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7 **BEFORE THE ARIZONA SUPREME COURT**

8 **PETITION TO AMEND** : Supreme Court No. R-06-
9 **RULE 45(a)(3), ARIZONA RULES** :
10 **OF CIVIL PROCEDURE TO** :
11 **ALLOW THE STATE BAR TO** :
12 **ISSUE ONLINE SUBPOENAS ON** :
13 **BEHALF OF THE CLERKS OF** :
14 **THE SUPERIOR COURT** :
15 _____ :

16 Under current Arizona Superior Court practice, subpoenas are issued by
17 the Clerk of the Court. The Clerk’s role in this process is in large part
18 ministerial. Pursuant to Rule 45(a)(3) of the Arizona Rules of Civil Procedure,
19 “The clerk shall issue a subpoena signed but otherwise is [sic] blank to a party
20 requesting it who shall complete it before service.¹”

21 The State Bar of Arizona and several Superior Court Clerks support
22 amending Rule 45(a)(3), Arizona Rules of Civil Procedure, in order to allow the
23 State Bar to provide an online service to issue and sign subpoenas on behalf of
24 the clerks of the Superior Court. The online subpoena issuance service would be
25 available to State Bar members only and would provide an alternative to

¹ This Petition would also ask that the Court correct the apparent typographical error in the Rule as it appears in Thomson-West’s *Arizona Rules of Court*.

1 members who currently prepare subpoenas under the prescribed format and then
2 are required to physically take the prepared subpoena to the office of the
3 Superior Court Clerk for issuance.
4

5 The online subpoena service would reduce the clerk's time spent at the
6 service counter in the clerk's office processing subpoenas, collecting and
7 accounting for the fees received. Any resources saved from that issuance process
8 could then be redirected to other work. Members of the State Bar would also
9 greatly benefit from this service by: obtaining 24-hour access to subpoenas;
10 avoiding costly trips to the Clerk's Office to obtain subpoenas; and, being
11 allowed the convenience of paying for subpoenas online and by credit card.
12
13

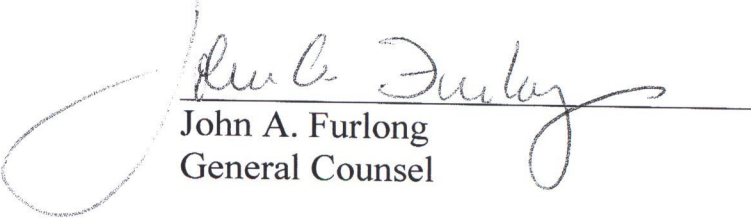
14 In addition, it is contemplated that the State Bar and the Superior Court
15 Clerks would develop this process so as to not impact on the revenue generated
16 by the current process. The State Bar would collect the fees and remit them to
17 the clerks. The subpoena fees would continue in the full amount so that the
18 funds collected for the county or state treasurers could still be distributed to the
19 appropriate funds and agencies as required by the statutes. The only change to
20 the fee would be the addition of a reasonable service fee collected by the State
21 Bar for the convenience of this service.
22
23

24 The proposed Rule change would add to the existing Rule 45(a)(3),
25 Ariz.R.Civ.P., the following underlined amendment:

1 (3) The clerk shall issue a subpoena signed but otherwise is in
2 blank to a party requesting it who shall complete it before
3 service. The State Bar of Arizona may also issue signed
4 subpoenas on behalf of the clerks, through an online subpoena
5 issuance service that is approved by the Supreme Court of
6 Arizona.

7 The State Bar therefore petitions this Court to amend Rule 45(a)(3),
8 Ariz.R.Civ.P., so as to allow the State Bar of Arizona to provide an online
9 subpoena issuance service on behalf of the clerks of the Superior Court and for
10 the convenience of all State Bar members. The suggested change would be as
11 indicated above.

12 **RESPECTFULLY SUBMITTED** this 31st day of October 2006.

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14 
15 John A. Furlong
16 General Counsel

17 Original, seven copies and an
18 electronic copy filed with the
19 Clerk of the Supreme Court of
20 Arizona this 31st day of
21 October 2006.

22 by: 

23 C:\Documents and Settings\mcaulid\My Documents\Petition to Allow SBA to Issue online Subpoenas.doc
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