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ARIZONA SUPREME COURT

In the matter of:)
)
PETITION TO AMEND VARIOUS) Supreme Court No. 24-0048
RULES OF PROCEDURE RELATED TO)
E-FILING) REPLY
_____)

David K. Byers, Administrative Director, Administrative Office of the Courts, and Petitioner in this matter, hereby files this Reply pursuant to Rule 28(e)(5), Rules of the Supreme Court of Arizona and this Court’s Order dated June 24, 2024.

I. Procedural History

On June 18, 2024, Petitioner filed a rule petition to amend various court rules related to e-filing. The proposed amendments were prompted by the recent adoption of the [Arizona Code of Judicial Administration \(ACJA\) § 1-901: Electronic Filing \(“E-Filing”\)](#) on April 17, 2024 by [Administrative Order 2024-63](#). Accordingly, Petitioner sought expedited consideration and emergency adoption of the proposed rule amendments at this Court’s August 2024 Rules Agenda, with a comment period

to follow, and consideration for permanent adoption at this Court's December 2024 Rules Agenda.

On June 24, 2024, this Court granted Petitioner's request to consider the petition on an expedited basis. The Court further ordered the petition be opened for public comment until October 1, 2024, with any reply due by October 15, 2024.

On August 22, 2024, this Court adopted on an emergency basis the proposed rule amendments and will consider whether to adopt these amendments on a permanent basis during its December 2024 Rules Agenda.

No formal comments to the rule petition were filed, but Petitioner files this Reply to propose one additional rule amendment based on one informal comment received.

II. Discussion

The petition received no formal comments but received one informal comment from a local attorney, Ms. Jodi Knobel Feuerhelm, regarding the use of civil cover sheets under Civil Rule 8.1. Specifically, the recent amendments to Civil Rule 8(g), through its reference to ACJA § 1-901, exempt civil cases that are initiated through e-filing in the superior court from the requirement that the plaintiff complete and submit a civil cover sheet.

However, Ms. Feuerhelm correctly points out that Civil Rule 8.1(d)(2) still requires the use of a civil cover sheet when requesting that a case be assigned to

commercial court. It was not Petitioner's intent to retain this requirement. Petitioner therefore proposes one additional rule amendment, to Civil Rule 8.1(d)(2) as set forth in the Appendix, to reflect that a civil cover sheet is required when requesting that a case be assigned to commercial court only when the complaint is not e-filed.

III. Request

Petitioner appreciates the comment and deems it important to file this Reply to address the concern relating to Civil Rule 8.1(d)(2). Petitioner therefore respectfully requests that the Court adopt on a permanent basis during its December 2024 Rules Agenda the amendments it adopted on an emergency basis during its August 2024 Rules Agenda as reflected in this Court's August 22, 2024 Order. Petitioner additionally requests that this Court adopt on a permanent basis the amendments to Civil Rule 8.1(d)(2) as set forth in the Appendix.

Respectfully submitted this 9th day of October, 2024.

By /s/David K. Byers
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APPENDIX

(new language is underlined)

Arizona Rules of Civil Procedure

Rule 8.1. Assignment and Management of Commercial Cases

(a) through (c) [No change]

(d) Assignment of Cases to the Commercial Court.

(1) [No change]

(2) *By Plaintiff.* A plaintiff seeking assignment of an eligible case to the commercial court must do so at the time of filing the complaint by (A) including in the initial complaint's caption the words “commercial court assignment requested,” and (B) if the complaint is not electronically filed, completing a civil cover sheet that indicates the action is an eligible commercial case.

(3) through (8) [No change]

(e) through (g) [No change]