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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Regina Lynn Villone; Richard Rodriguez)
(husband),

No. CV-09-8213-PCT-LOA

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Plaintiffs,

ORDER

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vs.

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United Parcel Services, Inc., etc.; et al,

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Defendants.

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Upon review of the Complaint, it is unclear whether *pro se* Plaintiff Regina L. Villone is bringing this action on behalf of herself only or on behalf of herself and her husband. The caption of the Complaint identifies two Plaintiffs and the first paragraph states: "Plaintiff, Regina L. Villone and Richard Rodriguez (husband), In Propria Persona, allege as follows." (docket # 1) The body of the Complaint, however, appears to allege claims only as to Plaintiff, Regina L. Villone and not her husband, Richard Rodriguez. (*Id.* at 2)

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PRACTICE OF LAW

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Generally, Arizona does not permit non-lawyers to practice law on behalf of other individuals or corporations in a judicial proceeding. See, Rule 31(a)(2)(A)(3) and (b), Ariz. R. Sup.Ct. While a natural person can always appear *pro per* and represent herself, she may not represent her husband if she is a non-lawyer. *Encinas v. Mangum*, 203 Ariz. 357, 54 P.3d 826, (Ariz.Ct.App. 2002) (citing *Haberkorn v. Sears, Roebuck & Co.*, 5 Ariz.App.

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1 397, 399, 427 P.2d 378, 380 (Ariz.Ct.App. 1967) (non-lawyer husband may not represent
2 wife in a court of law, despite any community interest); *Bloch v. Bentfield*, 1 Ariz.App. 412,
3 417, 403 P.2d 559, 564 (Ariz.Ct.App. 1965) (non-lawyer plaintiff could represent self but
4 not co-plaintiff family members).

5 The District Court of Arizona follows Arizona law regarding the practice of
6 law. *Marchant v. U.S. Collections West, Inc.*, 12 F. Supp.2d 1001, 1005 (D. Ariz. 1998).
7 There is no doubt that the filing of a complaint constitutes the “practice of law.” Consistent
8 with Arizona law, however, Plaintiffs’ Complaint is not automatically a nullity. *Boydston*
9 *v. Strole Development Company*, 193 Ariz. 47, 969 P.2d 653, 656 (Ariz. 1998).

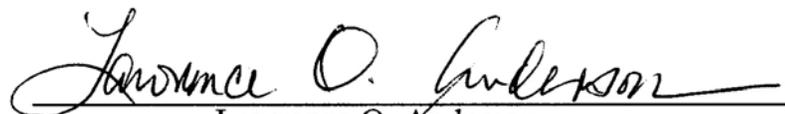
10 **DISCUSSION**

11 If Plaintiffs intend to allege a claim for Richard Rodriguez, Mr. Rodriguez will
12 need to sign an amended complaint and represent himself or Plaintiffs will be allowed a
13 reasonable opportunity to retain a lawyer, appropriately licensed to practice law in Arizona
14 and admitted to practice in this District Court, to file an Amended Complaint or Plaintiffs’
15 Complaint may be dismissed. If Plaintiff Regina L. Villone does not intend to allege a claim
16 for Richard Rodriguez, the caption of the Complaint will be corrected by subsequent order
17 or at the Rule 16 scheduling conference.

18 On the Court’s own motion,

19 **IT IS ORDERED** that if Plaintiffs intend to allege a claim for Richard
20 Rodriguez, Mr. Rodriguez shall sign an amended complaint and represent himself or
21 Plaintiffs shall retain a lawyer, appropriately licensed to practice law in Arizona and
22 admitted to practice in this District Court, who shall file an motion to amend the Complaint
23 on or before **Friday, January 8, 2010**.

24 DATED this 9th day of December, 2009.

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27 Lawrence O. Anderson
28 United States Magistrate Judge