

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
IMPLEMENTING AZTURBOCOURT) Administrative Order
PILOT IN THE ARIZONA SUPREME) No. 2010 - 107
COURT AND COURT OF APPEALS,)
DIVISION ONE)

In May 2010, this Court entered Administrative Order No. 2010-58 implementing Phase II of AZTurboCourt as a pilot in the Superior Court in Maricopa County allowing litigants to electronically file (e-file) court documents. The pilot has been a success, and this Court has an interest in building upon that success by expanding users' ability to e-file into the appellate courts. E-filing will promote court efficiency by reducing staff time spent on scanning, data entry, and document processing. Users will be able to file documents from any location with internet access.

As previously set forth in Administrative Order Nos. 2009-74 and 2010-58, a User Fee, referred to as an Application Fee in AZTurboCourt, shall be assessed to support the enhanced services offered by AZTurboCourt.

This Administrative Order adopts procedures for e-filing certain pleadings in the Arizona Supreme Court and the Arizona Court of Appeals, Division One and suspends Arizona Rules of Court and Administrative Code Sections inconsistent with the e-filing procedures adopted by this Order.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution and A.R.S. § 12-119.02,

IT IS ORDERED as follows:

- (1) The specific fees applicable to this e-filing pilot are set forth in the User Fee Schedule attached as Appendix A and are adopted. The User Fee shall be nonrefundable. A judge shall not waive or suspend the User Fee. A party who is exempt from paying filing fees by rule or law or a person filing on behalf of a court shall be exempt from paying a User Fee when acting in that capacity.
- (2) The Administrative Office of the Courts (AOC) shall process all fees and User Fees paid into AZTurboCourt. Until such time as an AZTurboCourt payment portal is established by the AOC and is fully operational, all filing fees and User Fees will be received into an

account established by INTRESYS, the vendor with whom the AOC has contracted to provide e-filing services.

- (3) Once an AZTurboCourt payment portal has been established and is fully operational, all filing fees and User Fees collected through AZTurboCourt shall be deposited directly into the AOC e-filing settlement account established with the State Treasurer's Office and shall be disbursed pursuant to state law and the terms of any agreements with the Clerks of the Supreme Court and the Court of Appeals Division One.

IT IS FURTHER ORDERED as follows:

- (1) Excluded Documents. The following document types shall not be filed through AZTurboCourt, unless expressly required to be filed electronically by the Court:
 - a. All documents regarding petitions for rule changes, including petitions and comments.
 - b. Sealed documents and documents to be filed in sealed cases.
 - c. All documents regarding requests to terminate a juvenile's pregnancy pursuant to A.R.S. § 36-2152.
 - d. Applications to defer filing fees
- (2) Signatures. Any court rule requiring that a document be signed by the filer is satisfied by inserting "/s/" on the document's signature line and then inserting the signatory's name under that line.
- (3) Multiple-Party Signatures. Any electronically filed document with multiple parties is not required to be electronically signed by all parties; however, the rights, responsibilities, and standing of all parties are subject to judicial determination during the proceedings.
- (4) Document Format and Size. A filer shall submit a text-based free form pleading through AZTurboCourt in .PDF, .ODT or .DOCX format. A proposed order shall be submitted in either Microsoft Word 2007, a later version thereof, or in XML format. The proposed order shall not be password protected and shall be modifiable by a judicial officer. All other documents (e.g., pictures, graphics, etc.) shall be in a nonproprietary file format (e.g., TIFF, GIF, or JPEG). A document shall not exceed 3.5 MB.
- (5) Required Exhibits, Attachments to Pleadings, and Proposed Orders. Any court rule that requires a copy of a document to be attached to another document or submitted with another document is satisfied by the filer's submitting a scanned image of the document or a copy of the document in an approved format in the same submission as the pleading.

- (6) Date and Time of Electronic Filing. An electronically filed document shall be deemed filed on the date and time that it is received by AZTurboCourt and payment is approved, unless the court later does not file the document.

If a filer fails to meet a filing deadline imposed by rule or law solely as the result of a technical failure of AZTurboCourt in processing a document, the filer must file the document as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. The motion shall set forth the reason the deadline was not met by describing the technology failure. The document and motion shall be filed on paper at the proper courthouse no later than the second day on which the court is open for business following the deadline that was not met. If the court grants the motion, the document shall be deemed timely filed nunc pro tunc, notwithstanding any rule or law to the contrary.

- (7) Official Record.

- a) All electronically filed documents and the scanned images of documents filed in paper form maintained in the Clerk's EDMS shall be considered the original documents of record for the Arizona Supreme Court and the Arizona Court of Appeals Division One.
- b) A document printed from the Clerk's EDMS that is file-stamped by the Clerk's Office, or a document that is sent directly from the Clerk's EDMS, shall be considered an official record. A document printed from the Clerk's EDMS upon which the Clerk's Office has placed its seal attesting to the document's authenticity shall be considered a certified copy of the original.
- c) A print-out from the Clerk's EDMS that indicates the document's acceptance date shall be sufficient to prove authenticity.
- d) Any court rule requiring that a document be an original, be on paper or another tangible medium, or be in writing is satisfied by the electronic image defined as the original document herein.

- (8) Suspension of Rules. All free form pleadings created by the filer and filed through AZTurboCourt shall be formatted and follow the applicable rules with the following exceptions:

- (a) The provisions of Rule 124(f), Rules of the Supreme Court, regarding paragraph numbering are suspended.
- (b) The provisions of Rule 4(a), Arizona Rules of Civil Appellate Procedure, and Rules 31.21 and 32.9 of the Arizona Rules of Criminal Procedure, which refer to the number of paper documents to be submitted, are suspended.

- (c) The provisions of Rule 6(c), Arizona Rules of Civil Appellate Procedure, and Rule 31.12, Arizona Rules of Criminal Procedure, which refer to documents being produced on paper, are suspended.
 - (d) Those portions of Rule 11, Arizona Rules of Civil Appellate Procedure, and Rule 31.8, Arizona Rules of Criminal Procedure, which refer to the original record on appeal as paper, are suspended.
 - (e) Those portions of Rules 13(d) and 14(a)(3) of the Arizona Rules of Civil Appellate Procedure and Rules 31.25 and 31.13 of the Arizona Rules of Criminal Procedure, which refer to the color of the cover pages of briefs, are suspended.
 - (f) Those portions of Arizona Code of Judicial Administration § 1-506(D)(2) that require that text-based documents shall be formatted in either PDF or XML only are modified to allow documents to be submitted in .ODT and Microsoft Word version 2007 or later (.DOCX) format.
- (9) Binding of Paper Documents. Rules 4(a), 22, and 23 of the Arizona Rules of Civil Appellate Procedure, Rule 31.19 of the Arizona Rules of Criminal Procedure, and any other Arizona Rules that refer to binding of documents are modified so that if a document is submitted in paper or other tangible form, it shall be bound and fastened in the top margin by a two-pronged fastener. No adhesive bindings or bindings using numerous holes shall be used.
- (10) Current email address. All persons or firms filing documents through AZTurboCourt shall keep their registration information current and shall also provide their current email and physical address on all documents submitted to the court, whether electronic or paper.

IT IS FURTHER ORDERED that the Clerk of the Supreme Court and the Clerk of the Court of Appeals, Division One will provide paper documents to other courts as needed, unless those courts are able and have made arrangements with the Clerk to receive electronic documents in lieu of paper.

IT IS FURTHER ORDERED that for petitions for review and motions for extension of time for petitions for review filed through AZTurboCourt, Rules 22 and 23 of the Arizona Rules of Civil Appellate Procedure and Rules 31.18 and 31.19 of the Arizona Rules of Criminal Procedure, which refer to petitions for review and motions for reconsideration, are suspended and replaced by the rules in Appendix B for petitions for review and motions for reconsideration filed through AZTurboCourt.

Rule 107 of the Rules of Procedure for the Juvenile Court, which refers to petitions for review in juvenile cases, is suspended for petitions for review and motions to extend time to file a petition for review filed through AZTurboCourt and is replaced by Rule 23, Rules of Civil Appellate Procedure, set forth in Appendix B, with the following exceptions: (1) Motions for

reconsideration are not permitted; and (2) Rule 107(H), which refers to mandates, shall remain in effect.

IT IS FURTHER ORDERED that the restrictions on destruction of case records imposed by Rule 28.1(d) of the Arizona Rules of Criminal Procedure and Rules 29(B) and 29(E) of the Rules of the Supreme Court are suspended for the paper version of case records stored on the Clerk's EDMS supported by the AOC, thus allowing those clerks to dispose of paper records that are converted to electronic records.

IT IS FURTHER ORDERED that the AOC shall:

- (1) Employ procedures that ensure the ability of at least one other copy of the electronically transmitted document at all times;
- (2) Perform systems backups at least daily;
- (3) Maintain multiple backups, at least one of which will be off-site, and use recording media for storing electronic records in a manner that will ensure their continuing integrity and availability;
- (4) Ensure that any electronic case file records that must be maintained permanently are maintained in a place and manner that will reasonably assure their permanent preservation, as required by Rule 29(B), Rules of the Supreme Court;
- (5) Provide EDMS support for the Clerks' offices participating in this pilot.

Dated this 27th day of October, 2010.

REBECCA WHITE BERCH
Chief Justice

APPENDIX A

AZTurboCourt Pilot for the
Arizona Supreme Court and Arizona Court of Appeals, Division One
User Fee Schedule

Definition:

Free Form Pleading: A document prepared outside of AZTurboCourt and electronically filed through AZTurboCourt.

User Fee to file a free-form pleading: \$6.00

**APPENDIX B
RULES OF CIVIL APPELLATE PROCEDURE**

(Amendments to current rule are indicated by strikethrough of deleted language and underlining of new language)

Rule 22. Motions for Reconsideration

(a) Necessity. The filing of a motion for reconsideration in the Court of Appeals is not a prerequisite to the filing of a petition for review pursuant to Rule 23.

(b) Time for Filing; Extension of Time ~~Response~~. Any party desiring reconsideration of a decision of an appellate court may file a motion for reconsideration in the appellate court within fifteen days after the filing of a decision by the appellate court. The motion shall not be amended except by leave of court. A request for extension of time shall be filed in the appellate court that issued the decision or opinion in question.

(c) Response. No response to a motion for reconsideration will be filed unless requested by the Court, but a motion for reconsideration will not be granted in the absence of such a request.

(d) ~~(e)~~ Form, Length and Contents. A motion for reconsideration shall be directed solely to discussion of those specific points or matters in which it is claimed the appellate court erred in determination of facts or law. It ~~shall be bound or fastened and~~ shall comply with the provisions of Rule 6(c) not suspended by the attached Administrative Order. Except by permission of the court (1) a motion for reconsideration or a response prepared in a proportionately spaced typeface may not exceed 3500 words and may not have an average of more than 280 words per page, including footnotes and quotations; (2) a motion for reconsideration or a response prepared in a monospaced typeface may not exceed 10 pages and may not have an average of more than 350 words per page including footnotes and quotations; and (3) a handwritten motion for reconsideration may not exceed 12 pages. The motion or response shall be accompanied by a certificate of compliance that states either (1) that the motion or response 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 motion or response uses a monospaced typeface of no more than 10.5 characters per inch and does not exceed 10 pages, or (3) that the motion for reconsideration was handwritten and does not exceed 12 pages. A party preparing this certificate may rely on the word count of the processing system used to prepare the petition for review.

(e) ~~(d)~~ Motions Not Permitted. Unless permitted by specific order of the appellate court, no party shall file a motion for reconsideration of (1) an order denying a motion for reconsideration; (2) an order denying a petition for review; or (3) an order declining to accept jurisdiction of a petition for special action.

Rule 23. Petition for Review

(a) Time for Filing; Cross-Petition; Extension of Time. ~~Within 30 days after the Court of Appeals issues its 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 with the clerk of by the Supreme Court; provided that, if a motion for reconsideration has been filed, a petition for review may be filed within 15 days after the final disposition of the motion. 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. Motions to extend the time to file a petition for review shall be filed in the Supreme Court.~~

(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~~ sent notice of the court's ruling on the motion for reconsideration to the parties and to the clerk of the Supreme Court.

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~~ sent 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(d).~~

(c) Form, Length and Contents. The petition and cross-petition for review shall ~~be bound or fastened and shall~~ comply with the provisions of Rule 6(c) not suspended by the attached Administrative Order 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 3500 words and may not have an average of more than 280 words per page, including footnotes and quotations; (2) a petition for review prepared in a monospaced typeface may not exceed 10 pages and may not have an average of more than 350 words per page including footnotes and quotations; and (3) a handwritten petition for review may not exceed 12 pages. The petition shall be accompanied by a certificate of compliance that states either (1) that the petition for review 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 for review uses a monospaced typeface of no more than 10.5 characters per inch and does not exceed 10 pages, or (3) that the petition for review was handwritten and does not exceed 12 pages. 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 accompany 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 accompany to the petition. The petition and cross-petition 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 the petition and cross-petition, an appendix consisting only of such documents. In the case of a petition for review submitted in hard copy, if the appendices exceed 15 pages in length, such appendices shall be bound or fastened in the top margin by a two-pronged fastener together and shall be submitted separately from the petition and the copy of the Appeals Court's decision or the cross-petition. No adhesive bindings or bindings using numerous holes shall be used. 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~~ Supreme 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~~ sent to the petitioner.

(d) Transmittal Availability of Partial Record Upon Filing of a Petition for Review.

1. When No Motion for Reconsideration Is Pending. When the clerk of the Court of Appeals is notified that ~~Upon the filing of~~ a petition for review has been filed, if the time for filing a motion for reconsideration has passed and either no such motion has been filed or a motion has been filed and disposed of, the clerk ~~of the Court of Appeals~~ shall ~~transmit~~ make available to the clerk of the Supreme Court ~~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.~~

2. When a Motion for Reconsideration Is Pending. If a motion for reconsideration is pending in the Court of Appeals when the clerk is notified that a petition for review has been filed, the clerk shall make the briefs filed in the Court of Appeals available to the clerk of the Supreme Court when the motion for reconsideration has been denied, or if the motion is granted, upon disposition of the decision upon reconsideration or upon expiration of the time for filing a motion for reconsideration of such decision.

(e) 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 Rule 23(c) and the provisions of Rule 6(c) not suspended by the attached Administrative Order. 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 the response, an appendix that complies with the requirements set forth in paragraph (c) of this rule, 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 that~~ were presented to, but not decided by, the Court of Appeals, ~~which that~~ were not listed by the petitioner, and ~~which that~~ 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) 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~~ sends 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) Transmittal Availability 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~~ make the remaining record available to the clerk of the Supreme Court.

(h) Order Denying Review. If the Supreme Court ~~denies~~ 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 briefs and the petition or cross-petition for review to the clerk of the Court of Appeals.

(i) 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) 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.~~

(j) ~~(k)~~ Amicus Curiae. The Supreme Court may permit participation by amicus curiae as provided for in Rule 16 of these rules that have not been suspended by the attached Administrative Order.

ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 31.18. Motions for Reconsideration

a. Necessity. The filing of a motion for reconsideration in the Court of Appeals is not a prerequisite to the filing of a petition for review pursuant to Rule 31.19.

b. Time for Filing; Extension of Time–~~Response~~. Any party desiring reconsideration of a decision of an appellate court may file a motion for reconsideration in the appellate court within fifteen days after the filing of a decision by the appellate court. The motion shall not be amended except by leave of court. A request for extension of time shall be filed in the appellate court that issued the decision or opinion in question.

c. Response. No response to a motion for reconsideration will be filed unless requested by the court, but a motion for reconsideration will not be granted in the absence of such a request.

d. e-Form, Length and Contents. A motion for reconsideration shall be directed solely to discussion of those specific points or matters in which it is claimed the appellate court has erred in determination of facts or law. It ~~shall be bound or fastened and~~ shall comply with the provisions of Rule 31.12 not suspended by the attached Administrative Order. Except by permission of the court (1) a motion for reconsideration or a response prepared in a proportionately spaced typeface may not exceed 3500 words and may not have an average of more than 280 words per page, including footnotes and quotations; (2) a motion for reconsideration or a response prepared in a monospaced typeface may not exceed 10 pages and may not have an average of more than 350 words per page including footnotes and quotations; and (3) a handwritten motion for reconsideration may not exceed 12 pages. The motion or response shall be accompanied by a certificate of compliance that states either (1) that the motion or response 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 motion or response uses a monospaced typeface of no more than 10.5 characters per inch and does not exceed 10 pages, or (3) that the motion for reconsideration was handwritten and does not exceed 12 pages. A party preparing this certificate may rely on the word count of the processing system used to prepare the petition for review.

e. d-Motions Not Permitted. Unless permitted by specific order of the appellate court, no party shall file a motion for reconsideration of (1) an order denying a motion for reconsideration; (2) an order denying a petition for review; or (3) an order declining to accept jurisdiction of a petition for special action.

Rule 31.19. Petitions for Review

a. Time for Filing; Cross-Petition; Extension of Time. ~~Within 30 days after the Court of Appeals issues its 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 with the clerk of by the Supreme Court; provided that, if a motion for reconsideration has been filed, a petition for review may be filed within 15 days after the final disposition of the motion.~~ 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. Motions to extend the time to file a petition for review shall be filed in the Supreme Court.

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 sent~~ notice of the court's ruling on the motion for reconsideration to the parties and to the clerk of the Supreme Court.

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 sent~~ 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(d).~~

c. Form, Length and Contents. The petition and cross-petition for review shall ~~be bound or fastened and shall~~ comply with the provisions of Rule 31.12 that have not been suspended by the attached Administrative Order. ~~In the case of a petition for review submitted in hard copy, an 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 documents shall be bound or fastened in the top margin by a two-pronged fastener. No adhesive bindings or bindings using numerous holes shall be used. 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 3500 words and may not have an average of more than 280 words per page, including footnotes and quotations; (2) a petition for review prepared in a monospaced typeface may not exceed 10 pages and may not have an average of more than 350 words per page including footnotes and quotations; and (3) a handwritten petition for review may not exceed 12 pages. The petition shall be accompanied by a certificate of compliance that states either (1) that the petition for review 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 for review uses a monospaced typeface of no more than 10.5 characters per inch and does not exceed 10 pages, or (3) that the petition for review was handwritten and does not exceed 12 pages. 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 accompany~~ 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 accompany ~~be attached to~~ the petition. The petition 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 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 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. In the case of a petition for review submitted in hard copy, if ~~If~~ the appendices exceed 15 pages in length, such appendices shall be bound or fastened in the top margin by a two-pronged fastener together and shall be submitted separately from the petition and the copy of the Appeals Court's decision or the cross-petition. No adhesive bindings or bindings using numerous holes shall be used.

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~~ Supreme 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 sent~~ to the petitioner.

d. Transmittal Availability of Partial Record Upon Filing of a Petition for Review.

1. When No Motion for Reconsideration Is Pending. When the clerk of the Court of Appeals is notified that Upon the filing of a petition for review has been filed, if the time for filing a motion for reconsideration has passed and either no such motion has been filed or a motion has been filed and disposed of, the clerk ~~of the Court of Appeals~~ shall ~~transmit~~ make available 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.~~

2. When a Motion for Reconsideration Is Pending. If a motion for reconsideration is pending in the Court of Appeals when the clerk is notified that a petition for review has been filed, the clerk shall make the briefs filed in the Court of Appeals available to the clerk of the Supreme Court when the motion for reconsideration has been denied, or if the motion is granted, upon disposition of the decision upon reconsideration or upon expiration of the time for filing a motion for reconsideration of such decision.

e. 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(e)~~ paragraph (c) of this rule not suspended by the attached Administrative Order. 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 that complies with the requirements set forth in paragraph (c) of this rule, consisting only of such documents ~~which that~~ 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 were presented to, but not decided by, the Court of Appeals, that were not listed by the petitioner, and that 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. 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~~ sends 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. Transmittal Availability 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~~ make the remaining record on appeal available to the clerk of the Supreme Court.

h. Denial of Petition. If the Supreme Court denies 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 return the briefs and the petition or cross-petition for review to the clerk of the Court of Appeals.

i. 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. 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.~~

j. k. Amicus Curiae. The Supreme Court may permit participation by amicus curiae as ~~provided for in~~ pursuant to the provisions of Rule 31.25 of these rules that have not been suspended by the attached Administrative Order.