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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:) Supreme Court No. R-24-0002
)
PETITION TO AMEND RULE 4.1(d)) **COMMENTS OF THE ARIZONA**
OF THE RULES OF CIVIL) **COMMISSION ON ACCESS TO**
PROCEDURE FOR THE SUPERIOR) **JUSTICE OPPOSING THE**
COURTS OF ARIZONA AND RULE) **PETITION**
41(c) OF THE RULES OF FAMILY)
LAW 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 oppose Rule Change Petition

No. R-24-0002. After discussion by members of the Commission, that motion passed unanimously. This Comment is a result of that formal Commission action and is intended to reflect the Commission's opposition of the changes requested in the Petition.

In the Petition, the Arizona Process Servers Association proposes to amend the Civil and Family Law Rules applicable to substituted service at a person's abode by defining the suitable age of a person receiving court papers for service of process to be "at least 16 years of age." The proposed rule deviates from the Federal Rules of Civil Procedure and Arizona case law governing service of process by setting forth a specific suitable minimum age that includes minor children ages 16 and 17. The proposed amendment would necessarily create a new problem and concern with process servers requesting identification from young persons (which they may not have) to be served to confirm their age or residency. The proposed amendment may also disproportionately affect service of process on individuals in low-income households, in which adults are less likely to have reliable childcare in their homes or in out-of-home settings. The Commission submits that access to justice perspective is better served by the consistency of the existing rules and associated authority on substituted service at an individual's abode.

For these reasons, the Commission opposes the adoption of the proposed amendments requested in Petition No. R-24-0002.

DATED this 29th day of April 2024.

_____/s/_____
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