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Arizona Supreme Court
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IN THE SUPREME COURT
STATE OF ARIZONA

Sua Sponte Petition to Amend)
Rule 7(e), Rules of Procedure) Arizona Supreme Court
for Special Actions) No. _____
_____)

Pursuant to Rule 28(B), Rules of the Supreme Court, an amendment to Rule 7(e), Rules of Procedure for Special Actions, is proposed as set forth in Attachment A hereto.

Rule 31.19(c), Ariz. R. Crim. P., and Rule 23(c), Ariz. R. Civ. App. P., were amended effective January 1, 2009, to change from page count to word count for typed petitions for review, and to include a page-limitation for hand-written documents. The rules also require a certification that handwritten documents do not exceed the specified page limitation. The special action rules, however, were not so amended. The proposed amendments would conform the special action rules to the criminal and civil appellate rules.

DATED this _____ day of January, 2010.

By:

Ellen M. Crowley,
Chief Staff Attorney
Arizona Supreme Court

Attachment A

Rules of Procedure for Special Actions

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Rule 7. Special Appellate Court Provisions

(a)-(d). [No change in text.]

(e) The petition shall consist of a single document. It shall include a jurisdictional statement, a statement of the issues, a statement of the facts material to a consideration of the issues presented, and an argument containing the petitioners' contentions with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes and appropriate references to the record. A copy of the decision from which the petition is being taken shall be attached to the petition. All references to the record shall be supported by an appendix of documents in the record before the trial court that are necessary for a determination of the issues raised by the petition. The response to the petition shall, if necessary, be supported by an appendix of documents in the record before the trial court that are necessary for a determination of the issues raised by the petition which are not contained in the petitioner's appendix. If either party's appendix exceeds 15 pages in length, it shall be fastened together separately from the petition or response. Except by permission of the court, petitions and responses shall not exceed (i) 10,500 words if in proportionate typeface, or (ii) 30 pages if in monospace typeface, exclusive of the appendix and the copy of the decision from which the petition is being taken, or (iii) 36 pages if handwritten. The reply, if any, shall not exceed (i) 5,250 words if in proportionate ~~typeface~~ typeface, or (ii) 15 pages if in monospaced typeface, or (iii) 18 pages if handwritten. The petition, response and any reply must otherwise comply with Rules 6(c) or 14a(a)(1), ARCAP or Rules 31.12 or 31.13 of the Ariz. R. Crim. P. The petition, response

and any reply must each be accompanied by a certificate of compliance that states the petition's line spacing and states either that (i) the petition uses a proportionately spaced typeface, together with the typeface, point size, and word count, or (ii) the petition uses a monospaced typeface, together with the number of characters per inch, or (iii) the petition is handwritten, together with the number of pages. A party preparing this certificate may rely on the word count of the processing system used to prepare the petition.

(f)-(j) [No change in text.]

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