

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
RULE 615, RULES OF EVIDENCE ) No. R-23-0003  
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\_\_\_\_\_ ) **FILED 08/24/2023**

**ORDER AMENDING RULE 615 OF  
THE ARIZONA RULES OF EVIDENCE**

A petition having been filed proposing to amend Rule 615 of the Arizona Rules of Evidence, and comments having been received, upon consideration,

**IT IS ORDERED** that Rule 615 of the Arizona Rules of Evidence is amended in accordance with the attachment to this order, effective January 1, 2024.

DATED this 24<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
/s/  
ROBERT BRUTINEL  
Chief Justice

TO:

Rule 28 Distribution

Hon Sara J Agne, Tax Court Presiding Judge

Maria Elena Cruz

David J Euchner

Kate Milewski

Lisa M Panahi

Lina G Garcia

Rosemarie Pena-Lynch

Steve B Koestner

Sherri McGuire Lawson

Gary M Kula

Shannon L Burns

## ATTACHMENT<sup>1</sup>

### ARIZONA RULES OF EVIDENCE

#### Rule 615. Excluding Witnesses

At a party's request, the court must order witnesses excluded from the courtroom and prohibited from receiving trial testimony through any means, so that they cannot hear or review other witnesses' testimony. Or the court may do so on its own. But this rule does not authorize excluding:

(a) [No change]

(b) ~~an~~one officer or employee of a party that is not a natural person, ~~after being~~ if that officer or employee has been designated as the party's representative by its attorney;

(c) a any person whose presence a party shows to be essential to presenting the party's claim or defense;

(d)-(e) [No change]

#### Comment to 2024 Amendment

The rule does not limit the court's discretion to allow an entity-party to substitute its representative during trial under appropriate circumstances. If an entity seeks to have more than one witness-representative protected from exclusion, it is free to try to show under (c) that the witness is essential to presenting the party's claim or defense. Nothing in this amendment prohibits a court from exempting from exclusion multiple witnesses if they are found essential under (c).

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<sup>1</sup> Additions to the text of a rule are shown by underscoring and deletions from text are shown by ~~strike-through~~.