

R-06-0004

ARIZONA RULES OF CIVIL APPELLATE PROCEDURE

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Rule 4. Filing and Service

(a) Filings; Number of Copies.

1. General Requirements. All papers required or permitted to be filed in an appellate court shall be filed with the clerk and shall contain the state bar number of the counsel representing the party on whose behalf the paper is filed and the firm state bar number, if any. Filing may be accomplished by mail addressed to the clerk, but filing shall not be timely unless the papers are received by the clerk within time fixed for filing, except in the case of briefs and appendices, which shall be governed by Rule 15(a) of these Rules. No papers received by the clerk within the time fixed for filing which if untimely filed would render the case, appeal or petition subject to dismissal by the appellate court for jurisdictional reasons, shall be refused by the clerk solely for the reason that they were not tendered for filing in the proper court or division. Rather, such papers shall be transmitted by the clerk to the proper court or division and shall be deemed timely filed. If a motion requests relief which may be granted by a single justice or judge, the justice or judge may permit the motion to be filed with that justice or judge, and shall note thereon the date of filing and thereafter transmit it to the clerk.

2. Requirements in Court of Appeals. All filings in the Court of Appeals, except for appellate briefs, petitions for review and appendices thereto, and special action petitions, responses and replies, and those filings provided by Rule 11, shall consist of an original and four copies. An original and six copies of briefs, special action petitions, responses and replies shall be filed in the Court of Appeals.

3. Requirements in Supreme Court. All filings in or for the Supreme Court, including petitions for review, cross-petitions for review, responses, motions, and petitions for transfer to the Supreme Court, shall consist of an original and seven copies, except that, if appendices are bound separately from a petition for review or a response to a petition for review, an original plus two copies of the appendices shall be filed. The original document and one copy of any appendices shall be filed in hard copy. In lieu of filing the required copies of the document or the appendices, or both, in hard copy, a party may submit a single electronic copy in text-searchable PDF format on a read-only CD-ROM. Documents submitted on a CD-ROM shall conform to the specifications set forth in the Code of Judicial Administration, § 1-506(D). Filing may be accomplished by mail addressed to the clerk, but filing shall not be timely unless the papers are received by the clerk within time fixed for filing, except in the case of briefs and appendices, which shall be governed by Rule 15(a) of these Rules. No papers received by the clerk within the time fixed for filing which if untimely filed would render the case, appeal or petition subject to dismissal by the appellate court for jurisdictional reasons, shall be refused by the clerk solely for the reason that they were not tendered for filing in the proper court or division. Rather, such papers shall be transmitted by the clerk to the proper court or division and

~~shall be deemed timely filed. If a motion requests relief which may be granted by a single justice or judge, the justice or judge may permit the motion to be filed with that justice or judge, and shall note thereon the date of filing and thereafter transmit it to the clerk.~~

(b)-(d) [No change in text.]

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Rule 23. Petition for Review

(a)-(b) [No change in text.]

(c) Form and Contents. The petition and cross-petition for review shall be bound or fastened and shall comply with the copy and form requirements of Rules 4(a)(3) and 6(c). ~~and~~ ~~¶~~The parties shall be designated as in the Court of Appeals. A copy of the Court of Appeals' decision shall be attached to the petition. Where the Court of Appeals' decision is simply an order declining to accept jurisdiction of a special action, a copy of the Superior Court's decision from which the petition for special action was taken shall also be attached to the petition. The petition and cross-petition shall not exceed 12 pages whether done in proportionately spaced typeface or monospaced typeface, exclusive of the appendix and attached decisions, and shall contain concise statements of the following:

[No further changes in text.]

(d) [No change in text.]

(e) Service and Response. The petitioner or cross-petitioner shall serve a copy of the petition or cross-petition and any appendices on all parties who have appeared in the Court of Appeals. Any party wishing to oppose the petition or cross-petition may file with the clerk of the Supreme Court a response within 30 days from the date upon which the petition or cross-petition for review is served. The response shall comply with the copy and form requirements of Rules 4(a)(3) and 6(c) and shall not exceed 12 pages whether done in proportionately spaced or monospaced typeface, exclusive of any appendix. If there are documents in the record on appeal that are necessary for a determination of the issues raised by the petition or cross-petition, the respondent shall file, simultaneously with a copy of the response, an appendix consisting only of such documents which were not included in the appendix filed with the petition or cross-petition. Failure to file a response shall not be considered an admission that the petition should be granted. If the appendices exceed 15 pages in length such appendices shall be bound or fastened together separately from the response. An original and two copies of any separately bound or fastened appendices shall be filed with the response in accordance with Rule 4(a)(3).

[No further changes in text.]

ARIZONA RULES OF CRIMINAL PROCEDURE

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Rule 31.12. Form of Motions

a. General Requirements. All papers relating to motions may be produced by any process that results in a clear black image on white paper, including typing, printing, or photocopying. The paper must be white, opaque and unglazed, and only one side of the paper may be used. Motion papers shall be on paper 8 1/2 by 11 inches and shall contain a caption setting forth the name of the court, the title of the case, the case number, and a brief descriptive title. Text shall be double-spaced; headings, quotations and footnotes may be indented and single-spaced. Either a proportionately spaced typeface of 14 points or more, or a monospaced typeface of no more than 10 1/2 characters per inch, shall be used for text, quotations, and footnotes. A proportionately spaced typeface has characters with different widths (e.g., an acceptable proportionately spaced typeface is Times New Roman, 14 point). A monospaced typeface has characters with the same advanced width (e.g., an acceptable monospaced typeface is Courier New, 12 point). All margins must be at least 1 inch. Page numbers shall be placed in the bottom margin, but no text or footnotes may appear there. Text shall be in roman, non-script text, although italics, underline, or bold may be used for emphasis. Case names and signals shall be underlined or in italics. Headings shall be underlined, in italics, or in bold.

b. Requirements in Court of Appeals. All parties must file the original and four copies of all motions filed in the Court of Appeals ~~and the original and seven copies of all motions filed in the Supreme Court.~~

c. Requirements in Supreme Court. In all cases, the original motion shall be filed in hard copy. Along with the original motion in hard copy, the parties shall file either seven copies of the motion in hard copy, or, in lieu thereof, a single electronic copy in text-searchable PDF format on a read-only CD-ROM. Documents submitted on a CD-ROM shall conform to the specifications set forth in the Code of Judicial Administration, § 1-506(D).

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Rule 31.19. Petition for Review

a.-b. [No change in text.]

c. Form and Contents. The petition and cross-petition for review shall be bound or fastened and shall comply with Rule 31.12. An original and seven copies of the petition or cross-petition and an original and two copies of any separately bound or fastened appendices shall be filed. The original petition, cross-petition, and one copy of any appendices shall be filed in hard copy. In lieu of filing the required copies of the petition/cross-petition or the appendices, or both, in hard copy, a party may submit a single electronic copy in text-searchable PDF format on a read-only CD-ROM. Documents submitted on a CD-ROM shall conform to the specifications set forth in the Code of Judicial Administration, § 1-506(D). The parties shall be designated as in the Court of Appeals. A copy of the Court of Appeals' decision shall be attached to the

petition. Where the Court of Appeals' decision is simply an order declining to accept jurisdiction of a special action, a copy of the Superior Court's decision from which the petition for special action was taken shall also be attached to the petition. The petition shall not exceed 12 pages whether done in proportionately spaced or monospaced typeface, exclusive of the appendix and attached decisions, and shall contain concise statements of the following:

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d.-k. [No change in text.]

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Rule 31.21. Manner of Filing and Service; Copies

a. Filing; Number of Copies.

(1) General Requirements. All papers required or permitted to be filed in an appellate court shall be filed with the clerk and shall contain the state bar number of the counsel representing the party on whose behalf the paper is filed and the firm state bar number, if any. Filing may be accomplished by mail addressed to the clerk, but filing shall not be timely unless the papers are received by the clerk within the time fixed for filing, except in the case of briefs and appendices which shall be governed by Rule 31.13(a) of these Rules. The party filing such documents shall on the same day serve a copy of any item filed on all other parties, except that two copies of each brief shall be served on opposing counsel.

(2) Requirements in Court of Appeals. In the Court of Appeals, the parties shall file an original and four copies of any document, except briefs, petitions for review and appendices thereto, and special action papers. An original and six copies of briefs and special action papers shall be filed in the Court of Appeals.

(3) Requirements in Supreme Court. All filings in or for the Supreme Court, including petitions for review, ~~cross-petitions for review, responses, motions,~~ and petitions for transfer to the Supreme Court, shall consist of an original and seven copies, except that, if appendices are bound separately from a petition for review, an original plus two copies of the appendices shall be filed. The original document and one copy of any appendices shall be filed in hard copy. In lieu of filing the required copies of the document or the appendices, or both, in hard copy, a party may submit a single electronic copy in text-searchable PDF format on a read-only CD-ROM. Documents submitted on a CD-ROM shall conform to the specifications set forth in the Code of Judicial Administration, § 1-506(D). ~~Filing may be accomplished by mail addressed to the clerk, but filing shall not be timely unless the papers are received by the clerk within the time fixed for filing, except in the case of briefs and appendices which shall be governed by Rule 31.13(a) of these Rules. The party filing such documents shall on the same day serve a copy of any item filed on all other parties, except that two copies of each brief shall be served on opposing counsel.~~

b. [No change in text.]

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Rule 32.9. Review

a.-b. [No change in text.]

c. Petition for Review. Within thirty days after the final decision of the trial court on the petition for post-conviction relief or the motion for rehearing, any party aggrieved may petition the appropriate appellate court for review of the actions of the trial court. A cross-petition for review may be filed within 15 days after service of a petition for review. The petition for review, cross-petition and all responsive pleadings filed pursuant to this rule shall be filed in the appellate court. Within 3 days after filing a petition or cross-petition for review, the petitioner and cross-petitioner, if any, shall file a notice of such filing with the trial court. The notice of filing may include a designation of record adding to the record defined in Rule 32.9(e) any additional transcripts of trial court proceedings that were prepared pursuant to Rule 32.4(d) or that were otherwise available to the trial court and the parties and that are material to the issues raised in the petition for review. Motions for extensions of time to file petitions or cross-petitions shall be filed in and ruled upon by the trial court. All other motions shall be filed in the court in which the petition is to be filed.

1. *Form and contents.* The petition or cross-petition for review shall comply with the form requirements of Rule 31.12 of the rules of criminal appellate procedure and contain a caption setting forth the name of the appellate court, the title of the case, a space for the appellate court case number, the trial court case number and a brief descriptive title. An original and seven copies of the petition and an original and one copy of the appendix, if any, shall be filed if review is being sought in the Supreme Court. The original petition or cross-petition and one copy of any appendices shall be filed in hard copy. In lieu of filing the required copies of the petition/cross-petition or the appendices, or both, in hard copy, a party may submit a single electronic copy in text-searchable PDF format on a read-only CD-ROM. Documents submitted on a CD-ROM shall conform to the specifications set forth in the Code of Judicial Administration, § 1-506(D). An original and four copies of the petition and an original and one copy of the appendix, if any, shall be filed if review is being sought in the Court of Appeals. An original and one copy shall be filed if review is being sought in the superior court. The parties shall be designated as in the trial court proceedings. The petition or cross-petition shall not exceed 20 pages, exclusive of the appendix, shall not have a cover or be bound, but shall be fastened with a single staple in the upper left corner, and shall contain the following:

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2. *Service; Response; Reply.* [No change in text.]

d.-h. [No change in text.]

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RULES OF THE SUPREME COURT

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Rule 59. Review by the Court

(a) Petitions for Review. Within ten (10) days after service of a commission report recommending censure, suspension, disbarment, reinstatement or denial of reinstatement, respondent or the state bar may file with the disciplinary clerk a notice of intent to file a petition for review by the court. The petition for review is due twenty (20) days thereafter. A cross-petition for review may be filed within fifteen (15) days after service of a petition for review. An original and eight (8) copies of the petition for review and cross-petition for review shall be filed with the disciplinary clerk, except that if appendices are bound separately from a petition for review, an original plus two copies of the appendices shall be filed. The original petition or cross-petition and one copy of any appendices shall be filed in hard copy. In lieu of filing the required copies of the petition/cross-petition or the appendices, or both, in hard copy, a party may submit a single electronic copy in text-searchable PDF format on a read-only CD-ROM. Documents submitted on a CD-ROM shall conform to the specifications set forth in the Code of Judicial Administration, § 1-506(D).

(b)-(e) [No change in text.]

(f) Service and Response. The petitioner or cross-petitioner shall serve a copy of the petition or cross-petition on all parties. Any party wishing to oppose the petition or cross-petition may file with the clerk of the court a response within thirty (30) days from the date upon which the petition or cross-petition for review is served. A copy of the response and any appendices shall also be served upon the disciplinary clerk. The response shall comply with the copy requirements of paragraph (a) of this rule and the form requirements of Rule 6(c), Ariz. R.C.A.P., and shall not exceed twenty (20) pages, exclusive of any appendix. All references to the record on appeal not contained in the petitioner's appendix shall be supported by an appendix to the response. The response shall not incorporate any document by reference except the appendices. Failure to file a response shall not be considered an admission that the petition should be granted. If the appendices exceed fifteen (15) pages in length, such appendices shall be fastened together separately from the response.

[No further changes in text.]

(g)-(k) [No change in text.]