

1 **WILLIAM G. MONTGOMERY**  
2 **MARICOPA COUNTY ATTORNEY**  
3 **(FIRM STATE BAR NO. 00032000)**

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8 **TELEPHONE: (602) 506-3800**  
9 **(STATE BAR NUMBER 011474)**

10 **IN THE SUPREME COURT OF THE STATE OF ARIZONA**

11 **IN THE MATTER OF:**

R-15-0007

12 **PETITION TO AMEND RULE 23,**  
13 **ARIZONA RULES OF CIVIL**  
14 **PROCEDURE**

MARICOPA COUNTY ATTORNEY'S  
RESPONSE TO PETITION TO AMEND RULE  
23, ARIZ. R. CIV. P.

15 The Maricopa County Attorney hereby responds to the Petition to Amend Rule  
16 23 of the Arizona Rules of Civil Procedure and asks this Court to deny the petition.  
17 A similar petition was denied just last year and the only difference between these two  
18 efforts is that the proposed change last year was mandatory where the current  
19 proposal is permissive. Despite this difference, the requested change is unnecessary  
20 and inappropriate. Our rules should not single out any one entity as a suggested  
21 recipient for residual funds. If adopted, this change would encourage other laudable  
22 charities to seek to add their particular organization to the list of charities specifically  
23 mentioned in the rule as a possible beneficiary of residual funds. As currently  
24 drafted, the rule properly allows the parties to negotiate what programs will benefit  
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1 from any residual funds in a given case. The Arizona Foundation for Legal Services  
2 and Education is certainly one worthy beneficiary of such funds, but there are  
3 countless other worthy organizations that the parties may wish to support. There is  
4 no logical reason to single out this one organization by name in the rules as requested  
5 in the proposal.  
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8 The current rule allows the parties to a class action settlement to negotiate what  
9 is to be done with any residual funds in a settlement. While the current permissive  
10 proposal does not change that fact, it also provides no justification for specifically  
11 listing one organization that that may receive residual funds.  
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13 Respectfully submitted this 20<sup>th</sup> day of May, 2015.  
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15 WILLIAM G. MONTGOMERY  
16 MARICOPA COUNTY ATTORNEY

17 By   
18 MARK FAULL  
19 CHIEF DEPUTY  
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