

1 RICHARD M. ROMLEY  
MARICOPA COUNTY ATTORNEY  
2 (Firm State Bar No. 0003200)

3 Paul W. Ahler  
Chief Deputy County Attorney  
4 301 West Jefferson Street, Suite 800  
Phoenix, Arizona 85003  
5 Telephone: (602) 506-3800  
(State Bar Number 005379)

6 IN THE SUPREME COURT

7 STATE OF ARIZONA

8 IN THE MATTER OF:

**R09-0030**

9 PETITION TO AMEND RULE 6(E),  
10 ARIZONA RULES OF CIVIL  
PROCEDURE

**MARICOPA COUNTY ATTORNEY'S  
COMMENTS TO PETITION TO  
AMEND RULE 6(E), ARIZONA  
RULES OF CIVIL PROCEDURE**

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13 The Maricopa County Attorney's Office supports the proposed amendment to Rule  
14 6(e) of the Arizona Rules of Civil Procedure.

15 As commenters have noted on other petitions, uniformity with the Federal Rules of  
16 Civil Procedure is desirable, and promotes the effective administration of justice. This rule,  
17 dealing with the calculation of "mailing time," has been the subject of several amendments  
18 in the past.

19 In 1987, the rule was amended to include an express provision that the additional  
20 five days prescribed by Rule 6(e) should be included in "any period of time prescribed or  
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1 allowed by these rules..."<sup>1</sup> After a series of contrary court rulings, the rule was amended in  
2 1989 to specify that the "mailing time" was to be excluded from calculating the time  
3 prescribed or allowed by the rules, and then added after the Rule 6(a) computation is made.<sup>2</sup>

4 The amendment proposed by this Petition would conform to existing practice  
5 among most civil litigation attorneys, and would remove any lingering ambiguities about  
6 calculating "mailing time." This issue is even more relevant currently due to the increasing  
7 use of electronic filing, which invokes the "mailing time" addition to the calculation of  
8 times for responses and replies.

9 The Maricopa County Attorney's Office has reviewed the additional proposals  
10 suggested by the State Bar of Arizona in its comments to the petition and concurs that both  
11 the language suggestion and illustrative example would be helpful.

12 RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of May, 2010.

13 RICHARD M. ROMLEY  
14 MARICOPA COUNTY ATTORNEY

15  
16 BY:   
17 Paul W. Ahler  
18 Chief Deputy County Attorney

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22 <sup>1</sup> McAuliffe & Wahl, Arizona Civil Rules Handbook (2010) at 101-102.  
<sup>2</sup> *Id.* at 102.