

2018 Rules Cycle Snapshot

Petitions Filed by the State Bar of Arizona (6)

Petition	Summary of Petition	Summary of Oppositions & Comments	Resolution
R-18-0015 Amend Rule 32(c)7, Ariz. R. Sup. Ct.	Would authorize SBA executive director to waive the dues of a member for personal hardship; subject to BOG review of denial.	None	Adopted as modified, effective 01-01-19
R-18-0016 Amend Rule 45, Ariz. R. Sup. Ct.	Would eliminate outdated provisions and allow future changes in delinquency fees.	None	Adopted as modified, effective 01-01-19
R-18-0017 Amend Rule 7, Ariz. R. Civ. App. P. and Rules 62 and 69, Ariz. R. Civ. P.	Would clarify the appeal bond scheme and computation of bond amounts, adopt aspects of Rule 62, Fed. R. Civ. P. and create an automatic discovery stay.	1 comment in support SBA filed reply	Adopted as modified, effective 01-01-19
R-18-0018 Amend Rules 38, 39, 49, 77 and 84, Ariz. R. Civ. P.	Would simplify the procedure for getting a jury trial to ensure against waiver by mere inadvertence and to eliminate the jury demand trap in cases removed to federal court.	1 comment in opposition SBA filed reply	Adopted as modified, effective 01-01-19
R-18-0019 Amend Rule 65(A)2.b, Ariz. R. Fam. L. P.	Would make the process for seeking discovery compliance and sanctions apply to all discovery mechanisms in Family Law Rules of Procedure.	None	Court denied
R-18-0020 Amend Rules 5 and 13, Ariz. R. P. Eviction Actions	Would streamline pleading requirements for eviction actions against tenants whose housing is subsidized and ensure that landlords only seek monetary judgments from a tenant's portion of subsidized rent.	4 comments	Adopted as modified, effective 01-01-19

Petitions Filed by Others

Petition	Petition Filed by	Summary of Petition	SBA Response	Resolution
R-17-0035 Amend Rule 49(a)(2)(C)(ii), Ariz. R. Sup. Ct.	Mark I. Harrison	Would remove the unintended punitive effect on respondents of the current rule which requires posting of probation on the SBA website for five years.	SBA filed comment in opposition providing alternative	Adopted as modified, effective 01-01-19
R-17-0044 Amend Rule 43, Ariz. R. Sup. Ct.	Jack Levine	Would encourage overdraft protection for client trust accounts; set procedures for rectifying overdrafts and giving notice to the SBA of failure to rectify overdrafts, and to require lawyers to leave untouched client trust account deposits in excess of \$5,000 for ten days to allow checks to clear.	SBA filed comment in opposition	Court denied

R-17-0050 Amend Rule 11, Ariz. R. Civ. P. and add Rule 26(b)(2)(D)	Governor Doug Ducey, Senate President Steve Yarbrough, House Speaker J.D. Mesnard, and Arizona Chamber of Commerce & Industry	Would amend rules concerning disclosure/discovery specific to parties to contracts and also make mandatory certain court sanctions.	SBA filed comment in opposition	Court denied
R-17-0054 Amend Ariz. R. Fam. L. P.	Task Force on the Arizona Rules of Family Law Procedure	Would amend the Arizona Rules of Family Law Procedure in their entirety.	SBA filed comment in support with proposed revisions	Adopted as modified, effective 01-01-19
R-18-0001 Repeal Rule 39	Arizona Voice for Crime Victims	Would repeal Rule 39 and interlineate the victims' rights provisions in each applicable criminal rule.	SBA filed comment in opposition	Court denied
R-18-0002 Amend Rule 28, Ariz. R. Sup. Ct.	Arizona Supreme Court Staff Attorneys' Office	Would update, restyle, and reorganize the "rulemaking" rule.	SBA filed comment in support with proposed modifications	Adopted as modified, effective 01-01-19
R-18-0003 Amend Rule 807, Ariz. R. Evid.	Advisory Committee on Rules of Evidence	Would amend rule to conform to pending amendment of Federal Rule of Evidence 807.	SBA filed comment in support	Adopted as modified, effective 01-01-19
R-18-0004 Amend Rule 31, Ariz. R. Sup. Ct.	Judge David B. Gass	Would amend the rule to improve access to justice for small business litigants and to reorganize and modernize the rule.	SBA filed comment in opposition	Court continued
R-18-0007 Amend Rule 26(b)4, Ariz. R. Civ. P.	William G. Klain, Patricia Lee Refo, David B. Rosenbaum, and Judge Peter B. Swann	Would conform Arizona procedure to federal procedure on the discoverability of draft expert reports and communications between parties' attorneys and experts.	SBA filed comment in support	Adopted as modified, effective 01-01-19
R-18-0009 Amend ER 1.2, Rule 42, Ariz. R. Sup. Ct.	Patricia A. Sallen	Would allow lawyers to ethically advise and assist clients in matters that are expressly legal under Arizona law but that might violate federal law.	SBA filed comment generally supporting with proposed language	Court denied
R-18-0012 Amend Rules 11.5 and 11.6, Ariz. R. Crim. P.	Administrative Office of the Courts	Would amend rules to enable the courts to more efficiently handle individuals in the justice system who have mental health issues.	SBA filed comment providing clarifications	Adopted as modified, effective 01-01-19
R-18-0013 Amend Rules 38 and 39, Ariz. R. Sup. Ct.	Arizona State, Tribal, and Federal Court Forum	Would remove financial burdens on attorneys licensed in other states who represent tribes in Arizona ICWA cases and provide for ongoing special admission without fees of these attorneys for ICWA cases.	SBA filed comment in support	Court denied

R-18-0014 Amend Rules 32, 46-49, 53, 55-58, and 60-63, Ariz. R. Sup. Ct.	Administrative Office of the Court	Would clarify the process for appointing and overseeing the functions of Chief Bar Counsel.	SBA filed comment generally supporting with proposed modifications	Adopted as modified, effective 01-01-19
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