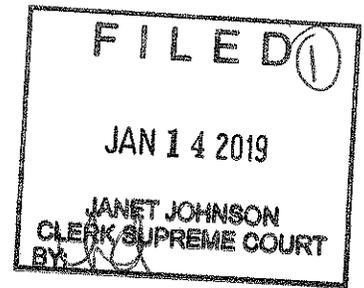


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R-19-0031

SUPERIOR COURT OF ARIZONA, PIMA COUNTY

In the Matter of:

PETITION TO AMEND RULE 45 (A)(2)  
AND (B)(1)

NO.

PETITION TO AMEND ARCP, RULE 45  
(A)(2) AND (B)(1)

Pursuant to Rule 28, Rules of the Supreme Court, Jeffrey A. Marks respectfully petitions this Court to adopt the proposed amendment to Rule 45, governing the issuance of subpoenas.

I. BACKGROUND AND PURPOSE OF THE PROPOSED RULE AMENDMENTS

A number of jurisdictions are permitting lawyers to issue their own subpoenas, bypassing the need for the Clerk of the Court to issue them.

Presently, the courts do not keep copies of the issued Subpoenas, and allowing the proposed amendment would allow parties to bypass the clerk's fee charged to issue a Subpoena, and it would expedite the process of needing a Subpoena signed and returned by the Clerk prior to service of process.

II. CONTENTS OF THE PROPOSED RULE AMENDMENT

"A lawyer who is licensed to practice in Arizona and holds an Arizona active bar license may

issue Subpoenas in any case in which the attorney is appearing, and bypass the need to have any Subpoena issued through the Clerk of the Court. In place of the Clerk's signature, the attorney must sign a statement at the end of the Subpoena saying: 'Issued by (name), Arizona Bar No\_\_\_\_ as an officer of this Court. This Subpoena is fully valid without the signature of the Clerk of The Court.' If a party is proceeding pro se or with a limited representation attorney, any Subpoenas would still need to be issued by the Clerk."

DATED this 10 day of January, 2019.

  
\_\_\_\_\_  
JEFFREY A. MARKS, Petitioner