



SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-24-0046
RULE 53, RULES OF THE SUPREME)	
COURT)	
)	
)	
)	
)	
)	

ORDER ADOPTING ON AN EMERGENCY BASIS AMENDMENTS TO RULE 53 OF THE RULES OF THE SUPREME COURT

On April 25, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed a rule petition on AOC's behalf to amend Rule 53 of the Rules of the Supreme Court of Arizona. The petition proposed adopting a new subpart (a) imposing a standing requirement to qualify as a complainant in a State Bar proceeding and renumbering the subparts currently in the rule to accommodate the insertion of a new subpart (a).

Petitioner also requested that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, and be considered during the Court's August 2024 Rules Agenda. He further requested that the amendments be adopted on an emergency basis under Rule 28(h)(2) of the same rules. The Court granted the requested to consider the petition on an expedited basis. Having considered the petition,

IT IS ORDERED, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, that Rule 53 of the Rules of the Supreme Court of Arizona is hereby amended on an emergency basis in accordance with the amendments shown on the attachment to this order, effective immediately.

IT IS FURTHER ORDERED that during its December 2024 Rules Agenda, the Court will consider whether to adopt the rule amendment on a permanent basis.

IT IS FURTHER ORDERED that this petition and the amendments to Rule 53 of the Rules of the Supreme Court of Arizona shown in the attachment to this order are reopened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than October 1, 2024, and any reply due no later than October 15, 2024.

The petition and the amendments to Rule 53 of the Rules of the Supreme Court shown in the attachment to this order 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, "Rules of the Supreme Court," which is 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 and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium 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.

DATED this 23rd day of August, 2024.

A handwritten signature in cursive script, appearing to read "Ann A. Scott Timmer". The signature is written in black ink and is positioned above a horizontal line.

ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution
David K Byers
Dianne Post
Regina L Nassen
George A Riemer
Victor A Aronow
Warren Petersen
Ralph W Adams
Amelia C Cramer
Matthew E Kelley
David Jeremy Bodney

ATTACHMENT¹

RULES OF THE SUPREME COURT OF ARIZONA

Rule 53. Complainants

(a) **Standing.** An individual or entity has standing to submit a charge if they have an attorney-client relationship with the respondent, direct and specific first-hand knowledge of the conduct described in the charge, or became aware of the conduct in their role as a judicial officer. If a charge is submitted by an individual or entity that does not have standing, the state bar must determine if the allegations are of serious misconduct, incapacity, overdraft of a trust account, or a criminal conviction. If such a determination is made, the state bar will be the named complainant and pursue the matter accordingly. Only an individual or entity with standing will be entitled to the rights provided to complainants in these rules.

(a) ~~(b)~~ [No changes in text]

~~(b)~~ ~~(c)~~ [No changes in text]

¹ Additions to the text of the rule are shown by underscoring and deletions are shown by ~~strikeout~~.