

Samuel A. Thumma
Chair, Arizona Commission on Access to Justice
Judge, Arizona Court of Appeals
Division One
State Courts Building
1501 West Washington Street
Phoenix, AZ 85007-3329
Telephone: (602) 452-6700

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:) Supreme Court No. R-24-0013
)
PETITION TO AMEND RULE) **COMMENTS OF THE ARIZONA**
38(f)(1),(2) and (3) OF THE) **COMMISSION ON ACCESS TO**
ARIZONA RULES OF PROTECTIVE) **JUSTICE**
ORDER PROCEDURE)
_____)

The Arizona Commission on Access to Justice is charged with considering and recommending innovative ways to promote access to justice for individuals who cannot afford legal counsel or who choose to represent themselves in civil cases. Established in 2014, the Commission evaluates best practices, identifies possible changes in court rules or practices to reduce barriers to access, identifies and encourages the adoption of best practices among legal service providers, and considers potential long-term funding options.

Following a presentation at the April 11, 2024, Commission meeting, a motion was made and seconded that the Commission remain neutral as to Rule Change Petition No. R-24-0013 but that it provide information that may be useful as

the petition is considered. After discussion by members of the Commission, that motion passed by majority vote. This Comment is a result of that formal Commission action and is intended to reflect the Commission’s input regarding the changes requested in the Petition.

This petition proposes a rule change for order of protection hearings to clarify that, if an attorney appears on behalf of a defendant, the defendant is still required to personally appear at a contested hearing. Although the Commission does not take a position on this petition, the language of “personal appearance” does not make clear that it could include a “virtual appearance.” As virtual court appearances have increased and demonstrated a measurable improvement to appearance rates, the plain language of this rule does not account for the relatively new opportunities that virtual appearances offer. Thus, if the Supreme Court is inclined to adopt this rule petition, the Commission suggests that it clarify that “personal appearance” includes a “virtual appearance.”

DATED this 29th day of April 2024.

_____/s/_____
Samuel A. Thumma
Chair, Arizona Commission on Access to Justice
Judge, Arizona Court of Appeals
Division One
State Courts Building
1501 West Washington Street
Phoenix, AZ 85007-3329