

## **Nonlawyer Legal Service Providers Board**

### **Recent Amendments from the August 23, 2022, Rules Agenda**

#### Rules effective immediately:

[R-22-0014](#) Order amending Rule 51(a)(2) of the Rules of Family Law Procedure to correct an incorrect cross-reference, so it refers to Rule 60 rather than Rule 61, effective immediately.

#### Rules effective September 24, 2022 (general effective date of legislation):

[R-22-0027](#) Order amending on an emergency basis Rules 7, 11, and Appendix A (Residential Eviction Information Sheet) of the Rules of Procedure for Eviction Actions, and adopting on an emergency basis a new Rule 20 of the same rules, to conform to statutory changes enacted by HB 2484 and HB 2485, effective September 24, 2022.

[R-22-0028](#) Order amending on an emergency basis Rule 26.11 of the Rules of Criminal Procedure and adopting on an emergency basis a new Rule 36.1 of the same rules to implement a recent statute governing the sealing of criminal records, effective January 1, 2023.

[R-22-0029](#) Order amending on an emergency basis Rules 3.2, 4.2, 7.3, 11.5, 14.4, 39, and 41 of the Rules of Criminal Procedure to implement SB 1075, SB 1602, HB 2709, and HB 2372 from the 2022 legislative session, with the amendments to Rules 7.3, 11.5, and 39 and to Form 6 of Rule 41 becoming effective September 24, 2022 and the amendments to Rules 3.2, 4.2, 14.4, and to Form 3(a) of Rule 41 becoming effective January 1, 2023.

[R-22-0030](#) Order amending on an emergency basis Rules 3, 14, 23, 24, 25, 26, 30, 31, 32, and 42 of the Arizona Rules of Protective Order Procedure to incorporate the provisions of several statutes enacted in the last legislative session, effective September 24, 2022.

[R-22-0031](#) Order adopting on an emergency basis new Rules 45.1 and 78.1 of the Rules of Family Law Procedure to implement provisions of the recently enacted SB 1383, which (among other things) creates a “Summary Consent Decree” to allow an amicable divorce at a lower cost and authorizes a court to terminate a legal separation, effective September 24, 2022.

[R-22-0032](#) Petition proposes to amend on an emergency basis Rules 26.10, 26.11, 27.5, 30.1 through 30.6, and 41 of the Rules of Criminal Procedure to implement the recently enacted HB 2119 (which allows a person’s civil rights to be restored when certain criteria have been met), CONTINUED for 30 days.

[R-22-0033](#) Order amending on an emergency basis various procedural rules and forms to implement a recently enacted statute (SB 1115) to change references to “notary” to “notarial officer,” effective immediately.

[R-22-0036](#) Order amending **on an emergency basis** Rule 60 of the Rules of the Supreme Court of Arizona to provide that a prevailing respondent in a State Bar disciplinary proceeding shall recover attorney fees and costs in certain circumstances, effective September 24, 2022.

Rules effective January 1, 2023:

[R-21-0047](#) Order amending Rule 42.1 of the Rules of the Supreme Court of Arizona to provide that requests for opinions from the Ethics Advisory Committee must be submitted to Committee staff at the Administrative Office of the Courts, Certification and Licensing Division (rather than the Supreme Court Clerk), that Committee Staff (and not the Clerk) would be responsible for posting Committee opinions on the Supreme Court website, and that persons would no longer have the right to seek reconsideration of a Committee opinion after it is posted, effective January 1, 2023.

[R-21-0050](#) Order amending Rules 34(b) and 76(b) of the Arizona Rules of Family Law Procedure to modify the current rules’ provisions governing the parties’ obligation to consult with one another in connection with certain pretrial proceedings, effective January 1, 2023.

[R-21-0051](#) Order amending Rules 5.3, 6.1, 7.3, and 7.4 of the Rules of Criminal Procedure to modify the procedures governing pretrial release, effective January 1, 2023.

[R-22-0003](#) Order amending Rule 27.6 of the Rules of Criminal Procedure to clarify the procedures for release determinations in superior court and limited jurisdiction courts after the filing of a petition to revoke probation, effective January 1, 2023.

[R-22-0005](#) Order amending Rules 78 and 91 of the Arizona Rules of Family Law Procedure to better define “judgment” and clarify when post-judgment rulings are appealable, effective January 1, 2023. **[MAY BE MODIFIED]**

[R-22-0006](#) Order amending Rule 14 of the Arizona Rules of Family Law Procedure to provide an alternative means of verification when a filing must be verified, effective January 1, 2023.

[R-22-0010](#) Order amending Rule 76(b)(1)(B) of the Arizona Rules of Family Law Procedure to provide that a party’s resolution statement must set forth the party’s position without argument in support of the position, effective January 1, 2023.

[R-22-0012](#) Order amending Rules 30 and 32 of the Rules of Civil Procedure to clarify the notice attorneys must provide and the procedures they must follow to video-record

depositions, including depositions video-recorded by cell phone or tablet, effective January 1, 2023.

[R-22-0015](#) Order amending Rule 76.1 of the Rules of Family Law Procedure to provide additional time to settle on pretrial statements and procedures for the statement's preparation and adopting a new rule requiring the submission of a Notice of Issues at least 20 days before trial, effective January 1, 2023.

[R-22-0022](#) Order adding a new comment to ER 1.5 (Rule 42 of the Rules of the Supreme Court of Arizona) to clarify a lawyer's ethical obligations when dividing a client's fee with a person or entity outside of the lawyer's firm, effective January 1, 2023.

### **Rules Circulating for Comment from August 23, 2022, Rules Agenda listed below:**

[R-22-0026](#) This petition proposes to amend Rule 25(e) of the Arizona Rules of Protective Order Procedure to clarify what a court must find to justify the issuance of an injunction against harassment. On June 6, 2022, the Court opened the petition for public comment, with **comments due no later than October 3, 2022**, and any reply due no later than October 17, 2022. The Court will consider this petition at its December 2022 Rules Agenda.

[R-22-0027](#) Following the August 2022 Rules Agenda, the Court entered an order amending on an emergency basis Rules 7, 11, and Appendix A (Residential Eviction Information Sheet) of the Rules of Procedure for Eviction Actions, and adopting on an emergency basis a new Rule 20 of the same rules, to conform to statutory changes enacted by HB 2484 and HB 2485. On June 24, 2022, the Court opened this petition for public comment, with **comments due no later than October 3, 2022**, and any reply due no later than October 17, 2022. The Court will decide whether to adopt the new rule and these amendments to the rules and Appendix A on a permanent basis at its December 2022 Rules Agenda.

[R-22-0028](#) Following the August 2022 Rules Agenda, the Court entered an order amending on an emergency basis Rule 26.11 of the Rules of Criminal Procedure and adopting on an emergency basis a new Rule 36.1 of the same rules to implement a recent statute governing the sealing of criminal records. On June 28, 2022, the Court opened this petition for public comment, with **comments due no later than October 3, 2022**, and any reply due no later than October 17, 2022. The Court will decide whether to adopt this new rule and the rule amendments on a permanent basis at its December 2022 Rules Agenda.

[R-22-0029](#) Following the August 2022 Rules Agenda, the Court entered an order amending on an emergency basis Rules 3.2, 4.2, 7.3, 11.5, 14.4, 39, and 41 of the Rules of Criminal Procedure to implement SB 1075, SB 1602, HB 2709, and HB 2372 from the 2022 legislative session. On June 29, 2022, the Court opened the petition for public comment, with **comments due no later than October 3, 2022**, and any reply due no

later than October 17, 2022. The Court will decide whether to adopt these amendments to the rules and forms on a permanent basis at its December 2022 Rules Agenda.

R-22-0030 Following the August 2022 Rules Agenda, the Court entered an order amending on an emergency basis Rules 3, 14, 23, 24, 25, 26, 30, 31, 32, and 42 of the Arizona Rules of Protective Order Procedure to incorporate the provisions of several statutes enacted in the last legislative session. On July 1, 2022, the Court opened the petition for public comment, with **comments due no later than October 3, 2022**, and any reply due no later than October 17, 2022. The Court will decide whether to adopt these rule amendments on a permanent basis at its December 2022 Rules Agenda.

R-22-0031 Following the August 2022 Rules Agenda, the Court entered an order adopting on an emergency basis new Rules 45.1 and 78.1 of the Rules of Family Law Procedure to implement provisions of the recently enacted SB 1383, which (among other things) creates a “Summary Consent Decree” to allow an amicable divorce at a lower cost and authorizes a court to terminate a legal separation. On July 6, 2022, the Court opened the petition for public comment, with **comments due no later than October 3, 2022**, and any reply due no later than October 17, 2022. The Court will decide whether to adopt these rules on a permanent basis at its December 2022 Rules Agenda.

R-22-0032 The petition proposes amending on an emergency basis Rules 26.10, 26.11, 27.5, 30.1 through 30.6, and 41 of the Rules of Criminal Procedure to implement the recently enacted HB 2119, which allows a person’s civil rights to be restored when certain criteria have been met. On July 6, 2022, the Court opened this petition for public comment, with **comments due no later than October 3, 2022**, and any reply due no later than October 17, 2022. Following the August 2022 Rules Agenda, the Court entered an order continuing the Court’s consideration of the petition. At its December 2022 Rules Agenda, the Court will decide whether to adopt these amendments, or decide whether to adopt them on a permanent basis if they are adopted earlier on an emergency basis.

R-22-0033 Following the August 2022 Rules Agenda, the Court entered an order amending on an emergency basis various procedural rules and forms to implement a recent statute (SB 1115) to change references to “notary” to “notarial officer.” On July 6, 2022, the Court opened the petition for public comment, with **comments due no later than October 3, 2022**, and any reply due no later than October 17, 2022. The Court will decide whether to adopt these amendments to the rules and forms on a permanent basis at its December 2022 Rules Agenda.

R-22-0035 This petition sets forth possible amendments to about forty rules of the Rules of Criminal Procedure to insert victims’ rights provisions. On July 13, 2022, the Court opened the petition for public comment, with **comments due no later than October 3, 2022**, and any reply due no later than October 17, 2022. The Court will consider this petition at its December 2022 Rules Agenda.

[R-22-0036](#) Following the August 2022 Rules Agenda, the Court entered an order amending on an emergency basis Rule 60 of the Rules of the Supreme Court of Arizona to provide that a prevailing respondent in a State Bar disciplinary proceeding shall recover attorney fees and costs in certain circumstances. On July 18, 2022, the Court opened the petition for public comment, with **comments due no later than October 3, 2022**, and any reply due no later than October 17, 2022. The Court will decide whether to adopt these rule amendments on a permanent basis at its December 2022 Rules Agenda.

Continued:

[R-22-0004](#) Petition proposes to amend Rules 4(d) and 9 of the Rules of Procedure for Eviction Actions to modify the procedures governing the satisfaction of a judgment and to adopt a new rule governing the vacating of an eviction judgment, CONTINUED until the December 2022 Rules Agenda.

[R-22-0007](#) Petition proposes to amend Rule 77 and to adopt a new Rule 77.1 of the Rules of Family Law Procedure to implement an informal family trial program to increase access to justice and improve efficiency in family law matters, CONTINUED until the December 2022 Rules Agenda.

**Next Rules Agenda will be held on December 6, 2022 (Date subject to change)**

Denied:

[R-21-0041](#) Rule 42 (ER 1.2), Arizona Rules of the Supreme Court. Would amend ER 1.2, Rule 42 of the Rules of the Supreme Court of Arizona, to add an additional subpart providing that despite a general rule against assisting a client in conduct that the lawyer knows is criminal, a lawyer may counsel or assist a client regarding conduct expressly permitted by Arizona state law, even if it violates federal law or the law of another jurisdiction.

[R-22-0016](#) Would amend Rule 32 of the Rules of the Supreme Court of Arizona to provide that final decisions of Bar licensure and discipline would be decided by a jury trial.