

Terry Goddard  
Attorney General  
Firm Bar Number 14000

Mary O'Grady  
Solicitor General (Bar No. 11434)  
Dawn R. Williams (Bar No. 20730)  
Assistant Attorney General  
3939 S. Park Ave., Suite 180  
Tucson, AZ 85714  
Telephone: (520) 746-4443

## ARIZONA SUPREME COURT

PETITION TO AMEND RULE 107,  
ARIZONA RULES OF PROCEDURE  
FOR THE JUVENILE COURT

Arizona Supreme Court  
No. R-09-\_\_\_\_\_

Pursuant to Rule 28, Arizona Rules of the Supreme Court, the Attorney General petitions this Court to amend Rule 107, Arizona Rules of Procedure for the Juvenile Court, to conform to the recent amendments to Rules 31.19 and 31.25, Arizona Rules of Criminal Procedure, and Rules 16 and 23, Arizona Rules of Civil Appellate Procedure, establishing word limits for petitions for review and requiring a certificate of compliance with those limits. (*See Appendix.*)

**I. Rule 107, Arizona Rules of Procedure for the Juvenile Court, Should Be Amended to Conform to Recent Changes to the Civil and Criminal Procedural Rules Establishing Word Limits for Petitions for Review and Requiring a Certificate of Compliance With Those Limits.**

On January 1, 2009, this Court amended Rules 31.19 and 31.25, Arizona Rules of Criminal Procedure, and Rules 16 and 23, Arizona Rules of Civil Appellate Procedure, to require that petitions for review using a proportionately spaced typeface may not exceed 3,500 words and may not exceed an average of 280 words per page, including footnotes and quotations and that petitions using a monospaced typeface may not exceed 10 pages and an average of 350 words per page, including footnotes and quotations. The amendments maintained the prior 12-page limit for handwritten petitions only. (*See* Order in R-07-0014.) The amendments also required that the petition be accompanied by a certificate of compliance stating that the petition complied with the word or page limits.

The basis for the petition to amend the Criminal and Civil Appellate Rules was “to maintain uniformity in calculating the length of documents filed in [the Supreme Court] and to prevent abuse of the page limitation [then] in effect.” (Petition in R-07-0014 at 3.) The Petitioner noted that all other appellate briefs were limited by word count, rather than page count. (*Id.*) The rules pertaining to the filing of petitions for review in juvenile cases should likewise conform to those requirements.

To bring the juvenile appellate rules into conformity with the civil and criminal rules regarding petitions for review, the Attorney General petitions this Court to adopt the attached changes.

**II. Conclusion.**

For all of the foregoing reasons, the Attorney General respectfully requests that this Court order the adoption of the proposed amendments to Rule 107, Arizona Rules of Procedure for the Juvenile Court, attached hereto as Appendix A.

Dated this \_\_10th\_\_ day of April, 2009.

Terry Goddard  
Attorney General

by \_\_\_\_\_/s/\_\_\_\_\_  
Dawn R. Williams,  
Assistant Attorney General,  
Mary O'Grady  
Solicitor General

Original of the foregoing and appendices (in PDF and Word formats)  
were electronically filed this \_10th\_ day of April, 2009, with:

Arizona Supreme Court  
Court Rules Forum

By \_\_\_\_\_/s/\_\_\_\_\_

Dawn R. Williams, AAG  
HDM# 438043

**APPENDIX**

**PROPOSED AMENDMENTS TO RULE 107,  
ARIZONA RULES OF PROCEDURE  
FOR THE JUVENILE COURT**

## **Rule 107. Petition for Review**

(A) [No change.]

(B) The petition for review and cross-petition for review shall be bound or fastened and shall comply with ARCAP 6(c). The parties shall be designated as in the court of appeals. A copy of the decision of the court of appeals shall be attached to the petition. Except by permission of the court, (1) a petition for review or cross-petition prepared in a proportionately spaced typeface may not exceed 3,500 words, including footnotes and quotations; (2) a petition for review or cross-petition prepared in a monospaced typeface may not exceed 10 pages and may not exceed an average of 350 words per page, including footnotes and quotations; and (3) a handwritten petition for review or cross-petition may ~~The petition and cross-petition shall not exceed 12 pages, whether done in a proportionately spaced typeface or a monospaced typeface, exclusive of the appendix and attached decision,~~ The petition or cross-petition shall be accompanied by a certificate of compliance that states either (1) that the petition or cross-petition uses a proportionately spaced typeface of 14 points or more, is double spaced using a roman font, and contains [blank] words, or (2) that the petition or cross-petition uses a monospaced typeface of no more than 10.5 characters per inch and does not exceed 10 pages, or (3) that the petition or cross-petition was handwritten and does not exceed 12 pages.

The petition for review or cross-petition ~~and~~ shall contain concise statements of the following:

1. – 4. [No change.]

(C) [No change.]

(D) 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 Rule 107(B) and ARCAP 6(c) ~~and shall not exceed 12 pages whether prepared in a proportionately spaced or monospaced typeface, exclusive of any appendix.~~ If the record on appeal contains documents 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 that contains only those documents not included in the appendix filed with the petition or cross-petition. If the appendices exceed 15 pages in length, they 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. Failure to file a response shall not be considered an admission that the petition or cross-petition should be granted. If a response is filed, it shall list, separately and without argument, any additional issues not listed by the petitioner or cross-petitioner that were presented to but not decided by the court of appeals and may need to be decided if review is granted. No reply shall be filed by petitioner or cross-petitioner, unless the supreme court has so directed by specific order, in which event a reply may be filed within the time set by the supreme court.

**(E) – (J)** [No change.]