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ARIZONA SUPREME COURT

In the matter of:

Petition to Amend Rule of Civil
Appellate Procedure 16 and Rule of
Procedure for Special Actions 7(f)

Supreme Court No. R-06-0013

Attorney General's Comment Supporting
Petition

Pursuant to Arizona Supreme Court Rule 28, Attorney General Terry Goddard submits this comment supporting the proposed amendment to Arizona Rule of Civil Appellate Procedure 16(b), which governs amicus curiae briefs filed in the Arizona Supreme Court.

Among other things, the proposed amendment establishes filing deadlines and length limits for amicus briefs. The filing deadlines will remove the uncertainty as to when amici must file such briefs that exists under the current rule, and the length limits will eliminate an anomalous aspect of the current rules by

imposing limits on amicus curiae briefs that correspond to the limits that apply to parties.

Although ARCAP 23, subsections (c) and (e), currently limits the length of petitions for review and responses to petitions for review to twelve pages, ARCAP 16(b) does not limit the length of briefs that amici may file in support of a petition for review or a response to a petition for review. This proposed rule change fills the void by limiting amicus curiae briefs filed at this stage to twelve pages, the same page limit that applies to parties. Similarly, the proposal limits amicus curiae briefs filed after the court grants review to the length limit that the court imposes on the parties' supplemental briefs.

Imposing length limits for amicus curiae briefs filed in the supreme court is consistent with ARCAP 16(a), which imposes a length limit for amicus curiae briefs filed in the Arizona Court of Appeals. It is also consistent with federal court practice. *See* FRAP 29(d) (establishing a length limit for amicus curiae briefs filed in the federal courts of appeal); Supreme Court Rule 33(1)(g) (establishing length limits for amicus curiae briefs filed in the United States Supreme Court).

The Attorney General's Office supports the proposal and urges the Court to approve the petition.

DATED this 21st day of May, 2007.

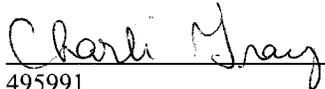
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Copy of the foregoing comment has
been filed this 21st day of May, 2007 with:

Clerk of the Arizona Supreme Court
1501 W. Jefferson, Room 402
Phoenix, Arizona 85007-3329



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