

MINUTES

No. 3501

Arizona Supreme Court
Thursday, September 1, 2011

R-10-0004
(1)

RULE 31.12, RULES OF CRIMINAL PROC et al

WOULD REQUIRE PARAGRAPH NUMBERS IN PAPER-FILED DOCUMENTS, AS REQUIRED BY RULE 124(f), RULES OF THE SUPREME COURT, FOR ELECTRONICALLY-FILED DOCUMENTS

ORDERED: Petition to Amend Rules 31.12, Arizona Rules of Criminal Procedure and Rule 6(c), Rules of Civil Appellate Procedure = REJECTED.

R-10-0030
(2)

RULES 68(h), RULE 74(g), CIVIL PROCEDURE

WOULD CLARIFY THAT OFFERS OF JUDGMENT MAY BE MADE IN CASES SUBJECT TO COMPULSORY ARBITRATION OR REFERRED TO ARBITRATION BY AGREEMENT

ORDERED: Petition to Amend Arizona Rules of Civil Procedure by Amending Rule 68(h) and Adopting Rule 74(g) = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

R-10-0033
(3)

RULE 21(c)(1), CIVIL APPELLATE PROCEDURE

WOULD CLARIFY THAT A REQUEST FOR ATTORNEYS' FEES MUST IDENTIFY ITS BASIS IN CONTRACT, STATUTE, OR DECISIONAL LAW

ORDERED: Petition to Amend Rules 21(c)(1), Arizona Rules of Civil Appellate Procedure = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

MINUTES

No. 3501

Arizona Supreme Court
Thursday, September 1, 2011

R-10-0034
(4)

RULE 55(a)(1), RULES OF CIVIL PROCEDURE

WOULD CLARIFY THE SERVICE REQUIREMENTS FOR AN APPLICATION FOR ENTRY OF DEFAULT UNDER RULE 55(a)(1)

ORDERED: Petition to Amend Rule 55(a)(1), Arizona Rules of Civil Procedure = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

R-10-0036
(5)

RULES 8(h)(3), 8(i), 16.3 et al, CIVIL PROC RULES

WOULD MAKE COMPLEX LITIGATION PILOT PROGRAM, ADOPTED ON AN EXPERIMENTAL BASIS IN 2002, PERMANENT

ORDERED: Petition to Permanently Adopt Rules 8(h)(3), 8(i), 16.3, 39.1 and 84 (Form10), Arizona Rules of Civil Procedure = ADOPTED, effective January 1, 2012.

[Click here for separate order](#)

R-11-0008
(6)

RULE 77, RULES OF CIVIL PROCEDURE

WOULD DELETE THE CHANGE OF JUDGE PROVISION IN RULE 77(d) RELATING TO COMPULSORY ARBITRATION TO RESOLVE A CONFLICT BETWEEN RULES 77(d) AND 42(f)

ORDERED: Petition to Amend Rule 77, Arizona Rules of Civil Procedure = ADOPTED, effective January 1, 2012.

[Click here for separate order](#)

MINUTES

No. 3501

Arizona Supreme Court
Thursday, September 1, 2011

R-11-0009
(7)

RULE 5(c) and 6(e), RULES OF CIVIL PROCEDURE

WOULD PERMIT SERVICE THROUGH EITHER A COURT-AUTHORIZED ELECTRONIC TRANSMISSION SYSTEM OR, WHEN AN ATTORNEY IS BEING SERVED ON BEHALF OF A PARTY, BY ELECTRONIC MAIL

ORDERED: Petition to Amend Rules 5(c) and 6(e), Arizona Rules of Civil Procedure = REJECTED.

R-11-0010
(8)

RULES 13(f) AND 15(a)(1), RULES OF CIVIL PROCEDURE

WOULD INCORPORATE RECENT AMENDMENTS TO THE FEDERAL RULES OF CIVIL PROCEDURE REGARDING AMENDMENT OF PLEADINGS, AS ADAPTED TO ARIZONA STATE COURT PRACTICE

ORDERED: Petition to Amend Arizona Rules of Civil Procedure to Abrogate Rule 13(f) and Amend Rule 15(a)(1) = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

R-11-0011
(9)

RULES 11(a), 21.13, 31.18, 31.19/ RULES 13, 33, 23

WOULD AMEND RULES TO FACILITATE IMPLEMENTATION OF ELECTRONIC FILING IN THE ARIZONA APPELLATE COURTS

ORDERED: Sua Sponte Petition to Amend Ariz. R. Civ. P. 11(a), Ariz. R. Crim. P. 31.13, 31.18, and 31.19, and Ariz. R. Civ. App. P. 13, 22, and 23 = ADOPTED in part, as modified, effective January 1, 2012.

[Click here for separate order](#)

MINUTES
Arizona Supreme Court
Thursday, September 1, 2011

No. 3501

R-11-0012
(10)

RULE 124, RULES OF THE SUPREME COURT

WOULD DESCRIBE POLICIES RELATED TO ARIZONA'S STATEWIDE,
UNIFIED ELECTRONIC FILING SYSTEM

ORDERED: Amended Petition [to Amend Supreme Court Rule 124] =
ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

R-08-0016
(11)

RULE 35(b), RULES OF THE SUPREME COURT

AMEND RULE 35(b) TO INCLUDE INDIAN LAW AS ONE OF THE
SUBJECT AREAS WHICH MAY BE TESTED ON THE ARIZONA BAR
EXAMINATION

ORDERED: Petition to Amend Rule 35(b) Arizona Rules of the Supreme Court
= ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

R-09-0038
(12)

RULE 38(d), RULES OF THE SUPREME COURT

WOULD REORGANIZE AND CLARIFY PROVISIONS RELATING TO
LIMITED PRACTICE OF LAW BY CLINICAL LAW PROFESSORS AND
QUALIFIED LAW STUDENTS

ORDERED: Petition to Amend Rule 38(d) of the Rules of the Supreme Court of
Arizona = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

MINUTES

No. 3501

Arizona Supreme Court
Thursday, September 1, 2011

R-10-0019
(13)

RULES 34-37, RULES OF THE SUPREME COURT

WOULD REFLECT THAT ADMISSION TO THE BAR MAY BE EITHER BY EXAMINATION OR ON MOTION; WOULD ALLOW THE COMMITTEE ON EXAMINATIONS TO USE ANY TESTING PRODUCT DEVELOPED BY THE NATIONAL CONFERENCE OF BAR EXAMINERS; WOULD CLARIFY THAT APPLICANTS FOR ADMISSION ON MOTION ARE NOT ELIGIBLE FOR CONDITIONAL ADMISSION; AND WOULD INCORPORATE AND CLARIFY TIME LIMITATIONS FOR ADMISSION ON MOTION AND ADMISSION BY EXAMINATION

ORDERED: Alternative Proposal for Rules 36 and 37, Rules of the Supreme Court = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

R-10-0031
(14)

RULES ER 8.4 and 42, RULES OF THE SUPREME COURT

WOULD MAKE BIAS AGAINST CERTAIN CLASSIFICATIONS OF PEOPLE PROFESSIONAL MISCONDUCT, AND WOULD ADD THE CLASSIFICATION OF "GENDER IDENTITY OR EXPRESSION" TO THE ENUMERATED CLASSIFICATIONS

ORDERED: Petition to Amend ER 8.4, Rule 42, Arizona Rules of the Supreme Court = CONTINUED.

R-10-0032
(15)

RULE 111, RULES OF CIVIL APPELLATE PROCEDURE

WOULD PERMIT CITATION OF NON-ARIZONA "UNPUBLISHED" DECISIONS AS AUTHORIZED BY THE ISSUING JURISDICTION

ORDERED: Petition to Amend Rule 111 of the Arizona Supreme Court and Rule 28 of the Arizona Rules of Civil Appellate Procedure = REJECTED.

MINUTES

No. 3501

Arizona Supreme Court
Thursday, September 1, 2011

R-11-0001
(16)

RULE 31(d), RULES OF THE SUPREME COURT

WOULD ALLOW AN AUTHORIZED AGENT OF A PLANNED COMMUNITY ASSOCIATION OR A CONDOMINIUM UNIT OWNERS' ASSOCIATION TO PREPARE, EXECUTE, AND RECORD LIENS ON BEHALF OF ASSOCIATIONS; COMMUNICATE WITH HOMEOWNERS ABOUT UNPAID ASSESSMENTS AND FEES; AND REPRESENT ASSOCIATIONS IN PROCEDURES BEFORE THE SMALL CLAIMS DIVISION IN JUSTICE COURTS

ORDERED: Petition to Amend Rule 31(d), Arizona Rules of the Supreme Court = REJECTED.

R-11-0003
(17)

RULE 29(B), RULES OF THE SUPREME COURT

WOULD AMEND REQUIREMENTS FOR PRESERVATION OF APPELLATE CASE RECORDS

ORDERED: Petition to Amend Rule 29(B), Rules of the Supreme Court = ADOPTED, effective January 1, 2012.

[Click here for separate order](#)

R-11-0004
(18)

RULES 1.5, RULE 42, RULES OF THE SUPREME COURT

WOULD REQUIRE WRITTEN NOTICE TO CLIENTS OF FEE CHANGES BEFORE FEES TO BE BILLED AT HIGHER RATES ARE ACTUALLY INCURRED

ORDERED: Petition to Amend Ethical Rule 1.5, Rule 42, Arizona Rules of the Supreme Court = ADOPTED, effective January 1, 2012.

[Click here for separate order](#)

MINUTES

No. 3501

Arizona Supreme Court
Thursday, September 1, 2011

R-11-0005
(19)

RULE 38(h), RULES OF THE SUPREME COURT

WOULD PROVIDE THAT WORK AS A CORPORATE COUNSEL OR JUDICIAL LAW CLERK IN ARIZONA MAY QUALIFY AN APPLICANT FOR ADMISSION ON MOTION

ORDERED: Petition to Amend Arizona Supreme Court Rule 38(h) Regarding Admission on Motion to the State Bar of Arizona = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

R-11-0007
(20)

RULE 38(i), RULES OF THE SUPREME COURT

WOULD CLARIFY CONTINUING LEGAL EDUCATION REQUIREMENTS FOR REGISTERED IN-HOUSE COUNSEL

ORDERED: Petition to Amend Rule 38(i), Arizona Rules of the Supreme Court = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

R-11-0014
(21)

RULE 43, RULES OF THE SUPREME COURT

WOULD REORGANIZE RULE 43(f) AND RULE 43(g) PERTAINING TO LAWYERS' TRUST ACCOUNTS INTO A MORE LINEAR AND COHESIVE PROVISION, WHILE RETAINING SIGNIFICANT EXISTING IOLTA PROVISIONS

ORDERED: Petition to Amend Arizona Supreme Court Rule 43 Regarding Lawyers' Trust Accounts = ADOPTED as modified, effective July 1, 2012.

[Click here for separate order](#)

MINUTES

No. 3501

Arizona Supreme Court
Thursday, September 1, 2011

R-11-0015
(22)

ETHICAL RULE 1.5, RULE 42, RULES OF SUPREME COURT

WOULD EXEMPT COURT-APPOINTED LAWYERS FROM THE REQUIREMENT OF COMMUNICATING TO THE CLIENT "IN WRITING" THE SCOPE OF THE REPRESENTATION AND THE BASIS OR RATE OF THE FEE

ORDERED: Petition to Amend Ethical Rule 1.5, Rule 42, Arizona Rules of the Supreme Court (Writing Exemption for Court-Appointed Lawyers) = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

R-10-0024
(23)

RULES 6,18,19,20,24, TAX COURT RULES OF PROCEDURE

WOULD AMEND THE TAX RULES TO EXTEND THE TIME PERIOD FOR TRIALS IN SMALL TAX CASES

ORDERED: Petition to Amend Rules 6, 18, 19, 20 and 24 of Arizona Tax Court Rules of Practice = ADOPTED, effective January 1, 2012.

[Click here for separate order](#)

R-10-0025
(24)

RULE 6, RULES OF PROTECTIVE ORDER PROCEDURE

WOULD CONFORM RULE 6(C) TO THE RECENT AMENDMENT TO A.R.S. 13-3602(G), AUTHORIZING THE INCLUSION OF ANIMALS WITHIN THE TERMS OF AN ORDER OF PROTECTION

ORDERED: Petition to Amend Rule 6 of the Arizona Rules of Protective Order Procedure = ADOPTED on a permanent basis.

[Click here for separate order](#)

MINUTES

No. 3501

Arizona Supreme Court
Thursday, September 1, 2011

R-10-0026
(25)

RULE 11.3, RULES OF CRIMINAL PROCEDURE

WOULD CONFORM RULE 11.3 TO RECENT AMENDMENTS TO A.R.S. SECTION 13-4505 REGARDING THE APPOINTMENT OF MENTAL HEALTH EXPERTS FOR COMPETENCY EXAMINATIONS

ORDERED: Petition to Amend Rule 11.3, Arizona Rules of Criminal Procedure = ADOPTED on a permanent basis.

[Click here for separate order](#)

R-10-0027
(26)

APPENDIX A, RULES OF TRAFFIC AND BOATING PROCEDURE

WOULD CONFORM THE VIOLATOR/DEFENDANT COPY OF THE ARIZONA TRAFFIC TICKET AND COMPLAINT TO RECENT AMENDMENTS TO A.R.S. SECTION 28-1557 CONCERNING THE DISPLAY OF A SOCIAL SECURITY NUMBER

ORDERED: Petition to Amend Appendix A of the Rules of Procedure for Traffic Cases and Boating Cases = ADOPTED on a permanent basis.

[Click here for separate order](#)

R-10-0028
(27)

RULES 38, 40, 47.1, 50, 52, 56, JUVENILE CT RULES

WOULD CONFORM THE RULES TO STATUTORY CHANGES, EFFECTIVE JULY 29, 2010, RELATING TO DEPENDENCY, GUARDIANSHIP, AND TERMINATION OF PARENTAL RIGHTS

ORDERED: Petition to Amend Rules 38, 40, 47.1, 50, 52, and 56, Rules of Procedure of the Juvenile Court = ADOPTED on a permanent basis.

[Click here for separate order](#)

MINUTES

No. 3501

Arizona Supreme Court
Thursday, September 1, 2011

R-10-0029
(28)

RULE 94(b), RULES OF THE SUPREME COURT

CONFORMS SUPREME COURT RULE 94(b) TO HB 2109, WHICH WILL BECOME EFFECTIVE JULY 29, 2010. THE PROPOSED RULE CHANGE AUTHORIZES THE PRESIDING JUDGE OF THE COUNTY TO CLOSE THE COURT ON THE DAY AFTER THANKSGIVING AND KEEP THE COURT OPEN ON COLUMBUS DAY, IF THE COUNTY BOARD OF SUPERVISORS HAS ADOPTED A RESOLUTION DESIGNATING THE DAY AFTER THANKSGIVING AS A LEGAL HOLIDAY IN PLACE OF COLUMBUS DAY

ORDERED: Petition to Amend Rule 94(b), Rules of the Supreme Court of Arizona = ADOPTED on a permanent basis.

[Click here for separate order](#)

R-10-0035
(29)

RULES OF EVIDENCE, RULE 17.4(f) RULES OF CRIM PROC

WOULD AMEND THE ARIZONA RULES OF EVIDENCE, AS APPROPRIATE, TO CONFORM TO THE FEDERAL RULES OF EVIDENCE AND IMPLEMENT A CONFORMING CHANGE TO ARIZONA RULE OF CRIMINAL PROCEDURE 17.4(f)

ORDERED: Petition to Amend Arizona Rules of Evidence and Rule 17.4(f), Arizona Rules of Criminal Procedure = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

MINUTES

No. 3501

Arizona Supreme Court
Thursday, September 1, 2011

R-10-0037
(30)

RULES 17.1(a)/RULE 41, RULES OF CRIMINAL PROCEDURE

WOULD PERMIT, UNDER SPECIFIED CIRCUMSTANCES, ENTRY OF PLEAS OF GUILTY OR NO CONTEST BY MAIL IN LIMITED JURISDICTION COURTS

ORDERED: Petition to Amend Rule 17.1(a), and to Adopt Form 28(a) in Rule 41, Arizona Rules of Criminal Procedure = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

R-11-0002
(31)

RULE 5(c), RULES OF CIVIL APPELLATE PROCEDURE

WOULD CONFORM THE RULE TO RULE 6(e), ARIZ. R. CIV. P., AS AMENDED EFFECTIVE JANUARY 1, 2011, WITH RESPECT TO THE METHOD FOR THE CALCULATION OF EXTRA TIME AFTER SERVICE BY MAIL

ORDERED: Petition to Amend Rule 5(c), Arizona Rules of Civil Appellate Procedure = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)

R-11-0006
(32)

RULE 4, RULES OF FAMILY LAW PROCEDURE

WOULD CONFORM THE FAMILY LAW RULE TO RULE 6, ARIZ.R.CIV.P., AS AMENDED EFFECTIVE JANUARY 1, 2011, WITH RESPECT TO THE METHOD FOR THE CALCULATION OF EXTRA TIME AFTER SERVICE BY MAIL

ORDERED: Petition to Amend Arizona Rules of Family Law Procedure Rule 4 = ADOPTED, effective January 1, 2012.

[Click here for separate order](#)

MINUTES

No. 3501

Arizona Supreme Court
Thursday, September 1, 2011

R-11-0013
(33)

RULE 40.1, RULES OF JUVENILE COURT PROCEDURE

WOULD ESTABLISH DUTIES AND RESPONSIBILITIES FOR ATTORNEYS AND GUARDIANS AD LITEM RELATING TO REPRESENTATION OF CHILDREN

ORDERED: Petition to Add Rule 40.1, Duties and Responsibilities of Appointed Counsel and Guardians ad Litem = ADOPTED as modified, effective January 1, 2012.

[Click here for separate order](#)



The foregoing action was taken by the Arizona Supreme Court on Thursday, September 1, 2011.

_____ Date: _____
Rebecca White Berch, Chief Justice