

Arizona Supreme Court**Rule 28 Petition****R-26-0038****RULES 73 AND 74, RULES OF CIVIL PROCEDURE****Appellate Case Information**

Case Filed: 25-Jun-2026

Case Closed:

Dept/Composition**Side 1. RULES 73 AND 74, RULES OF CIVIL PROCEDURE, Other****(Litigant Group) PETITIONER: DAVID K. BYERS**

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

CASE STATUS

Jun 29, 2026....Circulating (until 10/1/26)

Jun 29, 2026....Circulating

Jun 25, 2026....Pending

2 PROCEEDING ENTRIES

- 25-Jun-2026 FILED: Petition to Amend Rules 73 and 74 of the Arizona Rules of Civil Procedure (Expedited Consideration Requested) (Petitioner David K. Byers, Administrative Director, Administrative Office of the Courts)
- 29-Jun-2026 On June 25, 2026, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed a rule petition on AOC's behalf to amend Rules 73 and 74 of the Rules of Civil Procedure. The amendments are intended to assist the superior court in counties where there is a shortage of eligible arbitrators residing in the county. Among other things, the proposed amendments would: (a) give the superior court in each county the option to eliminate the current requirement that arbitrators must be residents of that county and to allow the appointment of lawyers who reside in other counties; and (b) require arbitration hearings to be conducted using video-conferencing technology, unless the arbitrator finds that an in-person hearing would not unduly inconvenience any participant.

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 December 2026 Rules Agenda. Petitioner says it seeks this relief to permit the proposed amendments to be adopted with an effective date of January 1, 2027.

Upon consideration,

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

IT IS FURTHER ORDERED that during its December 2026 Rules Agenda, the Court will consider whether to adopt the petition's proposed amendments.

IT IS FURTHER ORDERED that if the Court decides to adopt the proposed amendments, it will further consider whether they should go into effect on January 1, 2027, or to defer the effective date until July 1, 2027, to ensure that the amendments are available in published rulebooks and electronic services before they go into effect.

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, 2026, and any reply due no later than October 15, 2026.

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. For example, the Rules of Civil Procedure 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 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)