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7 **IN THE SUPREME COURT**  
8 **STATE OF ARIZONA**

9 In the Matter of:

Supreme Court No. R-24-0057

10 **PETITION TO AMEND RULE 4.1(I)**  
11 **OF THE RULES OF CIVIL**  
12 **PROCEDURE FOR THE SUPERIOR**  
13 **COURTS OF ARIZONA; RULE 41(J)**  
14 **OF THE RULES OF FAMILY LAW**  
15 **PROCEDURE; RULE 113(B) OF THE**  
16 **JUSTICE COURT RULES OF CIVIL**  
17 **PROCEDURE; RULE 5(B), RULES**  
18 **OF SMALL CLAIMS PROCEDURE**

19 **STATE BAR OF ARIZONA**  
20 **COMMENT**

21 Pursuant to Rule 28(e) of the Arizona Rules of Supreme Court, the State Bar  
22 of Arizona (“State Bar”) hereby submits the following comment to the above-  
23 captioned Petition.

24 Introduction

25 The Petition suggests disharmony exists between A.R.S. § 29-3119 and the  
26 rules of procedure related to serving limited liability companies (LLC). As a  
27 solution, Petitioners recommend referencing A.R.S. § 29-3119 in the applicable  
28 Civil, Family, Justice Court, and Small Claims Court rules. While the State Bar  
acknowledges the concerns outlined in the Petition and believes the statutory and  
rule language need to be harmonized, the State Bar opposes the Petition as currently

1 proposed. The State Bar believes more investigation is necessary.

2 Analysis

3 The Petition raises legitimate concerns regarding potential tension between  
4 the Arizona statute and the Rules of Civil Procedures for the Superior Courts of  
5 Arizona. However, it is the State Bar's position that additional work is needed to  
6 address that tension with a more comprehensive solution.  
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8 The Petition's proposal only contemplates LLCs, while the rules refer to  
9 various entity types (corporations, partnerships, and other associations). Several of  
10 these other entity types have corresponding statutes (e.g. A.R.S. §10-504 regarding  
11 Service on Corporations) and the State Bar believes a more complete analysis should  
12 be made to ensure clarity and accuracy for each entity type.  
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15 And, importantly, to the extent substantive changes are going to be made  
16 regarding how service is accomplished on legal entities in Arizona, a review and  
17 implementation of those changes should be thoughtful and thorough. For example,  
18 the State Bar is concerned about potential confusion regarding the statute's  
19 allowance of (alternative) service by mail upon LLCs, while the rules typically  
20 require a finding of due diligence or reasonable efforts having been made first.  
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23 While the State Bar agrees an opportunity for improvement exists, it believes  
24 additional time and effort are required to reconcile the statutory and rule language  
25 of all entity types to provide a more complete solution. The State Bar has established  
26 a subcommittee to analyze the issues presented in the Petition to further develop a  
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1 comprehensive solution to the issues raised in the Petition. The State Bar's  
2 subcommittee will work in consultation with other relevant stakeholders, including  
3 the Arizona Process Servers Association

4  
5 Conclusion

6 The State Bar opposes the Petition as presented and recommends the Court  
7 deny the Petition to provide the opportunity for further study on a more  
8 comprehensive approach to the proposed changes.  
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10 RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of May 2025.

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14 Lisa M. Panahi  
15 FOR THE STATE BAR OF ARIZONA

16 Electronic copy filed with the  
17 Clerk of the Supreme Court of Arizona  
18 this 1<sup>st</sup> day of May 2025.

19 by: PSequin  
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