

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-23-0042  
RULE 6.1, RULES OF CRIMINAL )  
PROCEDURE )  
 )  
 )  
 ) **FILED:08/28/2023**  
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**O R D E R**

On August 18, 2023, David K. Byers, Administrative Director of the Administrative Office of the Courts, filed a rule petition to amend Rules 6.1(b) to clarify the rules governing the appointment of counsel at an initial appearance and the scope of that representation. Because ambiguities in the current rule have reportedly created confusion about the appointment of counsel in certain cases, Petitioner further requests that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, and be adopted on an emergency basis under Rule 28(h)(2) of the same rules. Upon consideration,

**IT IS ORDERED** granting the request to consider this petition on an expedited basis.

**IT IS FURTHER ORDERED** that during its December 2023 Rules Agenda, the Court will consider whether to adopt the proposed amendments to Rule 6.1(b) of the Rules of Criminal Procedure on

an emergency basis. If it does, the Court will consider whether to adopt the rule amendments on a permanent basis during its August 2024 Rules Agenda. If it decides not to adopt the proposed rule amendments on an emergency basis, the Court will decide whether to adopt them on a non-emergency basis during its August 2024 Rules Agenda.

**IT IS FURTHER ORDERED** that this petition is opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than October 2, 2023, and any reply due no later than October 16, 2023. Unless the Court denies the rule petition during the December 2023 Rules Agenda, the petition will be reopened for public comment until May 1, 2024, with any reply due June 3, 2024.

The petition may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules, for example, Rules of Criminal Procedure, which is found by scrolling down the page.

For instructions on how to post comments electronically, click on <https://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."

Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail.

DATED this 28<sup>th</sup> day of August, 2023.

/s/  
ROBERT BRUTINEL  
Chief Justice

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TO:

Rule 28 Distribution  
David K Byers