

1 ELLEN SUE KATZ, AZ Bar. No. 012214  
2 WILLIAM E. MORRIS INSTITUTE FOR JUSTICE  
3 3707 North Seventh Street, Suite 220  
4 Phoenix, Arizona 85014  
5 (602) 252-3432  
6 eskatz@qwestoffice.net

7 **IN THE SUPREME COURT**

8 **STATE OF ARIZONA**

9 **Petition to Amend the Rules of  
10 Procedure for Eviction Actions**

Supreme Court No. R-15-0015

11 **COMMENTS TO PETITION TO  
12 AMEND THE RULES OF  
13 PROCEDURE FOR EVICTION  
14 ACTIONS**

15 Pursuant to Rule 28 of the Rules of the Supreme Court, the William E. Morris  
16 Institute for Justice (“Institute”), Community Legal Services (“CLS”) and Southern  
17 Arizona Legal Aid (“SALA”) submit these comments in support of one of the proposals  
18 in the Petition to Amend the Rules of Procedure for Eviction Actions by adding a change  
19 of judge rule, as Rule 9(C). The Petition contains 2 proposals and a third proposed was  
20 submitted in comment form recently. The supported rule, proposal 1, would permit a  
21 change of judge as a matter of right and for cause in eviction actions in Justice Court and  
22 is patterned after Rule 133(d) of the Justice Court Rules of Civil Procedure that permits a  
23 change of judge in other civil cases heard by the Justice Court. In support of the Petition,  
24 proposal 1, the Institute, CLS and SALA state the following:

25 **I. Statements of Interest**

26 The Institute is a non-profit public interest program that works on issues of  
27 importance to low-income Arizonans. The rights of tenants in eviction cases is such an  
28 issue. In 2005, the Institute published a study of eviction cases in Maricopa County:  
“Injustice In No Time: The Experience of Tenants in Maricopa County Justice Courts”  
found at morrisinstituteforjustice.org.

1 CLS and SALA are federally funded civil legal services program for low-income  
2 Arizonans. The legal services programs represent tenants in eviction actions throughout  
3 the state. They typically are the only attorneys who represent tenants in Justice Court.  
4 Legal services attorneys understand the significant impact evictions can have on low-  
5 income persons.

6 **II. Background to the Proposed Rule Amendment**

7 In 2008, the Arizona State Bar submitted a Petition for the Rules of Procedure for  
8 Eviction Actions, Supreme Court Number R-07-0023. The proposed rules were the  
9 product of the State Bar Landlord/Tenant Task Force appointed by the State Bar  
10 President. Attorney Katz of the Institute served on the Task Force as did CLS attorneys.  
11 The Task Force members included Justices and attorneys representing tenants and  
12 landlords. Included in the petition was a proposed rule for a change of judge for eviction  
13 cases in Justice Court, Rule 11(e). The final rules adopted by the Court and effective  
14 January 1, 2009, did not contain a change of judge rule for evictions in Justice Court.  
15 Rule 1 of the Rules of Procedure for Eviction Actions provides that Rule 42(f) of the  
16 Arizona Rules of Civil Procedure applies to evictions in Superior Court. The change of  
17 judge provision in Rule 42(f) permits changes of judge as a matter of right and for cause.

18 In 2012, the State Bar Petitioned for Approval of the Justice Court Rules of Civil  
19 Procedure. Included in the proposed rules was a change of judge rule, Rule 133(d). The  
20 Court approved the Justice Court Rules of Civil Procedure. Rule 133(d) provides for a  
21 change of judge as a matter of right and for a change of judge if the party believes the  
22 party will not have a fair and impartial trial before the justice. The Justice Court Rules of  
23 Civil Procedure do not apply to evictions, Rule 101(b), and were effective January 1,  
24 2013.

25 In 2013, the State Board submitted another petition, R-13-0047, for a change of  
26 judge in eviction actions. The Petition proposed the same change of judge language  
27 proposed in 2008. The proposed rule change was vetted through the Legal Services  
28 Committee of the State Bar, the State Bar Rules Committee and the Board of Governors

1 of the State Bar. There was no public opposition to the proposed rule and it was  
2 approved on the consent calendar at the Board of Governor's meeting on October 25,  
3 2013. Subsequently, comments were submitted in support and in opposition to the  
4 Petition and the Court denied the Petition. Thus, eviction actions, one of the most  
5 common civil cases heard in Justice Court,<sup>1</sup> continue to be the only type of cases that  
6 have no change of judge rule.<sup>2</sup>

7 This year, again, recognizing the need and importance of a change of judge rule  
8 for eviction cases, the Legal Services Committee of the State Bar unanimously submitted  
9 a Petition for a Change of Judge in Eviction Cases to the Rules Committee of the State  
10 Bar. The Rules Committee submitted two proposals to the Board of Governors. The first  
11 was the Legal Services Committee's proposal and the second was a proposal by Justice  
12 McMurry, Presiding Justice in Maricopa County. The State Bar in this Petition submits  
13 both proposals. Proposal 1 is the Legal Services Committee proposal and proposal 2 is  
14 Justice McMurry's proposal. Proposal 1 is the only proposal that ensures that litigants  
15 in eviction cases heard in Justice Court have the right to a change of judge.

16 To be clear, the Institute, CLS and SALA seek only parity, that is, a peremptory  
17 provision that allows for litigants in eviction cases in Justice Court to have the same right  
18 to change judge as litigants in eviction actions in Superior Court and litigants in other  
19

---

20  
21 <sup>1</sup> As an example, in 2012 and 2013, there were over 64,000 evictions filed each year  
22 in Maricopa County Justice Courts. [http://www.superiorcourt.maricopa.gov/  
medirelationsdepartment/docs/annualrep/fy2013annualrpt.pdf](http://www.superiorcourt.maricopa.gov/medirelationsdepartment/docs/annualrep/fy2013annualrpt.pdf) (at page 22).

23 <sup>2</sup> In addition to eviction cases, the Justice Court Rules of Civil Procedure do not  
24 apply to civil traffic, civil boating, protective orders and injunctions against harassment.  
25 Rule 101(b). These other cases have change of judge rules. Changes of judge are  
26 permitted in orders of protection and injunctions against harassment cases because  
27 pursuant to Rule 1 of the Arizona Rules of Protective Order Procedure, the Arizona Rules  
28 of Civil Procedure apply to those cases. Thus, as relevant here, Rule 42(f) applies to  
those cases, as well. For civil traffic and boating cases, Rule 7 of the Rules of Procedure  
in Civil Traffic and Civil Boating Violation Cases provides that a change of judge as a  
matter of right does not apply in these cases except for cases consolidated with a criminal  
matter.

1 cases in Justice Court. Therefore, the Institute, CLS and SALA urge the Court to approve  
2 proposal 1 and deny approval of proposal 2.

3 **III. Proposal One is Necessary for Fairness for Litigants in Eviction Cases in**  
4 **Justice Court**

5 Eviction cases are important. Tenants have a property interest in their residences.  
6 *Greene v. Lindsey*, 456 U. S. 444, 451-52 (1982). *See also Foundation Development*  
7 *Corporation v. Loehmann's*, 163 Ariz. 438, 442, 788 P.2d 1189, 1193 (Ariz. 1990)  
8 (recognizing common law right of tenant's property interest in rental). Eviction  
9 proceedings that deprive tenants of that property must comply with the due process  
10 requirements of the 14<sup>th</sup> Amendment to the United States Constitution. *Greene*, 456 U.S.  
11 at 455.

12 For low-income persons, an eviction action may threaten their only means of  
13 shelter. *See, e.g.*, Chester Hartman and David Robinson, *Evictions: The Hidden Housing*  
14 *Problem*, Housing Policy Debate, Vol. 14, Issue 4 (2003) found at <http://content.knowledgeplex.org/kp2/cache/kp/10950.pdf>. The inability to find other housing on short  
15 notice can lead to the disruption of children's education, interruption of employment,  
16 dislocation from health care providers, loss of personal belongings and homelessness. In  
17 addition, the eviction process may lead to monetary judgments. Thus, the consequences  
18 of eviction cases make them very important to tenants and especially low-income tenants,  
19 who often lack back-up resources. The result of an eviction may be that a family is living  
20 in a car. The importance of these cases and the property interest at stake certainly is  
21 undercut by not allowing a change of judge.

22 Eviction cases have shorter statutory time frames than some of the other civil  
23 cases heard in Justice Court, but these time frames are not a sufficient reason to deny the  
24 litigants a right to change judge. If a tenant or a landlord believes that he or she cannot  
25 get a fair trial before a Justice, then they should be allowed as other litigants are, to  
26 request a change of judge. The change of judge requests can be handled like other  
27 continuances for cause. As an example, the common practice in many Justice Courts is  
28

1 that if a tenant appears on the court date noted in the summons and has a defense, the  
2 case is continued to another date for a trial. *See* Rule 11(c) of the Rules of Procedure for  
3 Eviction Actions (continuances may be granted “on the request of a party for good cause  
4 shown or to accommodate the demands of the court’s calendar”); Arizona Residential  
5 Landlord and Tenant Act, A.R.S. § 33-1377(C). The same or similar practice could  
6 apply to a change of judge request.

7 Justice Courts administer cases differently than the Superior Courts. Two  
8 examples highlight the fundamental unfairness of not having a change of judge for  
9 eviction cases in justice court. Using Maricopa County as an example, if a person lives in  
10 the Encanto Precinct, all the cases against them will be assigned to the one Encanto  
11 Justice of the Peace. If a resident in the Encanto Precinct is sued on a credit card debt,  
12 the person appears before the Encanto Justice and that Justice resolves the case. The  
13 defendant may think he or she was not treated fairly by the Justice. If the person is sued  
14 again on another credit card debt 10 months later and still lives in the Encanto Precinct,  
15 his or her case will be assigned to the same Justice. In this situation, the person can  
16 request a change of judge under Rule 133(d) of the Justice Court Rules of Civil  
17 Procedure. If the person is served an eviction action, he or she cannot request a change  
18 of judge. This differential treatment is unfair and undercuts the public’s confidence in  
19 our judicial system.

20 Moreover, until recently, several prominent landlord attorneys served as Justices  
21 of the Peace *Pro Tempore* in Maricopa County. While this practice ceased after ethical  
22 concerns were raised, the practice could be reinstated. Consider the case of a legal  
23 services attorney who comes to court to represent a tenant in an eviction case and finds a  
24 Justice of the Peace *Pro Tempore* whose legal practice is primarily representing landlords  
25 and property management companies. The legal services attorney may not think his or  
26 her client can get a fair trial before the Justice. Should the legal services attorney have to  
27 try the case before a Justice *Pro Tempore* he or she thinks is unfair? If proposal 1 is not  
28 adopted, they will.

1 **IV. The Objections to Proposal One Have No Merit**

2 The Committee on Limited Jurisdiction Courts submitted a comment opposing the  
3 petition in total.<sup>3</sup> The Committee makes the overly broad assertion that a change of judge  
4 rule will cause “serious scheduling issues and delays especially in non-urban courts.”  
5 The justices have exaggerated the effect a change of judge rule would have in general,  
6 and in rural courts specifically.

7 First, the rural courts hear a very small number of evictions. The annual statistics  
8 on where eviction actions take place show the limited impact this rule will have on  
9 Justice Court administration. The rural precincts heard only a fraction of the  
10 approximately 86,000 eviction actions filed in Justice Courts statewide in 2014. More  
11 than 66,000 of evictions were filed in Maricopa County in 2014 and another 14,000 were  
12 filed in Pima County. See <http://www.azcourts.gov/Portals/39/2014DR/JPMaricopa.pdf>;  
13 <https://www.azcourts.gov/Portals/39/2014DR/JPPima.pdf>; [http://www.azcourts.gov/](http://www.azcourts.gov/statistics/AnnualDataReports/2014DataReport/2014CaseActivitybyCounty.aspx)  
14 [statistics/AnnualDataReports/2014DataReport/2014CaseActivitybyCounty.aspx](http://www.azcourts.gov/statistics/AnnualDataReports/2014DataReport/2014CaseActivitybyCounty.aspx). This  
15 leaves approximately 6,000 evictions throughout the rest of the state. Similar filings  
16 were reported in 2012 and 2013.<sup>4</sup> Even as to those evictions, the vast majority end in  
17 default.<sup>5</sup> Thus, this rule affects only that small minority of tenants who contest the  
18 eviction. This Court should not allow heightened and exaggerated concern for rural  
19 precincts to outbalance due process rights of all tenants statewide.

20  
21 

---

<sup>3</sup> The Committee’s objection is the only one filed before these comments were filed.

22 <sup>4</sup> In 2012 and 2013, there were approximately 84,000 evictions filed in justice  
23 courts with 78,000 filed in Maricopa and Pima Counties. See [http://www.azcourts.gov/](http://www.azcourts.gov/statistics/AnnualDataReports/2013/DataReport/2013CaseActivitybyCounty.aspx)  
24 [statistics/AnnualDataReports/2013/DataReport/2013CaseActivitybyCounty.aspx](http://www.azcourts.gov/statistics/AnnualDataReports/2013/DataReport/2013CaseActivitybyCounty.aspx).

25 <sup>5</sup> Opponents of a change of judge rule often offer the Duncan Justice Court as an  
26 example where the change of judge would be hard to implement. But the Duncan Justice  
27 Court received just 8 new eviction actions in the year ending June 30, 2013, and only 4 in  
28 the prior year, and none of those cases proceeded to trial. See [http://www.azcourts.](http://www.azcourts.gov/Portals/39/2013DR/JP_Greenlee.pdf#page=5)  
[gov/Portals/39/2013DR/JP\\_Greenlee.pdf#page=5](http://www.azcourts.gov/Portals/39/2013DR/JP_Greenlee.pdf#page=5). In the year ending June 30, 2014, only  
6 eviction cases were filed and none went to trial. See [https://www.azcourts.gov/Portals/](https://www.azcourts.gov/Portals/39/2014DR/JPGreenlee.pdf)  
[39/2014DR/JPGreenlee.pdf](https://www.azcourts.gov/Portals/39/2014DR/JPGreenlee.pdf).

1 In addition, the speedy timeframes of eviction actions are not as unique as some  
2 have suggested. Changes of judge are permitted in time-sensitive applications for orders  
3 of protection and injunctions against harassment in Justice Court. *See* Rule 1(A)(2) of  
4 the Arizona Rules of Protective Order Procedure (declaring that the Arizona Rules of  
5 Civil Procedure apply to those cases “when not inconsistent with these rules.”) Even in  
6 Superior Court, where the change of judge applies in all cases except cases in Tax Court,  
7 Ariz. R. Civ. P. 42(f)(1)(A), the exercise of a peremptory challenge to a judicial officer  
8 can delay a request for injunctive relief under Ariz. R. Civ. P. 65, particularly in rural  
9 counties with limited benches. Courts and administrators can adapt in order to ensure the  
10 provision of justice and this Court should not presume prejudicial delay.

11 For similar reasons, a decision by this Court in support of a peremptory judicial  
12 challenge is not inconsistent with the provisional “Timing Standards” supported by the  
13 Arizona Judicial Council. The Arizona Judicial Council’s Executive Summary  
14 recognizes the appropriate balance of the rights of individual litigants against the need for  
15 case management tools.

16 Case processing standards should complement, rather than  
17 supplant, due process considerations. Waiting periods are  
18 deliberately built into some court procedures and processes in  
19 order to preserve parties’ rights (e.g., to provide adequate  
20 notice, to conduct discovery, or to receive service of  
21 process).<sup>6</sup>

22 “Excerpt from the Interim Report and Recommendation of the Arizona Case Processing  
23 Standards Steering Committee,” September 30, 2013, available at [http://www.azcourts.gov/Portals/84/MeetingMaterials/2013/October/Tab4AzCaseProcStand\\_2\\_.pdf](http://www.azcourts.gov/Portals/84/MeetingMaterials/2013/October/Tab4AzCaseProcStand_2_.pdf).

24 The Steering Committee on Arizona Case Processing Standards of the Arizona  
25 Supreme Court proposed as a “standard” that 98% of evictions be resolved in 10 days.  
26 <http://www.az.courts.gov/cscommittees/committeonArizonaCaseProcessingStandards>.

---

27 <sup>6</sup> We would add that in the eviction context, that all of these litigation activities are  
28 allowed in eviction cases. *See, e.g.*, Rules 9, 10 and 12 of the Rules of Procedure for  
Eviction Actions.

1 aspx. The Arizona Supreme Court in Administrative Order No. 2013-95, on November  
2 14, 2013, provisionally adopted the case processing standards “to provide local courts  
3 and the Administrative Office of the Courts (“AOC”) with a time standards framework  
4 for the development and testing of case management reports.” [http://www.  
5 azcourts.gov/Portals/zz/admorder.Order13/2013.95](http://www.azcourts.gov/Portals/zz/admorder.Order13/2013.95). These provisional case processing  
6 standards should not affect the consideration of the petition.

7 Whether this provisional standard will be affected by the proposed rule is  
8 speculative. If there is an adverse impact, the Court can anticipate that the impact would  
9 be relatively small, given the paucity of eviction trials and the heavy volume of default  
10 judgments. The Institute, CLS and SALA support the efforts of the Judicial Council to  
11 move cases forward faster for the benefit of the litigants and the justice system as a  
12 whole, but those efforts can and should take into account the substantive rights of the  
13 individual litigants as well. Proposal 1 does that for eviction litigants.

14 In addition, although A.R.S. § 33-1377 sets the timeframe for filing a complaint,  
15 serving the summons, the initial court date and continuances, these timeframes do not  
16 require that a case be resolved within any certain number of days. It is a misreading of  
17 A.R.S. § 33-1377 to claim that an eviction “must” be resolved in 9 days. One need only  
18 look to the Rules of Procedure for Eviction Actions to see that the parties may file  
19 motions (rule 9), request disclosures and discovery (rule 10) and request a jury trial (rule  
20 12). While many evictions will be resolved rather quickly, administrative case  
21 management provisions should not trump fundamental fairness and due process.

22 Finally, if the Court has concerns about the effect the proposal will have on justice  
23 court administration, we respectfully suggest that the Court approve the rule change for  
24 only 2 or 3 years. Such a limited time period, will give all sides of this issue, sufficient  
25 time to see the effects, if any, on court administration.

26 **V. Proposed Two Is Not Adequate and Leaves Total Discretion in the Justice**  
27 **Court**

28 The second proposal would only allow for a change of judge if other judges are

1 “readily” available and the change “can be granted without causing a day’s delay in the  
2 proceeding” and is limited to one change of judge as a matter of right. This proposal  
3 creates a hard and fast rule. Unless the court determines that the change of judge can  
4 occur the day of the request, it can deny the request. Under this proposal, the justices  
5 who last year opposed the petition for a change of judge rule and do so again this year,  
6 would get to unilaterally and arbitrarily decide if the request can be accomplished that  
7 same day.

8 The Institute, CLS and SALA can imagine the excuses that will be made for  
9 reasons why the change of judge cannot be accomplished the same day as the request:  
10 the court is short on clerical staff to process the request; there are no justices available  
11 that day to hear the case. With proposal 2, whether a party may get a change of judge  
12 could be dependent on such arbitrary factors as the time of day the request is made (at a  
13 court hearing at 8:30 a.m. versus a court hearing at 2:00 p.m.); the day of the week; and  
14 vacation, sick leave and training schedules. Such arbitrariness has no place in rules of  
15 procedure and should not be accepted in a rule for a change of judge in eviction actions.  
16 What is most remarkable is that as noted in Section IV above, the Committee on Limited  
17 Jurisdiction Courts opposes even this inadequate, arbitrary and limited proposal.

#### 18 **V. Response to the State Bar Comment Regarding the Petition-Proposal Three**

19 In response to the Petition, the State Bar has submitted a third proposal in a  
20 comment submitted on May 5, 2015. In the third proposal, the Bar proposes adding the  
21 following words to proposals 1 and 2:

22 A change of judge as a matter of right must be granted if the  
23 change of judge will not prevent the hearing from occurring  
24 consistent with A.R.S. § 33-1377(B) and A.R.S. § 12-  
1177(C).

25 First, we are concerned that the proposal was submitted just 2 weeks before the  
26 close of the comment period and does not give the public adequate notice and an  
27 opportunity to comment. In addition, we are concerned that this third proposal creates  
28 another hard and fast rule that invites a judicial finding that these time frames cannot be

1 met. This third proposal would limit changes of judge as a matter of right to those that  
2 can occur within the timeframes of A.R.S § 33-1377(B) and A.R.S. § 12-1177(C).  
3 A.R.S. § 1377(B) pertains to when the summons must be served before the return date  
4 and the Institute, CLS and SALA respectfully suggests that this section should have no  
5 bearing on a change of judge request.

6 A.R.S. § 12-1177(C) provides that a trial may be postponed for three calendar  
7 days in justice court.<sup>7</sup> We believe that most change of judge requests can be handled like  
8 other continuances. As an example, the common practice in many Justice Courts is that  
9 if a tenant appears on the court date noted in the summons and has a defense, the case is  
10 continued to another date for a trial. *See* Rule 11(c) of the Rules of Procedure for  
11 Eviction Actions (continuances of “three court days” may be granted “on the request of a  
12 party for good cause shown or to accommodate the demands of the court’s calendar”).<sup>8</sup>  
13 The same or similar practice could apply to a change of judge request. We disagree that  
14 the right to a change of judge should be predicated on whether the court determines it can  
15 grant the request within three days. While we believe most requests can be granted  
16 within three “court” days, the proposal refers to the more restrictive time in A.R.S. § 12-  
17 1177(C). Regardless of whether the reference is to calendar or court days, we are very  
18 wary of a hard and fast time frame that the Justice Courts, who oppose the change of  
19 judge rule, must determine they can meet, because it invites a justice to find the time  
20 frame cannot be met. All the arbitrariness concerns noted in Section IV above, are  
21 present in this proposal as well.

22 In addition, it is not the case that currently all eviction trials occur within the three  
23 day time frame for continuances in A.R.S. § 12-1177(C). Either party can request a trial  
24 by jury (Rule 12 of the Rules of Procedure for Eviction Actions) and file motions,  
25 including motions to amend, for judgment on the pleadings, to dismiss, for

---

26 <sup>7</sup> Rule 11 ( C) allows for a continuance for up to 3 “court” days.

27 <sup>8</sup> It also is the case that some continuances are for more than 3 calendar or court  
28 days because of the schedule of the court and the parties. Under this proposal, the change  
of judge must occur within the 3 calendar day time period.

1 reconsideration and other appropriate motions with a reasonable opportunity to respond  
2 before a ruling by the court (Rule 9 of the Rules of Procedure for Eviction Actions).  
3 The parties also can request disclosure of evidence, taking of depositions, production of  
4 documents, inspection of the property and issuance of subpoenas (Rule 10 of the Rules  
5 of Procedure for Eviction Actions). While jury trials, discovery and motion practice are  
6 not common, they are allowed and all of the justice courts accommodate these requests,  
7 even those in the rural counties. There is no reason that a request for a change of judge  
8 similarly cannot be accommodated.

9 Therefore, we request that the Court reject the State Bar's third proposal made by  
10 comment dated May 5, 2015.<sup>9</sup>

### 11 **Conclusion**

12 For all the above reasons, the Institute, CLS and SALA request that the Court  
13 approve proposal 1 as it is the only proposal that fully removes the disparity caused by a  
14 lack of change of judge rule for eviction actions in Justice Court. Eviction court litigants  
15 should have the same right to a change of judge as a matter of right and for cause as other  
16 civil litigants in Justice Court and Superior Court. If a litigant or the litigant's attorney in  
17 an eviction case does not think the litigant can receive a fair hearing before a justice, the  
18 litigant should have the right like all other Justice Court litigants to request a change of  
19 judge either as a matter of right or upon the proper showing for cause.

20 In addition, if the Court has concerns about the effect the proposal will have on  
21 justice court administration, we respectfully suggest that the Court approve the rule  
22 change for only 2 or 3 years. Such a limited time period, will give all sides of this issue,  
23 sufficient time to see the effects, if any, on court administration.

24 Respectfully submitted this 20<sup>th</sup> day of May 2015.

---

25  
26 <sup>9</sup> If the Court were inclined to consider and adopt the third proposal, we strongly  
27 recommend that it be proposal 3 that modifies the Legal Services Committee proposal--  
28 proposal 1 and not the modification to proposal 2 and that the adopted rule use the time  
frame of 3 court days and not calendar days.

1 WILLIAM E. MORRIS INSTITUTE FOR  
2 JUSTICE

3 By /s/ Ellen Sue Katz  
4 Ellen Sue Katz  
5 William E. Morris Institute for Justice  
6 202 East McDowell, Suite 257  
7 Phoenix, Arizona 85004

8  
9 Electronic copy filed with the Clerk  
10 of the Supreme Court of Arizona this  
11 20<sup>th</sup> day of May 2015

12 Copy of the foregoing emailed and  
13 mail to:

14 John A. Furlong  
15 General Counsel  
16 State Bar of Arizona  
17 4201 North 24<sup>th</sup> Street, Suite 100  
18 Phoenix, Arizona 85016  
19 john.furlong@staff.azbar.org

20  
21  
22  
23  
24  
25  
26  
27  
28  
By /s/ Ellen Sue Katz