

Arizona Supreme Court

Rule 28 Petition

R-24-0050

RULE 45(a), RULES OF THE SUPREME COURT

Appellate Case Information

Case Filed: 10-Jul-2024

Case Closed:

Dept/Composition

Side 1. RULE 45(a), RULES OF THE SUPREME COURT, Other

(Litigant Group) PETITIONER: DAVID K. BYERS

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

CASE STATUS

Aug 22, 2024....Continued

Jul 10, 2024.....Circulating

Jul 10, 2024.....Pending (until 10/1/24)

4 PROCEEDING ENTRIES

- 1. 10-Jul-2024 FILED: Petition to Amend Supreme Court Rule 45(a) (Expedited Consideration and Emergency Adoption Requested) (Petitioner David K. Byers, Administrative Office of the Courts, Administrative Director)
2. 10-Jul-2024 On July 10, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts, filed a rule petition to amend Rule 45(a) of the Rules of the Supreme Court of Arizona to implement a statute that was adopted in the last legislative session. The statute provides that continuing education credit earned by a State Bar member for state agency licensing renewal may be applied to the member's annual CLE requirement if certain conditions are met.

To ensure that the Court considers and acts on the proposed amendment before the statute goes into effect on September 14, 2024, Petitioner further requests that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, and the proposed rule amendment be adopted on an emergency basis under Rule 28(h)(2) of the same rules.

Upon consideration,

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

IT IS FURTHER ORDERED that during its August 2024 Rules Agenda, the Court will consider whether to adopt on an emergency basis the proposed amendment to Rule 45(a) of the Rules of the Supreme Court of Arizona. If it does, the Court will consider whether to adopt the rule amendment on a permanent basis during its December 2024 Rules Agenda. If it decides not to adopt the proposed rule amendment on an emergency basis, the Court will decide whether to adopt it on a non-emergency 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 October 1, 2024, and any reply due no later than October 15, 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. Ann A. Scott Timmer)

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RULE 45(a), RULES OF THE SUPREME COURT

4 PROCEEDING ENTRIES

3. 20-Aug-2024 WOULD AMEND RULE 45(a) OF THE RULES OF THE SUPREME COURT OF ARIZONA TO IMPLEMENT A RECENT STATUTE PROVIDING THAT CONTINUING EDUCATION CREDIT BY A STATE BAR MEMBER FOR STATE AGENCY LICENSING RENEWAL MAY BE APPLIED TO THE MEMBER'S ANNUAL CLE REQUIREMENT IF CERTAIN CONDITIONS ARE MET
- ORDERED: Petition to Amend Supreme Court Rule 45(a) = ADOPTED as modified on an emergency basis, effective September 14, 2024.
- FURTHER ORDERED: The Court will decide whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda.
4. 22-Aug-2024 On July 10, 2024, David K. Byers, on behalf of the Administrative Office of the Courts, filed a rule petition proposing to amend, on an emergency basis, Rule 45(a) of the Rules of the Supreme Court of Arizona.
- This Court is vested with exclusive authority over procedural rulemaking and the regulation of the practice of law. Although the Legislature may regulate the practice of law by statute, such regulation cannot be inconsistent with the mandates of this Court. The Court finds that the petition concerns matters within the Court's plenary power but that it proposes reasonable adjustments to the rules governing the practice of law.
- Having considered the petition,
- IT IS ORDERED, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, that Rule 45(a) of the Rules of the Supreme Court of Arizona is amended on an emergency basis in accordance with the attachment to this order, effective on September 14, 2024.
- IT IS FURTHER ORDERED, consistent with the Court's July 10, 2024 order, that the Court will consider whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda. (Hon. Ann A. Scott Timmer)