

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-20-0003
RULE 39(a), RULES OF THE)
SUPREME COURT)
) **FILED: 8/27/2020**
)
_____)

**ORDER
AMENDING RULE 39(a), ARIZONA RULES OF THE SUPREME COURT**

A petition having been filed proposing to amend Rule 39(a) of the Arizona Rules of the Supreme Court, and comments having been received, upon consideration,

IT IS ORDERED that Rule 39(a), Arizona Rules of the Supreme Court, is amended in accordance with the attachment to this order, effective January 1, 2021.

DATED this 27th day of August, 2020.

_____/s/_____
ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution

Hon Randall M Howe

Hon Brandelle Whitworth

Hon Ann A. Scott Timmer

Sunshine Whitehair

Gary Aitken Jr.

Georgette Boggio

Doreen N McPaul

Jason M Croxton

April Olson

Patricia Ferguson-Bohnee

Bill Anoatubby

ATTACHMENT¹

ARIZONA RULES OF THE SUPREME COURT

Rule 39. Temporary Authorizations to Practice Law

(a) Pro Hac Vice

(1) – (12) [No change in text.]

(13) *Exception for Indian Child Welfare Cases.* A non-member attorney is not required to associate with local counsel under this rule or pay the fees established by this rule if the applicant establishes to the satisfaction of the State Bar of Arizona that:

(A) the non-member attorney seeks to appear in an Arizona court for the limited purpose of participating in a child custody proceeding as defined by 25 U.S.C. § 1903, pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq.;

(B) the non-member attorney represents a federally recognized Indian tribe as defined by 25 U.S.C. § 1903(8) of the Rules of Procedure for Juvenile Court; and

(C) the Indian child's tribe has submitted a pleading to the court seeking to intervene and participate in the state court proceeding and affirming the child's membership or eligibility for membership under tribal law.

The non-member attorney shall file a motion to appear pro hac vice with the court in which the proceeding is pending and shall perform the duties required to be performed by associate counsel under this rule. Appearance in child welfare proceedings under this paragraph constitutes a special circumstance for the purposes of the restriction in paragraph (6) that a motion may be denied because of repeated appearances.

(b) – (d) [No change in text.]

¹ Additions to the rule's text are shown by underscoring and deletions of text are shown by ~~strike-through~~.