

Arizona Supreme Court

Rule 28 Petition

R-24-0046

IN RE RULE 53, RULES OF THE SUPREME COURT

Appellate Case Information

Case Filed: 25-Apr-2024

Case Closed:

Dept/Composition

Side 1. RULE 53, RULES OF THE SUPREME COURT, Other

(Litigant Group) PETITIONER: DAVID K. BYERS

- David K Byers, Administrative Office of the Courts, Petitioner

CASE STATUS

Apr 29, 2024.....Circulating (until 5/31/24)

Apr 25, 2024.....Pending

2 PROCEEDING ENTRIES

- 25-Apr-2024 FILED: Petition to Amend Rule 53, Rules of the Arizona Supreme Court (Expedited consideration and emergency adoption requested) (Petitioner David K. Byers, Administrative Office of the Courts, Administrative Director)
- 29-Apr-2024 On April 25, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed a rule petition on AOC's behalf to amend Rule 53 of the Rules of the Supreme Court of Arizona. The proposed amendments would adopt a new subpart (a) imposing a standing requirement to qualify as a complainant in a State Bar proceeding and renumber the subparts currently in the rule to accommodate the insertion of a new subpart (a).

Petitioner further requests that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, and be considered during the Court's August 2024 Rules Agenda. He also requests that the amendments be adopted on an emergency basis under Rule 28(h)(2) of the same rules. He further proposes that the Court open the petition for public comment for a limited time period before considering whether to adopt the amendments on an emergency basis and, if it does decide to adopt the amendments, reopen the comment period before considering whether to adopt the amendments on a permanent basis.

Upon consideration,  
IT IS ORDERED granting the request to consider this petition on an expedited basis.

IT IS FURTHER ORDERED that the Court will consider the petition during its August 2024 Rules Agenda and decide whether to adopt the proposed amendments on an emergency basis. If it does, the Court will reopen the public comment period and consider whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda.

IT IS FURTHER ORDERED that this petition is opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than May 31, 2024, and any reply due no later than June 17, 2024.

The petition may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules (such as the "Rules of the Supreme Court"), which can be found by scrolling down the page.

For instructions on how to post comments electronically, click on <https://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."

Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail. (Hon. Robert Brutinel)