

SUPREME COURT OF ARIZONA

In the Matter of )  
 )  
PETITION TO AMEND RULE 31(d) ) Arizona Supreme Court  
OF THE RULES OF THE SUPREME ) No. R-08-0011  
COURT OF ARIZONA )  
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**ORDER AMENDING  
RULE 31(d), RULES OF THE SUPREME COURT**

A Petition to Amend Rule 31(d), Rules of the Supreme Court, has been filed, which would permit lay representation under certain circumstances in proceedings before the Arizona Corporation Commission. Upon consideration,

IT IS ORDERED that Rule 31(d), Rules of the Supreme Court, be amended in accordance with the attachment hereto, effective January 1, 2010.

DATED this \_\_\_\_\_ day of September, 2009.

\_\_\_\_\_  
REBECCA WHITE BERCH  
Chief Justice

TO:  
Rule 28 Distribution

ATTACHMENT\*

RULES OF THE SUPREME COURT

Rule 31. Regulation of the Practice of Law

(a)-(c) [No change in text.]

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

1. - 27. [No change in text.]

28. In matters before the Arizona Corporation Commission, a public service corporation, an interim operator appointed by the Commission, or a non-profit organization may be represented by a corporate officer, employee, or a member who is not an active member of the state bar if:

(A) the public service corporation, interim operator, or non-profit organization has specifically authorized the officer, employee, or member to represent it in the particular matter,

(B) such representation is not the person's primary duty to the public service corporation, interim operator, or non-profit organization, but is secondary or incidental to such person's duties relating to the management or operation of the public service corporation, interim operator, or non-profit organization, and

(C) the person is not receiving separate or additional compensation (other than reimbursement for costs) for such representation.

Notwithstanding the foregoing provisions, the Commission or presiding officer may require counsel in lieu of lay representation whenever it determines that lay representation is interfering with the orderly progress of the proceeding, imposing undue burdens on the other parties, or causing harm to the parties represented.

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\* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.