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IN THE SUPREME COURT

STATE OF ARIZONA

In the Matter of:)
)
PETITION TO AMEND RULE 31(d))
RULES OF THE SUPREME COURT) Supreme Court No. R-14-_____
) (expedited consideration requested)
_____)

Pursuant to Rule 28 of the Rules of the Arizona Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to consider adoption of a proposed amendment to Supreme Court Rule 31(d) on an expedited basis in response to recent amendments to A.R.S. § 22-512 enacted through Senate Bill 1482, Section 7 (Laws 2014, Chapter 83). The text of the proposed amendment is set out in the accompanying Appendix A.

I. Background and Purpose of the Proposed Rule Amendment. Senate Bill 1482 was passed and signed into law in the Second Regular Session of the Fifty-first Legislature. The bill's effective date is July 24, 2014.

Section 7 of SB 1482 authorizes the employees of a condominium or homeowners association, as defined in A.R.S. §§ 33-1202 and 33-1802, and the association's management company and its officers and employees to appear on behalf of the association in a small claims action, if the association is an original party to the small claims action and the employee or management company has written authorization to appear on its behalf.

II. Pre-Petition Comments. The petition has not been circulated for pre-petition comments.

III. Effective Date of the Proposed Rule Amendment. Timely adoption of the amended rule is necessary to conform Rule 31(d) to the amended statute prior to its effective date. Petitioner therefore requests expedited adoption of the attached proposal with an effective date of July 24, 2014, and with a formal comment period to follow, as permitted by Supreme Court Rule 28(G).

RESPECTFULLY SUBMITTED this ____ day of _____ 2014.

By /s/ _____
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APPENDIX A

(new language is underlined)

Rule 31. Regulation of the Practice of Law

(a) through (c) [No changes]

(d) Exemptions. Notwithstanding the provisions of section (b), but subject to the limitations of section (c) unless otherwise stated:

1. to 30. [No changes]

31. Nothing in these rules shall prohibit an employee of an association defined in A.R.S. § 33-1202 or 33-1802 or such association's management company and its officers and employees, from appearing in a small claims action, so long as:

(A) the association's employee or management company is specifically authorized in writing by the association to appear on behalf of the association, and

(B) the association is an original party to the small claims action.