

Arizona Supreme Court

Rule 28 Petition

R-24-0046

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

(Litigant Group) COMMENTOR: DIANNE POST

- Dianne Post, Commentor
AZ Bar No. 6141
[Current Member]
Admitted 1/8/80

(Litigant Group) COMMENTOR: REGINA NASSEN

- Regina L Nassen, Commentor
AZ Bar No. 14574
[Current Member]
Admitted 10/24/92

(Litigant Group) COMMENTOR: GEORGE A. RIEMER

- George A Riemer, Commentor
AZ Bar No. 17034
[Current Member]
SOLE PRACTITIONER
Admitted 7/1/96

(Litigant Group) COMMENTOR: VICTOR ARONOW

- Victor A Aronow, Commentor
AZ Bar No. 2764
[Current Member]
SOLE PRACTITIONER
Admitted 6/8/71

(Litigant Group) COMMENTOR: SENATOR WARREN PETERSEN

- Warren Petersen, Commentor

(Litigant Group) COMMENTOR: RALPH ADAMS

- Ralph W Adams, Commentor
AZ Bar No. 15599
[Current Member]
Admitted 10/22/94

(Litigant Group) COMMENTOR: AMELIA CRAIG CRAMER

- Amelia C Cramer, Commentor
AZ Bar No. 18297
[Current Member]
Admitted 10/18/97

(Litigant Group) COMMENTOR: PHOENIX NEWSPAPERS, INC.

- Phoenix Newspapers Inc, Commentor

Attorneys for: Commentor

Matthew E Kelley, Esq. (AZ Bar No. 37353)

David Jeremy Bodney, Esq. (AZ Bar No. 6065)

CASE STATUS

Aug 23, 2024...Continued

Apr 25, 2024.....Pending

14 PROCEEDING ENTRIES

- 1. 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)

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2. 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)

3. 9-May-2024 FILED: Comment in Response to Petition R-24-0046 (Dianne Post)

4. 28-May-2024 FILED: (Comment) (Regina Nassen)

5. 29-May-2024 FILED: (Comment) (George A. Riemer)

6. 29-May-2024 FILED: (Comment) (Victor Aronow)

7. 29-May-2024 FILED: Comment (Senator Warren Petersen)

8. 29-May-2024 FILED: (Comment) (Ralph Adams)

9. 30-May-2024 FILED: (Comment) (Amelia Craig Cramer)

10. 30-May-2024 FILED: Comment (Phoenix Newspapers, Inc.)

11. 17-Jun-2024 FILED: Reply (Petitioner David K. Byers, Administrative Office of the Courts, Administrative Director)

12. 20-Aug-2024 WOULD AMEND RULE 53 OF THE RULES OF THE SUPREME COURT OF ARIZONA TO IMPOSE A STANDING REQUIREMENT TO QUALIFY AS A COMPLAINANT IN A STATE BAR DISCIPLINARY PROCEEDING

ORDERED: Petition to Amend Rule 53, Rules of the Arizona Supreme Court = ADOPTED as modified on an emergency basis, effective immediately.

FURTHER ORDERED: The petition and amendments are reopened for public comment, with all comments due no later than October 1, 2024 and any reply due no later than October 15, 2024.

FURTHER ORDERED: The Court will decide whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda.

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13. 23-Aug-2024 Arizona, and be considered during the Court's August 2024 Rules Agenda. He further requested that the amendments be adopted on an emergency basis under Rule 28(h)(2) of the same rules. The Court granted the requested to consider the petition on an expedited basis. Having considered the petition,
- IT IS ORDERED, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, that Rule 53 of the Rules of the Supreme Court of Arizona is hereby amended on an emergency basis in accordance with the amendments shown on the attachment to this order, effective immediately.
- IT IS FURTHER ORDERED that during its December 2024 Rules Agenda, the Court will consider whether to adopt the rule amendment on a permanent basis.
- IT IS FURTHER ORDERED that this petition and the amendments to Rule 53 of the Rules of the Supreme Court of Arizona shown in the attachment to this order are reopened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than October 1, 2024, and any reply due no later than October 15, 2024.
- The petition and the amendments to Rule 53 of the Rules of the Supreme Court shown in the attachment to this order 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 the Supreme Court," which is 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. Ann A. Scott Timmer)
14. 28-Aug-2024 On August 23, 2024, the Court entered an order amending on an emergency basis Rule 53 of the Rules of the Supreme Court of Arizona by adopting a new subpart (a). Since the entry of that order, the Court has discovered that the second sentence of newly adopted Rule 53(a) erroneously refers to "serious misconduct" rather than "sanctionable misconduct." To correct this error,
- IT IS ORDERED amending the Court's order of August 23, 2024 by replacing the phrase "serious misconduct" in the second sentence of newly adopted Rule 53(a) with the phrase "sanctionable misconduct," effective immediately. (Hon. Ann A. Scott Timmer)