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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:) Supreme Court No. R-24-0038
)
PETITION TO AMEND RULE 38(e)) **COMMENTS OF THE ARIZONA**
OF THE ARIZONA RULES OF) **COMMISSION ON ACCESS TO**
PROTECTIVE ORDER) **JUSTICE OPPOSING THE**
PROCEDURE) **PETITION**
_____)

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-24-0038. 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.

This Petition restricts the ability of judges to manage their courtrooms by preventing them from directing one or some parties to stay in the courtroom until the other party leaves. The court holding back a party for a short time allows the other party to leave the building as a safety measure. Compelling or creating an environment where a party does not feel safe in the courthouse may potentially chill victims from seeking the protection of the courts. The claim that the new rule is a due process violation is mistaken, as the parties subject themselves to the jurisdiction of the court by their physical presence.

For these reasons, the Commission opposes the adoption of the proposed amendments requested in Petition No. R-24-0038.

DATED this 29th day of April 2024.

_____/s/_____
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