

## Appendix A

### Proposed Supplemental Rule Language (clean copy)

#### Arizona Supreme Court Rule 111(c) and (d)

##### **(c) Dispositions as Precedent.**

(1) Memorandum decisions of Arizona state courts are not precedential and may only be cited

- (A) to establish claim preclusion, issue preclusion, or law of the case;
- (B) to assist the appellate court in deciding whether to issue a published opinion, grant a motion for reconsideration, or grant a petition for review; or
- (C) for persuasive value if issued on or after \_\_\_\_\_.

(2) A citation to a decision must indicate if the decision is a memorandum decision.

(3) A party citing a memorandum decision must provide either a copy of the decision or a hyperlink to the decision where it may be obtained without charge.

(4) This rule does not impose duties on parties or counsel to research, review, analyze, or cite memorandum decisions or unpublished dispositions.

**(d) Dispositions of tribunals in other jurisdictions.** A party may cite a decision of a tribunal in another jurisdiction, including the United States District Court for the District of Arizona, as permitted in that jurisdiction.

*[Renumber existing Rule 111(d) as 111(e) and delete existing Rule 111(e).]*

**Arizona Rule of Civil Appellate Procedure 28**

**(c) Dispositions as Precedent.** Arizona Supreme Court Rule 111 governs the citation of decisions.

**Arizona Rule of Criminal Procedure 31.24**

Arizona Supreme Court Rule 111 governs the citation of decisions.

## Proposed Supplemental Rule Language (redline copy)

### Arizona Supreme Court Rule 111(c)

#### (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. Any party citing a memorandum decision pursuant to this rule must attach a copy of it to the motion or petition in which such decision is cited.~~

~~(1) Memorandum decisions of Arizona state courts are not precedential and may only be cited~~

~~(A) to establish claim preclusion, issue preclusion, or law of the case;~~

~~(B) to assist the appellate court in deciding whether to issue a published opinion, grant a motion for reconsideration, or grant a petition for review; or~~

~~(C) for persuasive value if issued on or after \_\_\_\_\_.~~

~~(2) A citation to a decision must indicate if the decision is a memorandum decision.~~

~~(3) A party citing a memorandum decision must provide either a copy of the decision or a hyperlink to the decision where it may be obtained without charge.~~

~~(4) This rule does not impose duties on parties or counsel to research, review, analyze, or cite memorandum decisions or unpublished dispositions.~~

~~**(d) Dispositions of tribunals in other jurisdictions.** A party may cite a decision of a tribunal in another jurisdiction, including the United States District Court for the District of Arizona, as permitted in that jurisdiction.~~

~~**(de) Designation of written disposition.** The written disposition of the case shall contain in the caption thereof the designation “Opinion”, “Memorandum Decision”, or “Order.”~~

~~**(e) This rule shall be effective as of 1 September 1973.**~~

**[remainder of Rule 111 is unchanged]**

## 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 publish an opinion, grant a motion for reconsideration, or grant a petition for review. Any party citing a memorandum decision pursuant to this rule must attach a copy of it to the motion or petition in which such decision is cited.~~ Arizona Supreme Court Rule 111 governs the citation of decisions.

## Arizona Rule of Criminal Procedure 31.24. Citation of memorandum decisions.

~~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 publish an opinion, grant a motion for reconsideration, or grant a petition for review. Any party citing a memorandum decision pursuant to this rule must attach a copy of it to the motion or petition in which such decision is cited.~~ Arizona Supreme Court Rule 111 governs the citation of decisions.