

Arizona Supreme Court

Rule 28 Petition

R-24-0039

RULE 38(d), RULES OF PROTECTIVE ORDER PROCEDURE

Appellate Case Information

Case Filed: 10-Jan-2024

Case Closed: 20-Aug-2024

Dept/Composition

Side 1. RULE 38(d), RULES OF PROTECTIVE ORDER PROCEDURE, Other

(Litigant Group) PETITIONER: MIKE PALMER

• Mike Palmer, Petitioner

(Litigant Group) COMMENTOR: COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

• Committee on the Impact of Domestic Violence and the Courts, Commentor

• Wendy A Million, Committee on the Impact of Domestic Violence and the Courts, Commentor

(Litigant Group) COMMENTOR: ARIZONA COMMISSION ON ACCESS TO JUSTICE

• Arizona Commission on Access to Justice, Commentor

• Hon Samuel A Thumma, Arizona Commission on Access to Justice, Commentor

(Litigant Group) COMMENTOR: ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL ("APAAC")

• Arizona Prosecuting Attorneys' Advisory Council, Commentor

Attorneys for: Commentor

Elizabeth Burton Ortiz, Esq. (AZ Bar No. 12838)

(Litigant Group) COMMENTOR: CLARK & WALKER, P.C.

• Clark & Walker PC, Commentor

Attorneys for: Commentor

Christopher R Walker, Esq. (AZ Bar No. 28977)

CASE STATUS

Aug 20, 2024...Case Closed

Aug 20, 2024...Decision Rendered

CASE DECISION

20-Aug-2024 ORDER

* WOULD ABROGATE RULE 38(d) OF THE ARIZONA RULES OF PROTECTIVE ORDER PROCEDURE, WHICH SETS FORTH PROCEDURES FOR AMENDING A PETITION IF THE PLAINTIFF WISHES TO TESTIFY OR PRESENT EVIDENCE ABOUT ALLEGATIONS THAT WERE NOT INCLUDED IN THE PETITION

Filed: 20-Aug-2024

Mandate:

Decision Disposition

Denied

ORDERED:

8 PROCEEDING ENTRIES

1. 10-Jan-2024 FILED: Petition to Abrogate ("Repeal") New Rule 38(d) of the Arizona Rules of Protective Order Procedure for Lack of Statutory Authority and Due Process Violation (Petitioner Mike Palmer)

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RULE 38(d), RULES OF PROTECTIVE ORDER PROCEDURE

8 PROCEEDING ENTRIES

2. 17-Jan-2024 Rule petitions have been filed in the above-captioned matters under Rule 28(a), Rules of the Supreme Court of Arizona. Upon consideration,
- IT IS ORDERED that these petitions are opened for public comment pursuant to Rule 28(c), Rules of the Supreme Court of Arizona. Comments must be submitted by no later than Wednesday, May 1, 2024, and any reply by a petitioner must be submitted no later than Monday, June 3, 2024.
- The petitions 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, for example, Rules of Criminal Procedure, which is found by scrolling down the page.
- For instructions on how to post comments electronically, follow the steps listed above and click on <http://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. John R. Lopez IV)
3. 23-Apr-2024 FILED: Comment to Petition to Repeal Rule 38(d), Arizona Rules of Protective Order Procedure (Committee on the Impact of Domestic Violence and the Courts by Hon. Wendy A. Million, Chair)
4. 29-Apr-2024 FILED: Comments of the Arizona Commission on Access to Justice Opposing the Petition (Arizona Commission on Access to Justice by Samuel A. Thumma, Chair)
5. 1-May-2024 FILED: Arizona Prosecuting Attorneys' Advisory Council Comment in Opposition (Arizona Prosecuting Attorneys' Advisory Council ("APAAC") by Elizabeth Burton Ortiz, Executive Director)
6. 1-May-2024 FILED: (Comment) (Clark & Walker, P.C. by Christopher R. Walker)
7. 3-Jun-2024 FILED: Petitioner's Reply to the CIDVC, the AZ Comm'n on Access to "Justice," and the APAAC (Petitioner Mike Palmer)
8. 20-Aug-2024 WOULD ABROGATE RULE 38(d) OF THE ARIZONA RULES OF PROTECTIVE ORDER PROCEDURE, WHICH SETS FORTH PROCEDURES FOR AMENDING A PETITION IF THE PLAINTIFF WISHES TO TESTIFY OR PRESENT EVIDENCE ABOUT ALLEGATIONS THAT WERE NOT INCLUDED IN THE PETITION
- ORDERED: Petition to Abrogate Rule 38(d) of the Arizona Rules of Protective Order Procedure = DENIED.
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