

Julie LaFave
Lower Court Appeals Department
Maricopa County Superior Court
125 W. Washington Street
Phoenix, AZ 85003
Telephone: 602-372-3839

Erik Thorson
Arizona Tax Court
101 W. Jefferson Street
Phoenix, AZ 85003
Telephone: 602-506-8288

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of

Arizona Supreme Court No. R-26-_____

SUPERIOR COURT RULES OF
APPELLATE PROCEDURE—
CRIMINAL

PETITION TO AMEND THE
ARIZONA SUPERIOR COURT
RULES OF APPELLATE
PROCEDURE—CRIMINAL

**PETITION TO AMEND THE ARIZONA SUPERIOR COURT RULES OF
APPELLATE PROCEDURE—CRIMINAL**

Pursuant to Rule 28, Rules of the Supreme Court of Arizona, the Honorable Julie LaFave, commissioner in the Lower Court Appeals Department of the Maricopa County Superior Court, and the Honorable Erik Thorson, presiding judge

of the Arizona Tax Court (“Petitioners”), petition this Court to amend the Superior Court Rules of Appellate Procedure–Criminal (“SCRAP–Criminal”), as reflected in the attachment to this Petition, effective January 1, 2027, or such other effective date selected in the discretion of the Court.

Pursuant to Rule of the Supreme Court of Arizona 28(a)(4)(A)(iv), no similar petition has been filed within the past five years, though Petition R-25-0037, filed in early 2025, was adopted by this Court to standardize margin requirements for superior court filings, including filings made under this rule set. It appears to Petitioners that the last comprehensive revisions to this rule set were adopted more than 22 years ago.

INTRODUCTION AND BACKGROUND

The impetus for this Petition arose due to the undersigned Hon. Julie LaFave’s role as commissioner of the Lower Court Appeals Department (“LCA”) of the Maricopa County Superior Court. The undersigned Hon. Erik Thorson, as Chair of the Advisory Committee on Rules of Evidence has frequently presented, including with Commissioner LaFave, at Judicial Conference and other sessions of Evidence for Limited Jurisdiction Court Judges. In teaching together, Petitioners have discussed the application of the SCRAP–Criminal (and –Civil) and the need for restyling. Many of the state’s rule sets have undergone restyling in recent years, but these rules have not yet benefitted from that considered look.

Many of the matters on the LCA docket are brought under the SCRAP–Criminal, or under the SCRAP–Civil, for which Petitioners have filed a concurrent petition. Neither rule set has been comprehensively restyled within the last two decades. For example, outmoded words like “shall”¹ remain sprinkled throughout (138 times in the SCRAP–Civil, and 90 times, in this rule set). Petitioners suggest the words “may,” “must,” “is,” or other appropriate terms in that word’s place.

Petitioners are filing this initial Petition with a tracked changes draft of the SCRAP–Criminal as an appendix and look forward to public comments from stakeholders and others. Petitioners anticipate filing a strikethrough and underline draft with any Reply. *See* Ariz. R. Supreme Ct. 28(a)(4)(A)(iii).

SUMMARY OF THE PROPOSED AMENDMENTS

The proposed amendments adhere to those restyling conventions used in the work of groups like this Court’s Task Force on the Arizona Rules of Civil Procedure (2017 Amendments) and Task Force on the Arizona Tax Court Rules of Practice (July 2025 Amendments). Beyond aiming to use plain English, the proposed revisions seek to avoid long sentences and to use consistent formatting conventions

¹ *See* Prefatory Comment to 2017 Amendments to the Arizona Rules of Civil Procedure. (“By using clearer language and, if possible, plain English, these rules should be easier to understand. The restyled rules avoid long sentences, ambiguous terminology (such as the word ‘shall’), and legal jargon. These rules also use consistent formatting conventions and terminology.”)

and terminology. The amendments also consider the number of appeals filed by self-represented litigants and attempt to simplify and clarify language where appropriate.

To that end, the uses of the term “Appellate Memoranda” are changed to “Brief” and “Response.” Unnecessary provisions have been deleted. The word “written” is built in at appropriate points, to alert justice and municipal courts to the joist points in a record for appellate review. The word “signed” is used in conjunction with “final judgment,” to flag that step necessary to due process for courts and parties alike.

The amendments also clarify the roles of the trial courts and that of the Superior Court in the management and transfer of cases and, where possible, minimize confusion regarding the roles of each court on appeal, including setting out which court maintains jurisdiction over the matter at particular times in the appellate process. Those clarifications are made for the benefit of litigants and the courts and will help avoid confusion between the initial trial court’s duties and those of the court of review, both procedurally and on the merits of the filings before it.

Petitioners hope the amendments will also decrease the time between the filing of an appeal and its determination, as the clarifications will avoid remands to the trial court for further rulings or dismissals of appeals that could be determined in the trial court without transmittal to the Superior Court. To publicly discuss the aims of this restyling once accomplished, a Prefatory Comment would be appropriate, and

Petitioners also anticipate proposing language for that in Reply in support of this Petition.

CONCLUSION

Petitioners respectfully request that the Court consider this Petition and its proposed rule changes at its earliest convenience. Petitioners additionally request that the Petition be circulated for public comment until May 1, 2026, and that the Court adopt the proposed rule amendments as presented, or as modified in light of comments received from the public, and any replies, with an effective date of January 1, 2027, or such other effective date as the Court determines in its discretion.

DATED this 12th day of January, 2026.

/s/ Julie LaFave
Commissioner,
Lower Court Appeals Department,
Maricopa County Superior Court

/s/ Erik Thorson
Presiding Judge,
Arizona Tax Court