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IN THE SUPREME COURT
STATE OF ARIZONA

In the Matter of:

PETITION FOR THE ADOPTION OF
PROCEDURAL AMENDMENT TO THE RULES
OF THE ARIZONA SUPREME COURT AND
ARIZONA RULES OF CIVIL APPELLATE
PROCEDURE,

Supreme Court No. R-21-_____

PETITION

Pursuant to Rule 28, Rules of the Arizona Supreme Court, the Clerk of the Arizona Supreme Court petitions this Court to adopt minor procedural amendments to the Rules of the Arizona Supreme Court and the Arizona Rules of Civil Appellate Procedure.

With advances in automation, it is no longer necessary for litigants filing documents in paper to submit multiple copies, e.g., an original and six copies.

The proposed changes are set forth in Appendix A of this petition.

The Clerk of Court proposes the following amendments:

- (a) **Rule 1(a)(1) and Rule 1(d), Rules of the Arizona Supreme Court.** Rule 1(a)(1) currently provides, “A copy of the application shall be served on the adverse party, and seven copies shall be filed with the clerk of this court” and Rule 1(d) provides, “Copies of the return shall be served on the adverse party and six copies filed with the clerk of this court.” With advances in automation, documents filed with the Court are scanned into the case management system and provided electronically to staff attorneys and the Court, therefore eliminating the need for additional copies. It is proposed that Rule 1(a)(1) be modified similar to the change that was made in 2015 to ARCAP 4.1(d), requiring a party filing in paper to submit an original and one copy.

The application instructions which provide that the filer mail to the Clerk of the Supreme Court an original and seven copies will also need modification.

(b) ARCAP 4.1(d). This Rule currently provides “a party must file an original and six copies of a brief filed under seal.” Again, advances in automation allow sealed documents to be scanned into the case management system and restricted as sealed, thereby limiting access to the public while allowing the staff attorneys and Court electronic access. An original and one copy would suffice in this instance as well.

For the reasons state in this petition, the Court should adopt the proposed procedural amendments as set forth in Appendix A.

ARIZONA SUPREME COURT

_____/s/_____
JANET JOHNSON
CERK OF THE COURT

APPENDIX A

RULES OF THE SUPREME COURT

Rule 1. Application for Issuance of Writ Under Original Jurisdiction

(a) Form; service; filing.

- (c) Application for the issuance of writs in the exercise of original jurisdiction shall be typewritten or printed, and accompanied by a memorandum of points and authorities in support of the application. An application shall comply with Rule 4(b), ARCAP. A copy of the application shall be served on the adverse party, and ~~seven copies~~ an original and one copy shall be filed with the clerk of this court.

* * *

- (d) **Return by respondent by motion or answer.** Upon the return day of the alternative writ the respondent shall make return, either by motion or answer, or both, accompanied by a brief in support thereof. Copies of the return shall be served on the adverse party and ~~six copies~~ an original and one copy filed with the clerk of this court. If the return is by motion only and the motion is denied, the writ will be ordered to issue without leave to answer over unless otherwise provided by law.

POST CONVICTION FORM NO. 1

INSTRUCTIONS—READ CAREFULLY

In order for this petition to receive consideration by the Court, it shall be in writing, (legibly handwritten or typewritten) signed by the Petitioner and verified (notarized), and it shall set forth in concise form the answers of each applicable question. If necessary, Petitioner may finish his answer to a particular question on the reverse side of the page or on an additional blank page. Petitioner shall make it clear to which question any such continued answer refers.

Since every petition for habeas corpus must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Petitioners should therefore exercise care to assure that all answers are true and correct.

When the petition is complete, the original and ~~seven copies (a total of eight)~~ and one copy shall be mailed to the Clerk of the Supreme Court of Arizona, State Courts Building, 1501 West Washington, Phoenix, Arizona, 85007, and one copy to the Attorney General of Arizona, ~~1275 West Washington, 2005~~ N. Central Avenue, Phoenix, Arizona, 85007-85004-5025.

ARIZONA RULES OF CIVIL APPELLATE PROCEDURE

Rule 4.1 Paper Filing

* * *

(d) Filings; Number of Copies. In an appellate court, a party must file an original and one copy of any paper document not filed under seal, including a separate appendix, a petition for review, or a petition for transfer. A party must file an original and ~~six copies~~ one copy of a brief filed ~~under seal, and an original and one copy~~ of any other document, including an exhibit, filed under seal.