

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-23-0055
RULES OF PROCEDURE FOR SPECIAL	)	
ACTIONS	)	FILED 8/22/2024
	)	
	)	
	)	
	)	

**ORDER AMENDING
THE RULES OF PROCEDURE FOR SPECIAL ACTIONS
AND RELATED RULES**

A petition having been filed proposing to abrogate and replace the current Rules of Procedure for Special Actions with a new set of rules, and the Court having considered the petition, comments, and reply,

IT IS ORDERED that the current Rules of Procedure for Special Actions and their associated comments are hereby abrogated, effective January 1, 2025.

IT IS FURTHER ORDERED that the Rules of Procedure for Special Actions and their associated comments and forms, as shown in Attachment A, are hereby adopted, effective January 1, 2025.

IT IS FURTHER ORDERED that the newly adopted rules shall apply:

(1) in all special actions filed on or after January 1, 2025; and

(2) in all other special actions pending on January 1, 2025, except to the extent that the court in an affected special action determines that applying a newly adopted rule would be infeasible or work an injustice, in which event the former rule of procedure applies.

IT IS FURTHER ORDERED that the Table of Contents and Correlation Table shown in Attachment B are hereby approved for publication and shall appear before the beginning of the newly adopted rules shown in Attachment A, with the Correlation Table following the Table of Contents.

IT IS FURTHER ORDERED that Rule 1.9(v)(2) of the Rules of Criminal Procedure and the comment following Rule 10 of the Arizona Rules of Civil Appellate Procedure are hereby amended as is shown in Attachment C to this order, effective January 1, 2025.

DATED this 22nd day of August, 2024.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution

Mark E Meltzer

Joel W Nomkin

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ATTACHMENT A

ATTACHMENT A

RULES OF PROCEDURE FOR SPECIAL ACTIONS

PART I. GENERAL PROVISIONS

Rule 1. Scope and Construction; Computing Time; Confidentiality

(a) Title. These are the Rules of Procedure for Special Actions. A rule may be cited as “RPSA 00.”

(b) Scope. These rules govern procedures for all special actions in the Superior Court of Arizona, the Arizona Court of Appeals, and the Arizona Supreme Court, except where these rules specify that other rules or sets of rules apply.

(c) Construction. Parties and courts should use and construe these rules in a just manner that avoids unnecessary delay and expense.

(d) Computing Time. Rules 6(a) and, except for electronically served documents, Rule 6(c) of the Rules of Civil Procedure govern the computation of any time period set by these rules, a court order, or an applicable statute.

(e) Confidentiality. Parties must comply with all confidentiality requirements under applicable statutes, rules, or other provisions of law.

Rule 2. Special Actions Defined

(a) Generally. Special actions allow a party to obtain relief in a superior or appellate court from a decision of a lower court, or from a body, officer, or person.

(b) Original Special Actions; Appellate Special Actions. There are two types of special actions – original special actions and appellate special actions.

(1) *Original Special Actions.* An original special action begins a case in court. It does not request review of an earlier decision of a court. A party seeks original special action relief by filing a complaint. With few exceptions, jurisdiction is mandatory in original special actions.

(2) *Appellate Special Actions.* An appellate special action requests review of an earlier decision of a lower court. A party seeks appellate special action relief by filing a petition. With few exceptions, jurisdiction is discretionary in appellate special actions and may be accepted only if the remedy by appeal is not equally plain, speedy, and adequate.

(c) Old Writs Now Described as Special Actions. The writs of certiorari, mandamus, or prohibition by which parties formerly obtained relief in proceedings are now called special actions. Special action proceedings should no longer be designated as proceedings for certiorari, mandamus, or prohibition. If a party brings an action formerly described as one for certiorari, mandamus, or prohibition, whether under A.R.S. § 12-

2001, A.R.S. § 12-2021, or the common law, that action is a special action. These rules do not enlarge the scope of relief those writs formerly granted.

2025 Comment

Arizona’s Constitution authorized the legislature to create the writs that are now described as special actions. Ariz. Const. art. 6, §§ 5, 18.

Most special actions are appellate special actions. They are governed by Rules 11 through 20. The Supreme Court has jurisdiction over appellate special actions under the article 6, section 5 of the Arizona Constitution, and A.R.S. §§ 12-2001 and 12-2021. The Court of Appeals has jurisdiction over appellate special actions under A.R.S. § 12-120.21. The Superior Court has jurisdiction over appellate special actions under A.R.S. § 12-124. Jurisdiction in appellate special actions is discretionary, except in the rare instances when a statute requires an appellate court to accept jurisdiction. *See, e.g.*, A.R.S. § 13-753(I).

Unlike an appellate special action, a court’s jurisdiction over an original special action is generally not discretionary, provided the special action complaint alleges the factual and legal basis required by a statute.

Rule 3. Statutory Authority for Certain Special Actions

If any statute, other than those listed in Rule 2(c), authorizes filing a special action, or an action for a writ of certiorari, mandamus, or prohibition, that action is a special action. These special actions, known as statutory special actions, may be either original or appellate special actions. They are governed by these rules unless the statute authorizing a particular special action contains specific procedures supplementing or contradicting these rules.

2025 Comment

Most original special actions are statutory special actions filed in the Superior Court that challenge a decision of a public body, officer, or person.

Statutory special actions are sometimes referred to in their enabling legislation by the terms certiorari or mandamus. Examples of statutory special actions (and their subjects) include, but are not limited to:

Referred to as certiorari: A.R.S. § 9-957(C) (firemen’s pensions); § 11-402 (county officers); § 23-237(C) (youth employment); § 23-423(I) (OSHA review board); § 23-951 (workers’ compensation – writ of certiorari); § 28-7046(B) (state highways – opening, altering, vacating); and § 28-8475(B) (airport zoning).

Referred to as mandamus: A.R.S. §§ 1-501(G), 1-502(G) (eligibility for public benefits); § 3-1010(B) (coliseum and exposition center bonds – provision of bond resolution); § 3-3115(D) (agricultural safety – imminent dangers); § 9-531(B) (municipal bonds for financing utilities – provision of resolution for bond issue); § 11-815(H)

(county zoning – enforcement); § 11-1006(E) (animal control); § 15-1687 (universities and related institutions – issuance of bonds – contract enforcement); §§ 19-121.03(A), 19-121.02 (review of county recorder actions); §§ 19-122(A), 19-121.01 (refusal of Secretary of State to file petitions); §§ 19-208.04(A), 19-208.02 (refusal of county recorder); §§ 19-208.06(A), 19-208.01 (refusal of filing officer; circulator affidavits); § 23-419(D) (OSHA – imminent dangers); § 23-948 (workers’ compensation – jurisdiction for mandamus); § 30-227(B) (Arizona power authority – revenue bonds – additional provisions of bonds); §§ 35-319(B), 12-2021 (handling of public funds – state trust land fund monies); § 35-408 (public finance); § 35-724 (industrial development financing – security for bonds); § 36-1416(1) (municipal housing); § 36-1485(1) (redevelopment areas; clearance); § 36-2818(A) (Arizona Medical Marijuana Act – enforcement and mandamus); § 38-431.04 (public officers); §§ 40-360.25(A), (B), 40-360.32(A) (underground facilities – injunction; mandamus); § 40-422(A) (public utilities); § 40-1133(B) (financing for metropolitan public transit authority); § 42-11052(C) (powers and duties of Department of Revenue – investigating and prosecuting violations); § 45-1714(B) (state water and power plan – remedies); § 46-140.01(C) (applications for public benefits); § 48-149(B) (issuance of revenue bonds by irrigation and agricultural improvement districts – covenants in resolution); § 48-1603 (power districts – failure or neglect of officer to impress lien or collect taxes); § 48-2912 (irrigation districts – remedy; board of supervisors); and § 48-3131 (irrigation and water conservation districts – failure of officials to create lien or collect taxes).

Referred to as special action: A.R.S. § 3-2098(A) (sale of meat – suspension of license); § 9-462.06(K) (board of adjustment; municipal zoning); § 13-753(I) (mental examination – capital defendant); § 13-4437(A) (victims’ rights); § 15-141(B) (educational records); § 20-481.30(C) (insurance company holding systems); §§ 23-483(A), 23-481 (safety conditions for boilers, pressure vessels, hot water heaters); §§ 23-491.14(A), 23-491.12 (elevator safety); § 33-420(B) (quiet title); §§ 36-2865(A), (B), 36-2854 (responsible adult use of marijuana – enforcement); §§ 37-301(C), 37-133 (state land auctions); § 39-121.02 (denial of access to public records); §§ 41-194.01(B)(2), 42-5029, 43-206 (attorney general and department of law – violations of state law); § 41-1279.07(G) (legislature – uniform expenditure reporting system); §§ 47-9527(B), 47-9509 (material misstatements in records (secured transactions)); §§ 48-706(A), 48-705 (community facilities districts); § 48-924(D) (county improvement districts – form and execution of contract); § 48-2047(F) (collector sewer construction); § 48-2837(D) (flood districts); § 48-3706(C) (multi-county water conservation districts); § 48-3734(A) (judicial validation of contracts – multi-county water conservation districts); §§ 48-6021(A), 48-6006(A)(9) (recreational corridor channelization districts – special assessments; assessment lien bonds); §§ 48-6806, 48-6805 (revitalization districts – judicial review); and §§ 48-6815, 48-6818, 48-576 (revitalization districts – special assessments).

The following statutory special actions are original special actions that must be filed in an appellate court: A.R.S. §§ 23-237(C), 23-951 (youth employment); § 23-423(I) (OSHA review board); §§ 23-483(A), 23-481 (safety conditions for boilers, pressure vessels, hot water heaters); §§ 23-491.14(A), 23-491.12 (elevator safety); §§ 35-319(B), 12-2021 (handling of public funds – state trust land fund monies); §§ 37-301(C), 37-133 (state land auctions); §§ 41-194.01(B)(2), 42-5029, 43-206 (attorney general and department of law – violations of state law); § 48-706(A) (municipal improvement districts); § 48-3706(C) (multi-county water conservation districts); § 48-3734(A) (judicial validation of contracts – multi-county water conservation districts); §§ 48-6021(A), 48-6006(A)(9) (recreational corridor channelization districts – special assessments; assessment lien bonds); §§ 48-6806(A), 48-6805 (revitalization districts – judicial review); and §§ 48-6815(A), 48-6818, 48-576 (revitalization districts – special assessments).

The following statutory special actions are appellate special actions that must be filed in the Court of Appeals: A.R.S. §§ 13-753(I) (mental examination – capital defendant) and 36-546.01 (review of court-ordered mental health treatment).

The following statutory special action is an appellate special action that is generally filed in the Court of Appeals or the Supreme Court, but which should be filed in the Superior Court when challenging the decision of a limited jurisdiction court: A.R.S. § 13-4437(A) (victims' rights).

The Arizona Supreme Court adopts policies and procedures to guide Arizona courts within the Code of Judicial Administration. In those rules, the Supreme Court has authorized parties to bring special actions that function like statutory special actions, though they were not enacted by the legislature. These include Code of Judicial Administration § 7-201(H) (review of board's final decision on complaints); and § 7-204(H) (private process servers).

Rule 4. Grounds for Bringing a Special Action

A special action may be brought only if a lower court or a body, officer, or person:

- (a) failed to exercise discretion that they have a duty to exercise; or failed to perform a duty required by law for which they have no discretion;
- (b) proceeded, or threatened to proceed, without, or in excess of, jurisdiction or legal authority; or
- (c) made a decision that was arbitrary and capricious or an abuse of discretion, which can include a legal error.

Rule 5. Parties

(a) In Original Special Actions.

(1) *Who May Be a Plaintiff.* Any person aggrieved by the action or inaction of a body, officer, or person for the reasons set forth in Rule 4 may file an original special action as a plaintiff.

(2) *Naming a Defendant.* The complaint in an original special action must name as a defendant the body, officer, or person whose decision is being challenged. It must also name as defendants all other parties in whose absence the court cannot afford complete relief. If a body, officer, or person required to be made a party has not been joined, the court must order that the body, officer, or person be made a defendant. If a body, officer, or person required to be joined if feasible cannot be joined, the court must determine whether the action should proceed among the existing parties or be dismissed as provided under Rule 19(b) of the Rules of Civil Procedure.

(3) *Capacity.* A person or entity may sue or be sued in an original special action as provided in Rule 17 of the Rules of Civil Procedure.

(b) In Appellate Special Actions.

(1) Petitioner Defined.

(A) Generally. Any person aggrieved by a judicial decision for the reasons set forth in Rule 4 may file an appellate special action as a petitioner.

(B) Victim as Petitioner. A victim as defined in Rule 1.4(v) of the Rules of Criminal Procedure may file an appellate special action seeking relief from a decision denying any right guaranteed to victims under article 2, section 2.1 of the Arizona Constitution or under any implementing legislation or court rule. A prosecutor may also initiate a special action proceeding seeking such relief at the victim's request.

(2) *Respondent Defined.* The petition in an appellate special action must name as respondents all other parties in the case. The court may allow other persons to respond, as set forth in Rule 5(c). The judge whose decision is being challenged is not a respondent.

(c) Other Persons: Intervenors, Joinder, Amicus Curiae. The court may direct that notice of a special action be given to any person. The court may: (1) allow other persons to intervene subject to Rule 24 of the Rules of Civil Procedure; (2) order joinder of other persons as parties; or (3) allow other persons to participate as amicus curiae.

2025 Comment

Beginning with the 2025 revisions to these rules, a respondent in an appellate special action is no longer referred to as a real party in interest. In addition, the judge whose decision is being challenged is no longer a respondent in an appellate special action.

PART II. ORIGINAL SPECIAL ACTIONS

Rule 6. Where to File Original Special Actions

(a) Original Special Actions Brought in the Superior Court.

(1) *Public Bodies Generally.* An original special action in the Superior Court must be brought in the county where the public body, officer, or person has decided, or should have decided, the matter that is the subject of the special action, except as provided in (a)(2).

(2) *State of Arizona.* An original special action involving an officer or body of the State of Arizona must be filed in the Superior Court in Maricopa County or the plaintiff's county of residence.

(3) *Private Entity.* An original special action involving a private entity, must be filed in the county of the principal place of business of such entity. If a private entity has no principal place of business in Arizona, the action may be filed in the Superior Court in Maricopa County or the plaintiff's county of residence.

(b) Original Special Actions Filed in the Court of Appeals. An original special action in the Court of Appeals must be filed in the division containing the county where the action could have been filed under (a) if the action had been filed in the Superior Court. The special action may be transferred to the other division of the Court of Appeals under A.R.S. § 12-120(E).

(c) Dismissal for Improperly Filing in Appellate Court. If an original special action is filed in an appellate court and the action might have been properly initiated in a lower court, the complaint must state the reasons for not filing in the lower court. If the appellate court finds these reasons insufficient, it will dismiss the complaint without prejudice.

(d) Referral to a Master to Resolve Fact Issue. The Court of Appeals and the Supreme Court do not conduct trials in original special actions. If a special action raises a triable issue of fact, an appellate court may designate a master, including a superior court judge or commissioner, to try the issue, subject to returning any unresolved portion of the action to the appellate court after trial.

Rule 7. Procedures for Original Special Actions

(a) Pleadings.

(1) *Complaint.* A plaintiff initiates an original special action by filing a complaint that must be entitled "complaint for special action." The caption and format of the complaint should comply with Rules 5.2, 10(a), and 10(b) of the Rules of Civil Procedure. When filing a complaint in the Superior Court, the plaintiff must also submit to the clerk a cover sheet using a form designated by the court. A form of caption for an original special action is included in the Appendix to these rules as Form 1.

(2) *Answer or Response.* Unless the court orders otherwise, a defendant must file an answer or other appropriate response as provided in Rule 12 of the Rules of Civil Procedure. Any answer or response must be filed and served in the time allowed under Rule 12(a) of the Rules of Civil Procedure. The form of an answer should comply with Rules 8(c) and (d) of the Rules of Civil Procedure.

(b) Evidence Supporting Pleadings. A special action complaint, or an answer or response to a complaint, may be supported by verifications, affidavits, declarations, or other evidence. The court may order any party or person to file with the court any records, or a part of those records, in the party's or person's possession.

(c) Order to Show Cause. The plaintiff in an original special action may file an application for an order to show cause why the requested relief should not be granted. If the court issues an order to show cause, the court must set an expedited response date and may set a hearing on the application, as provided in Rule 7.3 of the Rules of Civil Procedure.

(d) Summons and Service.

(1) *In the Superior Court.* On or after filing a special action complaint in the Superior Court, the plaintiff must present a summons to the clerk for issuance. The summons and special action complaint, and any order to show cause, must be served as provided in Rules 4, 4.1, or 4.2 of the Rules of Civil Procedure, unless the court otherwise specifies the manner and time for service.

(2) *In an Appellate Court.* In an appellate court, the plaintiff does not serve a summons. Instead, upon the filing of a special action complaint, the appellate court will issue a scheduling order that contains the information in Rule 4(b)(1) of the Rules of Civil Procedure and directs the plaintiff to serve the special action complaint and scheduling order as provided in Rules 4, 4.1, and 4.2 of the Rules of Civil Procedure.

(e) Service After the Complaint. Every party and amicus curiae filing a document in an original special action must serve a copy of the document on all other parties to the action, including any amicus curiae. Parties and amici curiae must serve all documents they file by the means set forth in Rule 5(c)(2) of the Rules of Civil Procedure and provide a certificate of service under Rule 5(c)(3) of the Rules of Civil Procedure.

(f) Scheduling and Management. The court must hold a speedy return hearing no later than 30 days after any defendant files an answer or other appropriate response to the complaint. At the hearing, the court must determine the course of further proceedings, including what briefing, discovery, evidentiary proceedings, or hearings are needed, and schedule them.

(g) Discovery. Discovery is not routinely permitted in special actions. If a special action raises a material issue of fact, the court may issue special orders concerning discovery.

(h) Trial. If the court orders a trial, it may use an advisory jury to assist in resolving factual issues.

(i) Costs and Attorney Fees. A party may claim costs and attorney fees in a special action as in any other civil action as provided in Rules 54(f) and (g) of the Rules of Civil Procedure.

(j) Suspension or Acceleration. For good cause, a court may suspend or accelerate any procedure for an original special action.

2025 Comment

Rule 7(g)

Rule 7(g) gives the court in original special actions the latitude to allow discovery in those rare instances when it is necessary. *See, e.g., Lewis v. Arizona Dep’t of Econ. Sec.*, 186 Ariz. 610, 616 (App. 1996). For example, if the pleadings contain allegations of extra-record information review by an administrative body or its members, discovery may be required to determine the true nature and extent of the actual administrative record. *See Austin Shea (Arizona) 7th St. & Van Buren, L.L.C. v. City of Phoenix*, 213 Ariz. 385, 392 (App. 2006) (“When a superior court is asked to review a decision made by a board of adjustment, the superior court is presented with and reviews the record before the board when the board made the decision.”).

As another example, limited discovery and disclosure in the form of expert witness depositions and the submission of written declarations regarding expert opinions was warranted in a special action that raised a disputed issue of fact about the impact of the public disclosure of test questions on the results of a standardized state exam. *See Phoenix Newspapers, Inc. v. Keegan*, 201 Ariz. 344, 347, 350 (App. 2001).

In special actions, “the speedy determination of the issue is of prime consideration.” *See Riggins v. Graham*, 20 Ariz. App. 196, 198 (1973). Unless an appropriate showing is made on which the court in an original special action can ground its exercise of discretion to issue special orders concerning discovery, the parties are generally not entitled to discovery. *See King v. Neely*, 143 Ariz. 329, 331 (App. 1984) (affirming trial court’s denial of deposition of county attorney when there was no showing of illegality or actions in excess of power).

Rule 7(h)

Rule 7(h) is grounded in A.R.S. § 12-2025, permitting jury use in matters of mandamus. The jury’s function is advisory only. *See Brown v. Greer*, 16 Ariz. 215, 218 (1914).

Rule 8. Filing Fees; Filing of Documents; Clerk's Distribution of Documents

(a) Payment of Filing Fee. A complaint for original special action and answer or other appropriate response must be accompanied by the statutorily required filing fee or an application for a fee waiver or deferral unless the filing party is exempt.

(b) Provisions Regarding Filing Documents.

(1) *Generally.* Except for documents submitted directly to a judge and electronically filed documents, a document is deemed filed on the date the clerk receives and accepts it for filing.

(2) *Documents Submitted Directly to a Judge.* If a document is submitted directly to a judge and is later transmitted to the clerk for filing, the document is deemed filed on the date the judge receives it.

(3) *Electronically Filed Documents.* If a document is either permitted or required to be filed electronically, the effective date of filing is as provided in Arizona Code of Judicial Administration § 1-901.

(4) *Late Filing Because of an Interruption in Service.* Arizona Code of Judicial Administration § 1-901 governs the procedures if a person fails to meet a deadline for filing a document because of a failure in the document's electronic transmission or receipt.

(5) *Incarcerated Parties.* If a party is incarcerated and another party contends that the incarcerated party did not timely file a document, the court must treat the document as filed on the date it was delivered to prison authorities to deposit in the mail.

(c) Distribution. The court's clerk must distribute all minute entries, notices, or other court-generated documents to all parties either by U.S. mail or electronic mail. Electronic mail distribution is complete when the clerk transmits the document to the email address that the party or attorney has provided to the clerk.

2025 Comment

Filing fees in the superior court are established by A.R.S. §§ 12-311 and 12-312. Filing fees in the appellate courts are established by A.R.S. §§ 12-119.01 and 12-120.31. The fees in either superior court or an appellate court may be deferred or waived where filers are eligible by reason of the receipt of certain benefits or insufficiency of income or other factors provided in the Arizona Code of Judicial Administration § 5-206. *See also* RPSA 15, 2025 cmt. (discussing a criminal defendant's obligation to pay a filing fee).

Rule 9. Stays in Original Special Actions

(a) No Automatic Stays. Filing an original special action complaint does not automatically stay any action or proceeding of a body, officer, or person.

(b) When Stays Are Issued. The court may stay any action or proceeding of a body, officer, or person—with or without notice to the other parties or a hearing—as provided in Rule 65 of the Rules of Civil Procedure.

(c) Stays Pending Appellate Review. While an appeal is pending from a decision in an original special action, the court that issued the decision being challenged may grant an injunction under Rule 62(e) of the Rules of Civil Procedure. An appellate court may enter a stay pending appeal as provided in Rule 7(c) of the Arizona Rules of Civil Appellate Procedure (ARCAP) and Rule 16(c) of these rules. It may also enter a stay pending a decision in an appellate special action challenging the decision.

Rule 10. Decisions, Judgments, and Appellate Review in Original Special Actions

(a) Decisions. The court must state the grounds for a decision in an original special action. The court may:

- (1) grant all or part of the requested relief;
- (2) wholly or partly affirm, vacate, or modify the challenged decision;
- (3) order or prohibit specified action by any defendant; or
- (4) dismiss a special action with or without prejudice.

(b) Judgments. Judgments in an original special action are the same as judgments in any civil action and must comply with Rules 54 and 58 of the Rules of Civil Procedure.

(c) Appellate Review. A judgment may be appealed as provided in ARCAP. A party also may seek relief by filing an appellate special action if it is appropriate to do so under Rule 12.

PART III. APPELLATE SPECIAL ACTIONS

Rule 11. General Provisions for Appellate Special Actions

(a) Other Rules Applicable. To the extent they are consistent with these rules:

- (1) the Arizona Rules of Civil Appellate Procedure (ARCAP) apply to appellate special actions in the Court of Appeals or the Supreme Court; and
- (2) the Superior Court Rules of Appellate Procedure – Civil apply to appellate special actions in the Superior Court.

(b) Forum. Appellate special actions are those requesting review of an earlier decision of a lower court. A party may file an appellate special action in:

- (1) the Superior Court, seeking review of a decision of a justice court, municipal court, or other tribunal as allowed by law;
- (2) the Court of Appeals, seeking review of a decision of the Superior Court, an administrative law judge, tribunal, or public body as allowed by law; or

(3) the Supreme Court, seeking review of a decision of any other court.

(c) Improper Forum. If a special action is filed in the Court of Appeals or Supreme Court and the action might have been properly initiated in a lower court, the petition must state the reasons for not filing it in the lower court. If the appellate court finds these reasons insufficient, it will dismiss the petition without prejudice.

(d) Jurisdiction. The court may decline special action jurisdiction at any time and without oral argument. If the court accepts jurisdiction, it must render a decision on the merits.

(e) Exercising Special Action Jurisdiction in a Direct Appeal. If the reviewing court lacks jurisdiction over a direct appeal for reasons other than timeliness, the court may—on a party’s request or on its own initiative—treat the appeal as a special action and accept special action jurisdiction consistent with Rule 12.

(f) Order Pending Further Proceedings. The court may issue any order during the course of a special action to facilitate or expedite consideration of the case.

(g) Suspension and Acceleration. For good cause, a court may suspend or accelerate any procedure for an appellate special action.

(h) Sanctions. The court may impose any sanction consistent with ARCAP 25.

Rule 12. Factors for Accepting or Declining Jurisdiction of Appellate Special Actions

(a) Discretion. Whether to accept jurisdiction of an appellate special action is within the court’s discretion, unless a statute or an order requires the court to accept jurisdiction. In accepting or declining jurisdiction, the court is determining whether remedy by appeal is equally plain, speedy, and adequate.

(b) Factors That Support Accepting Jurisdiction. In deciding whether to accept jurisdiction, the court should consider, among other factors, whether the petition asks the court to resolve questions:

- (1) designated for review under Rule 13;
- (2) of legal or evidentiary privileges or of immunity from suit;
- (3) of first impression;
- (4) of statewide importance;
- (5) tending to evade review, including questions that may become moot before an appeal;
- (6) involving the welfare of children where the harm complained of can only be prevented by resolution before an appeal;

(7) the resolution of which will materially advance the efficient management of the case, other than issues presented by ordinary dispositive motion practice; or

(8) concerning a decision that cannot be justified under any rule of law.

These factors support but do not require accepting jurisdiction.

(c) Factors That Support Declining Jurisdiction. In deciding whether to accept jurisdiction, the court should also consider, among other factors, whether the petitioner unreasonably delayed in filing the petition, or whether the petition asks the court to resolve questions:

(1) of fact;

(2) resolved under Rules 12(b)(6), 12(c), or 56 of the Rules of Civil Procedure, or Rules 29(a)(6) or 79 of the Rules of Family Law Procedure;

(3) clearly resolved by settled law;

(4) equally appropriate to address by appeal; or

(5) the resolution of which will not materially advance the efficient management of the case.

These factors support but do not require declining jurisdiction.

2025 Comment

The special action rules codify how to exercise the rights described in Arizona's Constitution and elaborated in statute. Ariz. Const. art. 6, §§ 5, 18; A.R.S. §§ 12-2001 (certiorari) & 12-2021 (mandamus). These two cited statutes expressly describe the power of the court to issue writs as arising where there is no "plain, adequate and speedy remedy" at law. From their inception in 1970, the original Rules of Procedure for Special Action recited that special actions were available when there was no "plain, adequate and speedy remedy" without explaining what that meant, or when that circumstance was present. *See* Ariz. R.P. Spec. Act. 1(a) (West 2024). The 2025 Rules provide the criteria that developed over the past 55 years as appellate courts applied these rules to supply a clear statement of many of the factors courts use in exercising their discretion to determine whether there is no "plain, adequate and speedy remedy." The list of factors is not exhaustive.

Rule 13. Designation of a Question for Special Action Review

(a) Contents. A trial court may designate a question arising from any decision it has made as one it believes should be reviewed by special action. The designation must be in writing and state the question designated for review and the reasons special action review is warranted, including any of the grounds listed in Rule 12(b).

(b) Form. The designation may be in the court's written decision, a transcript of a proceeding, or a proposed designation approved by the court.

(c) Attachment to Filed Petition. A party desiring review of the designated question may file a petition for special action. The appendix to the petition must include the written designation. If the question is designated orally on the record, the appendix must include the transcript containing the designation.

Rule 14. Petition, Response, and Reply

(a) Generally. A petitioner initiates an appellate special action by filing a petition as prescribed by this rule, listing every other party in the case as respondents. Objections to the relief requested by the petition must be in the form of a written response. A petition for special action, a response to a petition, or a reply filed in an appellate special action, regardless of whether the special action arises from a civil or criminal proceeding, must comply with ARCAP 4(b) through (h), 4.1, and 4.2. Forms of caption for appellate special actions are included in the Appendix to these rules as Forms 2 and 3.

(b) Cover Sheet. A petition for special action must be accompanied by a special action cover sheet using a form designated by the court.

(c) Contents of a Petition. The petition must be a single document. It must include:

- (1) a jurisdictional statement;
- (2) a statement of the issues;
- (3) a statement of facts, with appropriate references to the record;
- (4) an argument containing the petitioner's contentions and reasoning with respect to the issues presented, with citations to statutes and other legal authorities; and
- (5) the case name and number of any other appeal, special action, or petition for review known to the petitioner that is related to this special action through the same parties, events, issues, or transactions giving rise to this action.

(d) Response.

(1) *Generally.* A respondent may file a response only if the court orders one, but the court will not grant relief without ordering a response.

(2) *Time to File a Response.* The response must be filed within the time ordered by the court, which is presumptively 7 days after entry of the court's order.

(3) *Content.* A response should include a statement of any material facts that are not contained in the petition, and the respondent's contentions and reasoning with respect to the issues presented.

(e) Appendices.

(1) *By Petitioner.* A petitioner must file an appendix that includes a copy of the decision being challenged and copies of all documents from the trial court's record the reviewing court will need to decide the issues the petition raises. Any references to the

record appearing in the petition must be supported by a document in the appendix, and the document's location in the appendix must be identified by page number.

(2) *By Respondent.* A respondent may file an appendix with the response. The appendix should not include any documents that are already included in the petitioner's appendix. The appendix should include only those additional documents that the court will need to decide the issues raised in the petition.

(3) *Form.* An appendix must comply with ARCAP 13.1(c)(2); any appendix filed electronically should, if feasible, comply with ARCAP 13.1(d); and any appendix filed in paper must comply with ARCAP 13.1(e). An appendix filed in paper that exceeds 15 pages must be fastened together and filed separately from the petition or response.

(f) Reply. A petitioner may file a reply only if the court orders one and only within the time specified by the court.

(g) Length of Petition, Response, and Reply. Unless the court orders otherwise:

(1) a petition or response must not exceed 10,500 words excluding its cover page, caption, date and signature blocks, table of contents and citations, and certificates of service and compliance; and

(2) a reply, if allowed, must not exceed 5,250 words excluding its cover page, caption, date and signature blocks, table of contents and citations, and certificates of service and compliance.

(h) Certificate of Compliance. Every petition, response, and reply must be accompanied by a certificate of compliance that complies with ARCAP 14(a)(5).

(i) Amicus Curiae. ARCAP 16 governs requests to participate as amicus curiae and the requirements for amicus curiae briefs. Amicus curiae briefs must be filed as expeditiously as possible after the petition for special action or other brief is filed, or as the court orders otherwise. An amicus curiae brief must not exceed 8,500 words excluding its cover page, caption, date and signature blocks, table of contents and citations, and certificates of service and compliance.

Rule 15. Filing Fees; Service of Documents; Clerk's Distribution of Documents; Request for Oral Argument

(a) Payment of Filing Fee. Unless the filing party is exempt, a petition for special action and response must be accompanied by the statutorily required filing fee or an application for a fee waiver or deferral.

(b) Special Provisions Regarding Filing Documents.

(1) *Filing Documents by Mail.* If filing is accomplished by U.S. mail or an express mail service addressed to the clerk, the filing is not timely unless it is received by the clerk within the permitted time.

(2) *Filing by an Incarcerated Party.* An incarcerated party must include in the certificate of service the date the party delivered the document to jail or prison authorities for mailing.

(c) Service of All Documents Required; Manner of Service. Every party and amicus curiae filing a document in an appellate special action must serve a copy of the document on all other parties, any amicus curiae, and the judge whose decision is being challenged. Parties and amici curiae must serve all documents they file by the means set forth in Rule 5(c)(2) of the Rules of Civil Procedure and provide a certificate of service under ARCAP 4(g).

(d) Distribution. The reviewing court’s clerk must distribute all orders and decisions in an appellate special action to all parties and any amicus curiae in the case as well as to any judge identified in the petition whose decision is being challenged, as provided in ARCAP 4(i).

(e) Oral Argument. A party may file a separate request for oral argument with the petition or response. The court may order oral argument, or it may issue a decision without oral argument. If the court grants a request for oral argument, or if it orders oral argument on its own, the clerk will notify the parties of the time and place for oral argument and the allocation of time for each side.

2025 Comment

Filing fees in the appellate courts are established by A.R.S. §§ 12-119.01 and 12-120.31. These fees may be deferred or waived where filers are eligible by reason of the receipt of certain benefits or insufficiency of income or other factors provided in the Arizona Code of Judicial Administration § 5-206. When considering whether to apply for a waiver of fees in special action filings, criminal defendants are encouraged to review both the Arizona Code of Judicial Administration § 5-206 and article 2, section 24 of the Arizona Constitution, which provides that “in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.”

Rule 16. Procedure for Stay Requests in Appellate Special Actions.

(a) Generally. A petitioner may move a reviewing court to stay the decision challenged by special action, subject to the provisions of this rule.

(b) Motion in Court That Issued Challenged Decision. Before moving to stay the challenged decision in a reviewing court, the petitioner should move for a stay in the court that issued the decision. Except as provided in (c), a reviewing court has good cause to summarily deny a motion for stay if the petitioner did not first move for a stay in the lower court.

(c) Exceptions. A petitioner may move for a stay in a reviewing court without receiving an order on a motion for a stay in the lower court if either:

(1) it would be impracticable to move for a stay in the lower court that issued the challenged decision; or

(2) the petitioner moved for the stay in the lower court, but that court has not ruled on the motion, and it would be impracticable to wait for an order.

(d) Stay on the Court's Initiative. The reviewing court, on its own initiative, may issue a stay of the decision challenged by special action and other related matters as necessary to provide effective relief.

(e) Separate Stay Filing in Superior Court and Court of Appeals. A petitioner must file a motion for stay as a document separate from the petition and appendix. Absent extraordinary circumstances, a petitioner should file a motion for stay with the petition and appendix.

(f) Stay in the Supreme Court. A party filing a petition for review in the Supreme Court under Rule 20 may file a motion asking the Supreme Court to stay the lower court decision.

(g) Stay Conference in Reviewing Court.

(1) *Superior Court.* A petitioner must arrange for a stay conference through the chambers of the assigned judge and notify opposing parties when the court will hear the stay request.

(2) *Court of Appeals.* A petitioner must arrange for a stay conference through the chambers of the presiding judge of the panel to which the case has been assigned and notify opposing parties when the court will hear the stay request.

(3) *Supreme Court.* If a justice orders a stay hearing, the court will contact the parties to arrange a conference.

(h) Continued Jurisdiction. Unless the reviewing court issues a stay, the court from which special action relief is sought retains jurisdiction over the case, including those matters as to which relief is sought.

Rule 17. Costs and Attorney Fees.

(a) Claim for Attorney Fees. Any claim for fees must be made in the petition, cross-petition, or response and must cite the authority for the award with the specificity required by ARCAP 21(a)(2).

(b) Opposing a Claim for Attorney Fees. Any party opposing a claim for attorney fees raised in a petition or a cross-petition must do so in the response to a petition or cross-petition. Any party opposing a claim for attorney fees raised in a response to either a petition or a cross-petition must do so in a separate brief in opposition filed no later

than 10 days after the response containing a claim for attorney fees is served. The brief may not exceed 4 pages.

(c) Statement of Costs and Attorney Fees; Objections. A party may file a statement of costs and attorney fees within 10 days after the court has issued an order declining jurisdiction or the clerk has given notice that the court has rendered a decision on the merits. Objections to a statement of costs or attorney fees must be filed no later than 10 days after service of the statement. A reply to the objection must be filed no later than 5 days after service of the objection.

Rule 18. Disposition of Appellate Special Actions

(a) Jurisdiction Declined. Orders declining special action jurisdiction must be in writing and need not state reasons for the decision.

(b) Jurisdiction Accepted. If the court accepts special action jurisdiction, orders granting or denying relief must be in writing and state the grounds for the decision.

(c) Effectiveness of Decision. Unless the appellate court's decision states that it is effective immediately, the decision will become effective when the appellate court issues and distributes a termination letter or order to all lower courts and the parties stating that the court's review is complete.

(d) Termination Letter or Order.

(1) If no party has filed a petition for review, the Court of Appeals clerk must issue the termination letter or order when the time for filing such a petition expires.

(2) If a party filed a petition for review, the Court of Appeals clerk must issue the termination letter or order 15 days after the clerk's receipt of a Supreme Court order denying the petition for review.

(3) When the Supreme Court has granted a petition for review, the Supreme Court clerk must issue the termination letter or order 15 days after the entry of the Court's disposition of the matter, or, if a party has filed a motion for reconsideration in the Supreme Court, 15 days after the Court's final disposition of that motion.

2025 Comment

Generally, the filing of an appellate special action does not divest the Superior Court of continuing jurisdiction. An appellate court therefore has no need to issue a mandate after it makes its decision to revest jurisdiction back in the Superior Court. In its place, Rule 18(d) provides that an appellate court will issue and distribute a termination letter or order to the lower courts and the parties stating that appellate review of the special action proceeding is complete.

Rule 19. Motions for Reconsideration in Appellate Special Actions

(a) Filings Permitted.

(1) Motion for Reconsideration.

(A) Generally. A motion for reconsideration requests the court to consider whether its decision contained an erroneous determination of material fact or law.

(B) Procedure. Any party may file a motion for reconsideration no later than 15 days after the clerk gives written notice of the decision in an appellate special action. An additional 5 days will be added after the 15-day period would otherwise expire for any party to whom the decision is sent only by U.S. mail.

(C) Contents. The motion must state the particular grounds for reconsideration, as provided in ARCAP 22(b).

(2) Motion for Publication. A motion for publication in the Court of Appeals will be treated as a motion for reconsideration and must be filed within the same time frame.

(3) Response. A party may file a response only if the court orders one, but relief may not be granted without a response. If the court orders a response, it must be filed and served within the time ordered by the court, which is presumptively 7 days after entry of the court's order.

(4) Form and Length. Unless the court orders otherwise, a motion or response under this rule, if any, must comply with ARCAP 22(e).

(b) When Motions for Reconsideration Are Not Permitted. A motion for reconsideration must not be filed if:

- (1) the court has declined to accept jurisdiction of the petition; or
- (2) the decision states that it is effective immediately.

Rule 20. Petition for Review to the Supreme Court

(a) From a Decision of the Court of Appeals. A party may petition the Supreme Court to review a special action decision of the Court of Appeals, including a decision that declines jurisdiction or grants or denies relief.

(b) Filing Fees. For petitions arising out of a criminal action, the Supreme Court clerk may not assess a filing fee. For all other petitions, a filing fee must be paid when the petition is filed, unless the party has requested and the court has granted a deferral or waiver, or the party is exempt.

(c) Caption and Where to File. Any petition for review filed under this rule must be captioned "Petition for Review of a Special Action Decision of the Court of Appeals," and must be filed with the Supreme Court clerk.

(d) Time for Filing a Petition or Cross-Petition for Review. A party may file a petition for review in the Supreme Court no later than 30 days after the Court of Appeals has filed its decision or 15 days after the Court of Appeals clerk has distributed a notice of decision on a motion for reconsideration, whichever is later. An opposing party may file a cross-petition for review in the Supreme Court no later than 15 days after service of a petition for review.

(e) Supplemental Briefs; Oral Argument. If the Supreme Court grants a petition or cross-petition for review, it may order supplemental briefs, oral argument, or both. No later than 15 days after the Supreme Court clerk provides notice of the order granting review, a party may move for leave to file supplemental briefs or for oral argument.

(f) Criminal Rules; Juvenile Court Rules; ARCAP. For petitions for review arising out of a criminal proceeding, Rule 31.21 of the Rules of Criminal Procedure applies. For petitions for review arising out of a juvenile court proceeding, Rule 609 of the Rules of Procedure for the Juvenile Court applies. For all other petitions for review, ARCAP 23 applies.

PART IV. ACTIONS INVOLVING INDUSTRIAL COMMISSION AWARDS

Rule 21. Review of Industrial Commission Awards by the Court of Appeals

(a) Award Defined. In Rules 21 through 26 of these rules, “award” refers to awards (A.R.S. § 23-942), orders (A.R.S. § 23-237), decisions (A.R.S. §§ 23-481 & 23-491.12), and decisions upon review (A.R.S. §§ 23-481, 23-943, & 23-491.12), issued by the Industrial Commission of Arizona (“Commission”).

(b) Process for Review. The Court of Appeals reviews an award in accordance with the procedures of Rules 21 through 26 of these rules. This functions as an appeal for a party. Review of an award takes precedence over all civil cases except matters of general public interest, election cases, and those matters involving or affecting the Corporation Commission.

(c) Rules Applicable. Except as provided in Rules 21 through 26 of these rules, the Arizona Rules of Civil Appellate Procedure (ARCAP) apply to appellate review of awards.

Rule 22. Petitions for Special Action Review of Industrial Commission Matters

(a) Title, Signature, and Cover Sheet. A petitioner initiates appellate review of an award by filing a petition in the Court of Appeals designated as a “Special Action – Industrial Commission.” The petition must be signed by the petitioner or the petitioner’s attorney. The petition must be accompanied by a special action cover sheet using a form designated by the court.

(b) Caption. The caption of the petition and all orders, briefs, and documents must name each party to the award, including the Commission, and must contain an

appropriate designation of the interest of each party. The caption must also contain the Commission claim number and the insurer's claim number in workers' compensation matters. A form of caption for a petition for special action is included in the Appendix to these rules as Form 4.

(c) Content. The petition must identify the award from which review is sought, including the date. The petition must ask the Court of Appeals clerk to issue a writ of review directing the Commission to certify the record (referred to as "the Commission record") to the Court of Appeals.

(d) Payment of Filing Fee. A petition for special action and response must be accompanied by the statutorily required filing fee or an application for a fee waiver or deferral, unless the filing party has requested and the court has granted a deferral or waiver, or the party is exempt.

(e) Restricted Access. The clerk and the parties must maintain the confidentiality of the Commission record as provided by law.

Rule 23. Service and Distribution of Documents in Industrial Commission Matters

(a) Service of the Petition. The petitioner must serve all other parties with copies of the petition and must serve the Commission by serving its chief counsel. The petitioner may serve the petition on any other party who appeared by counsel before the Commission as provided in Rule 5(c)(2) of the Rules of Civil Procedure. The petitioner may serve a party who appeared before the Commission without counsel by mailing the petition to that party's last known address shown in the Commission's claim file. Service is complete on the date of mailing. The petition must be accompanied by a certificate of service complying with ARCAP 4(g).

(b) Distribution of the Writ of Review. The clerk must distribute the Writ of Review to all parties, including the Commission's chief counsel, and direct the Commission to certify its record and return it to the Court of Appeals no later than 10 days after the writ's date of distribution.

(c) Notice of Receipt of Record. The clerk will notify the parties of the date of the Commission's submission of the record by sending the parties a notice of receipt of the Commission's record.

(d) Service of Other Documents. All briefs, motions, and other documents filed in the Court of Appeals after the original petition and writ of review must be served on all the other parties as provided in Rule 5(c)(2) of the Rules of Civil Procedure. Mailing a copy to the Commission rather than to its chief counsel does not comply with this rule. All documents filed after the original petition and writ of review must be accompanied by a certificate of service complying with ARCAP 4(g).

Rule 24. Notice of Appearance; Respondent's Request for Affirmative Relief in Industrial Commission Matters

(a) Time for Filing. Any party other than the petitioner who intends to participate in the Court of Appeals' review of the award must file a notice of appearance in the Court of Appeals no later than 10 days after the distribution described in Rule 23(b) and must serve a copy of the notice on all other parties as required in Rule 23(d).

(b) Effect of Not Filing and Serving a Notice of Appearance. If a party does not file and serve a notice of appearance, the petitioner and other parties are not required to serve that party with copies of any briefs, motions, or other documents they file in the Court of Appeals after the original petition, and the clerk is not required to distribute to that party any later order or decision of the Court of Appeals. A party that failed to file a notice of appearance may move for leave to participate.

(c) Request for Affirmative Relief. If any party other than the petitioner could have filed a special action petition in the first instance, and that party intends to request affirmative relief in the Court of Appeals, the party must include a statement of that intent in the party's notice of appearance. The party must include the factual and legal basis of the request for affirmative relief in that party's answering brief.

Rule 25. Briefs in Industrial Commission Matters

The petitioner must file the opening brief with the clerk and serve it on the other parties no later than 60 days from the date of the clerk's notice of receipt of the Commission record, as provided in Rule 23(c). Briefs must be filed as provided in ARCAP 15(c) and served as provided in Rule 23(d).

Rule 26. Action by the Court of Appeals in Industrial Commission Matters

(a) Disposition. The Court of Appeals may dismiss a special action petition on any ground applicable to civil appeals. The court may decide a case on the merits only by an opinion or a memorandum decision stating the grounds.

(b) Scope of Review. The Court of Appeals' review must be limited to determining whether the Commission acted without or in excess of its power and, if findings of fact were made, whether such findings of fact support the award.

(c) Costs Against the Commission. Costs may not be assessed against the Commission.

(d) Petition for Review. A party may seek review of a disposition by filing a petition for review in the Supreme Court as provided in ARCAP 23.

(e) Effectiveness of Disposition. A disposition will become effective as provided in Rules 18(c) and (d).

APPENDIX

Forms of Caption

Preface to the Appendix.

This Appendix includes the following forms:

Form 1. Caption for Original Special Action in the Superior Court

Form 2. Caption for Appellate Special Action in the Court of Appeals

Form 3. Caption for Appellate Special Action in the Superior Court

Form 4. Caption for Industrial Commission of Arizona Special Action

The Administrative Director of the Administrative Office of the Courts is authorized to amend these forms in response to changes in state laws or procedures, or to make necessary administrative amendments or technical corrections. The Administrative Director may make such changes by Administrative Directive.

Litigants may modify any of these forms to fit the parties' alignment in an individual case. Arizona courts may modify the format of these forms to implement electronic versions.

Form 1. Caption for Original Special Action in the Superior Court

Attorney or Party Name
Law Firm Name (if any)
State Bar No. (if any)
Mailing Address
City, State, Zip Code
Telephone Number
Email Address (if required)
Attorney for (party name)

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
[NAME] COUNTY

_____	)	[Name] County Superior Court
	)	
Plaintiff(s),	)	No. CV-____-_____
	)	
v.	)	COMPLAINT FOR SPECIAL ACTION
	)	(A.R.S. § ##-####)
_____	)	
	)	
Defendant(s).	)	
	)	
_____	)	

Form 2. Caption for Appellate Special Action in the Court of Appeals

Attorney or Party Name
Law Firm Name (if any)
State Bar No. (if any)
Mailing Address
City, State, Zip Code
Telephone Number
Email Address (if required)
Attorney for (party name)

ARIZONA COURT OF APPEALS
DIVISION [ONE OR TWO]

_____ ,	)	Court of Appeals
	)	Division [One or Two]
	)	No. 1 CA-[] - ____
Petitioner[s],	)	
	)	[Name] County Superior Court
v.	)	No. CV-____ - ____
	)	Assigned to the Honorable _____
_____ ,	)	
	)	PETITION FOR SPECIAL ACTION
Respondent[s].	)	
	)	
_____	)	

Form 3. Caption for Appellate Special Action in the Superior Court

Attorney or Party Name
Law Firm Name (if any)
State Bar No. (if any)
Mailing Address
City, State, Zip Code
Telephone Number
Email Address (if required)
Attorney for (party name)

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
[NAME] COUNTY

_____ ,	)	[Name] County Superior Court
	)	No. CV- ____ - _____
	)	
Petitioner(s),	)	[Name of Municipal or Justice] Court
	)	No. _____
v.	)	Assigned to the Honorable _____
	)	
_____ ,	)	PETITION FOR SPECIAL ACTION
	)	
Respondent(s).	)	
	)	
_____	)	

Form 4. Caption for Industrial Commission of Arizona Special Action

Attorney or Party Name
Law Firm Name (if any)
State Bar No. (if any)
Mailing Address
City, State, Zip Code
Telephone Number
Email Address (if required)
Attorney for (party name)

ARIZONA COURT OF APPEALS
DIVISION [ONE OR TWO]

WORKER NAME,	) Court of Appeals
	) Division [One or Two]
Petitioner,	) No. 1 CA-IC __ - ____
	)
v.	) ICA Claim
	) No. ____ - ____
THE INDUSTRIAL COMMISSION OF	)
ARIZONA,	) Carrier Claim [if applicable]
	) No. ____ - ____ -WC-__
Respondent,	)
	)
COMPANY NAME,	)
	)
Respondent Employer,	) PETITION FOR SPECIAL ACTION
	) – INDUSTRIAL COMMISSION
INSURANCE COMPANY NAME,	)
[if applicable]	)
	)
Respondent Carrier.	)
	)
	)

ATTACHMENT B

ATTACHMENT B

RULES OF PROCEDURE FOR SPECIAL ACTIONS

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PART I. GENERAL PROVISIONS

1. Scope and Construction; Computing Time; Confidentiality
2. Special Actions Defined
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5. Parties

PART II. ORIGINAL SPECIAL ACTIONS

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7. Procedures for Original Special Actions
8. Filing Fees; Filing of Documents; Clerk's Distribution of Documents
9. Stays in Original Special Actions
10. Decisions, Judgments, and Appellate Review in Original Special Actions

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- 25. Briefs in Industrial Commission Matters
- 26. Action by the Court of Appeals in Industrial Commission Matters

APPENDIX

Rules of Procedure for Special Actions

2025 Correlation Table

Former Rule Number & Title	New Rule Number & Title
--	1. Scope and Construction; Computing Time; Confidentiality [new]
1. Nature of the Special Action	2. Special Actions Defined
--	3. Statutory Authority for Certain Special Actions [new]
2. Parties	5. Parties
3. Questions Raised	4. Grounds for Bringing a Special Action
4. Procedure	6. Where to File Original Special Actions 7. Procedures for Original Special Actions 8. Filing Fees, Filing of Documents; Clerk's Distribution of Documents [new]
5. Interlocutory Orders and Stays; Ex Parte Orders	9. Stays in Original Special Actions
6. Judgment	10. Decisions, Judgments, and Appellate Review in Original Special Actions
7. Special Appellate Court Provisions	11. General Provisions for Appellate Special Actions 14. Petition, Response, and Reply 16. Procedure for Stay Requests in Appellate Special Actions 18. Disposition of Appellate Special Actions
7(j) [filing documents by mail]	15(b)(1) [filing documents by mail]
--	12. Factors for Accepting or Declining Jurisdiction of Appellate Special Actions [new] 13. Designation of a Question for Special Action Review [new] 15. Filing Fees; Service of Documents; Clerk's Distribution of Documents; Request for Oral Argument [new] 17. Costs and Attorney Fees [new]
8. Appeals	20. Petition for Review to the Supreme Court
9. Rehearing; Supreme Court	19. Motions for Reconsideration in Appellate Special Actions
10. Review of Industrial Commission Awards by the Court of Appeals	21. Review of Industrial Commission Awards by the Court of Appeals 22. Petition for Special Action Review of Industrial

	Commission Matters 23. Service and Distribution of Documents in Industrial Commission Matters 24. Notice of Appearance; Respondent's Request for Affirmative Relief in Industrial Commission Matters 25. Briefs in Industrial Commission Matters 26. Action by the Court of Appeals in Industrial Commission Matters
--	Appendix: Forms [new]

ATTACHMENT C

ATTACHMENT C¹

RULES OF CRIMINAL PROCEDURE

Rule 1.9. Motions, Oral Argument, and Proposed Orders

(a)-(f) [No change]

(v) Victims' Rights.

(1) [No change]

(2) *Special Action*. Under ~~Rule 2(a)(2)~~ Rule 5(b)(1)(B) of the Rules of Procedure for Special Actions, a victim may file a petition for special action seeking relief from an order affecting any victim's right guaranteed by law.

ARIZONA RULES OF CIVIL APPELLATE PROCEDURE

Rule 10. Appeals in Expedited Election Matters

(a)-(j) [No change]

Comment to Rule 10

(1) This rule applies only to election-related cases designated by statute for expedited consideration on appeal, such as those arising under A.R.S. § 16-351(A) (candidate nomination petitions); A.R.S. § 19-208.04(recall); A.R.S. § 19-122 (initiative and referendum petitions); and A.R.S. § 19-141 (initiative and referendum in counties, cities, and towns). Cases that do not involve a specific statutory provision requiring expedited proceedings are governed by other provisions of these Rules or the Rules of Procedure for Special Actions. Any effort to expedite an appeal in such cases requires a motion for expedited consideration under Rule 6 of these Rules or an appellate special action under ~~Rule 7 Part III~~ Part III of the Rules of Procedure for Special Action. In such cases, counsel are encouraged to consider following the practices codified by subsections (c), (d) and (f) of this Rule.

* * *

(4) This Rule provides for expedited motions for reconsideration and petitions for review, but parties remain responsible for requesting more expedited handling of their case if necessary to have the motion or petition considered before any election, ballot printing, or other deadline. Such

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

requests should be made by motion under Rule 6 of these Rules or under ~~Rule 7~~ Part III of the Rules of Procedure for Special Actions.