

Arizona Supreme Court

Rule 28 Petition

R-25-0047

RULE 55(c), RULES OF PROBATE PROCEDURE

Appellate Case Information

Case Filed: 19-Sep-2025
Case Closed:

Dept/Composition

Side 1. RULE 35(c), RULES OF PROBATE PROCEDURE, Other

(Litigant Group) PETITIONER: DAVID K. BYERS

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

(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

CASE STATUS

Sep 22, 2025....Continued

Sep 19, 2025....Pending

5 PROCEEDING ENTRIES

- 1. 19-Sep-2025 FILED: Petition to Amend Rule 55(c) the Rules of Probate Procedure (Expedited consideration and emergency adoption requested) (Petitioner David K. Byers, Administrative Director, Administrative Office of the Courts)
2. 22-Sep-2025 On September 19, 2025, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed a rule petition on AOC's behalf to amend Rules 55(c) of the Arizona Rules of Probate Procedure. The proposed amendment would authorize AOC's Administrative Director to adopt, approve, or modify forms associated with the Probate Rules. Petitioner further requests that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, so it can be considered during the Court's November 2025 Rules agenda. He also requests that the proposed rule amendment be adopted on an emergency basis under Rule 28(h)(2) of the same rules, effective January 1, 2026. Upon consideration, IT IS ORDERED granting the request to consider this petition on an expedited basis. IT IS FURTHER ORDERED that during its November 2025 Rules Agenda, the Court will consider whether to adopt on an emergency basis the proposed amendment to Rule 55(c) of the Arizona Rules of Probate Procedure. If it does, the Court will consider whether to adopt the rule amendment on a permanent basis during its August 2026 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 the August 2026 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 23, 2025, and any reply due no later than October 30, 2025. 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 Probate Procedure," which applies here), 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)
3. 26-Nov-2025 WOULD AMEND RULE 55(c) OF THE ARIZONA RULES OF PROBATE PROCEDURE TO AUTHORIZE THE AOC ADMINISTRATIVE DIRECTOR TO ADOPT OR MODIFY PROBATE RULE FORMS ORDERED: Petition to Amend Rule 55(c) the Rules of Probate Procedure (Expedited consideration and emergency adoption requested) = ADOPTED as modified on an emergency basis, effective January 1, 2026. FURTHER ORDERED: The Court will decide whether to adopt the rule amendments on permanent basis during the August 2026 Rules Agenda. FURTHER ORDERED: This matter is opened for public comment on whether the amendments should be adopted on a permanent basis, with all comments due no later than May 1, 2026, and any reply by June 1, 2026.

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5 PROCEEDING ENTRIES

4. 26-Nov-2025 On September 19, 2025, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed a rule petition on AOC's behalf to amend Rules 55(c) of the Arizona Rules of Probate Procedure. Petitioner further requested that the proposed rule amendments be adopted on an emergency basis under Rule 28(h)(2) of the Rules of the Supreme Court of Arizona. On September 22, 2025, the Court granted Petitioner's request for expedited consideration and opened the petition for public comment until October 23, 2025. Having considered the petition and received no comments,
- IT IS ORDERED, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, that Rule 55(c) of the Arizona Rules of Probate Procedure is amended on an emergency basis in accordance with the attachment to this order, upon the adoption of a conforming amendment to Section 3-302(D)(5)(b) of the Arizona Code of Judicial Administration, but no earlier than January 1, 2026.
- IT IS FURTHER ORDERED, consistent with the Court's September 22, 2025 order, that the Court will consider whether to adopt the rule amendments on a permanent basis during its August 2026 Rules Agenda.
- IT IS FURTHER ORDERED that this matter is reopened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, on whether the amendments should be adopted on a permanent basis, with all comments due no later than May 1, 2026, and any reply due no later than June 1, 2026.
- Rule petitions, including this one, 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, the Arizona Rules of Probate Procedure can be found by scrolling down the page.
- For instructions on how to post comments electronically, follow the steps listed above and click on "FAQ" at the top of the "Welcome" page and then find "How do I file a comment on a Rule 28 petition?"
- Alternatively, commenters may submit a comment by filing an original and one paper copy of the comment and one electronic copy of the written comment and any 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, Arizona 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)
5. 29-Apr-2026 FILED: Comments of the Arizona Commission on Access to Justice Remaining Neutral on the Petition (Arizona Commission on Access to Justice by Judge Samuel A. Thumma, Chair)