

Amendments to Rule 28(c), ARCAP, are incorporated in the amendments to ARCAP set forth in a separate order of this Court in No. R-14-0017.

DATED this 2nd day of September, 2014.

SCOTT BALES
Chief Justice

TO:

Rule 28 Distribution

Barry D Halpern

Sara J Agne

Joy L Isaacs

C Lincoln Combs

Geoffrey M Trachtenberg

David L Abney

Charles V Harrington

Hon. Michael Owen Miller

Virginia C Kelly

John C Gemmill

Patricia K Norris

Peter B Swann

Peter J Eckerstrom

Joseph W Howard

Hon. Randall M Howe

Garye L Vasquez

Philip G Espinosa

Thomas L Hudson

Joseph D'Aguanno

Frederick Curtis Berry Jr

Thomas B Weaver

Mark C Faull

David J Euchner

Carmine Cornelio

ATTACHMENT¹

THE RULES OF THE ARIZONA SUPREME COURT

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Rule 111. Publication of Opinions of the Supreme Court and Court of Appeals; Depublication

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(c) Dispositions as Precedent. ~~Memorandum decisions shall not be regarded as precedent nor cited in any court except for (1) the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case or (2) informing the appellate court of other memorandum decisions so that the court can decide whether to issue a published opinion, grant a motion for reconsideration, or grant a petition for review. Any party citing a memorandum decision pursuant to this rule must attach a copy of it to the motion or petition in which such decision is cited.~~

(1) Memorandum decisions of Arizona state courts are not precedential and such a decision may be cited only:

(A) to establish claim preclusion, issue preclusion, or law of the case;

(B) to assist the appellate court in deciding whether to issue a published opinion, grant a motion for reconsideration, or grant a petition for review; or

(C) for persuasive value, but only if it was issued on or after January 1, 2015; no opinion adequately addresses the issue before the court; and the citation is not to a depublished opinion or a depublished portion of an opinion.

(2) A citation must indicate if a decision is a memorandum decision.

(3) A party citing a memorandum decision must provide either a copy of the decision or a hyperlink to the decision where it may be obtained without charge.

(4) A party has no duty to cite a memorandum decision.

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

(d) Dispositions of Tribunals in Other Jurisdictions. A party may cite a decision of a tribunal in another jurisdiction, as permitted in that jurisdiction. Such a decision may be cited on a point of Arizona law only if it complies with Rule 111(c)(1)(C).

(de) Designation of Written Disposition. The written disposition of the case shall contain in the caption thereof the designation “Opinion,” “Memorandum Decision,” or “Order.”

~~(e) This rule shall be effective as of 1 September 1973.~~

THE ARIZONA RULES OF CRIMINAL PROCEDURE

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Rule 31.24. Citation of memorandum decisions

~~Memorandum decisions shall not be regarded as precedent nor cited in any court except for (1) the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case or (2) informing the appellate court of other memorandum decisions so that the court can decide whether to publish an opinion, grant a motion for reconsideration, or grant a petition for review. Any party citing a memorandum decision pursuant to this rule must attach a copy of it to the motion or petition in which such decision is cited. Arizona Supreme Court Rule 111 governs the citation of decisions.~~