

**Appendix 3**  
**Conforming Changes to Other Rules**  
*(additions shown underscored and  
deletions shown with strike-through)*

**Rules of the Supreme Court**

**Rule 1. Application for Issuance of Writ Under Original Jurisdiction**

**(a) Form; service; filing.**

1. 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 ~~6(e)~~ 4(b), ARCAP. A copy of the application shall be served on the adverse party, and seven copies shall be filed with the clerk of this court.

2. No change

**(b) through (e):** No change

**Rule 28. Procedure for Adoption, Amendment or Repeal of Rules**

**(A) Petition for Adoption, Amendment, or Repeal of Rule; Deadline for Filing.**

(1) No change

(2) *Form and Contents of Petition.* The petition shall state the grounds for the adoption, amendment or repeal of the rule, include a draft of the proposed new or amended rule, and may be accompanied by supporting documentation. The petition and supporting documentation shall not exceed 20 pages, exclusive of pages containing a draft of the proposed new or amended rule. The form, method of preparation, and filing of the petition and supporting documentation shall substantially conform, insofar as practicable, to the requirements of Rule ~~6(e)~~ 4(b), ARCAP.

(3) through (4). No change

**(B) through (G):** No change

**Rule 29. Court Records**

**(A)** No change

**(B) Appellate Court Records.**

(1) The Clerks of the Supreme Court and each division of the Court of Appeals may destroy or provide for the destruction of all documents, records, instruments, books, papers, depositions, exhibits and transcripts in any action or proceeding in the Supreme Court or Court of Appeals, or otherwise filed or deposited in the Clerk's custody, pursuant to this rule, Supreme Court administrative order, Supreme Court approved retention schedules, Supreme Court approved purge lists, Rule ~~24(a)(5)~~ 24(c), Rules of Civil Appellate Procedure, and Rule 31.23(a)(5), Rules of Criminal Procedure.

(2) through (3): No change

**(C) through (E):** No change

**Rule 48. Rules of Construction**

**(a)** No change

**(b) Rules of Civil Procedure.** Only the following Arizona Rules of Civil Procedure are applicable to discipline and disability proceedings before the presiding disciplinary judge or the hearing panel, as specifically set forth in these rules: Rules 4, 4.1, 4.2, 5, 5(f), 6(a), 6(e), 7.1(a), 7.1(b), 8(b), 8(d)-(f), 10(b)-(d), 11(a), 12(b), 12(c), 12(e), 12(f), 26(a)-(f), 29-36, 38.1(c), 38.1(d), 42(a), 43-45, 56, 60(c), 80(a), 80(d), 80(h), and 80(i). In addition, Rules ~~6(e)~~ 4(b) and 13 of the Arizona Rules of Civil Appellate Procedure shall apply as specified in Rule 59.

**(c) through (m):** No change

**Rule 59. Review by the Court**

**(a) through (g):** No change

**(h) Briefs; Form, Length, and Content.** Briefs shall conform to the requirements of Rule ~~6(e)~~, 4(b), Ariz. R. Civ. App. P. Principal briefs shall not exceed 10,500 words, or thirty (30) pages if prepared in monospaced typeface, and reply briefs shall not exceed 7,000 words, or twenty (20) pages if prepared in monospaced typeface. Briefs shall not be bound. The content of the briefs shall conform to Rule 13, Ariz. R. Civ. App. P.

**(i) through (k):** No change

**Rule 61. Interim Suspension by the Court**

**(a) through (d):** No change

**(e) Review by the Court.** Either party may seek review of the presiding disciplinary judge's decision.

1. *Appeal.* Within five (5) days after service of a report and order of the presiding disciplinary judge, respondent or the state bar may appeal by filing an opening brief with the disciplinary clerk. An answering brief may be filed with the disciplinary clerk no later than five (5) days after service of the opening brief. Briefs shall conform to the requirements of ARCAP ~~6(e)~~ 4(b). Briefs shall not exceed ten (10) pages and shall not be bound. The content of the briefs shall conform to ARCAP 13. After the time for filing the appellate briefs has expired, the disciplinary clerk shall transmit the entire record, including any transcripts and the parties' briefs, to the clerk of the court.

2. through 4. No change

**Rule 102. Appellate Review of Orders Under A.R.S. § 36-2153 (Parental Consent Waiver Proceedings)**

**(a)** No change

**(b)** The clerk of the superior court shall transmit the record in the case to the appellate court forthwith upon the filing of the notice of appeal. The record in the case shall be as defined in Rule 11(a)~~(4)~~ of the Arizona Rules of Civil Appellate Procedure, except that it shall also include a certified transcript of the proceedings in the superior court.

**(c) through (i):** No change

**Rules of Procedure for Special Actions**

**Rule 7. Special Appellate Court Provisions**

**(a) through (d):** No change

**(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, 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(e) or 14(a)(1)~~ 4(b), 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) through (j):** No change

## **Rule 8. Appeals**

**(a)** No change

**(b)** Grant or denial of special action relief by the Court of Appeals, including a refusal to take jurisdiction in the case, shall be reviewed by the Supreme Court only upon petition for review, pursuant to Rules ~~22 and~~ 23, Rules of Civil Appellate Procedure. A party seeking a stay or expedited processing of the petition for review may file a motion in the Supreme Court.

**(c)** No change

## **Rules of Civil Procedure**

### **Rule 58. Entry of Judgment**

**(a) through (d):** No change

#### **Rule 58(e). Minute entries: notice of entry of judgments**

The clerk shall distribute, either by U.S. mail, electronic mail, or attorney drop box, copies of all minute entries to all parties. Immediately upon the entry of a judgment as defined in Rule 54(a), the clerk shall distribute, either by U.S. mail, electronic mail, or attorney drop box, a notice of the entry of judgment stating the date of entry, in the manner provided for in Rule 5, to every party who is not in default for failure to appear, and shall make a record of the distribution. Any party may in addition serve a notice of such entry, in the manner provided in Rule 5 for the service of papers. In the case of a judgment in the form of a minute entry, the date of entry shall

be the date on which the clerk affixes a file stamp on the minute entry. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as provided in Rule ~~9(a)~~ 9(f), Arizona Rules of Civil Appellate Procedure.

Notice of the entry of judgment shall be accomplished by any of the following:

1. a specifically designated notice form;
2. a minute entry;
3. a conformed copy of the file stamped judgment.

**(f) through (g):** No change

## **Rules of Procedure for the Juvenile Court**

### **Rule 103. Initiation of an Appeal**

**(A) through (F):** No change

**(G)** To the extent that they are not inconsistent with or expressly varied by these rules, the following rules in the Arizona Rules of Civil Appellate Procedure (ARCAP) shall apply to appeals from final orders of the juvenile court: Rules 2 (Definitions), 4 (Filing Documents with an Appellate Court; Format; and Service), 5 (~~Computation; Shortening or Extension of Time Computing and Modifying Deadlines~~), 6 (Motions), 8(~~bf~~) (Joint ~~and~~ or Consolidated Appeals or Cross-Appeals); 11(c), (d), and (e) (f), (g), and (h) (Narrative Statements; Agreed Statements; No Duplication of Transcript; “Transcript” Includes Narrative and Agreed Statements; Certified Copies of Portions of Record for Preliminary Hearing in Appellate Court) (Narrative Statement, Agreed Statement, Video or Audio Recording), 17 (Supplemental Citation of Legal Authority), 18 (Oral Argument), 20 (Notice of Decisions and Orders), 24 (~~Issuance of Mandates by Appellate Courts and Mandates from United States Supreme Court~~) (Appellate Court Mandates), 25 (Sanctions ~~for Delay or Other Infractions~~), 26 (Voluntary Dismissal), 27 (Substitution of Parties), and 28 (Decisions; Publication of Opinions of the Supreme Court and the Court of Appeals). ARCAP 25 shall not apply to permit the imposition of sanctions against a juvenile appellant or cross-appellant or counsel for a juvenile appellant or cross-appellant for filing a frivolous appeal from a final order in a delinquency or transfer matter.

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

**(A)** No change

(B) The petition for review and cross-petition for review shall comply with the provisions of ARCAP ~~6(e)~~ 4(b) unless such requirements are otherwise suspended. The parties shall be designated as in the court of appeals. A copy of the decision of the court of appeals shall accompany 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 and may not have an average of more than 280 words per page, 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 not exceed 12 pages. 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 shall contain concise statements of the following:

1. The issues that were decided by the court of appeals and that the petitioner wishes to present to the supreme court for review. The petitioner shall also list, separately and without argument, any additional issues that were presented to but not decided by the court of appeals and 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 why 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.
4. If the record on appeal contains documents that are necessary for a determination of the issues raised by the petition or cross-petition, the petitioner or cross-petitioner shall file, simultaneously with the petition or cross-petition, an appendix that contains only those documents. In the case of a petition or cross-petition for review submitted in hard copy, if the appendices exceed 15 pages in length, they shall be bound or fastened in the top margin by a two-pronged fastener and shall be submitted separately from the petition and the copy of the decision of the court of appeals or from 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. If the petition or cross-petition for review is filed electronically, and if the

appendices contain multiple documents, such documents shall be electronically bookmarked in the appendices' table of contents.

The clerk of the supreme court may in his or her discretion return to the petitioner or cross-petitioner any petition for review or cross-petition for review presented for filing that does not substantially comply with this rule. The clerk of the supreme court shall include with the returned petition written instructions to the petitioner or cross-petitioner to file a proper petition or cross-petition within 30 days from the date on which the clerk of the supreme court sends the written instructions to the petitioner or cross-petitioner.

**(C) through (J):** No change

## **Rules of Family Law Procedure**

### **Rule 81. Entry of Judgment**

**A. through C.** No change

**D. Minute Entries: Notice of Entry of Judgments.** The clerk shall distribute, either by U.S. mail, electronic mail, or attorney drop box, copies of all minute entries to all parties. Immediately upon the entry of a judgment as defined in Rule 78(A), the clerk shall distribute, either by U.S. mail, electronic mail, or attorney drop box, a notice of the entry of judgment stating the date of entry, in the manner provided for in Rule 43, to every party who is not in default for failure to appear, and shall make a record of the distribution. Any party may in addition serve a notice of such entry, in the manner provided in Rule 43 for the service of papers. In the case of a judgment in the form of a minute entry, the date of entry shall be the date on which the clerk affixes a file stamp on the minute entry. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as provided in Rule ~~9(a)~~ 9(f), *Arizona Rules of Civil Appellate Procedure*.

Notice of entry of judgment shall be accomplished by any of the following:

1. a specifically designated notice form;
2. a minute entry; or
3. a conformed copy of the file stamped judgment.