

Appendix A Proposed Rule Amendments

Arizona Supreme Court Rule 111

(c) Dispositions as Precedent. Memorandum decisions shall not be regarded as precedent nor cited in any court except for (1) the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case, ~~or~~ (2) informing the appellate court of other memorandum decisions so that the court can decide whether to issue a published opinion, grant a motion for reconsideration, or grant a petition for review, or (3) persuasive value if issued on or after _____, _____. Because a memorandum decision cited for its persuasive value is not precedent, it is not binding on any court of this state. A court need not distinguish or otherwise discuss a memorandum decision and a party has no duty to research or cite it. Any party citing a memorandum decision pursuant to this rule must note in its citation that the decision is unpublished and attach a copy of it to the motion or petition in which such decision is cited.

Arizona Rule of Civil Appellate Procedure 28

(c) Dispositions as Precedent. Memorandum decisions shall not be regarded as precedent nor cited in any court except for (1) the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case, ~~or~~ (2) informing the appellate court of other memorandum decisions so that the court can decide whether to issue a published opinion, grant a motion for reconsideration, or grant a petition for review, or (3) persuasive value if issued on or after _____, _____. Because a memorandum decision cited for its persuasive value is not precedent, it is not binding on any court of this state. A court need not distinguish or otherwise discuss a memorandum decision and a party has no duty to research or cite it. Any party citing a memorandum decision pursuant to this rule must note in its citation that the decision is unpublished and attach a copy of it to the motion or petition in which such decision is cited.

Arizona Rule of Criminal Procedure 31.24

Memorandum decisions shall not be regarded as precedent nor cited in any court except for (1) the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case, ~~or~~ (2) informing the appellate court of other

memorandum decisions so that the court can decide whether to issue a published opinion, grant a motion for reconsideration, or grant a petition for review, or (3) persuasive value if issued on or after _____, _____. Because a memorandum decision cited for its persuasive value is not precedent, it is not binding on any court of this state. A court need not distinguish or otherwise discuss a memorandum decision and a party has no duty to research or cite it. Any party citing a memorandum decision pursuant to this rule must note in its citation that the decision is unpublished and attach a copy of it to the motion or petition in which such decision is cited.