

TO:

Rule 28 Distribution
Hon Joseph C Kreamer
Hon Samuel A Thumma
Andrew P Schaffer
Brenda Munoz Furnish
Michelle J Simpson
Pamela M Bridge
Charles W Doughty
Alan R Solot
Lisa M Panahi

ATTACHMENT¹

RULES OF CIVIL PROCEDURE

Rule 23. Class Actions.

(a)-(h) [No change]

(i) Disposition of Residual Funds in Class Action Cases.

(1) “Residual Funds” are:

(A) the funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys’ fees, and other court-approved disbursements to implement the relief granted, or

(B) if it is impossible or economically impractical to distribute the settlement or judgment funds to the class at all, the funds remaining after the payment of all approved expenses, litigation costs, attorneys’ fees, and other court-approved disbursements to implement the relief granted.

Nothing in this rule is intended to limit the trial court from approving a settlement or order that does not create residual funds.

(2) Any order entering a judgment or approving a proposed compromise or settlement of a class action certified under this rule that establishes a process for identifying and compensating members of the class, or where such process is impossible or economically impractical, may provide for the disbursement of residual funds. In matters where residual funds remain and are not subject to statutory directives, unless the parties jointly direct otherwise, the residual funds shall be disbursed to the Arizona Foundation for Legal Services and Education to grant to Arizona legal services nonprofit entities for use, in accordance with judicial instructions for the award, toward the provision of legal services and access to the justice system for low-income residents of Arizona.

¹ Additions to the text of the rule are shown by underscoring.