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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of)	Arizona Supreme Court No. R-_____
)	
PETITION TO)	PETITION TO
)	
ADOPT RULE 13.2, ARIZONA RULES OF CIVIL APPELLATE PROCEDURE)	ADOPT RULE 13.2, ARIZONA RULES OF CIVIL APPELLATE PROCEDURE,
)	
ADOPT RULE 31.10(a), ARIZONA RULES OF CRIMINAL PROCEDURE,)	ADOPT RULE 31.10(a), ARIZONA RULES OF CRIMINAL PROCEDURE,
)	
AND)	AND
)	
AMEND RULE 607, ARIZONA RULES OF PROCEDURE FOR THE JUVENILE COURT)	AMEND RULE 607, ARIZONA RULES OF PROCEDURE FOR THE JUVENILE COURT
_____)	

PETITION

Pursuant to Rule 28, Rules of the Supreme Court of Arizona, this petition asks the Court to adopt (1) a new Arizona Rule of Civil Appellate Procedure; (2) a new Arizona Rule of Criminal Procedure (addressing appeals) and (3) a new subsection to Arizona Rule of

¹ The courts are listed only for identification purposes. The opinions expressed in this petition are those of the individual undersigned judges and do not necessarily reflect the views of the courts.

Procedure for the Juvenile Court 607 (addressing appeals), each allowing self-represented litigants to file an “informal” appellate brief instead of a formal brief.

I. NEED FOR PROPOSED CHANGES

The Arizona rules require parties to present an appeal by filing appellate briefs that contain certain information. In cases governed by the Arizona Rules of Civil Appellate Procedure (ARCAP), the rules direct opening briefs to contain a table of contents; table of citations; statement of the case; statement of facts; statement of the issues; argument; notice concerning a claim for attorneys’ fees; and a conclusion. ARCAP 13(a). ARCAP also detail what answering briefs must contain, *see* ARCAP 13(b) & (c), and specify the form and length of appellate briefs. ARCAP 14. The Arizona Rules of Procedure for the Juvenile Court apply these rules, with some modification, to appeals from the juvenile court, *see* Ariz. R.P. Juv. Ct. 607, and the Arizona Rules of Criminal Procedure contain similar rules applicable in criminal appeals, *see* Ariz. R. Crim. P. 31.10, 31.12.

These requirements present a significant challenge to self-represented litigants. For example, ARCAP provide the statement of the case:

must concisely state the nature of the case, the course of the proceedings, the disposition in the court from which the appeal is taken, and the basis of the appellate court’s jurisdiction. The statement of the case must include appropriate references to the record.

ARCAP 13(a)(4).

Understandably, self-represented litigants frequently do not appear to understand what is meant by the “nature of the case,” or the “course of the proceedings,” and they may not know how to explain the disposition by the court from which an appeal is taken or cite the basis for appellate jurisdiction. Similarly, the requirement that the statement of issues

“includes every subsidiary issue fairly comprised within the statement” does little to help most self-represented litigants understand how to present their appellate issues. ARCAP 13(a)(6). Although the court offers a form that follows the required brief structure set forth in the appellate rules, it contains no more than headings for each required section and self-represented litigants regularly have trouble using it to prepare an appellate brief.

For related reasons, self-represented litigants often include information not relevant to the appeal or issues to be resolved on appeal, while at the same time failing to provide relevant information and developed arguments. These difficulties affect both the quality of the briefs and the court’s ability to resolve appeals on their merits. Because the number of cases involving at least one self-represented litigant is a significant portion of Court of Appeals cases (forty percent at Division One and forty-five percent at Division Two), this has a substantial effect on the court’s resolution of appeals.

The Ninth Circuit Court of Appeals has adopted a rule to allow self-represented appellants to file “the informal form brief provided by the Clerk in lieu of the briefs described in” Federal Rule of Appellate Procedure 28(a) and (c). 9th Cir. R. 28-1. The informal brief “need not comply with the technical requirements” of the Federal Rules of Appellate Procedure. 9th Cir. R. 28-1. The informal brief forms used by the Ninth Circuit (attached) prompt the filer to provide (1) a factual and procedural background for the case; (2) issues for appeal and any supporting law; (3) jurisdictional information; and, where appropriate, to respond to the other side’s arguments.

Other courts have adopted a similar approach. *See* 4th Cir. R. 34(b) (court uses an informal briefing process in cases involving self-represented litigants); Fed. Cir. R. 28(g)(1)

(allowing an unrepresented party to file an informal brief that contains the information required by a form prescribed by the court); Md. R. 8-502(a)(9) and Appellate Court of Maryland December 19, 2022 Administrative Order (permitting informal briefing in appeals by self-represented litigants in family law and foreclosure cases, or in any appeal by a self-represented individual who is incarcerated); Minn. R. Civ. App. P. 128.01 (allowing informal briefs as authorized by the appellate court).

Following these examples, the Court of Appeals has developed informal brief forms, attached as exhibits to this petition, to help self-represented litigants present arguments to the court and allow meaningful review. This petition proposes the appellate rules be amended to allow self-represented litigants to file an informal brief in the Arizona Court of Appeals using one of these forms rather than requiring compliance with the appellate briefing rules.²

This change would make it easier for self-represented litigants to present their case to the appellate court, increasing the likelihood that they will fully engage in the legal process. By removing legal jargon and the technical requirements of formal briefs, which can discourage or intimidate self-represented litigants, the court would encourage greater participation and strengthen public trust in the judicial system and enhance access to justice. The court would also likely receive better information from self-represented litigants in their briefs, making it easier to resolve cases on the merits.

² If the Court prefers, the Court of Appeals is willing to conduct a pilot program that permits the use of informal briefs in anticipation of these rule changes. The Massachusetts Appeals Court implemented a similar program in 2024.

II. TEXT OF PROPOSED CHANGES

For these reasons, petitioners request a new rule be added to the Arizona Rules of Civil Appellate Procedure to provide as follows (additions underlined):

Rule 13.2. Informal Briefs.

(a) Use of an Informal Brief. Self-represented parties are permitted, but not required, to file an informal brief in lieu of a brief conforming to Rules 13(a)-(b) and 14(a). The court will consider any informal brief that complies with this rule the same as it would a formal brief that complies with Rules 13(a)-(b) and 14(a).

(b) Style and Form.

1. An informal brief must be submitted using the form provided by the Clerk of the Court and must contain the information required by the form.
2. A party may attach a supporting memorandum to the informal brief, but the informal brief and memorandum cannot exceed a total of 50 pages (for opening and answering briefs) or 25 pages (for reply briefs).
3. Informal briefs must comply with the format requirements of Rule 14(b)-(c). If filed in paper, an informal brief must be securely bound without the use of adhesive.

Petitioners also request that a new rule be added to the Arizona Rules of Criminal Procedure to provide as follows (additions underlined):

Rule 31.10(A). Informal Briefs.

(a) Use of an Informal Brief. Self-represented parties are permitted, but not required, to file an informal brief in lieu of a brief conforming to Rules 31.10(a)-(b) and 31.12(a). The court will consider any informal brief that complies with this rule the same as it would a formal brief that complies with Rules 31.10(a)-(b) and 31.12(a).

(b) Style and Form.

1. An informal brief must be submitted using the form provided by the Clerk of the Court and must contain the information required by the form.
2. A party may attach a supporting memorandum to the informal brief, but the informal brief and memorandum cannot exceed a total of 50 pages (for opening and answering briefs) or 25 pages (for reply briefs).
3. Informal briefs must comply with the format requirements of Rule 31.12(b)-(c).

In addition, petitioners request that Rule 607(b) of the Arizona Rules of Procedure for the Juvenile Court be modified as follows to reference this new rule (additions underlined):

Rule 607. Briefing in the Court of Appeals; Transfer to the Supreme Court

* * *

(c) Informal Briefs. ARCAP 13.2 (“Informal Briefs”) applies in appeals from the juvenile court, except:

(1) Length. The informal brief and supporting memorandum cannot exceed a total of 22 pages (for opening and answering briefs) or 12 pages (for reply briefs).

(2) Victim Identification. Informal briefs and supporting memoranda must use a victim identifier in place of the victim’s name in any case in which a delinquent act is alleged. “Victim identifier” means a victim’s initials, a pseudonym, or other substitute for the victim's true full name.

* * *

Petitioners propose that Rule 607(c)-(g) be relabeled (d)-(h) to accommodate this new subsection.

III. CONCLUSION

Petitioners ask the Court to adopt ARCAP 13.2, Criminal Rule 31.10(A), and new Juvenile Rule 607(c) to allow self-represented litigants to file an “informal” appellate brief instead of a formal brief.

DATED this ____ day of _____, 2025.

_____/s/_____
David B. Gass
Chief Judge
Arizona Court of Appeals, Division One

_____/s/_____
Christopher P. Staring
Chief Judge
Arizona Court of Appeals, Division Two