

APPENDIX A

Rule 31.19. Petitions for Review

a. Time for Filing; Cross-Petition. Within 30 days after the filing of a decision or within 15 days after the clerk has mailed notice of the determination of a motion for reconsideration, any party may file with the clerk of the Court of Appeals a petition for review by the Supreme Court. A cross-petition for review may be filed with the clerk of the Supreme Court within 15 days after service of a petition for review.

b. Priority of Motion for Reconsideration. In the event of the timely filing of a petition for review prior to the disposition of a motion for reconsideration, further proceedings relating to the petition or cross-petition for review shall be stayed until the clerk of the Court of Appeals has mailed notice of the court's ruling on the motion for reconsideration.

If a motion for reconsideration is granted, proceedings relating to the petition or cross-petition for review shall be further stayed until the clerk of the Court of Appeals has mailed notice of the court's ruling on any motion for reconsideration of the decision upon reconsideration, or until the time for filing a motion for reconsideration of such decision upon reconsideration has expired.

In the event a petition or cross-petition has become moot by reason of the granting of a motion for reconsideration, the petitioner or cross-petitioner shall give immediate written notice of such mootness to the clerk of the Court of Appeals prior to the transmittal of the partial record to the clerk of the Supreme Court as provided in Rule 31.19(e)(d).

c. Form and LENGTH 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 parties shall be designated as in the Court of Appeals. **EXCEPT BY PERMISSION OF THE COURT, (1) A PETITION FOR REVIEW PREPARED IN A PROPORTIONATELY SPACED TYPEFACE MAY NOT EXCEED 4,200 WORDS AND MAY NOT HAVE AN AVERAGE OF MORE THAN 280 WORDS PER PAGE, INCLUDING FOOTNOTES AND QUOTATIONS; AND (2) A PETITION FOR REVIEW PREPARED**

IN A MONOSPACED TYPEFACE MAY NOT EXCEED 12 PAGES. THE PETITION MUST BE ACCOMPANIED BY A CERTIFICATE OF COMPLIANCE THAT STATES THE PETITION'S LINE SPACING AND STATES EITHER (1) THAT THE PETITION FOR REVIEW USES A PROPORTIONATELY SPACED TYPEFACE, TOGETHER WITH THE TYPEFACE, POINT SIZE, AND WORD COUNT, OR (2) THAT THE PETITION FOR REVIEW USES A MONOSPACED TYPEFACE, TOGETHER WITH THE NUMBER OF CHARACTERS PER INCH. A PARTY PREPARING THIS CERTIFICATE MAY RELY ON THE WORD COUNT OF THE PROCESSING SYSTEM USED TO PREPARE THE PETITION FOR REVIEW. ~~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:~~

~~1. The issues which were decided by the Court of Appeals and that the petitioner wishes to present to the Supreme Court for review. The petition shall also list, separately and without argument, those additional issues which were presented to, but not decided by, the Court of Appeals and which may need to be decided if review is granted.~~

~~2. The facts material to a consideration of the issues presented to the Supreme Court for review with appropriate references to the record on appeal. No evidentiary matter shall be included unless material to a proper consideration of the issues presented, in which instance a reference shall be made to the record or page of the transcript where such evidence appears.~~

~~3. The reasons the petition should be granted, which may include, among others, the fact that no Arizona decision controls the point of law in question, that a decision of the Supreme Court should be overruled or qualified, that conflicting decisions have been rendered by the Court of Appeals, or that important issues of law have been incorrectly decided.~~

~~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 petitioner and cross-petitioner shall file, simultaneously with a copy of the~~

~~petition and cross-petition, an appendix consisting only of such documents. If the appendices exceed 15 pages in length such appendices shall be bound or fastened together separately from the petition and the copy of the Appeals Court's decision or the cross-petition.~~

~~—Any petition for review presented for filing that does not substantially comply with this rule may, in the discretion of the clerk of the appellate court, be returned to the petitioner by the clerk with written instructions to the petitioner to file a proper petition within 30 days from the date on which the written instructions are mailed to the petitioner.~~

D. CONTENTS. THE PETITION SHALL CONTAIN CONCISE STATEMENTS OF THE FOLLOWING:

1. THE ISSUES THAT WERE DECIDED BY THE COURT OF APPEALS AND THAT THE PETITIONER WISHES TO PRESENT TO THE SUPREME COURT FOR REVIEW. THE PETITION SHALL ALSO LIST, SEPARATELY AND WITHOUT ARGUMENT, THOSE ADDITIONAL ISSUES THAT WERE PRESENTED TO, BUT NOT DECIDED BY, THE COURT OF APPEALS AND THAT MAY NEED TO BE DECIDED IF REVIEW IS GRANTED.

2. THE FACTS MATERIAL TO A CONSIDERATION OF THE ISSUES PRESENTED TO THE SUPREME COURT FOR REVIEW WITH APPROPRIATE REFERENCES TO THE RECORD ON APPEAL. NO EVIDENTIARY MATTER SHALL BE INCLUDED UNLESS MATERIAL TO A PROPER CONSIDERATION OF THE ISSUES PRESENTED, IN WHICH INSTANCE A REFERENCE SHALL BE MADE TO THE RECORD OR PAGE OF THE TRANSCRIPT WHERE SUCH EVIDENCE APPEARS.

3. THE REASONS THE PETITION SHOULD BE GRANTED, WHICH MAY INCLUDE, AMONG OTHERS, THE FACT THAT NO ARIZONA DECISION CONTROLS THE POINT OF LAW IN QUESTION, THAT A DECISION OF THE SUPREME COURT SHOULD BE OVERRULED OR QUALIFIED, THAT CONFLICTING DECISIONS HAVE BEEN RENDERED BY THE COURT OF APPEALS, OR THAT IMPORTANT ISSUES OF LAW HAVE BEEN INCORRECTLY DECIDED.

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. 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 PETITIONER OR CROSS-PETITIONER SHALL FILE, SIMULTANEOUSLY WITH A COPY OF THE PETITION OR CROSS-PETITION, AN APPENDIX CONSISTING ONLY OF SUCH DOCUMENTS. IF THE APPENDICES EXCEED 15 PAGES IN LENGTH SUCH APPENDICES SHALL BE BOUND OR FASTENED TOGETHER SEPARATELY FROM THE PETITION AND THE COPY OF THE APPEALS COURT'S DECISION OR THE CROSS-PETITION.

ANY PETITION FOR REVIEW PRESENTED FOR FILING THAT DOES NOT SUBSTANTIALLY COMPLY WITH THIS RULE MAY, IN THE DISCRETION OF THE CLERK OF THE APPELLATE COURT, BE RETURNED TO THE PETITIONER BY THE CLERK WITH WRITTEN INSTRUCTIONS TO THE PETITIONER TO FILE A PROPER PETITION WITHIN 30 DAYS FROM THE DATE ON WHICH THE WRITTEN INSTRUCTIONS ARE MAILED TO THE PETITIONER.

d E. Transmittal of Partial Record Upon Filing of a Petition for Review. Upon the filing of a petition for review, the clerk of the Court of Appeals shall transmit to the clerk of the Supreme Court the original and all copies of the petition, the original and all copies of the briefs filed in the Court of Appeals, and one copy of the decision of the Court of Appeals.

e F. Service and Response. The petitioner and cross-petitioner shall serve a copy of the petition and 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 and any appendices shall comply with form, LENGTH, and number of copy requirements of Rule 31.19(c) AND (D). ~~The response shall not exceed 12 pages, 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. If the appendices exceed 15 pages in length such appendices shall be bound or fastened together separately from the response. Failure to file a response shall not be considered an admission that the petition should be granted.

If a response is filed, the response shall list, separately and without argument, those additional issues, if any, **THAT which** were presented to, but not decided by, the Court of Appeals, **THAT which** were not listed by the petitioner, and **THAT which** may need to be decided if review is granted.

No reply shall be filed by petitioner, unless the Court has so directed by specific order, in which event a reply may be filed within the time set by the Court.

f G. Order Granting Review. If the Supreme Court grants review, its order shall specify the issue or issues which are to be reviewed. The Supreme Court may order that the parties file additional briefs or that oral argument be heard, or both. If the order granting review does not provide for supplementation of briefs or for oral argument, either party may, within 15 days after the clerk mails notice of the Court's order, request the Court to do so by motion, specifying reasons for supplementation or for oral argument, or both.

g H. Transmittal of Remaining Record. Upon notification by the clerk of the Supreme Court that a petition or cross-petition for review has been granted, the clerk of the Court of Appeals shall transmit the remaining record on appeal to the clerk of the Supreme Court.

h I. Denial of Petition. When all petitions and cross-petitions for review have been denied, the clerk of the Supreme Court shall so notify the clerk of the Court of Appeals and the parties, and return the briefs and the petition or cross-petition for review to the clerk of the Court of Appeals.

i J. Dispositions.

1. If an appeal is resolved by agreement of the parties after a petition for review by the Supreme Court is filed, the Supreme Court may

order that the decision of the Court of Appeals be vacated, or that any opinion of the Court of Appeals be redesignated as a Memorandum Decision.

2. When review has been granted, the Supreme Court may remand the appeal to the Court of Appeals for reconsideration in light of authority identified in the Supreme Court's order.

3. If issues were raised in, but not decided by, the Court of Appeals and review has been granted, the Supreme Court may consider and decide such issues, may remand the appeal to the Court of Appeals for decision of such issues, or may make such other disposition with respect to such issues as it deems appropriate.

j K. Motions to Extend Time. The court of appeals shall have authority to grant or deny motions to extend time to file motions for reconsideration of its decisions or opinions or to extend the time to file a petition for review. These motions shall be filed in the court of appeals.

k L. Amicus Curiae. The Supreme Court may permit participation by amicus curiae as provided for in Rule 31.25 of these rules.

Rule 31.25. Amicus Curiae

a. Filing and Form of Brief; Participation in Oral Argument. A brief of an amicus curiae may be filed only if accompanied by written consent of all parties or by leave of court granted upon motion. The brief shall be lodged with the motion, if any. The motion for leave shall identify the interest of the applicant, state that the applicant has read the relevant brief, petition or motion and shall state the reasons accepting applicant's amicus curiae brief would be desirable. A party desiring to respond to the amicus brief shall file the response within 20 days of service of a brief filed with consent, or within 20 days of the Court's order granting a motion for leave to file an amicus brief, Rules 31.13 and 31.14, Arizona Rules of ~~CRIMINAL Civil-Appellate~~ Procedure, shall govern the form of an amicus brief, except that it shall not exceed 12,000 words in length if done in proportionately spaced typeface, or 35 pages if done in monospaced typeface, unless otherwise permitted by the court. An amicus curiae may participate in the oral argument only by leave of the appellate court.

b. Time AND LENGTH Limits Applicable to Amicus Briefs in the Supreme Court. PARTIES DESIRING TO FILE AN AMICUS CURIAE BRIEF SHALL FILE SUCH BRIEFS AS PROVIDED BY THIS RULE, EXCEPT THAT AN AMICUS CURIAE BRIEF RELATING TO A SPECIAL ACTION PETITION SHALL BE FILED AS EXPEDITIOUSLY AS POSSIBLE AFTER THE SPECIAL ACTION PETITION IS FILED, AS PROVIDED FOR IN RULE 7(g), RULES OF PROCEDURE FOR SPECIAL ACTIONS.

(1) BRIEFS FILED PRIOR TO A DECISION BY THE COURT TO GRANT REVIEW. UNLESS OTHERWISE ORDERED BY THE COURT, (1) AN AMICUS BRIEF FILED IN SUPPORT OF A PETITION FOR REVIEW OR A RESPONSE TO A PETITION FOR REVIEW ACCOMPANIED BY WRITTEN CONSENT OF ALL PARTIES OR (2) A MOTION FOR LEAVE TO FILE AN AMICUS BRIEF SHALL BE FILED NO LATER THAN 21 DAYS AFTER THE FILING OF THE RESPONSE TO THE PETITION FOR REVIEW. SUCH BRIEFS SHALL COMPLY WITH THE FORM AND LENGTH REQUIREMENTS OF RULE 31.19(C) EXCLUSIVE OF ANY APPENDIX.

(2) BRIEFS FILED AFTER THE COURT HAS GRANTED REVIEW. AFTER THE COURT HAS GRANTED REVIEW, AND UNLESS

OTHERWISE ORDERED, (1) AN AMICUS BRIEF ACCOMPANIED BY WRITTEN CONSENT OF ALL PARTIES OR (2) A MOTION FOR LEAVE TO FILE AN AMICUS BRIEF SHALL BE FILED NO LATER THAN 10 DAYS AFTER THE DATE ORDERED BY THE COURT AT THE TIME REVIEW WAS GRANTED FOR FILING SUPPLEMENTAL BRIEFING BY THE PARTIES IN THE PARTICULAR CASE. SUCH BRIEFS SHALL COMPLY WITH RULE 31.13 AND SHALL NOT EXCEED THE PAGE LIMITATION IMPOSED FOR THE PARTIES SUPPLEMENTAL BRIEFS.

(3) RESPONSES TO AMICUS CURIAE BRIEFS. A PARTY WISHING TO RESPOND TO AN AMICUS BRIEF SHALL FILE THE RESPONSE WITHIN 20 DAYS OF SERVICE OF A BRIEF FILED WITH CONSENT OR WITHIN 20 DAYS OF THE COURT'S ORDER GRANTING A MOTION FOR LEAVE TO FILE AN AMICUS BRIEF. THE RESPONSE SHALL COMPLY WITH THE PAGE AND FORMATTING REQUIREMENTS IMPOSED ON THE PARTICULAR AMICUS BRIEF TO WHICH IT RELATES.

(4) LATE-FILED BRIEFS AND RESPONSES. LEAVE FOR FILING A LATE AMICUS OR RESPONSE BRIEF SHALL BE GRANTED ONLY FOR GOOD CAUSE SHOWN.

~~Unless otherwise ordered by the Supreme Court, an amicus brief accompanied by written consent of all parties, or a motion for leave to file an amicus brief, shall be filed no later than 40 days after the Court's order granting review. The brief shall be lodged with the motion, if any. A party wishing to respond to the amicus brief shall file the response within 20 days of service of a brief filed with consent, or within 20 days of the Court's order granting a motion for leave to file an amicus brief. Leave for filing a late amicus or response brief shall be granted only for good cause shown.~~

Rule 23. Petition for Review

(a) Time for Filing; Cross-Petition. Within 30 days after the filing of a decision or within 15 days after the clerk has mailed notice of the determination of a motion for reconsideration, any party may file with the clerk of the Court of Appeals a petition for review by the Supreme Court. A cross-petition for review may be filed with the clerk of the Supreme Court within 15 days after service of a petition for review.

(b) Priority of Motion for Reconsideration. In the event of the timely filing of a petition for review prior to the disposition of a motion for reconsideration, further proceedings relating to the petition or cross-petition for review shall be stayed until the clerk of the Court of Appeals has mailed notice of the court's ruling on the motion for reconsideration.

If a motion for reconsideration is granted, proceedings relating to the petition or cross-petition for review shall be further stayed until the clerk of the Court of Appeals has mailed notice of the court's ruling on any motion for reconsideration of the decision upon reconsideration, or until the time for filing a motion for reconsideration of such decision upon reconsideration has expired.

In the event a petition or cross-petition has become moot by reason of the granting of a motion for reconsideration, the petitioner or cross-petitioner shall give immediate written notice of such mootness to the clerk of the Court of Appeals prior to the transmittal of the partial record to the clerk of the Supreme Court as provided in Rule 23(e)~~(d)~~.

(c) Form and LENGTH Contents. The petition and cross-petition for review shall be bound or fastened and shall comply with Rule 6(c) and the parties shall be designated as in the Court of Appeals. **EXCEPT BY PERMISSION OF THE COURT, (1) A PETITION FOR REVIEW PREPARED IN A PROPORTIONATELY SPACED TYPEFACE MAY NOT EXCEED 4,200 WORDS AND MAY NOT HAVE AN AVERAGE OF MORE THAN 280 WORDS PER PAGE, INCLUDING FOOTNOTES AND QUOTATIONS; AND (2) A PETITION FOR REVIEW PREPARED IN A MONOSPACED TYPEFACE MAY NOT EXCEED 12 PAGES. THE PETITION MUST BE ACCOMPANIED BY A CERTIFICATE OF COMPLIANCE THAT STATES THE PETITION'S LINE SPACING AND STATES EITHER (1) THAT THE PETITION FOR REVIEW USES A**

PROPORTIONATELY SPACED TYPEFACE, TOGETHER WITH THE TYPEFACE, POINT SIZE, AND WORD COUNT, OR (2) THAT THE PETITION FOR REVIEW USES A MONOSPACED TYPEFACE, TOGETHER WITH THE NUMBER OF CHARACTERS PER INCH. A PARTY PREPARING THIS CERTIFICATE MAY RELY ON THE WORD COUNT OF THE PROCESSING SYSTEM USED TO PREPARE THE PETITION FOR REVIEW.

~~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:~~

~~1. The issues which were decided by the Court of Appeals and that the petitioner wishes to present to the Supreme Court for review. The petition shall also list, separately and without argument, those additional issues that were presented to, but not decided by, the Court of Appeals and which may need to be decided if review is granted.~~

~~2. The facts material to a consideration of the issues presented to the Supreme Court for review with appropriate references to the record on appeal. No evidentiary matter shall be included unless material to a proper consideration of the issues presented, in which instance a reference shall be made to the record or page of the certified transcript where such evidence appears.~~

~~3. The reasons the petition should be granted, which may include, among others, the fact that no Arizona decision controls the point of law in question, a decision of the Supreme Court should be overruled or qualified, that conflicting decisions have been rendered by the Court of Appeals, or that important issues of law have been incorrectly decided.~~

~~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 petitioner and cross-petitioner shall file, simultaneously with a copy of the petition and cross-petition, an appendix consisting only of such documents. If the appendices exceed 15 pages in length, such appendices shall be bound or fastened together separately from the petition and the copy of the Appeals Court's decision or the cross-petition. An original and two copies of any~~

~~separately bound or fastened appendices shall be filed with the petition or cross petition.~~

~~Any petition for review presented for filing that does not substantially comply with this rule may, in the discretion of the clerk of the appellate court, be returned to the petitioner by the clerk with written instructions to the petitioner to file a proper petition within 30 days from the date on which the written instructions are mailed to the petitioner.~~

(D) CONTENTS. THE PETITION SHALL CONTAIN CONCISE STATEMENTS OF THE FOLLOWING:

1. THE ISSUES THAT WERE DECIDED BY THE COURT OF APPEALS AND THAT THE PETITIONER WISHES TO PRESENT TO THE SUPREME COURT FOR REVIEW. THE PETITION SHALL ALSO LIST, SEPARATELY AND WITHOUT ARGUMENT, THOSE ADDITIONAL ISSUES THAT WERE PRESENTED TO, BUT NOT DECIDED BY, THE COURT OF APPEALS AND WHICH MAY NEED TO BE DECIDED IF REVIEW IS GRANTED.

2. THE FACTS MATERIAL TO A CONSIDERATION OF THE ISSUES PRESENTED TO THE SUPREME COURT FOR REVIEW WITH APPROPRIATE REFERENCES TO THE RECORD ON APPEAL. NO EVIDENTIARY MATTER SHALL BE INCLUDED UNLESS MATERIAL TO A PROPER CONSIDERATION OF THE ISSUES PRESENTED, IN WHICH INSTANCE A REFERENCE SHALL BE MADE TO THE RECORD OR PAGE OF THE CERTIFIED TRANSCRIPT WHERE SUCH EVIDENCE APPEARS.

3. THE REASONS THE PETITION SHOULD BE GRANTED, WHICH MAY INCLUDE, AMONG OTHERS, THE FACT THAT NO ARIZONA DECISION CONTROLS THE POINT OF LAW IN QUESTION, THAT A DECISION OF THE SUPREME COURT SHOULD BE OVERRULED OR QUALIFIED, THAT CONFLICTING DECISIONS HAVE BEEN RENDERED BY THE COURT OF APPEALS, OR THAT IMPORTANT ISSUES OF LAW HAVE BEEN INCORRECTLY DECIDED.

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. 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 PETITIONER OR CROSS-PETITIONER SHALL FILE, SIMULTANEOUSLY WITH A COPY OF THE PETITION OR CROSS-PETITION, AN APPENDIX CONSISTING ONLY OF SUCH DOCUMENTS. IF THE APPENDICES EXCEED 15 PAGES IN LENGTH, SUCH APPENDICES SHALL BE BOUND OR FASTENED TOGETHER SEPARATELY FROM THE PETITION AND THE COPY OF THE APPEALS COURT'S DECISION OR THE CROSS-PETITION.

ANY PETITION FOR REVIEW PRESENTED FOR FILING THAT DOES NOT SUBSTANTIALLY COMPLY WITH THIS RULE MAY, IN THE DISCRETION OF THE CLERK OF THE APPELLATE COURT, BE RETURNED TO THE PETITIONER BY THE CLERK WITH WRITTEN INSTRUCTIONS TO THE PETITIONER TO FILE A PROPER PETITION WITHIN 30 DAYS FROM THE DATE ON WHICH THE WRITTEN INSTRUCTIONS ARE MAILED TO THE PETITIONER.

~~(d)~~ **(E) Transmittal of Partial Record Upon Filing of a Petition for Review.** Upon the filing of a petition for review, the clerk of the Court of Appeals shall transmit to the clerk of the Supreme Court the original and all copies of the petition the original and all copies of the briefs filed in the Court of Appeals, and one copy of the decision of the Court of Appeals.

~~(e)~~ **(F) 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 RuleS 6(c) AND 23(C) AND (D). ~~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.

If a response is filed, the response shall list, separately and without argument, those additional issues, if any, which were presented to, but not decided by, the Court of Appeals, which were not listed by the petitioner, and which may need to be decided if review is granted.

No reply shall be filed by petitioner, unless the Court has so directed by specific order, in which event a reply may be filed within the time set by the Court.

(f) (G) Order Granting Review. If the Supreme Court grants review, its order shall specify the issue or issues which are to be reviewed. The Supreme Court may order that the parties file additional briefs or that oral argument be heard, or both. If the order granting review does not provide for supplementation of briefs or for oral argument, either party may, within 15 days after the clerk mails notice of the Court's order, request the Court to do so by a motion specifying the reasons for supplementation or for oral argument, or both.

(g) (H) Transmittal of Remaining Record. Upon notification by the clerk of the Supreme Court that a petition or cross-petition for review has been granted, the clerk of the Court of Appeals shall transmit the remaining record to the clerk of the Supreme Court.

(h) (I) Order Denying Review. If the Supreme Court denied review, its order shall specify those justices of the Supreme Court, if any, who voted to grant review. When all petitions and cross-petitions for review have been denied, the clerk of the Supreme Court shall so notify the clerk of the Court of Appeals and the parties, and shall return the original copies of the briefs and the petition or cross-petition for review to the clerk of the Court of Appeals.

⊕ (J) Dispositions.

(1) If an appeal is resolved by agreement of the parties after a petition for review by the Supreme Court is filed, the Supreme Court may order that the decision of the Court of Appeals be vacated, or that any opinion of the Court of Appeals be redesignated as a Memorandum Decision.

(2) When review has been granted, the Supreme Court may remand the appeal to the Court of Appeals for reconsideration in light of authority identified in the Supreme Court's order.

(3) If issues were raised in, but not decided by, the Court of Appeals and review has been granted, the Supreme Court may consider and decide such issues, may remand the appeal to the Court of Appeals for decision of such issues, or may make such other disposition with respect to such issues as it deems appropriate.

⊕ (K) Motions to Extend Time. The court of appeals shall have authority to grant or deny motions to extend time to file motions for reconsideration of its decisions or opinions or to extend the time to file a petition for review. These motions shall be filed in the court of appeals.

⊕ (L) Amicus Curiae. The Supreme Court may permit participation by amicus curiae as provided for in Rule 16 of these rules

Rule 16. Amicus Curiae

(a) Filing and Form of Brief; Participation in Oral Argument. A brief of an amicus curiae may be filed only if accompanied by written consent of all parties or by leave of court granted upon motion, except that leave or written consent shall not be required when the brief is presented by the State of Arizona or an officer or agency thereof, or by a county, city, or town. The brief shall be lodged with the motion, if any. The motion for leave shall identify the interest of the applicant, state that the applicant has read the relevant brief, petition or motion and shall state the reasons accepting applicant's amicus curiae brief would be desirable. A party desiring to respond to the amicus brief shall file the response within 20 days of service of a brief filed with consent or by a governmental entity or agency, or within 20 days of the Court's order granting a motion for leave to file an amicus brief. Rules 13 and 14 shall govern the form of an amicus brief, except that it shall not exceed 12,000 words in length if done in proportionately spaced typeface, or 35 pages if done in monospaced typeface, unless otherwise permitted by the court. An amicus curiae may participate in the oral argument only by leave of the appellate court.

(b) Time and Length Limits Applicable to Amicus Curiae Briefs in the Supreme Court. Parties desiring to file an amicus curiae brief shall file such briefs as provided by this rule, except that an amicus curiae brief relating to a special action petition shall be filed as expeditiously as possible after the special action petition is filed, as provided for in Rule 7(g), Rules of Procedure for Special Actions.

(1) Briefs Filed Prior to a Decision by the Court to Grant Review. Unless otherwise ordered by the Court, an amicus brief filed in support of a petition for review or a response to a petition for review by the State, a county, city, or town, or an amicus brief accompanied by written consent of all parties, or a motion for leave to file the brief, shall be filed no later than 21 days after the filing of the response to the petition for review. Such briefs shall comply with **THE FORM AND LENGTH REQUIREMENTS OF RULES 6(c) and 23(c)** ~~Rule 6(e) and shall not exceed 12 pages, whether done in proportionately spaced or monospaced typeface,~~ exclusive of any appendix.

(2) Briefs Filed After the Court has Granted Review. After the Court has granted review, and unless otherwise ordered, an amicus brief filed by the

State, a county, city, or town, or an amicus brief accompanied by written consent of all parties or a motion for leave to file an amicus brief, shall be filed no later than 10 days after the date ordered by the Court at the time review was granted for filing supplemental briefing by the parties in the particular case. Such briefs shall comply with Rule 6(c) and shall not exceed the page limitation imposed for the parties' supplemental briefs.

(3) Responses to Amicus Curiae Briefs. A party wishing to respond to an amicus brief shall file the response within 20 days of service of a brief filed with consent or by a governmental entity or agency, or within 20 days of the Court's order granting a motion for leave to file an amicus brief. The response shall comply with the page and formatting requirements imposed on the particular amicus brief to which it relates.

(4) Late-Filed Briefs and Responses. Leave for filing a late amicus or response brief shall be granted only for good cause shown.

