

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-20-0001
PETITION FOR THE ADOPTION)
OF CLARIFYING AND TECHNICAL)
AMENDMENTS TO THE ARIZONA)
RULES OF CIVIL APPELLATE)
PROCEDURE, THE ARIZONA RULES)
OF CRIMINAL PROCEDURE, THE)
ARIZONA RULES OF PROCEDURE)
FOR SPECIAL ACTIONS, AND) **FILED: 8/26/2020**
RULES OF THE ARIZONA SUPREME)
COURT)
)
)
_____)

**ORDER AMENDING
VARIOUS APPELLATE RULES**

A petition having been filed proposing various clarifying and technical amendments to the Arizona Rules of Civil Appellate Procedure ("ARCAP"), the Arizona Rules of Criminal Procedure, the Arizona Rules of Procedure for Special Actions ("the Arizona Special Action Rules"), and the Arizona Rules of the Supreme Court ("the Arizona Supreme Court Rules"), and no comments having been received, upon consideration,

IT IS ORDERED that effective January 1, 2021:

(a) ARCAP 11.1(d)(1), 18(c), and 21(b)(1); Arizona Rule of Criminal Procedure 31.6 and 31.21(k); State Bar Committee Note to Arizona Special Action Rule 8; and Supreme Court Rule 28.1(d) are amended in accordance with the attachment to this order; and

(b) proposed ARCAP 16(f) and proposed Arizona Rule of Criminal Procedure 31.6(e) are adopted in accordance with the attachment to this order.

DATED this 26th day of August, 2020.

_____/s/_____
ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution
John W. Rogers

ATTACHMENT¹

ARIZONA RULES OF CIVIL APPELLATE PROCEDURE

Rule 11.1. Transmitting the Record to the Appellate Court

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(d) Delivery and Filing of Transcripts.

(1) *Delivery and Filing.* If the ordering party has made payment, within 30 days after the date of a party's order the court reporter or authorized transcriber must provide the ordering party with a certified electronic transcript, or with a certified paper transcript if one was requested by the ordering party. Within 5 days after receipt of a certified transcript or within 5 days after the appellate clerk assigns an appellate case number to the appeal (whichever is later), the ordering party must file it with the appellate clerk.

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Rule 16. Amicus Curiae

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(f) Oral Argument. Amicus curiae may participate in oral argument only on motion and with the appellate court's permission.

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Rule 18. Oral Argument in the Court of Appeals

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~~(e) **Amicus Curiae.** Amicus curiae may participate in the oral argument only on motion and with the Court of Appeals' permission.~~

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Rule 21. Attorneys' Fees and Costs.

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(b) Statement of Attorneys' Fees and Costs; Timing; Objections.

(1) *Timing.* Within 10 days after the appellate clerk has given notice of a decision or order that grants a claim for fees, a party claiming attorneys' fees or costs must file in the appellate court an itemized and verified statement of attorneys' fees and costs on appeal

¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike-through~~.

or review. If a party is entitled to costs but does not seek fees or the court has denied the party's fee request, the party must file a statement of costs in the appellate court within 10 days after the appellate clerk gives notice of the court's decision or order.

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ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 31.6. Filing Documents with an Appellate Court; Document Format; Service and Proof of Service; Motions

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(e) Motions. Rule 1.9 does not apply to motions filed in an appellate court. A party filing a motion, response, or reply in an appellate court must comply with ARCAP 6(a)(2) and (3). A party filing a motion for a procedural order must comply with ARCAP 6(b) and an appellate court will process and decide such a motion consistent with that rule's provisions.

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Rule 31.21. Petition for Review

* * *

(k) Availability of the Remaining Record. The Court of Appeals clerk must make the remaining record available to the Supreme Court clerk upon notification that the Supreme Court has granted a petition or cross-petition for review. After a petition for review is filed, the Court of Appeals clerk must make available portions of the record requested by the Supreme Court or its staff attorneys.

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RULES OF PROCEDURE FOR SPECIAL ACTIONS

Rule 8. Appeals

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State Bar Committee Note (as amended in 2020)

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(b) ~~The remedies after denial of a writ by a Court of Appeals is are, as prescribed by this Rule, by in the alternative, they may be either a petition for review or a new application in the Supreme Court in appropriate cases. For~~

~~discussion, see Gamet v. Glenn, No. 9588 and No. 9595, June 16, 1969, Arizona Supreme Court.~~

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RULES OF THE ARIZONA SUPREME COURT

Rule 28.1 Procedure for Requesting Approval of Local Rules

* * *

(d) Presubmission Comments. Before submitting a proposed new or amended local rule for Supreme Court approval, the presiding judge must post the proposal for at least 30 days on the website for the judge's court along with an invitation for the submission of comments. When the proposal is posted, the presiding judge must concurrently request the Supreme Court clerk to circulate the proposal to the distribution list in Supreme Court Rule 28(d) ~~28(C)~~ along with an invitation for the submission of comments on the website for the presiding judge's court.