

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-22-0041  
RULES OF CIVIL APPELLATE )  
PROCEDURE 15 AND 21, ARIZONA RULE )  
OF CRIMINAL PROCEDURE 31, AND THE )  
RULES OF THE SUPREME COURT )  
 ) **FILED:08/24/2023**  
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**ORDER AMENDING RULES 15 AND 21 OF THE RULES OF CIVIL APPELLATE  
PROCEDURE AND RULE 31.13 OF  
THE RULES OF CRIMINAL PROCEDURE**

A petition having been filed proposing to amend various rules of appellate procedure, and comments having been received, upon consideration,

**IT IS ORDERED** that Rules 15 and 21 of the Rules of Civil Appellate Procedure and Rule 31.13 of the Rules of Criminal Procedure are amended in accordance with the attachment to this order, effective January 1, 2024.

DATED this 24<sup>th</sup> day of August, 2023.

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/s/  
ROBERT BRUTINEL  
Chief Justice

TO:

Rule 28 Distribution

Joel W Nomkin

Susan M Freeman

Scott Bales

Timothy J Berg

Kimberly A Demarchi

Thomas L Hudson

Lawrence A Kasten

Mary R O'Grady

Pamela B Petersen

Charles W Wirken

Kathleen P Sweeney

David J Euchner

Lina G Garcia

Rosemarie Pena-Lynch

Steve B Koestner

Sherri McGuire Lawson

Gary M Kula

Shannon L Burns

Garye L Vasquez

Kent E Cattani

## ATTACHMENT<sup>1</sup>

### RULES OF CIVIL APPELLATE PROCEDURE

#### Rule 15. Due Dates; Filing and Service of Briefs

##### (a) Time for Filing a Brief.

(1)-(6) [No change]

(7) *Response to Amicus Curiae Brief.* A party may respond to an amicus curiae brief. A response may only address points of disagreement with the amicus brief. If amicus curiae files a brief with the consent of the parties, or if a government entity or agency files an amicus curiae brief, a party has 20 days after service of the brief to file a response. If the appellate court issues an order granting a motion for leave to file an amicus curiae brief that has been lodged with the appellate court, a party has 20 days after entry of that order to file a response.

(8) [No change]

(b)-(e) [No change]

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#### Rule 21. Attorneys' Fees and Costs.

##### (a) Claim for Attorneys' Fees [No change]

(1)-(2) [No change]

(3) *Opposition.* A party opposing a claim of attorneys' fees noticed in an opening or an answering brief on appeal must do so in an answering or a reply brief. Any party opposing a claim of attorneys' fees noticed in a petition for review or a cross-petition for review must do so in the response to a petition or cross-petition. Any party opposing a claim of attorneys' fees noticed in a response either to a petition for review or a cross-petition for review must do so in a separate brief in opposition filed no later than 10 days after the notice is served. The brief may not exceed 4 pages in length.

### RULES OF CRIMINAL PROCEDURE

#### Rule 31.13. Due Dates; Filing and Service of Briefs

##### (a) Time for Filing a Brief in a Noncapital Case.

(1)-(6) [No change]

(7) *Response to Amicus Curiae Brief.* A party may respond to an amicus curiae brief. A response may only address points of disagreement with the amicus brief. If the

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<sup>1</sup> Additions to the text of a rule are shown by underscoring and deletions from text are indicated by ~~strike-through~~.

amicus curiae files a brief with the consent of the parties or if a government entity or agency files an amicus curiae brief, a party has 30 days after the brief is served to file a response. If the appellate court grants a motion for leave to file an amicus curiae brief that has been lodged with the appellate court, a party has 30 days from entry of that order to file a response.

**(b)-(e) [No change]**