

Eric M. Fraser (No. 027241)
OSBORN MALEDON, P.A.
2929 N. Central Ave., Ste. 2000
Phoenix, AZ 85012
(602) 640-9000
efraser@omlaw.com

Joshua D. Bendor (No. 031908)
Solicitor General, Arizona Attorney General's Office
2005 N. Central Ave.
Phoenix, AZ 85004
(602) 542-8958
Joshua.Bendor@azag.gov¹

ARIZONA SUPREME COURT

In the Matter of:

Petition to Amend Arizona Rules of Civil
Appellate Procedure 4, 16, and 23;
Arizona Rules of Criminal Procedure
31.6, 31.15, and 31.21; and Arizona
Rules of Juvenile Procedure 609

Supreme Court No. R-25-0005

**Reply in Support of Petition to
Amend Arizona Rules of Civil
Appellate Procedure 4, 16, and 23;
Arizona Rules of Criminal
Procedure 31.6, 31.15, and 31.21;
and Arizona Rules of Juvenile
Procedure 609**

Pursuant to Rule 28(e)(5), Rules of the Supreme Court of Arizona, Petitioners
reply to the comments filed on this petition.

¹ A list of all Petitioners is contained in Attachment C to the original Petition.

I. The Petition has overwhelming support from the community.

A broad cross-section of the appellate community in Arizona supports this Petition. As a threshold matter, 42 appellate attorneys signed onto the petition from the outset. *See* Petition, Ex. C. The signatories include civil, criminal, and family attorneys; attorneys in government, private practice, and non-profits; prosecutors and criminal defense attorneys; attorneys who typically represent civil plaintiffs and attorneys who typically represent civil defendants; big firms and solo practitioners; and attorneys from around the State. Attorneys of all stripes support the petition.

Three comments support all aspects of the petition. Notably, the State Bar of Arizona supports all aspects of the petition. As the comment indicates, “The State Bar favors sequential merits briefing in cases in which the Court has granted review,” and the Bar also supports the other aspects of the petition. *See* State Bar of Ariz. comment at 2. The Pima County Bar Association also supports all aspects of the petition, as does Keith Berkshire.

As explained below, only two comments (from David Euchner and Arizona Attorneys for Criminal Justice) express any opposition, and even those commenters support some aspects of the petition.

In sum, this petition has overwhelming support from the community.

II. Some aspects of the petition have unanimous support.

All commenters agree that supplemental briefs should have word limits rather than page limits, and that these limits should be codified in the rules rather than in an order issued in each case. *See* AACJ comment at 7–8; State Bar comment at 4; Euchner comment at 11–12. No one has expressed any opposition to these aspects of the petition.

III. The limited opposition to sequential briefing does not justify denying the petition.

Only two commenters opposed any aspect of the petition: Mr. Euchner and AACJ. Their concerns can be broadly grouped into three categories: (1) that sequential briefing does not produce better quality briefing, (2) that any increase in the briefing time prejudices criminal defendants, and (3) that Petitioners’ proposal to shorten the period between briefing and oral argument hampers advocate’s preparation for argument.

A. Sequential briefing improves the quality of briefing submitted to this Court.

The core premise of the petition is that sequential briefing as opposed to simultaneous briefing will improve the advocacy process. This premise should not be controversial. Nearly every other aspect of litigation uses the same sequential process, from the initial pleading stage, through motion practice in trial court, trial practice, appellate briefing in the court of appeals, the petition for review and

response, and oral argument. There is a reason that almost no other aspect of litigation requires parties to present arguments simultaneously. The advocacy process works best when parties have an opportunity to respond directly to each other's arguments. Sequential briefing also helps to refine and narrow the disputes before the Court.

In addition, as the petition discussed, only three other states use simultaneous briefing after the highest court has granted review, whereas the majority of states use sequential briefing at that stage. Petition at 5. Although Arizona can of course use its own procedures, Petitioners' experience—which again reflects a broad range of practices and interests—is that the sequential briefing process used by most other jurisdictions (including the U.S. Supreme Court) leads to better briefs overall. Genuine adversarial engagement leads to better outcomes.

As the State Bar explained, “Sequential briefing allows the Court to benefit most from our adversarial system by allowing the parties to respond directly to each other's actual—as opposed to each other's assumed—arguments. This benefit is important given the weighty matters the Court chooses to review.” State Bar comment at 3.

By contrast, the current practice of simultaneous briefs leads to inferior briefs that often require parties to anticipate the other party's argument and rebut arguments that have not yet been made. *See* State Bar comment at 3.

In response, Mr. Euchner contends that forcing litigants to anticipate each other's arguments in simultaneous briefing is a feature, not a bug. He contends that “[s]imultaneous briefing requires the lawyer to engage in deep thought about the contours of the case, explore all the angles, and anticipate the best opposing arguments that can be made and counter them.” Euchner comment at 4–5. Guessing about arguments that have not yet been made is not the best way to resolve cases, which is why almost no other stage in the adversarial process calls for parties to present arguments simultaneously. He suggests sequential briefing may help what he calls “unimaginative” attorneys, but not imaginative ones. But the briefing system should be designed to yield the best possible outcomes, particularly because this Court's decisions bind all Arizonans, not just the parties to the case.

Mr. Euchner also takes issue with the label “merits stage,” because the Arizona Supreme Court sometimes takes novel cases or accepts review for “error correction.” Euchner comment at 3. Although it is true that the Court sometimes takes these types of cases, a petition for review should still focus on “[t]he reasons the petition should be granted,” as required by rule. ARCAP 23(d)(3). Even without a split of authority, a petition will likely try to demonstrate why the case is review-worthy, such as by explaining why the case will affect many other parties or how the existing decision will wreak havoc in the law. An effective petition for review rarely focuses solely on the merits.

In addition, Mr. Euchner’s comment rests on a flawed premise: that the issues remain completely static throughout the appellate process. But experienced practitioners know this is often not true. Issues evolve throughout the appellate process, even if parties do not raise completely new issues. In many cases, the court of appeals ruled in an unexpected way, or the Supreme Court rephrased the issues so they are slightly (but meaningfully) different by the time of the supplemental brief. Simply put, complex legal issues often get refined. In virtually every complicated case (and even in many straightforward cases), the issues get more nuanced or narrow as the case progresses. Sequential briefing allows the parties to directly engage with the actual arguments rather than shadowboxing with anticipated ones. When parties can respond to what their opponents actually argue, rather than what they guess might be argued, the Court receives briefing that surfaces the best arguments and the real disputes. This is exactly why sequential briefing has become the standard in virtually every other stage of litigation.

AACJ argues the staggered briefing will be costly to litigants because they will either have to pay their attorney to write a reply brief or review a reply brief before oral argument. AACJ comment at 5–6. First, the petitioner’s reply brief would be optional, not mandatory. If an issue has been adequately briefed, a petitioner need not file a reply brief. Second, the current practice already envisions *both* parties filing two briefs during the merits stage: simultaneous supplemental

briefs and responses to amicus briefs. As addressed in the original petition for the rule change, at least one amicus participates in most cases, *see* Petition at 5–6, so litigants already frequently pay their attorneys to either write a response to the amici, review a response to the amici, or both. The proposed rule changes do not add to the briefing workload for litigants, they simply stagger the workload to allow for responsive briefing. In addition, the proposal reduces the number of briefs, and overall cost, for respondents. Under the proposal, the respondent will not have a separate brief responding to amici, but will instead respond in the merits brief. Because the respondent gets no reply, this change reduces the briefing for the respondent.

B. The modest increase in the briefing schedule appropriately balances the competing interests.

1. The post-grant briefing is a particularly important stage of the case, yet it moves the fastest under the current practice.

Mr. Euchner and AACJ argue that the petition will introduce delay, which they say prejudices criminal defendants. Petitioners understand and respect this important concern. To address this valid concern, the petition adjusted other parts of the post-grant process to accommodate sequential briefing while trying to minimize the overall increase in the schedule.

Although Petitioners recognize the importance of expedient justice, speed is not a good reason to keep the current simultaneous briefing practice. The current

briefing schedule simply does not reflect the importance of this stage in the process. The post-grant briefing is likely the most important briefing in the entire case. It is briefing at the State's highest court, and will make law that affects all Arizonans, not just the parties to the case. The fact that the Supreme Court has granted review often means that the case involves particularly close, difficult, or complicated legal issues. This is the stage where getting things right matters more than speed.

The current practice, under which the parties' supplemental briefs are complete after only 20 days, rushes through this important stage of the case, and is incongruous with the significance of the briefing. It is the fastest appellate briefing in the case's entire lifecycle—the court of appeals briefing typically unfolds over several months, and the petition for review briefing typically takes 60 days (30 days for the petition + 30 days for the response).

For a typical case, the briefing period after the Court has granted review is an extremely small portion of the case's overall lifecycle. By the time the Court grants review, the case typically already has been pending in the superior court for a year or more, and in the court of appeals for another year or more. Moreover, even measured by the amount of time spent in the Supreme Court alone, the post-grant briefing occupies only a fleetingly short period of time compared to the overall amount of time spent before the Court. Consequently, a modest increase in the total

amount of time spent on briefing at this stage will not have a material effect on the time it takes to resolve a case.

2. The petition carefully tried to minimize overall delay in the case.

The petition aimed to minimize its impact on the overall amount of time spent in the briefing stage. For example, the petition proposes interspersing amicus briefs into the main briefing stage, rather than having those come at the end of the process. This sequence, followed by all federal appellate courts, works well and helps to minimize the proposal's effect on the overall briefing schedule. The petition also proposes reducing the required amount of time between briefing and oral argument to further minimize the petition's effect.

In response, Mr. Euchner criticizes the petition's computation of the current briefing and argument practices. Euchner comment at 10. Mr. Euchner is correct that under the current practice, the Court may schedule argument 30 days after the supplemental brief deadline; the petition inadvertently understated the impact of the proposed rule changes when considering the text of the rules alone. But his estimates of the practical effects are overstated. A review of the 38 cases argued between June 2024 and June 2025 shows an average time of about 75 days between the order granting review and the oral argument date. Although this is lower than the 84 days the petition estimated, it is more than the 50 days referenced in Mr. Euchner's

comment. Euchner comment at 10–11. In sum, Petitioners still believe that the proposal would have only a modest impact on how long it takes to resolve cases.

Both AACJ and Mr. Euchner argue that even one day added to the overall time it takes to resolve a case is prejudicial to criminal defendants. *See* AACJ comment at 4; Euchner comment at 9–10. Yet both AACJ and Mr. Euchner recognize elsewhere in their comments a need for some tradeoff between efficiency and sufficient time for advocacy. AACJ opposes shortening the time between briefing and oral arguments because it might affect an advocate’s preparation for oral argument. *See* AACJ comment at 6. And Mr. Euchner advocates for an extra 8 days for simultaneous supplemental briefs. *See* Euchner comment at 12. In other words, neither opponent believes that the process should be rushed. And when considering that Mr. Euchner proposes adding eight days to the simultaneous briefing schedule, the actual number of days in dispute is very small.

3. The Court has flexibility to alter the briefing schedule as appropriate.

Petitioners believe the proposed briefing deadlines strike the appropriate balance between providing adequate time for quality advocacy and minimizing delay in case resolution. The State Bar agrees, indicating that it recognizes the downsides of “extra time to complete the briefing process,” but agrees that “the Petition has carefully considered those additional costs and has provided a reasonable means to mitigate them.” State Bar comment at 3. Petitioners further believe that the specific

time periods in the proposed rules would lead to higher-quality briefs than if the briefing period were shortened.

However, if this Court determines that different deadlines would better serve the interests of justice or judicial efficiency, Petitioners respectfully submit that sequential briefing with shorter deadlines would still represent a significant improvement over the current simultaneous briefing practice. The core benefits of sequential briefing—focused adversarial testing, responsive briefing, and elimination of arguments that talk past each other—would be preserved even with a compressed schedule. Petitioners therefore urge this Court to adopt sequential briefing in whatever form the Court deems most appropriate, even with modified deadlines.

In addition, the proposed rules also maintain the Court’s existing flexibility to adjust the process when appropriate. For example, the proposal would still allow the Court to vacate and remand without requiring additional briefing, decide a case without oral argument, order simultaneous briefing, or modify any of the deadlines to accommodate the unique requirements of particular cases.

C. The proposal regarding oral argument is appropriate but not necessary.

AACJ criticizes the petition’s proposal to reduce the required gap between the close of briefing and the oral argument date, arguing that “well-briefed criminal appeals often involve complex and always-evolving constitutional issues that may

cause even the most seasoned jurists to be confused.” AACJ comment at 6. Petitioners agree that cases at the Supreme Court are particularly important and often complicated, which is exactly why a more careful, deliberate sequential briefing sequence is appropriate at this stage.

Petitioners believe that the proposal provides adequate time to prepare for oral argument. But Petitioners do not oppose a longer period as AACJ requests. The petition proposed the reduction merely to minimize the overall impact in the time it takes to resolve the case. Consequently, if the Court is concerned about the amount of time before argument, Petitioners do not oppose changing “14 days” to “30 days” in Attachment A.

IV. Petitioners request that the Court also amend the Rules of Procedure for Special Actions, which were omitted from the original petition.

In preparing this reply, Petitioners realized that if the petition is granted, the Rules of Procedure for Special Actions should also be amended to be consistent with the proposed rule changes in the original petition. Petitioners have included the proposed amended text for RPSA 20 in revised Attachment A.

CONCLUSION

For these reasons, Petitioners respectfully request that this Court adopt the proposed amendments in revised Attachment A.

Respectfully submitted on June 2, 2025.

/s/ Eric M. Fraser
Eric M. Fraser (No. 027241)

/s/ Joshua D. Bendor
Joshua D. Bendor (No. 031908)

REVISED ATTACHMENT A²

ARIZONA RULES OF CIVIL APPELLATE PROCEDURE

Rule 4. Filing Documents with an Appellate Court; Format; Service

(a) [No change]

(b) Document format. Unless an appellate court allows otherwise, every document that a party files with an appellate court, other than a document contained in an appendix or filed as an attachment to a motion, must be prepared as follows:

(1)–(8) [No change]

(9) *Word Limits.* A document must average no more than 280 words per page, including footnotes and quotations. Word limits specified in Rules 14(a), 16(d), 19(d), 22(e), 23(g), 23(l), and 29(c) do not include the cover page, the caption, the table of contents, the table of citations, paragraph numbers appearing at the beginning of each paragraph (if any), the date and signature block, a certificate of service, a certificate of compliance, or any appendix.

(10) [No change]

(c)–(i) [No change]

* * *

Rule 16. Amicus Curiae

(a)–(c) [No change]

(d) ~~Time to File Amicus Briefs in the Supreme Court.~~ A person seeking to file a brief as amicus curiae in the Supreme Court must file the brief as provided by this Rule.

² Additions to the text of a rule are shown by underscoring and deletions of text are shown by ~~strike through~~. The only changes introduced in this Revised Attachment A are the Arizona Rules of Procedure for Special Actions.

(1) *Briefs Filed Before a Decision by the Supreme Court to Grant Review.* Unless otherwise ordered by the Supreme Court, a person may file (or, if submitted under Rule 16(b)(2), lodge) an amicus curiae brief in support of a petition for review or a response to a petition for review no later than 21 days after the filing of the response to the petition for review. Amicus curiae briefs filed under this subsection must comply with the form and length requirements of Rule 23(g) exclusive of any appendix.

(2) *Briefs Filed After the Supreme Court Grants Review.* After the Supreme Court has granted review, and unless otherwise ordered, amicus curiae may file (or, if submitted under Rule 16(b)(2), lodge) a brief no later than ~~10~~ 7 days ~~after the date ordered by the Court for the parties to file supplemental briefs in its order granting review.~~ after the principal merits brief of the party being supported is filed. An amicus that does not support either party must file its brief no later than 7 days after the petitioner's principal merits brief is filed. Amicus curiae briefs ~~must not exceed the word limitation imposed for the parties' supplemental briefs~~ filed under this subsection must not exceed 5,000 words.

(e)–(f) [No change]

* * *

Rule 23. Petition for Review

(a)–(j) [No change]

(k) Order Granting Review.

(1) *Notice.* The Supreme Court clerk must promptly notify the parties and the Court of Appeals clerk if the Supreme Court grants a petition or cross-petition for review.

(2) *Issues.* A Supreme Court order granting review must specify the issue or issues that the Supreme Court will review, and whether it will consider issues raised in, but not decided by, the Court of Appeals.

~~(3) *Supplemental Briefs and Oral Argument.* The Supreme Court may permit the parties to file supplemental briefs, or it may set oral argument, or both. Unless otherwise ordered, oral argument may not be scheduled less than 30 days after entry of a written notice of oral argument or, if supplemental briefs are permitted, less than 30~~14 days after the deadline for filing supplemental the petitioner's reply briefs.

~~(4) *Motion for Supplementation or Oral Argument.* If an order granting review does not provide for supplemental briefs or oral argument, any party may file a motion specifying the reasons that supplementation or oral argument, or both, would be appropriate. A party must file this motion within 15 days after the Supreme Court clerk distributes notice to the parties of the order granting review.~~

(I) Briefs on the Merits.

Unless otherwise ordered by the court, the parties may file merits briefs as follows:

(1) *Petitioner's Merits Brief.* Within 28 days after the clerk distributes the order granting review, a petitioner may file a brief addressing the merits of the issue or issues the Supreme Court will review.

(2) *Respondent's Merits Brief.* Within 28 days after service of the petitioner's merits brief, a respondent may file a merits brief addressing the merits of the issue or issues the Supreme Court will review, including any response to any arguments made by an amicus curiae.

(3) *Petitioner's Merits Reply Brief.* Within 20 days after service of the respondent's merits brief, a petitioner may file a merits reply brief, including any response to any arguments made by an amicus curiae.

(4) *Length of Merits Briefs.* The principal merits briefs must not exceed 7,000 words. A merits reply brief must not exceed 4,000 words.

(5) *Cross-Petitions.* If cross-petitions have been granted review, the Clerk may designate one or more of the parties to file an initial brief and reply brief as provided in paragraphs 1 and 3 of this subsection.

~~(h)~~ **(m) Availability of the Remaining Record.** The Court of Appeals clerk must make the remaining record available to the Supreme Court clerk upon notification that the Supreme Court has granted a petition or cross-petition for review.

~~(m)~~ **(n) Disposition.** If the Supreme Court grants review, it may decide the appeal in any manner specified in Rule 28(a). Additionally, the Supreme Court may do the following:

(1)–(3) [No change]

* * *

ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 31.6. Filing Documents with an Appellate Court; Document Format; Service and Proof of Service; Motions

(a)–(c) [No change]

(d) Word Limits. Word limits specified in Rules 31.12(a), 31.14(a), 31.15(d), 31.18(d), 31.20(e), ~~and 31.21(g)~~, and 31.21(k) include footnotes and quotations, but do not include the cover page, the caption, the table of contents, the table of citations, paragraph numbers appearing at the beginning of each paragraph (if any), the date and signature block, a certificate of service, a certificate of compliance, or any appendix.

(e) [No change]

* * *

Rule 31.15. Amicus Curiae

(a)–(c) [No change]

(d) Time to File Amicus Curiae Briefs in the Supreme Court. An applicant seeking to file a brief as amicus curiae in the Supreme Court must file the brief as provided in this rule.

(1) *Briefs Filed Before a Decision by the Supreme Court to Grant Review.* Unless the Supreme Court orders otherwise, applicants must file (or, if by motion, lodge) amicus curiae briefs in support of a petition for review or a response to a petition for review no later than 21 days after the filing of the response or, if none is filed, the deadline for filing the response to the petition for review. Amicus curiae briefs filed under this subsection must comply with the form and length requirements of Rule 31.21(g), exclusive of any appendix.

(2) *Briefs Filed After the Supreme Court Grants Review.* After the Supreme Court grants review, and unless the Court orders otherwise, amicus curiae must file (or, if by motion, lodge) a brief no later than ~~10~~ 7 days ~~after the date ordered by the Court for the parties to file supplemental briefs.~~ after the principal merits brief of the party being supported is filed. An amicus ~~that does not support either party must file its brief no later than 7 days after the petitioner's principal merits brief is filed.~~ Amicus curiae briefs ~~must not exceed the word or page limitation imposed for the parties' supplemental briefs.~~ filed under this subsection must not exceed 5,000 words.

(e) [No change]

* * *

Rule 31.21. Petition for Review

(a)–(i) [No change]

(j) Order Granting Review.

(1) *Notice.* The Supreme Court clerk must promptly notify the parties and the Court of Appeals clerk if the Supreme Court grants a petition or cross-petition for review.

(2) *Issues.* A Supreme Court order granting review must specify the issue or issues the Supreme Court will review, and whether it will consider issues raised in, but not decided by, the Court of Appeals.

(3) *Supplemental Briefs and Oral Argument.* The Supreme Court may ~~permit the parties to file supplemental briefs, or it may set oral argument, or both.~~ Unless otherwise ordered, oral argument may not be scheduled less than ~~30~~

days after entry of a written notice of oral argument or, if supplemental briefs are permitted, less than 30~~14~~ days after the deadline for filing supplemental the petitioner's reply briefs.

(4) *Motion for ~~Supplementation or Oral Argument~~*. If an order granting review does not provide for supplemental briefs or oral argument, any party may file a motion specifying the reasons that ~~supplementation or oral argument, or both,~~ would be appropriate. A party must file this motion no later than 15 days after the Supreme Court clerk sends notice to the parties of the order granting review.

(k) Briefs on the Merits.

Unless otherwise ordered by the court, the parties may file merits briefs as follows:

(1) *Petitioner's Merits Brief.* Within 28 days after the clerk distributes the order granting review, a petitioner may file a brief addressing the merits of the issue or issues the Supreme Court will review.

(2) *Respondent's Merits Brief.* Within 28 days after service of the petitioner's merits brief, a respondent may file a merits brief addressing the merits of the issue or issues the Supreme Court will review, including any response to any arguments made by an amicus curiae.

(3) *Petitioner's Merits Reply Brief.* Within 20 days after service of the respondent's merits brief, a petitioner may file a merits reply brief, including any response to any arguments made by an amicus curiae.

(4) *Length of Merits Briefs.* The principal merits briefs must not exceed 7,000 words. A merits reply brief must not exceed 4,000 words.

(5) *Cross-Petitions.* If cross-petitions have been granted review, the Clerk may designate one or more of the parties to file an initial brief and reply brief as provided in paragraphs 1 and 3 of this subsection.

(k) (l) Availability of the Record. The Court of Appeals clerk must make the remaining record available to the Supreme Court clerk upon notification that the Supreme Court has granted a petition or cross-petition for review. After a

petition for review is filed, the Court of Appeals clerk must make available portions of the record requested by the Supreme Court or its staff attorneys.

(H) (m) Disposition. If the Supreme Court grants review, it may decide the appeal in any manner specified in Rule 31.19(c) or (d). Additionally, the Supreme Court may do the following:

(1)–(3) [No change]

* * *

ARIZONA RULES OF JUVENILE PROCEDURE

Rule 609. Petition for Review

(a)–(h) [No change].

(i) Order Granting Review. If the Supreme Court grants review, it must promptly notify the parties and the Court of Appeals clerk and specify the issue or issues to be reviewed. The Supreme Court may ~~require the parties to file additional briefs, order set oral argument, or do both.~~ If the order granting review ~~does not provide for supplementation of briefs or for oral argument,~~ Either party, no later than 15 days after the Supreme Court clerk sends notice of the court’s order, may request the court to do so by filing a motion that specifies the reasons. Unless otherwise ordered, oral argument may not be scheduled less than 14 days after the deadline for filing the petitioner’s reply brief.

(j) Briefs on the Merits.

Unless otherwise ordered by the court, the parties may file merits briefs as follows:

(1) *Petitioner’s Merits Brief.* Within 28 days after the clerk distributes the order granting review, a petitioner may file a brief addressing the merits of the issue or issues the Supreme Court will review.

(2) *Respondent’s Merits Brief.* Within 28 days after service of the petitioner’s merits brief, a respondent may file a merits brief addressing the

merits of the issue or issues the Supreme Court will review, including any response to any arguments made by an amicus curiae.

(3) *Petitioner's Merits Reply Brief.* Within 20 days after service of the respondent's merits brief, a petitioner may file a merits reply brief, including any response to any arguments made by an amicus curiae.

(4) *Length of Merits Briefs.* The principal merits briefs must not exceed 7,000 words. A merits reply brief must not exceed 4,000 words.

(5) *Cross-Petitions.* If cross-petitions have been granted review, the Clerk may designate one or more of the parties to file an initial brief and reply brief as provided in paragraphs 1 and 3 of this subsection.

~~(j)~~ **(k) Availability of the Record.** Upon notification by the Supreme Court clerk that a petition or cross-petition for review has been granted, the Court of Appeals clerk must make the remaining record available to the Supreme Court clerk and the Supreme Court's staff attorneys.

~~(k)~~ **(l) Order Denying Review.** If the Supreme Court denies review, its order must specify those justices, if any, who voted to grant review. The Supreme Court must notify the Court of Appeals and the parties when all petitions and cross-petitions for review have been decided and must return any original paper copies of the briefs to the Court of Appeals clerk. Unless the Supreme Court permits otherwise, a party may not file a motion for reconsideration of an order denying a petition or cross-petition for review.

~~(l)~~ **(m) Dispositions.** If the Supreme Court grants review, it may decide the appeal in any manner specified in ARCAP 28(a). The Supreme Court may also do the following:

(1)–(3) [No change]

~~(m)~~ **(n) Motions to Extend Time.** The Supreme Court may grant or deny motions to extend the time to file a petition for review. Such motions must be filed with the Supreme Court Clerk.

ARIZONA RULES OF PROCEDURE FOR SPECIAL ACTIONS

Rule 20. Petition for Review to the Supreme Court

(a) – (d) [No change]

~~(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.~~

(e) Order Granting Review.

(1) Notice. The Supreme Court clerk must promptly notify the parties and the Court of Appeals clerk if the Supreme Court grants a petition or cross-petition for review.

(2) Issues. A Supreme Court order granting review must specify the issue or issues the Supreme Court will review, and whether it will consider issues raised in, but not decided by, the Court of Appeals.

(3) Oral Argument. The Supreme Court may set oral argument. Unless otherwise ordered, oral argument may not be scheduled less than 14 days after the deadline for filing the petitioner’s reply brief.

(4) Motion for Oral Argument. If an order granting review does not provide for oral argument, any party may file a motion specifying the reasons that oral argument would be appropriate. A party must file this motion no later than 15 days after the Supreme Court clerk sends notice to the parties of the order granting review.

(f) Briefs on the Merits.

Unless otherwise ordered by the court, the parties may file merits briefs as follows:

(1) *Petitioner's Merits Brief.* Within 28 days after the clerk distributes the order granting review, a petitioner may file a brief addressing the merits of the issue or issues the Supreme Court will review.

(2) *Respondent's Merits Brief.* Within 28 days after service of the petitioner's merits brief, a respondent may file a merits brief addressing the merits of the issue or issues the Supreme Court will review, including any response to any arguments made by an amicus curiae.

(3) *Petitioner's Merits Reply Brief.* Within 20 days after service of the respondent's merits brief, a petitioner may file a merits reply brief, including any response to any arguments made by an amicus curiae.

(4) *Length of Merits Briefs.* The principal merits briefs must not exceed 7,000 words. A merits reply brief must not exceed 4,000 words.

(5) *Cross-Petitions.* If cross-petitions have been granted review, the Clerk may designate one or more of the parties to file an initial brief and reply brief as provided in paragraphs 1 and 3 of this subsection.

(f) (g) 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.