able to be a fair Judge, I have seen how litigants – even those who do not prevail – feel more confidence in our judicial system. I wish to dedicate my career to being a full-time judicial officer in order to continue to foster respect for all parties in the courtroom, and use my strong writing skills to foster a greater communal sense of trust and fairness in our justice system. I know how the Court of Appeals operates after clerking for Judge Gould, and hope to leave my own lasting positive impact on the court.

Thank you for your consideration.

Sincerely,



Jeremy A. Rovinsky

Applicant Name: Jeremy A. Rovinsky

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State of Illinois

Department of Human Rights

In the Matter of:)

Michael Gragg,)

Complainant,)

Charge No.: 2019SP0249

And)

National Paralegal College,)

Respondent)

NOW COMES National Paralegal College, and responds to the Charge of Discrimination filed against it by Complainant Michael Gragg, as follows:

National Paralegal College vehemently denies all charges. Attached to this response is page 152 of National Paralegal College’s School Catalogue, which contains our Non-Discrimination Policy and our Disability Accommodation Policy.

- I. Complainant falsely claims he was denied service on 8/16/2018 because of physical disability, blind.
 - 1. Complainant provided Respondent with a 2016 medical evaluation that diagnoses Complainant with “low vision” (attached); to that extent, Respondent admits.
 - 2. Complainant states he was “qualified to receive the benefits available at Respondent” but does not specify. Respondent therefore denies due to ambiguity. Respondent is an online paralegal school, and follows regulations set by the Department of Education and an accrediting agency. No applicant to the school is automatically qualified to receive any “benefits” without providing the documentation required by regulations.

- 1 3. Respondent denies it is a place of public accommodation. According to the Illinois
2 Human Rights Act, Article 5, Sec. 5-101(A), an online paralegal school does not
3 seem to fall under any definition of “public accommodation”. In fact, all descriptions
4 provided under the Act clearly indicate that a place of public accommodation must be
5 a physical location that opens to the public, and not a strictly online platform.
- 6 4. Respondent vehemently denies. Attached are the complete staff notes for
7 Complainant for your review. On 8/9/2018, our Director of Financial Aid wrote to
8 Complainant: “Everyone at our school is more than happy to work to accommodate
9 Michael’s disability.” On 8/16/2018, the date of Complainant’s alleged
10 discrimination, the Director of Financial Aid thanked Complainant for completing his
11 FERPA form and went on to list the documents she needed to complete the financial
12 aid application process. She therefore did *exactly the opposite* of what Complainant
13 alleges – she did not deny him enrollment or any “necessary adoptive equipment
14 needed to complete the coursework” (whatever that means); she was attempting to
15 work with him by showing him exactly what forms the school was still required to
16 have before the school could fully enroll Complainant as a financial aid student. At
17 the same time, school administrators were actually meeting to discuss the best way to
18 accommodate Respondent, and had decided that someone on staff could call
19 Respondent and read him the exam and assignment questions in his classes after he
20 completes the enrollment process, to accommodate his low vision. The school
21 administrators also discussed compiling audio recordings of the school’s
22 “courseware” (foundational legal classes’ assignment textbooks) for Complainant.
23
24 The Director of Financial Aid continued to work closely with Complainant after 8/16
25 and on 8/20 Complainant’s FA PDS was accepted.
26
27

1 5. Respondent vehemently denies. First, Complainant has absolutely no evidence to
2 present regarding how National Paralegal College serves other “similarly situated
3 non-disabled people.” Second, as the Director of Financial Aid wrote to Complainant
4 on 8/9, we non-discriminately “satisfy the requirements from our accrediting agency
5 and the Department of Education that we are required to follow.”

6 II. Complainant falsely claims he was denied service on 8/16/2018 because of retaliation.

7 1. Respondent denies. We have absolutely no record in our staff notes of Complainant
8 “making a complaint to Respondent of being discriminated” on 8/2/2018.

9 2. Respondent denies. Complainant is not qualified to receive any “benefits” our school
10 offers until he properly follows our procedures and submits his required enrollment
11 documents.

12 3. Respondent denies it is a place of public accommodation. According to the Illinois
13 Human Rights Act, Article 5, Sec. 5-101(A), an online paralegal school does not
14 seem to fall under any definition of “public accommodation”. In fact, all descriptions
15 provided under the Act clearly indicate that a place of public accommodation must be
16 a physical location that opens to the public, and not a strictly online platform.

17 4. Respondent vehemently denies. Attached are the complete staff notes for
18 Complainant for your review. On 8/9/2018, our Director of Financial Aid wrote to
19 Complainant: “Everyone at our school is more than happy to work to accommodate
20 Michael’s disability.” On 8/16/2018, the date of Complainant’s alleged
21 discrimination, the Director of Financial Aid thanked Complainant for completing his
22 FERPA form and went on to list the documents she needed to complete the financial
23 aid application process. She therefore did *exactly the opposite* of what Complainant
24 alleges – she did not deny him enrollment or any “necessary adoptive equipment
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1 needed to complete the coursework” (whatever that means); she was attempting to
2 work with him by showing him exactly what forms the school was still required to
3 have before the school could fully enroll Complainant as a financial aid student. At
4 the same time, school administrators were actually meeting to discuss the best way to
5 accommodate Respondent, and had decided that someone on staff could call
6 Respondent and read him the exam and assignment questions in his classes after he
7 completes the enrollment process, to accommodate his low vision. The school
8 administrators also discussed compiling audio recordings of the school’s
9 “courseware” (foundational legal classes’ assignment textbooks) for Complainant.
10 The Director of Financial Aid continued to work closely with Complainant after 8/16
11 and on 8/20 Complainant’s FA PDS was accepted.

- 12
13 5. Respondent completely denies. There is absolutely no evidence of Complainant’s
14 “participation in a protected activity” and similarly no evidence of “denial of
15 service.” There was therefore no violation of 775 ILCS 5/6-101(A) or any other section
16 or provision of the Illinois Human Rights Act, or any other law.
17

18 Respectfully Submitted,
19

20 _____
21 Jeremy Rovinsky
22 Dean & General Counsel
23 National Paralegal College

24 **CERTIFICATE OF SERVICE**

25 The undersigned certifies that a copy of the foregoing formal response to the charge of
26 discrimination was served upon:
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Michael Gragg

1023 E Washington St.

Springfield, IL 62703

By depositing same in the US Mail at 717 E Maryland Ave., Phoenix AZ 85014 on August 28,
2018.

Jeremy Rovinsky

Dean & General Counsel

National Paralegal College

Office of Arizona Attorney General
Civil Litigation Division
Consumer Protection Information and Complaints

RE: CIC 17-011255 / Sara E Chase

Dear Sir or Madam:

We are in receipt of the above referenced complaint. Thank you for allowing us the opportunity to address her concerns. We are confident that the complaint is not valid and Ms. Chase was not defrauded. We attempted to resolve her concerns but her requested resolution of paying her \$1500 was unreasonable and therefore was not granted. However, she was withdrawn as requested and granted a waiver of the remaining tuition owed.

Ms. Chase was enrolled at National Paralegal College (NPC) for an Associate's Degree starting on July 10, 2017. The program has 20 8-week courses with one course starting every month. Her last date of participation was August 22, 2017 (LDA). Ms. Chase participated in two courses. She was a Title IV federal financial aid student. She did not make any cash payments; however, \$1480 Federal Pell Grant was initially received on her behalf as well as \$742 in Federal Direct Subsidized loans for a total of \$2222 in TIV federal financial aid. Fees and charges for two courses totaled \$2145, therefore, the remaining balance of \$77 (credit balance) was sent to Ms. Chase within the required timeframe after receiving the federal financial aid funds. (*Credit balances 34 CFR 668.164(h)(1)*)

Upon withdrawal, in alignment with NPC's tuition refund policy for withdrawn students, tuition was reduced by \$610. Additionally, based on Department of Education (ED) regulations, \$795.48 was refunded back to the ED programs (\$742 to federal direct subsidized Loan and \$53.48 federal Pell Grant). (*Return of Title IV funds HEA, Section 484B 34 CFR 668.22*)

Although Ms. Chase did not provide details in her complaint, the following is the information we have on file regarding her complaint and the actions taken by the school and the student:

Through a clerical error, her access to our system was incorrectly removed on Friday, August 25, 2017. It is normally removed after 14 days of non-participation. Upon her first attempt to participate in course work after this error occurred, she discovered the error. Ms. Chase did not attempt to participate in course work until Saturday September 2nd, 10 days after access was inadvertently removed. Ms. Chase inquired about her loss of access on 9/2, however, the school was closed for the Labor Day weekend.

On Tuesday September 5th at 9:43 AM, her access was restored and staff attempted to contact her by phone and then sent an email to explain that an error had been made and access had been restored. The refund calculation for tuition charges had already been completed and a credit of \$610 was applied to her account based on her being withdrawn. However, her Title IV federal student financial aid (TIV) refund had not yet been completed before the withdrawal was reversed.

Ms. Chase replied at 10:48 AM on 9/5 to request a refund based on the \$610 tuition credit and stating that she no longer wanted to attend NPC. An email was sent to her at 1:48 PM explaining that the withdrawal process had not been fully completed but if she wanted to withdraw, it would be completed. The TIV refund process was initiated. Once that calculation was completed, funds were returned to the Department of Education as required. (*Return of Title IV funds HEA, Section 484B 34 CFR 668.22*). The TIV refund of \$795.48 exceeded the amount of the tuition withdrawal credit of \$610. Therefore, there was a remaining balance due on her account of 185.48.

The emails referenced above are included with this response. As you will see, Ms. Chase was increasingly threatening and rude. She also stated that she had two Masters Degrees and then retracted that statement when it was explained that students are not eligible for Pell Grant funds once a Bachelor's Degree is received. She stated on her school application and on her Free Application for Federal Student Aid (FAFSA) that she did not have a BA. Should it be determined that she does have a degree of Bachelors or higher, we would be obligated to report her to the Department of Education for false and potentially fraudulent information leading to the awarding of TIV aid.

Ms. Chase is requesting that NPC pay her \$1500 for being inconvenienced by not being able to participate in coursework over the Labor Day weekend. Although we believe it was reasonable to restore her access very quickly on the next business day after she noticed she had lost access, in the spirit of cooperation, NPC had already written off the balance of Ms. Chase's remaining financial liability to the school (\$185.48) before she filed this complaint.

Please see the attachments for documentation regarding the above stated information.

Attachments:

- Enrollment Agreement dated 7/7/17 for class start 7/10/17
- Award letter for first academic year (8 courses) dated 7/24/17: Federal Direct Subsidized Loan \$3000 gross / \$2968 net (8 disbursements of \$371), Pell Grant \$5920 (8 disbursements of \$740)
- TIV Authorization Form dated 5/23/17
- Proof of completed TIV Loan entrance counseling dated 6/14/17
- Transcript dated 8/31/17 showing participation in 2 courses
- Progress Report: Course PLG-101-1707, LDA 8/18/17
- Progress Report: Course PLG-101-1707, LDA 8/22/17
- Student ledger: TIV disbursed \$2222. \$77 paid to student, \$742 returned on federal loan, \$53.48 returned on federal grant. Net \$1349.52 retained by NPC
- Return to Title IV Funds calculation: LDA 8/22/17, Date of Determination 9/5/17, completed on 9/11/17, net TIV earned \$1426.52. All loans returned, partial Pell Grant returned. Net retained, \$1426.52 of which \$77 was given to the student and \$1349.52 was retained by NPC
- Proof of completed TIV Loan exit counseling dated 9/11/17
- ED Pell Grant Disbursement History dated 9/15/17. \$1480 disbursed, 53.48 refunded, net disbursed \$1426.52
- ED COD Pell Grant Award Detail Information dated 9/15/17: Net disbursed \$1426.52
- ED COD Pell Grant Award Disbursement Information dated 9/15/17: Net disbursed \$1426.52
- ED COD Direct Loan Award Detail Information dated 9/15/17: Net disbursed \$0
- Emails

Links for federal regulations referenced:

Reporting fraud to OIG, page 2-50:

<https://ifap.ed.gov/fsahandbook/attachments/1718FSAHbkVol2Master.pdf>

Paying credit balances: page 4-45

<https://ifap.ed.gov/fsahandbook/attachments/1718FSAHbkVol4Master.pdf>

TIV Withdrawal process, refund calculations:

<https://ifap.ed.gov/fsahandbook/attachments/1718FSAHbkVol5Ch1.pdf>

We would be pleased if you contact us regarding any questions you may have.

Thank you.

Very Truly Yours,

Jeremy Rovinsky, Esq.
General Counsel
National Paralegal College
(800) 371-6105 x 131
jeremy@nationalparalegal.edu

Lisa Pimber
Director of Financial Aid
National Paralegal College
(800) 371-6105 x 202
lisa@nationalparalegal.edu

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

**See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24**

**IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE**

JAMES P.,)	1 CA-JV 13-0067
)	
Appellant,)	DEPARTMENT B
)	
v.)	MEMORANDUM DECISION
)	(Not for Publication -
REBECCA V., T.P.,)	103(G) Ariz.R.P. Juv.
)	Ct.; Rule 28 ARCAP)
Appellees.)	
)	
)	

Appeal from the Superior Court in Maricopa County

Cause No. JS12239

The Honorable Roland J. Steinle, Judge

VACATED AND REMANDED

Lopez & Associates PLLC	Phoenix
By Bernard P. Lopez	
Attorneys for Appellant	

Rebecca V., Appellee	Avondale
In Propria Persona	

G O U L D, Judge

¶1 James P. (“Father”) appeals the juvenile court’s judgment terminating his parental rights to his minor child, T.P. For the following reasons, we vacate the judgment terminating Father’s parental rights and remand for further proceedings consistent with this decision.

Facts and Procedural Background

¶2 On October 12, 2012, Rebecca V., mother of minor child T.P. (“Mother”), filed a petition for termination of parent-child relationship in Maricopa County Juvenile Court against Father.¹ Pursuant to A.R.S. § 8-535(A), the juvenile court issued an order setting an initial hearing on Mother’s petition for December 19, 2012. The order directed Mother to serve Father with notice of the date, time and location of the initial hearing.

¶3 Father did not appear at the initial hearing. When the juvenile court asked Mother if she had served Father, Mother stated her efforts to serve Father had been unsuccessful. Based on Mother’s statements, which were not under oath, the court granted Mother permission to serve Father by publication.

¶4 On February 27, 2013, Mother filed an affidavit of publication, stating that she had published notice of the initial hearing in *The Record Reporter*, a publication that is circulated only in Maricopa and Pima Counties. *The Record Reporter* is not published outside of Arizona.

¶5 On February 27, 2013, the court held a hearing regarding severance and Mother’s service by publication. Based on Mother’s affidavit of publication, the court

¹ Mother filed her petition as a private severance action pursuant to Arizona Revised Statutes (“A.R.S.”) section 8-533(A).

found that Father had been properly served, and entered a default judgment against Father terminating his parental rights. On March 4, 2013, a final judgment was filed terminating Father's parental rights.

¶6 On March 19, 2013, Father filed a notice of appeal from the court's judgment and a motion to set aside judgment. The court denied Father's motion to set aside the judgment on April 15, 2013; Father, however, has never filed a notice of appeal from this order.² We have jurisdiction pursuant to A.R.S. §§ 8-235(a) and 12-2101(A)(1).

Discussion

¶7 Father argues that the juvenile court lacked personal jurisdiction to terminate his parental rights because he was not properly served. We agree. Mother's failure to provide an affidavit containing evidence of a due diligence effort to personally serve Father rendered the judgment of the juvenile court void for lack of personal jurisdiction.

¶8 Arizona Rule of Procedure for the Juvenile Court 64(D)(3) mandates service in a severance case be conducted in compliance with Rules 4.1 or 4.2 of the Arizona Rules of Civil Procedure. Arizona Rule of Civil Procedure 4.2(f) permits service by publication when "the person to be served is one whose present residence is unknown but whose last known residence was outside the state . . . and service by

² Given that Father's notice of appeal was filed before the court ruled on his motion to set aside the judgment, we lack jurisdiction to consider whether the court abused its discretion in denying this motion. *See Lindsey v. Dempsey*, 153 Ariz. 230, 235, 735 P.2d 840, 845 (App. 1987) ("Since the ruling of which Lindsey complains occurred after the entry of judgment and the filing of the notice of appeal, we do not have jurisdiction to address it."). Thus, for purposes of this appeal, we have not considered the facts alleged in Father's motion to set aside the judgment.

publication is the best means practicable under the circumstances.” Rule 4.2(f) mandates that a party conducting service by publication “file an affidavit showing . . . the circumstances warranting utilization of [service by publication] which shall be prima facie evidence of compliance.” *Id.*

¶9 An affidavit filed pursuant to Rule 4.2(f) must provide sufficient “facts indicating . . . a due diligent effort to locate an opposing party to effect personal service.” *Sprang v. Petersen Lumber, Inc.*, 165 Ariz. 257, 261, 798 P.2d 395, 399 (App. 1990) (citations omitted). “[I]f the affidavit fails to indicate that due diligence was exercised to locate the defendant, the default judgment is void on its face for lack of jurisdiction.” *Id.* at 262, 798 P.2d at 400. In *Sprang*, we held that a “‘due diligent effort’ requires such pointed measures as an examination of telephone company records, utility company records, and records maintained by the county treasurer, county recorder, or similar record keepers.” 165 Ariz. at 261, 798 P.2d at 399; *see also Preston v. Denkins*, 94 Ariz. 214, 222-23, 382 P.2d 686, 691-92 (1963) (court lacked jurisdiction to enter default judgment following service by publication based on alleged lack of knowledge of defendants’ residences when simple inquiry would have revealed information); *Roberts v. Robert*, 215 Ariz. 176, 181, ¶ 24, 158 P.3d 899, 905 (App. 2007) (“[Although] the lienholders suggest they properly served Roberts . . . by publication, the record contains no evidence of what steps, if any, [they] took to identify and locate [him] before attempting service by publication. Therefore, we reverse”).

¶10 Aside from the requirements of Rule 4.2(f), a plaintiff seeking service by publication must also satisfy the “due process minimums” required by the Fourteenth

Amendment and articulated by the United States Supreme Court in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950). *Master Fin., Inc. v. Woodburn*, 208 Ariz. 70, 73, ¶ 15, 90 P.3d 1236, 1239 (App. 2004); *see also* Ariz. R. Civ. P. 4.1 cmt. In *Mullane*, the Court explained “when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it.” 339 U.S. at 315.

¶11 Here, the record contains no evidence that Mother filed an affidavit showing her due diligence efforts to serve Father. The only affidavit contained in the record is an affidavit of publication, indicating that Mother published notice in an Arizona newspaper.³ Otherwise, the record supporting publication consists of Mother’s unsworn avowals to the juvenile court at the December 19 hearing that: (1) she had not been able to serve Father at his last known address in Wisconsin, and (2) she had attempted to serve Father by certified mail and a process server, and both efforts had failed.

¶12 Based on the record before us, because Mother failed to file a detailed, sworn affidavit as required under Rule 4.2(f), we conclude the court erred in granting Mother leave to serve Father by publication.

³ In her answering brief, Mother references an “affidavit” from a process server allegedly detailing “six attempts” to serve Father in Wisconsin. This affidavit may in fact be the “paperwork” the juvenile court reviewed prior to approving service by publication at the December 19 hearing. Nonetheless, there is no such affidavit in the record before this court, and we will not speculate as to whether the juvenile court ever reviewed such an affidavit. Our review is limited to the record provided to us on appeal. *See Rancho Pescado, Inc. v. NW. Mut. Life Ins., Co.*, 140 Ariz. 174, 189, 680 P.2d 1235, 1250 (App. 1984) (finding that it is the duty of the appealing party to insure that the Court of Appeals receives all necessary evidence).

¶13 We also note that a party seeking service by publication must meet both the requirements of Rule 4.2(f) and the requirements of the Due Process Clause of the Fourteenth Amendment, as articulated by the United States Supreme Court in *Mullane. Master Fin., Inc.*, 208 Ariz. at 73, ¶ 15, 90 P.3d at 1239. In *Mullane*, the Court emphasized:

It would be idle to pretend that publication alone ... is a reliable means of acquainting interested parties of the fact that their rights are before the courts. It is not an accident that the greater number of cases reaching this Court on the question of adequacy of notice have been concerned with actions founded on process constructively served through local newspapers. Chance alone brings to the attention of even a local resident an advertisement in small type inserted in the back pages of a newspaper, and if he makes his home outside the area of the newspaper's normal circulation the odds that the information will never reach him are large indeed.

339 U.S. at 315. The general inadequacy of service by publication to acquaint “interested parties of the fact that their rights are before the courts” is assuredly behind Rule 4.2(f)’s language specifying that the person to be served must be one “whose present residence is unknown but whose last known residence was outside the state . . . and service by publication is the best means practicable under the circumstances for providing notice.” (Emphasis added). Here, although Mother stated that she believed Father’s last known address was in Wisconsin, Mother chose to publish in Maricopa and Pima Counties. Although Maricopa County was the “county where the action [was] pending,” as required by Rule 4.2(f), it was not “the best means practicable under the circumstances.”

¶14 Before 1994, Rule 4.2(f) included an “out-of-state publication requirement.” Our supreme court amended the Rule in 1994 to remove this requirement. The court comment to the amended rule explains that the court “acted out of concern for the unnecessary expense in the vast majority of cases in which out-of-state publication is ineffective as a means of providing notice.” Rule 4.2(f) cmt. 1994 Amendment. The court also explained, however, that it was “aware that in a small category of cases out-of-state publication might yield the best practicable notice under the circumstances” and emphasized that “[c]ounsel should always consider whether, in a given case, out-of-state publication may nevertheless be indicated.” *Id.*

¶15 Here, publication in a newspaper in Wisconsin, in addition to the Maricopa County publication required by the Rule, would have been the “means employed . . . one desirous of actually informing the absentee might reasonably adopt to accomplish it.” *Mullane*, 339 U.S. at 315. There is nothing in the record indicating that Mother could have reasonably expected Father to be informed of the proceedings against him through publication in Maricopa County’s *The Record Reporter*. Thus, as the Court recognized in *Mullane*, the odds were “large indeed” that out-of-state parties such as Father would come across a legal notice published in an Arizona newspaper. A notice published in a local newspaper in Wisconsin, on the other hand, could be “defended on the ground that it [was] in itself reasonably certain to inform those affected.” *Id.* We therefore conclude that publishing only in Arizona was not “the best means of notice under the circumstances,” *Master Fin., Inc.*, 208 Ariz. at 73, ¶ 15, 90 P.3d at 1239, or “notice reasonably calculated, under all the circumstances, to apprise

interested parties of the pendency of the action and afford them an opportunity to present their objections," *Mullane*, U.S. 339 at 314, and thus did not comply with the notice requirements of the Due Process Clause of the Fourteenth Amendment.

Conclusion

¶16 Based on the record before us, we conclude the juvenile court did not have personal jurisdiction over Father because Mother failed to properly serve him. As a result, the default judgment entered by the juvenile court terminating Father's parental rights is void. Accordingly, we vacate the judgment and remand this case to the juvenile court for further proceedings consistent with this decision.

ANDREW W. GOULD, Judge

CONCURRING:

PETER B. SWANN, Presiding Judge

PATRICIA K. NORRIS, Judge

IN THE AGUA FRIA JUSTICE COURT
COUNTY OF MARICOPA, STATE OF ARIZONA

TR2019-156042

8/20/2020

Jeremy A. Rovinsky, Judge Pro Tem

STATE OF ARIZONA

vs.

CHARLES GLENN MORRIS

MINUTE ENTRY

Defendant filed a Motion to Dismiss on 4/8/2020. This Court denied the Motion on 4/24/2020. Defendant then filed a Motion for Findings of Facts and Law on 8/04/2020, requesting “this Court to make specific findings of facts and conclusions of law in deciding this Motion.”

Defendant’s Motion To Dismiss compares Defendant’s situation to the Defendant in *State v. Holland*, 147 Ariz. 453 (1985). This comparison is misplaced. In *Holland*, “defendant’s attorney ... asked to have a confidential phone conversation with defendant.” 147 Ariz. 453, 455. Here, Defendant claims he was denied the right to a private conversation with his attorney. This Court’s review of the facts indicates that, while Defendant did tell his attorney, “I can’t talk freely, I have two police officers standing in front of me,” Defendant never requested privacy or any accommodation suggesting any implied request for privacy. Defendant never relayed any request from his attorney for privacy or any statement that his attorney was concerned about their ability to have a meaningful conversation with police officers in the near vicinity.

Neither Defendant - nor his attorney - ever requested privacy, and by failing to do so, Defendant waived his claim to private consultation. Because there was no interference with Defendant’s right to counsel, Defendant’s request for dismissal was inappropriate.



SAN MARCOS JUSTICE COURT

12-20-2018

Brad Habros
Deputy Court Manager
San Marcos Justice Court
201 East Chicago Street
Suite 103
Chandler, AZ 85225

To Whom It May Concern:

My name is Brad Habros, Deputy Court Manager with the San Marcos Justice Court. I have been working for the Justice Courts for over twenty two years.

I have known Pro Tem Judge Jeremy Rovinsky for approximately two years. Judge Rovinsky has served as a Pro Tem Judge for San Marcos Justice Court on several occasions.

While performing his judicial duties on the bench, I have observed Judge Rovinsky as conducting his judicial responsibilities in a very professional and judicious manner.

Judge Rovinsky has shown respect for litigants in the courtroom, carefully listens to both sides' issues before making a decision, and has been very courteous and professional with San Marcos court staff.

I would enthusiastically recommend Jeremy Rovinsky for a Court position.

Sincerely,

A handwritten signature in black ink that reads "Brad Habros". The signature is written in a cursive style and is followed by a long horizontal line.

Brad Habros

KEITH FRANKEL, Justice of the Peace
Phone (602) 372-3400
201 E Chicago St., Suite #103 Chandler, Arizona 85225
www.superiorcourt.maricopa.gov



Country Meadows Justice Court

December 21, 2019

To Whom It May Concern:

Let this letter serve as my recommendation for Pro Tem Judge Rovinsky.

I have known Judge Rovinsky for about two (2) years in the capacities of a Pro Tem for the Maricopa County Justice Courts. During this time, Judge Huberman and my staff have expressed their appreciation for his due diligence, quality of work and fairness on the bench. Having worked with many Pro Tem judges both in my current capacity as well as in my previous profession, Judge Rovinsky struck me as a judge who cares about the professionalism and integrity of the judicial branch.

Judge Rovinsky has excellent communication skills. He takes the time to thoroughly explain circumstances to the people we serve. Judge Rovinsky consistently applies rules and statutes in a highly professional and ethical manner. He is very dependable, flexible and willing to perform all tasks asked of him. He always have a great demeanor and very kind to court staff and litigants.

For all these reasons I strongly support and recommend Judge Rovinsky.

Should you need additional information regarding his candidacy, please do not hesitate to contact me at 602-372-8292 or at TracyThomas@mcjc.maricopa.gov.

Thank you for your attention.

Tracy L. Thomas
Court Manager
Country Meadows Justice Court
602-372-8292

ANNA HUBERMAN
Justice of the Peace
(602) 372-8000
10420 W. Van Buren St., Ste. 100 Avondale, Az 85323



ARCADIA BILTMORE JUSTICE COURT

December 31, 2018

Dear Hiring Committee,

I write to you on behalf of Jeremy Rovinsky. I know Jeremy in his capacity as Judge Pro Tempore for the Maricopa County Justice Courts. As a Justice of the Peace, I have a list of pro tem judges from whom I can choose to fill in for me when I need to be out of my court. I also have a staff of clerks who are very particular about who I pick to fill in for me. Jeremy Rovinsky is one of my staff's and my favorite pro tems. He is a favorite because he always does an outstanding job while here. He is good with the staff by making sure he communicates with them on how things are done in our court and proceeds accordingly. He knows the laws pertaining to Justice Courts very thoroughly and does well on and off the bench with the various hearings, trials and electronic and regular files he needs to sign. He is very efficient in his work and is always willing to help out in another court if needed while he is here. He is also very good with the litigants - very few appeals are processed while he is here and that is often a sign that the litigants felt like they were treated fairly and were able to understand everything during their court appearance.

On a personal level, I know Jeremy to be high energy and a very positive person to be around. He is very friendly and a good communicator. He is a family man with strong family values and I believe that gives him compassion toward all people which is a gift for a person working with the public. His positive attitude and strong work ethic makes him the right person for the position.

Please feel free to contact me if you need any further information.

Best regards,

/s/ Leonore M Driggs

LEONORE M. DRIGGS
Justice of the Peace
620 West Jackson Street, Suite 1046, Phoenix, Arizona 85003
Phone 602-372-6300, Fax 602-372-6412
www.justicecourts.maricopa.gov



MARICOPA COUNTY JUSTICE COURTS

December 20, 2019

Judicial Branch Human Resources
101 West Jefferson
East Court Building, 3rd Floor, Ste. B
Phoenix, Arizona 85003
Attention: Valerie Coronado

Re: Jeremy Rovinsky

Dear Selection Committee:

I know Jeremy through his service as a pro tem judge with the justice courts. After I retired, I did some pro tem work with the justice courts before becoming the administrator. I first met Jeremy through some training, but didn't really get to know him until we were covering for adjacent courts during the judicial conference in 2017. He was easy to interact with, and he asked good questions. I've kept in contact with him since.

According to our time records, Jeremy has put in over 100 hours as a pro tem judge with justice courts since the beginning of the fiscal year, so he is on pace to put in over 200 hours during a 12-month period. This is a lot of hours for what amounts to a "hey, can you fill-in" position. I am impressed with his commitment to serving as a judicial officer, especially considering that his work as General Counsel for the National Paralegal College. The reason he gets so many hours is that the court managers (the folks who schedule the pro tem judges in justice courts) believe that he is doing a good job. If a pro tem causes the staff stress, they don't get invited back. Jeremy gets invited back. There isn't a bigger compliment.

I understand that he regularly covers calendars for the following justice courts: Downtown, Arcadia-Biltmore, Moon Valley, Country Meadows, Desert Ridge, Encanto, and White Tank. Since I don't appear in court with the pro tem, I've gathered personal input from the court managers in three of these courts about his work. They really like him.

In addition to the high volume work, Jeremy is also getting jury trial experience as a pro tem judge. He presided over two DUI trials, and I understand that he has been scheduled to handle more in the future.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Morrow", with a long horizontal flourish extending to the right.

Jim Morrow
Administrator
(602) 372-1561 office
(602) 309-2100 mobile



To Whom It May Concern:

I strongly encourage you to appoint Jeremy Rovinsky. I serve as Director of Student Services at National Paralegal College, and Jeremy has been my colleague for the past 5 years, since he joined our administrative staff as Dean & General Counsel. In this role, he has brought his experiences from Congressional offices, court chambers, law firms, and government agencies to exhilarate our school.

Jeremy's most notable skill is his attention to detail. This skill manifests itself in multiple areas:

1. He consistently receives positive student feedback when he teaches legal courses, as he makes sure the material he presents is clear and communicated at an appropriate level to the students in his classes. He provides his students with very detailed feedback that is positive, caring, and constructive, enabling his students to grasp the material with confidence and a feeling of his dedicated support.
2. He pays attention to laws, school policies, and best practices, those mandated by our accreditation agency and those suggested by our colleagues in higher education. This leads to success in school administration.
3. He pays attention to individuals. He is well liked and respected by colleagues at National Paralegal College, as well as by the professors who answer to him, and the students themselves.

Jeremy also holds himself to a strong ethical demeanor and his moral character displays itself not only in the way he acts as a role model in the office, but also in the dedication he puts into raising his own family and dedicating time and resources to supporting community causes outside of the office.

I am confident that our state would greatly benefit from Jeremy's wisdom, idealism, high energy, and dedication. I would be pleased to further discuss my observations of him with you should you desire.

Sincerely,

Dana Wasserstrom

Director of Admissions/Registrar

[National Paralegal College](#)

717 E Maryland Ave Suite 115

Phoenix, AZ 85014-1263

FAX: [\(866\) 347-2744](tel:(866)347-2744)

TEL: [\(800\) 371-6105](tel:(800)371-6105) ext 126



Recommendation Letter for Jeremy Rovinsky:

I have known Jeremy Rovinsky for several years. We are fellow co-workers for National Paralegal College and National Juris University. Jeremy is the Dean and I am the Director of Financial Aid. We interact daily about students, and rules and regulations. Jeremy is professional, he gives great advice and is always the first one to assist in a difficult situation.

Jeremy's strengths include his extensive legal knowledge. He also empowers and motivates people. Working at NPC/NJU he has gained knowledge in the workings of a college atmosphere. He views each situation, and supporting documentation before making his legal unbiased decision. I find his presence in our office to be delightful. He works very well with others. He is always friendly and happy. We can always count on Jeremy to lend a hand when needed and to motivate the team.

As a Dean he must work with all Departments here at NPC/NJU. We have instructors, financial aid, admissions, and student services. All which Jeremy works with daily. I can assure you that everyone he works with can give him the same recommendation and reference letter as I have.

I feel that without Jeremy here at NPC/NJU we would be at a loss. His cheerful, go get them attitude and motivation is a crucial part of our team. He is always positive and willing to lend a hand when needed. I would highly recommend you hire Jeremy Rovinsky. His knowledge, teamwork, and the willingness to succeed will produce nothing less than a successful team.

Sincerely,

Lisa Pimber

Director of Financial Aid
National Paralegal College
Ph: 800-371-6105 ext 202
Fax: 866-347-2744



From the desk of Rabbi Gavriel Goetz
Head of School

March 2020

I write in strong support of Jeremy Rovinsky's application. I've developed a friendship with Jeremy over the past 6 years due to our common commitment to contribute to our local community. In a professional setting, I serve as Principal of the Yeshiva High School of Arizona. Five years ago, our school was desperate for a government teacher. When we approached Jeremy, he did the school a favor by agreeing to teach our government course.

Jeremy was the best government teacher our school has ever had. Instead of taking the "easy way out," Jeremy decided to put in additional work and dedication in order to offer the course as an AP option for students seeking to do extra work and earn college credit. Additionally, Jeremy created a Constitution team to compliment the class, and had the students participate in the *We The People* competition – exposing the students to enhanced philosophical and historical dimensions of the Constitution and working with them on a collective and individual basis to strengthen their writing and speaking skills. Every student left with a memorable experience and a feeling of accomplishment thanks to Jeremy's vision, hard work, and dedication.

Jeremy is a passionate teacher who cares about imbuing a sense of civic duty into his students. I have personally observed him in the classroom and his passion for the law, knowledge of the material, and engagement of students is palpable.

I can't imagine a better qualified and more passionate candidate than Jeremy. I would be happy to further discuss my support of Jeremy's application with you should you have any additional questions.

Sincerely,

Rabbi Gavriel Goetz

Yeshiva High School of Arizona
7045 N 12th St.
Phoenix, AZ 85020

azyeshiva.org
Tel: 602-266-1213
Fax: 800-660-0335



Jeremy Rovinsky <rambam@gmail.com>

Fw: Pro Tem

5 messages

William Wingard (SUP) <William.Wingard@jbazmc.maricopa.gov>
To: Jeremy Rovinsky <JRovinsky@law.gwu.edu>

Mon, Nov 23, 2020 at 4:59 PM

Wanted to thank you again for helping the feedback as you can see was great.

From: Melanie Simmons (SUP) <Melanie.Simmons@jbazmc.maricopa.gov>
Sent: Monday, November 23, 2020 2:56 PM
To: William Wingard (SUP) <William.Wingard@JBAZMC.Maricopa.Gov>
Cc: Adrijana Vojvodic (SUP) <Adrijana.Vojvodic@JBAZMC.Maricopa.Gov>
Subject: Pro Tem

Good Afternoon Commissioner,

I just wanted to give you positive feedback. Jeremy Rovinsky is the assigned Pro Tem in Comm. Clarke's division today. If EDC could have him every day forever, we wouldn't mind a bit! He has already won over the staff and he is running the courtroom like a pro!

Respectfully,

Melanie Simmons | Judicial Clerk Supervisor | Superior Court of Arizona in Maricopa County | South Court Tower, Suite 3110 | 602.506.6556



Committed to excellence and the principles inherent in the rule of law...
every person, every day, every time.

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Jeremy Rovinsky <JRovinsky@law.gwu.edu>
To: "William Wingard (SUP)" <William.Wingard@jbazmc.maricopa.gov>

Mon, Nov 23, 2020 at 5:53 PM

Thanks very much! Everybody was so friendly and I can't wait to come back and help again soon! I appreciate the feedback.

[Quoted text hidden]

2 attachments

image001.png

[Faculty, Staff, and Administration](#)

Jeremy Rovinsky

Adjunct/Affiliated Professor

Jeremy Rovinsky serves as Dean and General Counsel of National Paralegal College. He has taught at both ABA-approved and online law schools. As a Judge Pro Tem for the Trial Courts of Arizona, he has presided over criminal and civil hearings, including bench and jury trials. He has worked in the New York State Assembly, the U.S. Congress, the U.S. Senate, and the Department of Justice. Mr. Rovinsky worked in private law offices in New York, Washington D.C., and in the Middle East, and worked directly under the general counsel at the D.C. Office of Human Rights. His work at a plaintiff class action law firm included assisting the firm in the representation of a number of well-known athletes and celebrities. While his book, *Basic Trust Drafting*, 2nd ed. (co-authored with a colleague), was listed by BookAuthority.org as one of the "18 Best New Estate Planning Books to Read in 2019", his academic publications have mostly focused on Public International Law, specifically the intersection between animal rights and law and religion. He recently published *Don't Have A Cow, Flanders: Guidance For The European Court of Justice As It Considers The Flemish Parliament's Ban On Ritual Slaughter*, 97 Univ. Det. Mercy L. Rev. 180 (2020), which was listed on SSRN's Top Ten download lists for Comparative Constitutional Law and Law & Religion.

Mr. Rovinsky was awarded a dean's scholarship to study at American University, graduated magna cum laude with joint degrees in Philosophy and Political Science, was made a member of the Phi Beta Kappa honor society, and graduated with honors from the George Washington University Law School. He also holds an M.B.A. and two Jewish Orthodox Rabbinic ordinations.



Jeremy Rovinsky

Faculty and Administration

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[SENIOR LEADERSHIP](#)

[FACULTY EMERITUS](#)

[INSTRUCTORS](#)

[ADJUNCT FACULTY](#)

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Expand It.

Jeremy Rovinsky brings a wealth of experience to the firm serving Of Counsel. He worked for other law firms and managed his own law firm until he was selected for a clerkship with Judge Andrew Gould at the Arizona Court of Appeals. Subsequently, he served as General Counsel and Dean of National Paralegal College. He frequently teaches courses on Constitutional Law, Contracts, Legal Writing, and Legal Ethics. His legal analysis has been featured in [US News & World Report](#), [Forbes](#), and [The New York Times](#). He has served as a Pro Tem Judge for the Trial Courts of Arizona since 2017, presiding over a wide range of bench and jury trials, and was recently appointed to the Arizona Supreme Court's Commission on Judicial Performance Review, to "judge the judges". Jeremy graduated with honors from the George Washington University law School, and also holds an MBA and two Orthodox Jewish rabbinical ordinations.