

**JEFFREY A. MARKS, P.C.**

**ATTORNEY AT LAW**

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**APR 19 2019**

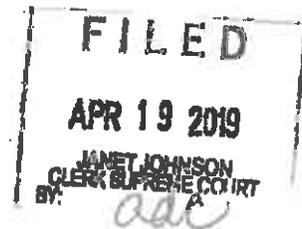
**CLERK SUPREME COURT**

**April 15, 2019**

**Clerk of the Arizona Supreme Court  
RE: Proposed Rules Change, R-19-0031  
1501 W. Washington Street  
Phoenix, AZ 85007-3231**

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**To whom this may concern,**

**I previously submitted a proposed rule change to Rule 45 (A)(2) and (B)(1). I have reviewed the objection to the proposal.**

**In response I would like to note that ARS Section 12-284 does not preclude a rule allowing a lawyer to prepare and issue his or her own subpoenas as officers of the court, thus bypassing the Clerk's office. Said statute only reflects the amount to be charged when a subpoena is issued by the Clerk. Said fee would still need to be charged when a non-lawyer *pro se* party seeks to have a subpoena issued, since my proposed rule does not apply to them.**

**I realize that there is a public policy argument to deny my proposal, and a lawyer can still certainly use the Clerk to issue a subpoena. The fact that the State Bar can prepare a subpoena is really inapplicable since a fee is still charged.**

**Sincerely yours,**

**Jeffrey A. Marks**