

Hon. Diane M. Johnsen, Chief Judge
Arizona Court of Appeals, Division One
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IN THE SUPREME COURT OF ARIZONA

In the Matter of)	
)	Arizona Supreme Court No. _____
)	
PETITION TO AMEND RULE 7,)	
RULES OF PROCEDURE FOR)	PETITION TO AMEND RULE 7,
SPECIAL ACTIONS)	RULES OF PROCEDURE FOR
)	SPECIAL ACTIONS
_____)	

Pursuant to Rule 28, Rules of the Arizona Supreme Court, Petitioner asks the Court to adopt amendments to Rule 7, Rules of Procedure for Special Actions, as proposed in the Attachment hereto. The proposal is intended to conform the provisions in Rule 7(e), pertaining to appendices to petitions for special action, to recent changes in Rule 13.1, Arizona Rules of Civil Appellate Procedure, and to encourage parties who file electronically to combine the appendix with the petition or response.

The proposal also contains other conforming and editorial amendments to Rule 7(d) (clarifying amendments); (e) (correcting a citation by changing Rule 4(b),

Arizona Rules of Civil Appellate Procedure, to Rule 4(a)-(c)); (f) (replacing “Rules of Civil Appellate Procedure” with “ARCAP”); and (h) (same as (f)).

Petitioner respectfully requests that the Court adopt the proposed amendments as reflected in the Attachment to this Petition.

DATED this ____ day of January, 2015.

Diane M. Johnsen, Chief Judge
Arizona Court of Appeals, Division One

ATTACHMENT*

RULES OF PROCEDURE FOR SPECIAL ACTIONS

* * *

Rule 7. Special Appellate Court Provisions

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

(d) An appellate court in which a petition for special action is filed may, through its chief justice or chief judge, or any other justice or judge designated by the chief justice or chief judge, direct that on a certain day and hour oral argument be held on the petition. The chief justice or chief judge, or any other justice or judge so designated, may direct that the petition and any response thereto be submitted without oral argument. In the Court of Appeals or the Supreme Court, the petition and all papers shall be served forthwith by the petitioner or ~~his~~ the petitioner's agent, and the time and manner in which service shall be made may be specified by the court. Objections to such relief shall be in the form of a written response, and shall be filed and served within seven days after service of the petition upon the respondent, or such lesser time as the court shall fix by order. No reply shall be filed by the petitioner unless ~~the court has directed that the matter be submitted without oral argument~~ ordered by the court, in which event a reply may be filed within the time set by the court. At the appointed time, if any, the court will hear the parties in order to determine whether jurisdiction shall be accepted. If the court accepts jurisdiction, the court will then render its decision on the merits after submission of such additional memoranda and portions of the record as the court deems appropriate. For cause shown, the appellate court may waive or order acceleration of any or all of the foregoing procedures.

* Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

(e) Any petition for special action, response thereto or reply filed in an appellate court must comply with Rules 4, 4.1 and 4.2, ARCAP. The petition shall consist of a single document. It shall include a jurisdictional statement, a statement of the issues, a statement of the facts material to a consideration of the issues presented, and an argument containing the petitioners' contentions with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes and appropriate references to the record. A copy of the decision from which the petition is being taken shall be attached to the petition. All references to the record shall be supported by an appendix of documents in the record before the trial court that are necessary for a determination of the issues raised by the petition. The response to the petition shall, if necessary, be supported by an appendix of documents in the record before the trial court that are necessary for a determination of the issues raised by the petition which are not contained in the petitioner's appendix. ~~If either party's appendix exceeds 15 pages in length, it shall be fastened together separately from the petition or response.~~ An appendix must comply with Rule 13.1(c), ARCAP; any appendix filed electronically must comply with Rule 13.1(d), ARCAP; and any appendix filed in paper must comply with Rule 13.1(e), ARCAP. When feasible, a petition or response and an associated appendix that are filed electronically must be attached together as one document; the page number of the first page of such an appendix must be sequential to the last page of the petition or response. An appendix filed in paper that exceeds 15 pages in length may be fastened together separately from the petition or response. Except by permission of the court, petitions and responses shall not exceed (i) 10,500 words if in proportionate typeface, or (ii) 30 pages if in monospace typeface, exclusive of the appendix and the copy of the decision from which the petition is being taken, or (iii) 36 pages if handwritten. The reply, if any, shall not exceed (i) 5,250 words if in proportionate typeface, or (ii) 15 pages if in monospaced typeface, or (iii) 18 pages if handwritten. The petition, response and any reply must otherwise comply with Rule ~~4(b)(a) – (c)~~, ARCAP or Rules 31.12 or 31.13, ~~of the~~ Ariz. R. Crim. P. The petition, response and any reply must each be accompanied by a certificate of compliance that states the petition's line spacing and states either that (i) the petition uses a proportionately spaced typeface, together with the typeface, point size, and word count, or (ii) the petition uses a monospaced typeface, together with the number of characters per inch, or (iii) the petition is handwritten, together with the number of pages. A party preparing this certificate may rely on the word count of the processing system used to prepare the petition.

(f) An amicus curiae brief, or a request to participate as amicus curiae, shall conform to the requirements of Rule 16, ~~Arizona Rules of Civil Appellate Procedure~~ ARCAP, and shall be filed as expeditiously as possible after the special action

petition is filed.

(g) [No change in text.]

(h) The provisions of A.R.S. § 12-2106 and of **Rule 25, ~~Rules of Civil Appellate Procedure~~ ARCAP**, pertaining to damages for frivolous appeals or appeals for delay, shall apply to special actions.

(i)-(j) [No change in text.]

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