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ARIZONA SUPREME COURT

	)	
PROPOSED AMENDMENTS TO	)	
RULE 51 FAMILY LAW	)	
COURT PROCEDURES	)	<u>R-26-0015</u>
_____	)	

Petitioner Ashley J. Florian respectfully submits the following proposed amendments to **Rule 51 of the Arizona Rules of Family Law Procedure**. These revisions are designed to realign modern discovery practices with **Common Law** traditions that form the bedrock of our legal system.

The current discovery framework often prioritizes administrative efficiency and broad "relevance" over the ancient protections of **private property**, **bodily integrity**, and the **privilege against self-incrimination**. These amendments seek to restore the "History and Tradition" of the United States by:

Protecting Property and Personhood: Reaffirming the principles of *Entick v. Carrington* (1765) to prevent invasive inspections and compelled examinations that mirror the "compelled dissections" prohibited by Common Law.

Limiting "Fishing Expeditions": Restricting the scope of discovery to items "individually identified and known to exist," consistent with traditional Equity practices that require specificity rather than modern, overbroad "relevance."

Abolishing Forced Admissions: Returning to the "privilege of proof," ensuring that requests for admission do not function as a modern "oath ex officio"—a practice abolished in the 17th century to prevent the State from forcing individuals to provide the evidence for their own legal detriment.

Prioritizing Truth Over Deadlines: Replacing arbitrary administrative timelines with the equitable principle of "Rectification," allowing the record to be corrected whenever necessary to prevent a "fraud upon the court."

Rule 51. General Provisions Governing Discovery

(a) Discovery Methods.

A party may obtain discovery by any of the following methods:

(1) depositions under Rule 57;

(2) written interrogatories under Rule 60;

(3) requests for production of documents or things ~~or permission to enter onto land or other property for inspection and other purposes,~~
under Rule 62;

Historical Correction: Under Anglo-Saxon law and the landmark case *Entick v Carrington* (1765), "every invasion of private property, be it ever so minute, is a trespass" unless the state has a specific, ancient legal warrant.

~~(4) physical, mental, and vocational examinations under Rule 63~~

Historical Correction: In British Common Law, the "inviolability of the

person" prevents the state from forcing medical exams as a discovery tool; facts must be proven by external evidence, not by a "compelled dissection" of the body or mind.

(5) ~~requests for admission under Rule 64;~~

Historical Correction: Historically, the defendant had the "privilege of the proof." Forcing a party to admit facts against their interest mirrors the "oath ex officio," which was abolished in the 17th century to prevent the state from forcing people to convict themselves.

(b) Discovery Scope and Limits.

(1) Generally.

(A) Scope. Parties may obtain discovery regarding any nonprivileged matter that is ~~relevant to any party's claim or defense and proportional to the needs of the case individually identified and known to exist.~~

Historical Correction: UK law and traditional Equity require specificity. "Relevance" and "Proportionality" are modern inventions that allow for "fishing expeditions" prohibited by the Common Law.

(B) Limits on Discovery. ~~On motion or on its own, the court must limit the frequency or extent of discovery otherwise allowed by these rules.~~

Historical Correction: Under History and Tradition, the court's power is to *decide* cases, not to administratively manage the "frequency" of a party's right to seek truth.

(d) Supplementing and Correcting Discovery Responses.

A party who has responded... must supplement or correct its response if it learns that the response was or has become materially incomplete or incorrect... ~~in no event more than 30 days after it learns.~~

Historical Correction: The "30-day" limit is an arbitrary administrative deadline. The Common Law of Equity allows for **Rectification** at any time to prevent an "unconscionable" result or a "fraud upon the court."

(e) Sanctions.

The court may impose an appropriate sanction—including any order under Rules 65 or 76.2—against a party or attorney who has engaged in ~~unreasonable~~,

~~groundless, abusive, or obstructionist conduct~~ contempt of a specific, lawful order.

Historical Correction: In the Anglo-Saxon tradition, "conduct" was not sanctioned; only the violation of the King's Writ or a clear breach of the "Law of the Land."

/s/Ashley J Florian

February 9th 2026