

1 Hon. Ann A. Scott Timmer, Chair
2 Attorney Regulation Advisory
3 Committee
4 1501 W. Washington St.
5 Phoenix, AZ 85007

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

8 In the Matter of:

9 PETITION TO AMEND RULE 31,
10 RULES OF SUPREME COURT

11 Supreme Court No. R-18-0004

12 Comment of Attorney Regulation
13 Advisory Committee

14 Pursuant to Rule 28, Rules of the Arizona Supreme Court, the Attorney
15 Regulation Advisory Committee (“ARC”), respectfully submits this comment in
16 support of the above-referenced proposed rule amendment.

17 ARC supports the purpose and intent behind Petition R-18-0004 (the
18 “Petition”), which would amend Rule 31, Rules of the Supreme Court. ARC’s
19 support for the Petition pertains both to (1) the Petition’s public policy objective of
20 improving access to justice by allowing certain business entities to be represented in
21 court by non-lawyer principals of those entities, and (2) enhancing the clarity of Rule
22 31 through a re-organization thereof.

23 In regard to allowing certain business entities to represent themselves without
24 a lawyer, while ARC supports the Petition’s public policy objective of improving
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1 access to justice for small businesses that might not be able to afford representation
2 by a lawyer, ARC nevertheless is concerned that:

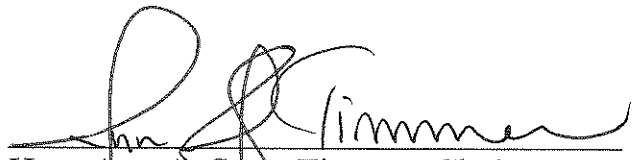
- 3 1. The Petition's proposal to allow any closely-held business entity to be
4 represented by a non-lawyer is overbroad, because any entity that is not
5 publicly traded would fall under the exception, even large entities.
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- 7 2. On information and belief, no other state has enacted a similar rule;
8 therefore, there is neither empirical nor anecdotal data available as to
9 the effectiveness of such a rule at improving access to justice, or
10 whether such a rule inadvertently has caused unanticipated issues in
11 other jurisdictions.
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- 13 3. The Petition does not clearly prevent a disbarred or suspended lawyer,
14 whether from Arizona or another jurisdiction, from appearing on behalf
15 of an entity.
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18 ARC believes that restricting the scope of the proposed rule amendment could
19 resolve the issues stated above; however, ARC believes that a "bright line" test that
20 will allow courts to determine whether an entity is eligible for self-representation is
21 both essential and difficult to craft. Any standard that is not a "bright line" (*i.e.*, that
22 would give a trial court some degree of discretion as to its interpretation or
23 application) would risk creating disputes, and consequently could lead to delay,
24 expense and confusion.
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ARC fully supports the aspects of the Petition that would re-organize Rule 31
in order to clarify the rule.

RESPECTFULLY SUBMITTED this 21st day of May, 2018.



Hon. Ann A. Scott Timmer, Chair
Attorney Regulation Advisory Committee