

Paul J. McMurdie
Samuel A. Thumma
Judges, Arizona Court of Appeals
Division One
State Courts Building
1501 West Washington
Phoenix, Arizona 85007
Telephone: (602) 452-6700

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of)	Arizona Supreme Court No. R-22-0005
)	
ARIZONA RULES OF FAMILY)	REPLY IN FURTHER SUPPORT OF
COURT PROCEDURE 78, 85 AND)	REVISED PETITION TO AMEND
91)	ARIZONA RULES OF FAMILY
_____)	LAW PROCEDURE 78, 85 AND 91

On January 6, 2022, Petitioners, in their individual capacities, filed a petition to amend Arizona Rules of Family Law Procedure 78, 85 and 91, which they amended in a March 25, 2022 filing. On January 27, 2022, the Court issued an order directing that the petition was open for public comment, with comments to be submitted on or before May 2, 2022.

The deadline for comments has now passed. One comment was filed on February 17, 2022, noting the Family Court Improvement Committee unanimously passed a motion to support the petition on February 9, 2022.

Petitioners submit this reply in further support of the petition as amended, requesting that the Court amend Arizona Rules of Family Law Procedure 78, 85 and 91. Given informal comments received by petitioners, however, this reply requests

an additional amendment reflected in the attachment, highlighted in yellow. This additional amendment would make clear that a decision resolving a petition listed in Rule 23(a), either granting *or denying* the relief requested in such a petition, is a judgment. This would avoid an argument that a decision denying the relief requested in such a petition was not a judgment.

Petitioners also ask that this reply be allowed, notwithstanding that it is being filed one day after the June 1, 2022 date for a reply listed in the Court's January 27, 2022 order.

CONCLUSION

Petitioners respectfully request that the Court consider this reply and adopt the proposed changes reflected in the attachment to this reply with an effective date of January 1, 2023.

DATED this 2nd day of June 2022.

Samuel A. Thumma for

Paul J. McMurdie

Samuel A. Thumma

Samuel A. Thumma

ATTACHMENT¹

¹ Changes or additions in rule text are shown by capitalized text as well as yellow highlights and deletions from text are shown by strikeouts.