

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-24-0046
RULE 53, RULES OF THE SUPREME)
COURT) **FILED 12/3/2024**
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**ORDER ADOPTING ON AN PERMANENT BASIS
AN AMENDMENT TO RULE 53 OF
THE RULES OF THE SUPREME COURT OF ARIZONA**

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 proposing the adoption, on an emergency basis, of an amendment to Rule 53 of the Rules of the Supreme Court of Arizona. On August 23, 2024, the Court entered an order: (a) adopting the proposed amendment, as modified, on an emergency basis in accordance with the attachment to that order; and (b) reopening the petition for public comment about whether the amendment should be adopted permanently. The order also provided that during its December 2024 Rules Agenda, the Court would consider whether to adopt the rule amendment on a permanent basis.

Having considered the additional comments the Court received and a reply to those comments,

IT IS ORDERED that the amendment to Rule 53 of the Rules of the Supreme Court of Arizona, which the Court adopted on an emergency basis on August 23, 2024, is adopted permanently, as modified in accordance with Attachment A to this order, effective January 1, 2025. Attachment B to this order shows the changes the Court made to the amendment that was adopted on an emergency basis.

DATED this 3rd day of December, 2024.

_____/s/_____
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

Maureen P Kane

Cynthia Couture

George M Papa

Rivko Knox

Brendan N Mahoney

Ian E Pettycrew

David Wayne Redkey

ATTACHMENT A¹

RULES OF THE SUPREME COURT OF ARIZONA

Rule 53. Complainants

(a) Generally. An individual or entity will be a complainant regarding a charge if they have or had 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 meet one of these criteria, the state bar will be the complainant and pursue the matter accordingly if it determines the allegations are of sanctionable misconduct, incapacity, overdraft of a trust account, or a criminal conviction. Only an individual or entity with status as a complainant will be entitled to the rights provided to complainants in these rules.

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

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

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

¹ Additions to rule text are shown by underscoring and deletions are shown by ~~strike through~~.

ATTACHMENT B²
(Showing Changes from the Rule Amendment
Adopted on an Emergency Basis)

RULES OF THE SUPREME COURT OF ARIZONA

Rule 53. Complainants

(a) StandingGenerally. An individual or entity ~~has standing to submit~~ will be a complainant regarding a charge if they have or had 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~~ meet one of these criteria, the state bar will be the complainant and pursue the matter accordingly if it determines ~~the state bar must determine if~~ the allegations are of sanctionable 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~~ status as a complainant will be entitled to the rights provided to complainants in these rules.

² Additions to the amendment that was adopted on an emergency basis are shown by underscoring and deletions are shown by ~~strike through~~.