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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of

Arizona Supreme Court No. R-23-0016

ARIZONA TAX COURT
RULES OF PRACTICE

TASK FORCE REPLY

(December 2024 Rules Agenda)

**REPLY IN SUPPORT OF SUPPLEMENTAL PETITION TO ABROGATE
AND REPLACE THE ARIZONA TAX COURT RULES OF PRACTICE**

Pursuant to Rule 28(e)(5), Rules of the Supreme Court of Arizona, and this Court’s August 19, 2024, Order, the Honorable Sara J. Agne, presiding judge of the Arizona Tax Court, and Chair of the Task Force on the Arizona Tax Court Rules of Practice (“Task Force”), files this Reply. The Task Force replies to comments received on its Supplemental Petition, filed August 19, 2024, which petition seeks

the abrogation of the current Arizona Tax Court Rules of Practice (“Tax Court Rules”), followed by their replacement with the rules proposed by the Supplemental Petition, as modified and appended here.

The two considered comments received on the Supplemental Petition represent stakeholders that have been involved in this restyling effort almost since its inception. Indeed, the Clerk of the Superior Court for Maricopa County (“Clerk”) and the State Bar of Arizona were the commenters on the original petition filed January 9, 2023.

In his comment on the Supplemental Petition, the Clerk proposed changes to Rule 10(b) (“Transferring Files; Fees”) regarding cases transferred to the Tax Court, and the Task Force saw fit to adopt those changes in full in the version appended to this Reply. As the Clerk’s Comment notes, the Clerk’s General Counsel (Ms. Jessica J. Fotinos), who is a member of the Task Force as well as the Civil Practice and Procedure Committee of the State Bar of Arizona,¹ worked with members of that State Bar committee to build in language regarding notice to Tax Court case parties regarding receipt of cases files and applicable fees and surcharges. The Clerk also proposed language that generally tracks A.R.S. § 12-407 (on changes of venue)—regarding the consequences if those fees and surcharges are not paid.

¹ The Chair undersigned also is a member of the Civil Practice and Procedure Committee of the State Bar of Arizona.

As it did for the initial comment of the State Bar of Arizona on the petition filed January 9, 2023, the Civil Practice and Procedure Committee generated the other comment on the Supplemental Petition. The chair of a subcommittee of that group (Mr. John P. Ager) filed the comment, given that State-Bar approval processes typically are of a length that can practically prohibit comments during expedited periods like the one granted on the Supplemental Petition.

In its adoption of the Clerk's proposed changes for Rule 10(b), the Task Force fully addressed the first issue noted in Mr. Ager's filing, that it was "unclear from the rules how and when the parties are to be made aware of the amount of . . . [applicable surcharges and] fees."

The Task Force, however, respectfully declined to make any changes in response to the second issue noted in Mr. Ager's filing, which expressed concern that Rule 14(c) seemed to assume that all issues would be resolved on appeal of a Tax Court decision, when they may not be. Upon review of Rule 14 as a whole at its October 28, 2024, meeting, the Task Force determined that Rule 14(d) ("Issues Not Resolved on Appeal") appropriately addresses the instances where not all issues are resolved on appeal. Reading Rule 14 as a whole, then, Rule 14(c) ("Dismissal Calendar") is the provision that addresses those instances where all issues *are* resolved on appeal.

The Task Force then discussed and adopted many, but not all, of the stylistic changes proposed by Mr. Ager's filing. A blackline is filed as Appendix B to show all changes adopted to the rules filed with the Supplemental Petition. Appendix A is a clean version, with the exception that the blackline version of the Uniform Interrogatories for Use in Property Tax Disputes filed with the Supplemental Petition remains shown in both Appendix A and Appendix B.

To address a final issue outstanding from the Supplemental Petition, the Task Force notes that no public comments were filed on the issue regarding Civil Rule 68 (Offer of Judgment) and Tax Court Rule 2, as raised on pages 7 and 8 of the Supplemental Petition. The Task Force discussed this issue at some length at what is expected to be its final public meeting, but ultimately resolved that the issue might be addressed in a future rule change petition by interested parties, if at all.

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The Task Force is grateful for the opportunity to reply in support of its work and for the Court's expedited consideration. It respectfully requests that the Court continue on its previously ordered course to consider the Supplement Petition, the comments received, and this Reply and the appendices thereto, at its December 2024 Rules Agenda, and that it consider adopting the proposed rules appended here, with

an effective date of January 1, 2025, if feasible, or one in due course as the Court may determine.

DATED this 4th day of November, 2024.

/s/ Sara J. Agne _____
Sara J. Agne
Task Force Chair
Presiding Judge, Arizona Tax Court