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2 (FIRM STATE BAR NO. 00032000)

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5 (STATE BAR NUMBER 011474)

6 IN THE SUPREME COURT OF THE STATE OF ARIZONA

7 IN THE MATTER OF:

R-11-0034

8 PETITION TO AMEND RULES 56 AND  
56(f) OF THE ARIZONA RULES OF CIVIL  
9 PROCEDURE.

MARICOPA COUNTY ATTORNEY'S  
COMMENT TO PETITION TO AMEND  
RULE 56 OF THE ARIZONA RULES OF  
CIVIL PROCEDURE

10 The Maricopa County Attorney hereby comments to the Petition to Amend Rule 56 of the  
11 Arizona Rules of Civil Procedure.

12 Respectfully submitted this 18<sup>th</sup> day of May, 2012.

13 WILLIAM G. MONTGOMERY  
MARICOPA COUNTY ATTORNEY

14 BY: 

15 Mark C. Faull  
16 Chief Deputy  
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1 The Maricopa County Attorney's Office is supportive of the State Bar's proposed changes  
2 and suggested commentary. Although these changes would affect existing state court practices to  
3 some degree, many if not most lawyers with a substantial civil litigation practice do so in both the  
4 state and federal courts. Closer parallels between the two rules are therefore beneficial for their  
5 own sake. In addition, these changes do hold out the hope of more prompt resolution of cases and  
6 of curtailing some improper delaying tactics.

7 The addition of partial summary judgment language is welcomed in the civil context as a  
8 means of promptly paring multiple claim/multiple issue pleadings down to their legally supportable  
9 essence, thus again enhancing the prospect of quicker resolution by settlement or otherwise. It is  
10 also hoped [and we recommend something be said in the commentary] that this will serve to clarify  
11 the fact that more than one summary judgment motion can be filed by either side.

12 For these reasons, the Maricopa County Attorney's Office supports Arizona Supreme Court  
13 Rule Petition 11-0034.

14 Respectfully submitted this 18<sup>th</sup> of May, 2012.

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16 MARICOPA COUNTY ATTORNEY

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