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

9 In the Matter of:

Supreme Court No. R-19-0045

10 **PETITION TO AMEND RULES 38**
11 **AND 39 OR THE ARIZONA**
12 **RULES OF PROTECTIVE ORDER**
13 **PROCEDURE**

COMMENT OF
THE STATE BAR OF ARIZONA

14 Pursuant to Rule 28(e) of the Arizona Rules of Supreme Court, the State Bar
15 of Arizona (the “State Bar”) hereby submits the following as its comment to the
16 above-captioned Petition.

17 The proposed amendments to Rule 38 and Rule 39 of the Arizona Rules of
18 Protective Order Procedure inappropriately change the burden on the plaintiff to
19 sustain an Order of Protection after a hearing, if it is the plaintiff’s first requested
20 Order of Protection in the State of Arizona. In doing so, the Petition risks the
21 possibility of abuse of the judicial system. Furthermore, whether a judicial officer
22 awards attorney fees or costs is discretionary and should remain as such with the
23 considerations currently enumerated in Rule 39.
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1 **CONCLUSION**

2 For the reasons stated above, the State Bar of Arizona respectfully requests
3 that this Petition be denied.
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6 RESPECTFULLY SUBMITTED this 1st day of May, 2020.

7 /s/ Lisa M. Panahi
8 Lisa M. Panahi
9 General Counsel

10 Electronic copy filed with the
11 Clerk of the Supreme Court of Arizona
12 this 1st day of May, 2020.

13 by: Patricia Seguin
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