

Information and Rules Applicable to Practice in Pima County Superior Court by Non-Attorneys

In an effort to respond to questions frequently asked by non-attorneys and to guide non-attorneys appearing on their own behalf (pro per/pro se) in Superior Court, the Court hereby notes the following:

1. Lawyers and non-lawyers alike are expected and required to be aware of and follow all applicable court rules, including the Arizona Rules of Civil Procedure, the Pima County Local rules (particularly Rule 3) and the Arizona Rules of Evidence. All of the rules can be found in a single-volume publication entitled "Arizona Rules of Court." There are several copies available for use at the Pima County Law Library, 110 W. Congress, Second Floor (740-8456), among other places. Another excellent source of information is the Superior Court website at www.sc.pima.gov. Under "Judges/Commissioners" click on "Civil Bench" and then "Civil Bench Homepage" for explanations about the civil trial process.
2. The Court cannot advocate for litigants representing themselves. Pro per litigants are held to the same standard as attorneys. *Copper State Bank v. Saggio*, 139 Ariz. 438, 441, 679 P.2d 84 (App. 1984). Where a party conducts his/her case as a pro per, he/she is entitled to no more consideration than if he/she had been represented by counsel, and he/she is held to the same familiarity with required procedures and notice of statutes and local rules as would be attributed to a qualified member of the Bar.
3. Anything filed with this Court must also be filed with the Clerk's Office and must be mailed/served upon all other parties in the case, or if they are represented by an attorney, upon their attorney. Pursuant to Local Rule 3.1, at the time of filing of the original with the Clerk of Superior Court, a copy of each motion, response, reply, or other paper, if necessary for a judicial ruling or decision, shall be presented to the Division to which the case is assigned. Proof of mailing/service must be shown on any filing lodged with this Court. The Court will not consider documents, pleadings, or other filings unless it is clear that they have been sent to all other parties/attorneys.
4. Please note that Rule 5(g)(2), Arizona Rules of Civil Procedure (A.R.Civ.P.) prohibit the filing of various documents with the Clerk's Office and the Court unless relevant to determination of an issue before the Court.
5. Court staff are ethically prohibited from giving any legal advice, or talking with parties outside of a court proceeding (ex parte) about any substantive matter concerning your case. See Rules 2.9, 2.13, and 3.9, Code of Judicial Conduct (2009). This includes telephone conversations.

6. An individual appearing pro per is permitted to represent himself or herself. However, a non-attorney may not legally represent a friend or family member. In other words, a pro per litigant cannot have a non-attorney (even a family member) advocate on the litigant's behalf in a hearing or trial. *Encinas v. Magnum*, 203 Ariz. 357, 359, 54 P.3d 826 (App. 2002). Likewise, a non-lawyer may not represent a corporation or business entity, even if that individual owns some or all of the entity. *Ramada Inns, Inc. v. Lane and Bird Advertising, Inc.*, 102 Ariz. 127, 128, 426 P.2d 395 (1967). See also, *In re America West Airlines*, 40 F.3d 1058 (9th Cir. 1994). Furthermore, a non-attorney parent may not represent his or her child in a legal action. *Byer-Watts v. Parker*, 199 Ariz. 466, 471, 18 P.3d 1265 (App. 2001).
7. Rule 11 (A.R.Civ.P.) requires that all pleadings have a good faith basis in law and fact. Pleadings filed with this Court that are not well-grounded in law and/or fact may cause this Court to impose sanctions. This rule applies to pro per litigants.
8. A certified legal document preparer must be in compliance with Rule 31, Arizona Rules of the Supreme Court (see Arizona Code of Judicial Administration, Part 7, Chapter 2 § 7-208) and cannot provide any legal advice, opinions, strategy, etc. Any document prepared by a certified legal document preparer must contain that person's name and certificate number.
9. If you desire to find an attorney to represent you, depending on the specifics of your situation and case, you can contact
 - A. Pima County Bar Association Lawyer Referral Service
177 North Church Avenue, #101
Tucson AZ 85701 (Phone: 520/623-4625)
 - B. Southern Arizona Legal Aid, Inc.
2343 E. Broadway Blvd.
Tucson AZ 85701 (Phone: 520/623-9465)