

Tracie K. Lindeman
Supreme Court of Arizona
1501 W. Washington St., Suite 402
Phoenix, AZ 85007
Petitioner

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:)
)
) Supreme Court No. R-24-_____
)
PETITION TO AMEND RULE)
59(g) OF THE ARIZONA RULES OF)
SUPREME COURT)
)
)
_____)

Pursuant to Rule 28, Ariz. R. Sup. Ct., the Clerk of the Arizona Supreme Court petitions to amend Rule 59(g) of the Rules of the Arizona Supreme Court. The purpose of the amendment is to permit a combined cross-appeal brief and answering brief to be filed thirty days after an appellant’s opening brief.

As written, Rule 59(g) requires that an opening brief must be filed no later than thirty days after the notice of docketing. The answering brief must be filed no later than thirty days after service of the opening brief. Under the Rule, a party who files a cross-appeal may file a combined opening cross-appeal brief and answering brief. This combined brief “shall be filed within the time allowed for filing the brief as cross-appellant.” In practice, this means that a combined cross-appeal brief and answering brief would be filed at the same time as an appellant’s opening brief, which precludes the brief from addressing the arguments in the appellant’s opening brief.

The proposed amendment would clarify that a combined cross-appeal opening brief and answering brief may be filed thirty days after the appellant's opening brief. The proposed change is as follows:

Rule 59(g) Time for Filing Briefs. The appellant's opening brief, and appellee's opening brief in a cross-appeal, if any, shall be filed with the clerk of the court no later than thirty (30) days after the notice of docketing. The answering briefs shall be filed with the clerk of the court no later than thirty (30) days after service of the opening brief. A reply brief may be filed with the clerk of the court no later than fifteen (15) days after service of the answering brief. A party who files a cross-appeal may combine in one brief the opening cross-appeal brief and the answering brief no more than thirty (30) days after service of the appellant's opening brief, ~~but such brief shall be filed within the time allowed for filing the brief as cross-appellant.~~

This proposed amendment clarifies the briefing schedule and gives the cross-appellant an adequate opportunity to file a combined opening cross-appeal brief and answering brief .

RESPECTFULLY SUBMITTED this 9th day of January 2024.

/s/
Tracie K. Lindeman
Clerk of Court

APPENDIX¹

RULES OF THE SUPREME COURT OF ARIZONA

Rule 59. Review by the Court

(a) – (f) [No Change]

(g) Time for Filing Briefs. The appellant’s opening brief, and appellee’s opening brief in a cross-appeal, if any, shall be filed with the clerk of the court no later than thirty (30) days after the notice of docketing. The answering briefs shall be filed with the clerk of the court no later than thirty (30) days after service of the opening brief. A reply brief may be filed with the clerk of the court no later than fifteen (15) days after service of the answering brief. A party who files a cross-appeal may combine in one brief the opening cross-appeal brief and the answering brief no more than thirty (30) days after service of the appellant’s opening brief., ~~but such brief shall be filed within the time allowed for filing the brief as cross-appellant.~~

(h) – (k) [No Change]

¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike-through~~.