

Arizona Supreme Court**Rule 28 Petition****R-26-0042****RULES 38 AND 39, RULES OF THE SUPREME COURT****Appellate Case Information**

Case Filed: 13-Jul-2026

Case Closed:

Dept/Composition**Side 1. RULES 38 AND 39, RULES OF THE SUPREME COURT, Other****(Litigant Group) PETITIONER: DAVID K. BYERS**

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

CASE STATUS

Jul 14, 2026.....Circulating (until 10/1/26)

Jul 13, 2026.....Pending

2 PROCEEDING ENTRIES

1. 13-Jul-2026 FILED: Petition to Amend Rules 38 and 39 of the Rules of the Supreme Court of Arizona (Expedited Consideration and Emergency adoption requested) (Petitioner David K. Byers, Administrative Director, Administrative Office of the Courts)
2. 14-Jul-2026 On July 13, 2026, David K. Byers, Administrative Director of the Administrative Office of the Courts, filed a rule petition to adopt a new Rule 38(e) of the Rules of the Supreme Court governing the certification of a military servicemember or servicemember's spouse to practice law in Arizona. It also would abrogate Rule 39(d) of the same rules, which deals with servicemembers' spouses.

Petitioner further requests that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, and that the amendments it proposes 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 2026 Rules Agenda, the Court will consider whether to adopt on an emergency basis the new Rule 38(e) of the Rules of the Supreme Court of Arizona and to abrogate on an emergency basis Rule 38(d) of the same rules. If it does, the Court will consider whether to adopt the rule amendments on a permanent basis during its December 2026 Rules Agenda. If it decides not to adopt the proposed rule amendments on an emergency basis, the Court will decide whether to adopt them on a non-emergency basis during its December 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 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 the Supreme Court" 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)