

**Rule Grouping
For Assignment Purposes**

Civil Rules Restyling Project

Group 1

(23 rules from Rule 1 through Rule 20, with exceptions)

Rule 1. Scope of rules -- Identical to the pre-2007 Federal Rule 1; easy to revise.

Rule 2. One form of action -- Identical to the pre-2007 Federal Rule 2; easy to revise.

Rule 3. Commencement of action -- Identical to the pre-2007 Federal Rule 3; easy to revise.

Rule 5. Service and filing of pleadings and other papers

- (1) **Rule 5(a). Service: When Required** -- Substantially the same as the first paragraph of the pre-2007 Federal Rule 5(a), but the federal rule has a paragraph regarding seizure of property that doesn't appear in the state rule; differences in the cross-references to Rule 4. Easy to revise.
- (2) **Rule 5(b). Service: parties served; continuance** -- No federal rule counterpart, but it is very short. Easy to revise.
- (3) **Rule 5(c). Service After Appearance; Service After Judgment; How Made** -- The rule is substantially the same as the 2007 amended Federal Rule 5(c), but it has no provision for "court facilities" or a provision for service on the clerk. Easy to revise.
- (4) **Rule 5(d). Service; numerous defendants** -- Substantially the same as the pre-2007 Federal Rule 5(c). Easy to revise.
- (5) **Rule 5(e).** Abrogated April 16, 1991, effective July 1, 1991 -- Delete.
- (6) **Rule 5(f). Sensitive Data** -- No federal rule counterpart. Moderately difficult to revise.
- (7) **Rule 5(g). Filing; Attachments** -- Differs substantially from the pre-2007 Federal Rule 5(e). The 2007 amended federal rules offer no guidance. Moderately difficult to revise.
- (8) **Rule 5(h). Filing with the court defined** -- Rule is substantially the same as the opening sentence of the pre-2007 Federal Rule 5(e). Note that the

amended federal rule is substantially different, and has provisions not found under the Arizona rule. Moderately difficult to revise.

- (9) **Rule 5(i). Compulsory Arbitration** -- No federal rule counterpart, but it is very short. Easy to revise.
- (10) **Rule 5(j). Proposed Orders and Proposed Judgments** -- No federal rule counterpart. Moderately difficult to revise.

Rule 5.2. Limited Scope Representation in Vulnerable Adult Exploitation Actions Brought under A.R.S. § 46-451, et seq. -- No federal rule counterpart. Moderately difficult to revise.

Rule 6. Time

- (1) **Rule 6(a). Computation** -- Note that the current Federal Rule 6(a) differs substantially from Arizona Rule 6(a), but the pre-2007 version of the federal rule is very close to Arizona's current rule, and the initial stylistic revisions adopted in 2007 would be suitable for the Arizona rule. (Note that after 2007, the federal rules were amended to facilitate the use of calendar days for all deadlines, eliminating the distinction between response periods greater than 11 days from those that were less than 11 days.) Easy to revise.
- (2) **Rule 6(b). Enlargement** -- The first half of the Arizona rule is substantially the same as the pre-2007 Federal Rule 6(b), but the second half of the state rule has no federal rule counterpart and is poorly written. Moderately difficult to revise.
- (3) **Rule 6(c).** Abrogated Oct. 10, 2000, effective Dec. 1, 2000 -- Delete.
- (4) **Rule 6(d). Orders to Show Cause** -- No federal rule counterpart. Moderately difficult to revise.
- (5) **Rule 6(e). Additional time after service under Rule 5(c)(2)(C) or (D).** Substantially the same as the pre-2007 Federal Rule 6(e). Newly drafted rule in Federal Rule 6(d) may work, although the 2007 amended rule was later revised to correct an ambiguity. Moderately difficult to revise.

Rule 7. Pleadings Allowed

- (1) **Rule 7(a). Pleadings allowed** -- Substantially the same as the pre-2007 Federal Rule 7(a). Easy to revise.
- (2) **Rule 7(b). Demurrers, Pleas, and Exceptions for Insufficiency abolished** -
- Identical to the pre-2007 Federal Rule 7(c). But note that the rule was

abrogated in the 2007 federal “stylistic” amendments. Not clear why. Also note that the first letter of the last word in the state rule’s title is not capitalized. An oversight?

Rule 7.1. Civil Motion Practice -- Note that the format used to display the subparts is different than that used in most of the other rules.

(1) ***Subpart (a) Formal Requirements.***

(a) The first paragraph is similar to the pre-2007 Federal Rule 7(b)(1); a decision needs to be made whether to retain the sentence “The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.” The 2007 federal rule amendments eliminated because it was purportedly “redundant.”

(b) The last paragraph is nearly identical to the pre-2007 Federal Rule 7(b)(2) & (3). A decision needs to be made whether to eliminate the last clause in the last sentence “and all such motions and other papers shall be signed in accordance with Rule 11.” That provision is found in the pre-2007 Federal Rule 7(b)(3), but it was eliminated in the 2007 stylistic revisions because it was purportedly “redundant.”

(c) The rest of the rule has no federal rule counterpart, and is very wordy.

(d) Overall, moderately difficult to revise.

(2) ***Subpart (b) Effect of Non-compliance.*** No federal rule counterpart. Moderately difficult to revise.

(3) ***Subpart (c) Law and Motion Day.*** No federal rule counterpart. Moderately difficult to revise.

(4) ***Subpart (d) Oral Argument.*** No federal rule counterpart. Moderately difficult to revise.

(5) ***Subpart (e) Motions for Reconsideration.*** No federal rule counterpart. Moderately difficult to revise.

(6) ***Subpart (f) Limitations on Motions to Strike.*** No federal rule counterpart. **Moved to the difficult to revise rule grouping. Defer for now.**

(7) ***Subpart (g) Agreed Extensions of Time for Filing Memoranda.*** Adopted effective January 1, 2014. Well written, but needs to be broken up into subparts. Easy to revise.

Rule 7.2. Motions In limine -- No federal rule counterpart. Note that the rule lacks subheadings for its subparts, and that the format used to display the subparts is different than that used in most of the other rules. Moderately difficult to revise.

Rule 8. General rules of pleading

- (1) **Rule 8(a). Claims for Relief** -- Substantially the same as the pre-2007 Federal Rule 8(a), although the subparts' formatting differs a little bit. Easy to revise.
- (2) **Rule 8(b). Defenses; form of denials** -- Substantially the same as the pre-2007 Federal Rule 8(b) (with a few small differences). Note that the reference to Rule 11 was deleted in the 2007 stylistic revisions because it was purportedly "redundant." Easy to revise.
- (3) **Rule 8(c). Affirmative defenses** -- Substantially the same as the pre-2007 Federal Rule 8(c). Note that the both the state and federal rule have since been amended to delete "discharge in bankruptcy" as an affirmative defense. Easy to revise.
- (4) **Rule 8(d). Effect of failure to deny** -- Substantially the same as the pre-2007 Federal Rule 8(d). Note that in the 2007 federal rule stylistic revisions, the provision ended up as subpart (6) of Rule 8(b). Easy to revise.
- (5) **Rule 8(e). Pleading to be concise and direct; consistency** -- Substantially the same as the pre-2007 Federal Rule 8(e) (except for the subparts' formatting). Note that the reference to Rule 11 was deleted in the 2007 federal rule stylistic revisions because it was purportedly "redundant." Easy to revise.
- (6) **Rule 8(f). Construction of pleadings** -- Identical to the pre-2007 Federal Rule 8(f). Easy to revise. Note that this ended up as Rule 8(e) of the 2007 revised federal rules.
- (7) **Rule 8(g). Claims for Damages** -- No federal counterpart. Moderately difficult to revise.
- (8) **Rule 8(h). Civil Cover Sheets; Classification of Civil Actions** -- No federal counterpart. Moderately difficult to revise.
- (9) **Rule 8(i). Complex Civil Litigation Program Designation** -- No federal counterpart. Moderately difficult to revise.

Rule 9. Pleading special matters

- (1) **Rule 9(a). Capacity** -- Substantially the same as the pre-2007 Federal Rule 9(a). Easy to revise.
- (2) **Rule 9(b). Fraud, mistake, condition of the mind** -- Substantially the same as the pre-2007 Federal Rule 9(b). Easy to revise.
- (3) **Rule 9(c). Conditions precedent** -- Substantially the same as the pre-2007 Federal Rule 9(c). Easy to revise.
- (4) **Rule 9(d). Official document or act** -- Substantially the same as the pre-2007 Federal Rule 9(d). Easy to revise.
- (5) **Rule 9(e). Judgment.** -- Substantially the same as the pre-2007 Federal Rule 9(e). Note that unlike all the other subparts in this rule, this subpart has a period following the title. Easy to revise.
- (6) **Rule 9(f). Time and place** -- Substantially the same as the pre-2007 Federal Rule 9(f). Easy to revise.
- (7) **Rule 9(g). Special damage** -- Substantially the same as the pre-2007 Federal Rule 9(g). Easy to revise.
- (8) **Rule 9(h). Complaint in action for libel or slander** -- No federal rule counterpart. Moderately difficult to revise.
- (9) **Rule 9(i). Verification of answer** -- No federal rule counterpart. Moderately difficult to revise.

Rule 10. Form of Pleading -- Note that the federal rule's title refers to "Pleadings" and not "Pleading."

- (1) **Rule 10(a). Caption; names of parties** -- Substantially the same as the pre-2007 Federal Rule 10(a). Easy to revise.
- (2) **Rule 10(b). Paragraphs; separate statements** -- Substantially the same as the pre-2007 Federal Rule 10(b). Easy to revise.
- (3) **Rule 10(c). Adoption by reference; exhibits** -- Substantially the same as the pre-2007 Federal Rule 10(c). Easy to revise.
- (4) **Rule 10(d). Method of preparation and filing** -- No federal rule counterpart. Moderately difficult to revise.
- (5) **Rule 10(e).** Deleted Sept. 15, 1987, effective October 1, 1987 -- Delete.

- (6) **Rule 10(f). Designation of defendant** -- No federal rule counterpart, but very short. Moderately difficult to revise.

Rule 12. Defenses and objections; when and how presented; by pleading or motion; motion for judgment on pleadings.

- (1) **Rule 12(a). When presented** -- This subpart is similar to the pre-2007 Federal Rule 12(a), although it does not have the special provisions in Federal Rule 12(a)(3) relating to federal employees and agencies. Note that the 2007 amended rule has a modified title. Easy to revise.
- (2) **Rule 12(b). How presented; motion to dismiss** -- This subpart is similar but not the same as the pre-2007 Federal Rule 12(b). Note that the 2007 amended federal rule has a modified title. Easy to revise.
- (3) **Rule 12(c). Motion for judgment on the pleadings** -- Substantially the same as the pre-2007 Federal Rule 12(c). Note that the 2007 amended federal rule breaks this rule into two parts, in Federal Rule 12(c) and 12(d). Easy to revise.
- (4) **Rule 12(d). Preliminary hearings** -- This subpart is substantially the same as the pre-2007 Federal Rule 12(d). Note that the 2007 amended federal rule moves this provision, placing it last in Federal Rule 12(i). Easy to revise.
- (5) **Rule 12(e). Motion for more definite statement** -- Substantially the same as the pre-2007 Federal Rule 12(e). Easy to revise.
- (6) **Rule 12(f). Motion to strike** -- Substantially the same as the pre-2007 Federal Rule 12(f). Easy to revise.
- (7) **Rule 12(g). Consolidation of defenses in motion** -- Substantially the same as the pre-2007 Federal Rule 12(g). The 2007 amended federal rule substantially rewrites the prior rule, but the substance remains unchanged. Easy to revise.
- (8) **Rule 12(h). Waiver or preservation of certain defenses** -- Substantially the same as the pre-2007 Federal Rule 12(h), but contains an introductory sentence that may not be necessary. Easy to revise.
- (9) **Rule 12(i).** Renumbered as Rule 12(h). Delete.

Rule 13. Counterclaim and cross-claim

- (1) **Rule 13(a). Compulsory counterclaims** -- Substantially the same as the pre-2007 Federal Rule 13(a). Easy to revise.

- (2) **Rule 13(b). Permissive counterclaims** -- Substantially the same as the pre-2007 Federal Rule 13(b). Easy to revise.
- (3) **Rule 13(c). Counterclaim exceeding opposing claim** -- Substantially the same as the pre-2007 Federal Rule 13(c). Easy to revise.
- (4) **Rule 13(d). Counterclaim against the state** -- Substantially the same as the pre-2007 Federal Rule 13(d), except that the federal rule refers to claims against the United States. Easy to revise.
- (5) **Rule 13(e). Counterclaim maturing or acquired after pleading** -- Substantially the same as the pre-2007 Federal Rule 13(e). Easy to revise.
- (6) **Rule 13(f).** Abrogated, eff. Jan. 1, 2012 -- Also abrogated in the federal rules after 2007. Delete.
- (7) **Rule 13(g). Cross-claim against co-party** -- Substantially the same as the pre-2007 Federal Rule 13(g). Easy to revise.
- (8) **Rule 13(h). Joinder of additional parties** -- Substantially the same as the pre-2007 Federal Rule 13(h). Easy to revise.
- (9) **Rule 13(i). Separate trials; separate judgments** -- Substantially the same as the pre-2007 Federal Rule 13(i). Easy to revise.

Rule 14. Third-party practice

- (1) **Rule 14(a). When defendant may bring in third party** -- Substantially the same as the pre-2007 Federal Rule 14(a). Easy to revise.
- (2) **Rule 14(b). When plaintiff may bring in third party** -- Substantially the same as the pre-2007 Federal Rule 14(b). Easy to revise.

Rule 15. Amended and supplemental pleadings

- (1) **Rule 15(a). Amendments** -- The Arizona rule differs substantially from the pre-2007 Federal Rule 15(a), and is closer to the 2007 amended Federal Rule 15(a). There are, however, major differences, and any editorial changes need to be done carefully to make sure that the substantive differences are not lost. Moderately difficult to revise.
- (2) **Rule 15(b). Amendments to conform to the evidence** -- Substantially the same as the pre-2007 Federal Rule 15(b). Note that the 2007 amended Federal Rule 15(b) changes the title to “Amendments During and After Trial” and breaks up the rule into two parts. Easy to revise.

- (3) **Rule 15(c). Relation Back of Amendments** -- There are significant textual differences between the Arizona rule and the pre-2007 Federal Rule 15(c), and these differences appear to be carried over to the 2007 revised federal rule. It is not clear from first glance whether there are substantive differences between the federal and state rules. Any editorial changes need to be done carefully to make sure that any substantive differences are not lost. Moderately difficult to revise.
- (4) **Rule 15(d). Supplemental pleadings** -- Substantially the same as the pre-2007 Federal Rule 15(d). Easy to revise.

Rule 16.1. Settlement Conferences; Objectives -- No federal rule counterpart. Moderately difficult to revise. Note that the format used to display the subparts is different than that used in most of the other rules.

Rule 16.2. Good Faith Settlement Hearings -- No federal rule counterpart. Moderately difficult to revise.

Rule 16.3. Initial Case Management Conference in Cases Assigned to the Complex Civil Litigation Program -- No federal rule counterpart. Moderately difficult to revise. Note that the format used to display the subparts is different than that used in most of the other rules.

Rule 17. Parties plaintiff and defendant; capacity

- (1) **Rule 17(a). Real party in interest** -- Substantially the same as the pre-2007 Federal Rule 17(a). Easy to revise.
- (2) **Rule 17(b). Actions by personal representatives; setting aside judgment** -- No federal rule counterpart. Moderately difficult to revise.
- (3) **Rule 17(c). Actions by or against personal representatives** -- No federal rule counterpart. Moderately difficult to revise.
- (4) **Rule 17(d). Actions by or against county, city or town** -- No federal rule counterpart. Moderately difficult to revise.
- (5) **Rule 17(e).** Deleted, effective June 1, 1985 -- Delete.
- (6) **Rule 17(f). Actions against surety, assignor or endorser** -- No federal rule counterpart. Moderately difficult to revise.
- (7) **Rule 17(g). Infants or incompetent persons** -- Substantially the same as the pre-2007 Federal Rule 17(c). Easy to revise.

- (8) **Rule 17(h). Bond of guardian ad litem or next friend** -- No federal rule counterpart. Moderately difficult to revise.
- (9) **Rule 17(i). Consent of guardian ad litem or next friend; liability; compensation** -- No federal rule counterpart. Moderately difficult to revise.
- (10) **Rule 17(j). Partnerships.** No federal rule counterpart. Moderately difficult to revise. Note that unlike all the other subparts in this rule, this subpart has a period following the title.
- (11) **Note** that the 2007 amended Federal Rule 17(d) was moved from the pre-2007 Federal Rule 25(d)(2). The same thing might be done with Arizona Rule 25(e)(2).

Rule 18. Joinder of claims and remedies

- (1) **Rule 18(a). Joinder of claims** -- Substantially the same as the pre-2007 Federal Rule 18(a). Easy to revise.
- (2) **Rule 18(b). Joinder of remedies; fraudulent conveyances** -- Substantially the same as the pre-2007 Federal Rule 18(b). Easy to revise.

Rule 19. Joinder of persons needed for just adjudication

- (1) **Rule 19(a). Persons to be joined if feasible** -- Substantially the same as the pre-2007 Federal Rule 19(a). Easy to revise.
- (2) **Rule 19(b). Determination by court whenever joinder not feasible** -- Substantially the pre-2007 the same as Federal Rule 19(b). Easy to revise.
- (3) **Rule 19(c). Pleading reasons for nonjoinder** -- Substantially the same as the pre-2007 Federal Rule 19(c). Easy to revise.
- (4) **Rule 19(d). Exception of class actions** -- Substantially the same as the pre-2007 Federal Rule 19(d). Easy to revise.

Rule 20. Permissible joinder of parties

- (1) **Rule 20(a). Permissive joinder** -- Substantially the same as the pre-2007 Federal Rule 20(a). Easy to revise.
- (2) **Rule 20(b). Separate trials** -- Substantially the same as the pre-2007 Federal Rule 20(b). Easy to revise.

Group 2

(22 rules from Rule 21 through Rule 37, with exceptions)

Rule 21. Misjoinder and non-joinder of parties -- Substantially the same as the pre-2007 Federal Rule 21. Easy to revise.

Rule 22. Interpleader

- (1) **Rule 22(a). Interpleader** -- Substantially the same as the pre-2007 Federal Rule 21(1). Easy to revise.
- (2) **Rule 22(b). Release from liability; deposit or delivery** -- No federal rule counterpart. The subpart is comprised of one long run-on sentence that may be difficult to disentangle without altering its meaning. Moderately difficult to revise.

Rule 23. Class actions -- This rule is challenging because Arizona has not adopted the 2003 amendments to Federal Rule 23. Care will need to be exercised to ensure that in copying the stylistic changes made in the 2007 amendments to Federal Rule 23, substantive changes aren't also made. The Arizona legislation adopted last session also needs to be considered to make sure that none of the rule's provisions conflict with the statute. **Note:** Effective January 1, 2015, a subsection will be added allowing appeals of certification decisions. That subsection is not reflected in the list below.

- (1) **Rule 23(a). Prerequisites to a class action** -- Substantially the same as the pre-2007 Federal Rule 23 (a). Easy to revise.
- (2) **Rule 23(b). Class actions maintainable** -- Substantially the same as the pre-2007 Federal Rule 23(b). Easy to revise.
- (3) **Rule 23(c). Determination by order whether class action to maintained; notice; judgment; actions conducted partially as class actions** -- Subparts (1) and (2) do not reflect the provisions of the 2003 amendments to the Federal Rule; subparts (3) and (4) are substantially the same as their pre-2007 federal rule counterparts and would be easy to revise. Also note that the subparts in the Arizona rule need headings.
- (4) **Rule 23(d). Orders in conduct of actions** -- Substantially the same as the pre-2007 Federal Rule 23(d). Easy to revise.
- (5) **Rule 23(e). Dismissal or compromise** -- The state rule does not include the extensive revisions that were made in its federal rule counterpart in 2003. But the Arizona provision is short, and should be easy to revise.

Rule 23.1. Derivative actions by shareholders -- Substantially the same as the pre-2007 Federal Rule 23.1. Easy to revise.

Rule 23.2. Actions relating to unincorporated associations -- Substantially the same as the pre-2007 Federal Rule 23.2. Easy to revise.

Rule 24. Intervention

- (1) **Rule 24(a). Intervention of Right** -- Substantially the same as the pre-2007 Federal Rule 24(a). Easy to revise.
- (2) **Rule 24(b). Permissive intervention** -- Substantially the same as the pre-2007 Federal Rule 24(b), although it does not include the provision pertaining to governmental intervenors. Easy to revise.
- (3) **Rule 24(c). Procedure** -- Substantially the same as the pre-2007 Federal Rule 24(c), although it does not include the provision pertaining to governmental intervenors. Easy to revise.
- (4) **Rule 24(d). Time to answer** -- No federal rule counterpart, but it is short. Easy to revise.

Rule 25. Substitution of parties

- (1) **Rule 25(a). Death** -- Substantially the same as the pre-2007 Federal Rule 25(a). Easy to revise.
- (2) **Rule 25(b). Death of defendant after tort action commenced** -- No federal rule counterpart. Moderately difficult to revise.
- (3) **Rule 25(c). Incompetency** -- Substantially the same as the pre-2007 Federal Rule 25(b). Easy to revise.
- (4) **Rule 25(d). Transfer of interest** -- Substantially the same as the pre-2007 Federal Rule 25(c). Easy to revise.
- (5) **Rule 25(e). Public officers; death or separation from office** -- Substantially the same as the pre-2007 Federal Rule 25(d). Easy to revise. Note that the 2007 federal rule amendments moved Federal Rule 25(d)(2) into Rule 17.

Rule 26. General provisions governing discovery -- Note that Arizona has not adopted most of the amendments to Rule 26 that have been made since 2000, including the changes to the disclosure requirements, the scope of discovery or permitted expert discovery. They do, however, include the 2006 amendments pertaining to electronic discovery.

- (1) **Rule 26(a). Discovery methods** -- Somewhat similar to the pre-2007 Federal Rule (a)(5). Note that this provision was eliminated in the 2007 Federal Rule amendments on the ground that it was purportedly “redundant.” The provision is short and should not be difficult to revise.
- (2) **Rule 26(b). Discovery Scope and Limits** --
 - (A) Subpart (1) *In General* -- Similar to the pre-2007 Federal Rule 26(b)(1) & (2), but: (i) it does not include the federal rule provision authorizing the court to modify the limits on certain types of discovery, either by order by local rule; and (ii) Arizona has not adopted the federal rule amendment limiting the scope of discovery to matters relevant to a party’s claims and defenses. Easy to revise.
 - (B) Subpart (2) *Insurance agreements*. No federal rule counterpart. Because it is a relatively short provision and appears pretty well written, it should be relatively easy to revise.
 - (C) Subpart (3) *Trial Preparation: Materials*. Substantially the same as the pre-2007 Federal Rule 26(b)(3). Easy to revise.
 - (D) Subpart (4) *Trial Preparation: Experts*.
 - (i) Subparts (A) through (C) are virtually the same as the pre-2007 Federal Rule 26(b)(4)(A)-(C), except that Arizona Rule 26(b)(4)(A) does not have the provision (found in the federal rule) stating that an expert’s deposition may not be conducted until after his or her report is issued. Note that the pre-2007 version of the federal rule does not include the 2010 federal rule amendments regarding drafts of expert reports and communications between counsel and a retained expert. These subparts should be relatively easy to revise.
 - (ii) Subpart (D) has no federal rule counterpart, and contains two very long run-on sentences. Moderately difficult to revise.
 - (E) Subpart (5) *Non-party at Fault*. No federal rule counterpart, and it is poorly written. Among other things, the provision opens with a very long run-on sentence. Moderately difficult to revise.
 - (F) **Note:** The provisions regarding privileged materials found in the pre-2007 Federal Rule 26(b)(5) are incorporated in Arizona Rule 26.1(f).

- (3) **Rule 26(c). Protective Orders --**
- (A) Subpart (1) Similar but not the same as the pre-2007 Federal Rule 26(c). Needs a subheading. Easy to revise.
 - (B) Subpart (2)—**Moved to the difficult to revise rule grouping. Defer for now.**
- (4) **Rule 26(d). Sequence and timing of discovery --** Completely different from the pre-2007 Federal Rule 26(d), which imposes a moratorium on discovery pending completion of the Rule 26(f) discovery meeting. The Arizona rule is the same as the federal rule before the adoption of the discovery moratorium in the 2000 amendments to Federal Rule 26(d). The provision is short, however, and should be relatively easy to revise.
- (5) **Rule 26(e). Supplementation of Responses --**
- (A) Subpart (1). This provision is similar, but not identical to, the pre-2007 Federal Rule 26(e)(1). Needs a subheading. Moderately difficult to revise.
 - (B) Subpart (2). The provision is somewhat similar to the pre-2007 Federal Rule 26(e)(2), but relies on a different standard. Also needs a subheading. The provision is short, however, and should be relatively easy to revise.
 - (C) Subpart (3). No federal rule counterpart. The provision is short and should be easy to revise. Needs a subheading.
- (6) **Rule 26(f). Discovery Requests, Responses, Objections and Sanctions --** Covers much of the same ground as the pre-2007 Federal Rule 26(g), but does so in one sentence rather than three lengthy subparts. Easy to revise.
- (7) **Rule 26(g). Discovery Motions --** No federal rule counterpart, but the gist of the rule appears in the pre-2007 Federal Rule 37(a)(2)(A) and in 2007 amended Federal Rule 37(a)(1). Easy to revise.
- (8) **Rule 26(h).** Deleted. Effective Nov. 1, 1970 -- Delete.

Rule 26.1 Prompt Disclosure of Information -- No federal rule counterpart. Apart from changing the references to “shall” to some other appropriate word, the rule does not appear to require substantial revision. Easy to revise. Note that Rule 26.1(f) has a federal rule counterpart in the pre-2007 Federal Rule 26(b)(5). Also note that the format used to display the subparts is different than that used in most of the other rules.

Rule 26.2 Exchange of Records and Discovery Limitations in Medical Malpractice Cases -- No federal rule counterpart. Awkwardly written in places. Moderately difficult to revise. Also note that the format used to display the subparts is different than that used in most of the other rules.

Rule 27. Depositions Before Action or Pending Appeal

- (1) ***Rule 27(a) Before Action; Petition; Notice and Service; Order and Examination; Use of Deposition*** -- Similar but not identical to the pre-2007 Federal Rule 27(a). Care needs to be exercised to ensure that revisions contain only stylistic and not substantive changes. Also needs subheadings like those found in the federal rule. Moderately difficult to revise.
- (2) ***Rule 27(b) Pending appeal*** -- Substantially the same as the pre-2007 Federal Rule 27(b). Easy to revise.

Rule 28. Persons before whom depositions may be taken

- (1) ***Rule 28(a). Within the United States; commission or letters rogatory*** -- Most of the first paragraph is substantially the same as the pre-2007 Federal Rule 28(a), making that part of the rule easy to revise. The second paragraph sets forth the procedure for obtaining a commission for the taking of an out-of-state deposition. The first sentence is a very long run-on sentence. Moderately difficult to revise.
- (2) ***Rule 28(b). In foreign countries*** -- This rule is similar but not identical to the pre-2007 Federal Rule 28(b). Care needs to be exercised to ensure that only stylistic revisions are being made. Moderately difficult to revise.
- (3) ***Rule 28(c). Disqualification for interest.*** Substantially the same as the pre-2007 Federal Rule 28(c). Easy to revise.

Rule 29. Stipulations regarding discovery procedure -- Covers the same subject matter as the pre-2007 Federal Rule 29, but it gives parties more latitude to modify discovery procedures and deadlines. Easy to revise.

Rule 30. Depositions upon oral examination

- (1) ***Rule 30(a). When Depositions May Be Taken*** -- Substantial differences between the Arizona rule and the pre-2007 Federal Rule 30(a). The structure and some of the revised language of the 2007 amended federal rule (including subheading titles) can be used or adapted in revising the state rule, but care needs to be exercised to retain the substantive differences between the federal and state rules. Moderately difficult to revise.

- (2) ***Rule 30(b): Notice of Examination; General Requirements; Special Notice; Method of Recording; Production of Documents and Things; Deposition of Organization; Deposition by Telephone*** -- Substantial differences between the Arizona rule and the pre-2007 Federal Rule 30(b). The structure and some of the revised language of the 2007 amended federal rule (including subheading titles) can be used or adapted in revising the state rule, but care needs to be exercised to retain the substantive differences between the federal and state rules. Moderately difficult to revise.
- (3) ***Rule 30(c). Examination and Cross-Examination; Record of Examination; Oath; Objections*** -- Substantial differences between the Arizona rule and the pre-2007 Federal Rule 30(c). The structure and some of the revised language of the 2007 amended federal rule (including subheading titles) can be used or adapted in revising the state rule, but care needs to be exercised to retain the substantive differences between the federal and state rules. Moderately difficult to revise.
- (4) ***Rule 30(d). Length of Deposition; Motion to Terminate or Limit Examination*** -- Substantial differences between the Arizona rule and the pre-2007 Federal Rule 30(d). The structure and some of the revised language of the 2007 amended federal rule (including subheading titles) can be used or adapted in revising the state rule, but care needs to be exercised to retain the substantive differences between the federal and state rules. Moderately difficult to revise.
- (5) ***Rule 30(e). Submission to Witness; Changes, Signing*** -- Substantial differences between the Arizona rule and the pre-2007 Federal Rule 30(e); the Arizona rule is much longer and imposes more requirements. The structure and some of the revised language of the 2007 amended federal rule (including subheading titles) can be used or adapted in revising the state rule, but care needs to be exercised to retain the substantive differences between the federal and state rules. Moderately difficult to revise.
- (6) ***Rule 30(f). Certification and Delivery by Officer; Exhibits; Copies*** -- Substantially the same as the pre-2007 Federal Rule 30(f). Easy to revise.
- (7) ***Rule 30(g). Failure to attend or to serve subpoena; expenses*** -- Substantially the same as the pre-2007 Federal Rule 30(g). Easy to revise.
- (8) ***Rule 30(h). Depositions for foreign jurisdictions*** -- Repealed effective January 1, 2013. [Perhaps because the order did not expressly delete the language, the text of this rule is still in the West Handbook. We need to figure out how to get West to delete the text of the rule.]

- (9) **Rule 30(i).** Deleted. Effective Nov. 1, 1970 -- Delete.

Rule 31. Depositions upon written questions

- (1) **Rule 31(a). Serving questions; notice** -- Substantial differences between the Arizona rule and the pre-2007 Federal Rule 31(a). The Arizona rule does not take into account 1993 amendments to the federal rule, which made the section subject to the limitations on the number of depositions imposed by Rule 30(a); the deadlines for submitting cross-questions also are different. The structure and some of the revised language of the 2007 amended federal rule (including subheading titles) can be used or adapted in revising the state rule, but care needs to be exercised to retain the substantive differences between the federal and state rules. Moderately difficult to revise.
- (2) **Rule 31(b). Officer to take responses and prepare record** -- Substantially the same as the pre-2007 Federal Rule 31(b). Easy to revise.
- (3) **Rule 31(c). Notice of filing** -- Substantially the same as the pre-2007 Federal Rule 31(c). Easy to revise.
- (4) **Rule 31(d).** Deleted. Effective Nov. 1, 1970 -- Delete.

Rule 32. Use of depositions in court proceedings

- (1) **Rule 32(a). Use of Depositions** -- Substantial differences between the Arizona rule and the pre-2007 Federal Rule 32(a). The Arizona rule is much shorter, and it differs from the federal rule in allowing use of a deposition even if the witness is available to testify. The structure and some of the revised language of the 2007 amended federal rule (including subheading titles) can be used or adapted in revising the state rule, but care needs to be exercised to retain the substantive differences between the federal and state rules. Moderately difficult to revise.
- (2) **Rule 32(b). Objections to Admissibility** -- Substantially the same as the pre-2007 Federal Rule 32(b). Easy to revise.
- (3) **Rule 32(c). Form of Presentation** -- Substantially the same as the pre-2007 Federal Rule 32(c). Easy to revise.
- (4) **Rule 32(d). Effect of Errors and Irregularities in Depositions** -- Except for Arizona Rule 32(d)(3)(D) & (E) (pertaining to the permitted form of objections at depositions and conferences between a deponent and his/her counsel), substantially the same as the pre-2007 Federal Rule 32(d). Easy to revise.

Rule 33. Interrogatories to parties

- (1) **Rule 33(a). Availability; Procedures for Use** -- The Rule's first paragraph corresponds with the pre-2007 Federal Rule 33(a), but there are substantial differences between the state and federal rule (and note that the 2007 amended Federal Rule 33(b) deletes the cross reference to Rule 37, which appears in the pre-2007 Federal Rule and the Arizona rule). The Rule's second paragraph corresponds with the pre-2007 Federal Rule 33(b), and uses similar (but not identical language); it is missing subparts (3) and (4) of the pre-2007 Rule 33(b). Moderately difficult to revise.
- (2) **Rule 33(b). Scope; use at trial** -- Substantially the same as the pre-2007 Rule 33(c). Note that 2007 amended federal rule moves the second half of Federal Rule 33(c) to Federal Rule 33(a). Easy to revise.
- (3) **Rule 33(c). Option to produce business records** -- Substantially the same as the pre-2007 Rule 33(d). Easy to revise.

Rule 33.1. Uniform and Non-uniform Interrogatories; Limitations; Procedure -- No federal rule counterpart. Generally well written, but the word "shall" needs to be replaced with an appropriate substitute. Easy to revise. Also note that the format used to display the subparts is different than that used in most of the other rules.

Rule 34. Production of documents, electronically stored information, and things and entry upon land for inspection and other purposes

- (1) **Rule 34(a). Scope** -- Substantially the same as the pre-2007 Federal Rule 34(a). Easy to revise.
- (2) **Rule 34(b). Procedure and Limitations** -- The rule is similar to the pre-2007 Federal Rule 34(b). Among other things, the state rule has an additional sentence that appears at the beginning of the rule, imposes a limit of 10 items that may be requested (with a "consult" requirement if more are desired), and a different response deadline. The structure and some of the revised language of the 2007 amended federal rule (including subheading titles) can be used or adapted in revising the state rule, but care needs to be exercised to retain the substantive differences between the federal and state rules. Moderately difficult to revise.
- (3) **Rule 34(c). Persons not Parties** -- Substantially the same as the pre-2007 Federal Rule 34(c). Easy to revise.

Rule 35. Physical and mental examination of persons

- (1) **Rule 35(a). Order for Examination** -- The first half of the Arizona rule is substantially the same as the pre-2007 Rule 35(a). The last 5 sentences in the rule have no federal rule counterpart. Moderately difficult to revise.
- (2) **Rule 35(b). Report of Examiner** -- Substantially the same as the pre-2007 Federal Rule 35(a). Easy to revise.
- (3) **Rule 35(c). Alternative Procedure; Notice of Examination; Objections** -- No federal rule counterpart. The rule is generally well-written and would require little revision to conform it to the Federal Rule stylistic conventions (including the addition of subheadings). Easy to revise.

Rule 36. Requests for admission

- (1) **Rule 36(a). Request for Admission** -- Much of the Arizona rule's text is substantially the same as that used in the pre-2007 Federal Rule 36(a), but the state rule lacks the reference to Federal Rule 26(d)'s discovery moratorium and gives a different deadline for responses. Easy to revise.
- (2) **Rule 36(b). Procedure** -- No federal rule counterpart. Should consider incorporating into Arizona Rule 36(a). One thing to consider is how the proposed 25 RFA limit will be implemented in the federal rule. Moderately difficult to revise.
- (3) **Rule 36(c). Effect of admission** -- Substantially the same as the pre-2007 Federal Rule 36(b). Easy to revise.

Rule 37. Failure to make disclosure or discovery; Sanctions

- (1) **Rule 37(a). Motion for Order Compelling Disclosure or Discovery** -- Substantially the same as the pre-2007 Rule 37(a) but there are a few minor differences in the state rule (e.g., reference to Rule 26.1, creation of a separate subpart for the "meet and confer" requirement). Easy to revise.
- (2) **Rule 37(b). Failure to comply with order** -- Substantially the same as the pre-2007 Rule 37(b). Easy to revise.
- (3) **Rule 37(c). Failure to Disclosure; False or Misleading Disclosure; Untimely Disclosure** -- Differs substantially from the pre-2007 Federal Rule 37(c), and contains a lot that does not have a federal rule counterpart. The provision regarding RFAs that appears in the pre-2007 Federal Rule 37(c)(2) appears in Arizona Rule 37(e). Moderately difficult to revise.

- (4) **Rule 37(d). Failure to Disclose Unfavorable Information** -- No federal rule counterpart. The rule is short, but it is unclear from the rule's use of the word "shall" whether the imposition of sanctions is mandatory or whether the phrase "in the court's discretion" makes such sanctions discretionary. Moderately difficult to revise.
- (5) **Rule 37(e). Expenses on Failure to Admit** -- Substantially the same as the pre-2007 Federal Rule 37(c)(2). Easy to revise.
- (6) **Rule 37(f). Failure of Party to Attend at Own Deposition or Serve Answer to Interrogatories or Respond for Inspection** -- Substantially the same as pre-2007 Federal Rule 37(d). Easy to revise.
- (7) **Rule 37(g). Electronically stored information** -- Substantially the same as the pre-2007 Federal Rule 37(f). Easy to revise.

Group 3

(22 rules from Rule 38 through Rule 57, with exceptions)

Rule 38. Jury trial of right

- (1) **Rule 38(a). *Right preserved*** -- Similar but not identical to the pre-2007 Federal Rule 38(a). Easy to revise.
- (2) **Rule 38(b). *Demand*** -- Differs substantially from the pre-2007 Federal Rule 38(b). Moderately difficult to revise.
- (3) **Rule 38(c). *Demand; specification of issues*** -- Substantially the same as the pre-2007 Rule 38(c). Easy to revise.
- (4) **Rule 38(d). *Waiver*** -- With only a few minor differences, substantially the same as the pre-2007 Rule 38(d). Easy to revise.

Rule 39.1. Trial of Cases Assigned to the Complex Civil Litigation Program. -- No federal rule counterpart. Moderately difficult to revise. Also note that the comment to the rule is in the wrong font.

Rule 40. Assignment of cases for trial -- Very similar to the pre-2007 Federal Rule 40, except it does not include the last sentence giving precedence to actions given a preference by federal statute. Easy to revise.

Rule 41. Dismissal of action

- (1) **Rule 41(a). *Voluntary dismissal; by plaintiff or by order of court; effect*** -- Substantially the same as the pre-2007 Rule 41(a). Easy to revise.
- (2) **Rule 41(b). *Involuntary dismissal; Effect Thereof*** -- Substantially the same as the pre-2007 Rule 41(b). Easy to revise.
- (3) **Rule 41(c). *Dismissal of counterclaim, cross-claim, or third-party claim*** -- Substantially the same as the pre-2007 Rule 41(c). Easy to revise.
- (4) **Rule 41(d). *Costs of previously dismissed action*** -- Substantially the same as the pre-2007 Rule 41(d). Easy to revise.

Rule 42. Consolidation; separate trials; change of judge

- (1) **Rule 42(a). *Consolidation*** -- Substantially the same as the pre-2007 Rule 42(a). Easy to revise.
- (2) **Rule 42(b). *Separate trials*** -- Substantially the same as the pre-2007 Rule 42(b). Easy to revise.

- (3) **Rule 42(c).** Abrogated Oct. 10, 2000 -- Delete.
- (4) **Rule 42(d).** Renumbered as Rule 38.1(i) -- Delete.
- (5) **Rule 42(e).** Renumbered as Rule 38.1(j) -- Delete.
- (6) **Rule 42(f).** *Change of Judge.* Moved to the difficult to revise rule grouping. Defer for now.

Rule 43. Witnesses; evidence -- Note that the federal rule has different title: “Taking of Testimony.”

- (1) **Rule 43(a).** *Definition of witness* -- No federal rule counterpart, but very short. Easy to revise.
- (2) **Rule 43(b).** *Affirmation in lieu of oath* -- Substantially the same as the pre-2007 Federal Rule 43(d). Easy to revise.
- (3) **Rule 43(c).** *Interpreters* -- Substantially the same as the pre-2007 Federal Rule 43(f). Easy to revise.
- (4) **Rule 43(d).** *Limitation on examination of witness; exception* -- No federal rule counterpart, but very short. Easy to revise.
- (5) **Rule 43(e).** Deleted, effective Sept. 1, 1977 -- Delete.
- (6) **Rule 43(f).** *Form and Admissibility of Evidence* -- Very similar (but not identical) to the pre-2007 Federal Rule 43(a), but it does not include the provision for simultaneous transmission from another location. Easy to revise.
- (7) **Rule 43(g).** Abrogated October 10, 2000, effective Dec. 1, 2000 -- Delete.
- (8) **Rule 43(h).** Deleted, effective Sept. 1, 1977 -- Delete.
- (9) **Rule 43(i).** *Evidence on motions* -- Substantially the same as the pre-2007 Federal Rule 43(e). Easy to revise.
- (10) **Rule 43(j).** Renumbered as Rule 39(c) -- Delete.
- (11) **Rule 43(k).** *Preservation of verbatim recording of court proceedings* -- No federal rule counterpart. Not very well written. Moderately difficult to revise.

Rule 44. Proof records; determination of foreign law -- Note that the title of the rule is inaccurate; like Federal Rule 44.1, Arizona Rule 44.1 governs determination of

foreign law. Also note that Federal Rule 44's title doesn't include determinations of foreign law -- "Proof of Official Record" or, in the rule's 2007 amended version, "Proving an Official Record."

- (1) **Rule 44(a). *Records of public officials*** -- No federal rule counterpart, but it is short. Easy to revise. (But it does seem contrary to the Arizona Rules of Evidence.)
- (2) **Rule 44(b).** Deleted, effective Sept. 1, 1977 -- Delete.
- (3) **Rule 44(c). *Proof of records of notaries public*** -- No federal rule counterpart, but it is short. Easy to revise. (But it does seem contrary to the Arizona Rules of Evidence.)
- (4) **Rule 44(d).** Deleted, effective Sept. 1, 1977 -- Delete.
- (5) **Rule 44(e).** Deleted, effective Sept. 1, 1977 -- Delete.
- (6) **Rule 44(e).1.** Deleted, effective Sept. 1, 1977 -- Delete.
- (7) **Rule 44(f).** Deleted, effective Sept. 1, 1977 -- Delete.
- (8) **Rule 44(g).** Deleted, effective Sept. 1, 1977 -- Delete.
- (9) **Rule 44(h).** Deleted, effective Sept. 1, 1977 -- Delete.
- (10) **Rule 44(i).** Deleted, effective Sept. 1, 1977 -- Delete.
- (11) **Rule 44(j).** Deleted, effective Sept. 1, 1977 -- Delete.
- (12) **Rule 44(k). *Proof of appointment of executor, administrator, or guardian; letters or certificate*** -- No federal rule counterpart, but it is short. Easy to revise.
- (13) **Rule 44(l).** Deleted, effective Sept. 1, 1977 -- Delete.
- (14) **Rule 44(m). *Comparison of handwriting*** -- No federal rule counterpart, but it is short. Easy to revise.
- (15) **Rule 44(n).** Deleted, effective Sept. 1, 1977 -- Delete.
- (16) **Rule 44(o).** Deleted, effective Sept. 1, 1977 -- Delete.
- (17) **Rule 44(p).** Deleted, effective Sept. 1, 1977 -- Delete.
- (18) **Rule 44(q).** Deleted, effective Sept. 1, 1977 -- Delete.

(19) **Rule 44(r).** Deleted, effective Sept. 1, 1977 -- Delete.

(20) **Rule 44(s).** Deleted, effective Sept. 1, 1977 -- Delete.

Rule 44.1. Determination of foreign law -- Substantially the same as the pre-2007 Federal Rule 44.1. Easy to revise.

Rule 45. Subpoena. -- This rule recently underwent extensive revision. There are a number of respects in which the state rule differs from the federal rule. Care needs to be exercised to ensure that substantive changes are not inadvertently made. Moderately difficult to revise. Also note that the format used to display the subparts is different than that used in most of the other rules.

Rule 45.1. Interstate Depositions and Discovery -- This rule was only recently adopted, but does not conform to the federal rule stylistic conventions. Care needs to be exercised to ensure that substantive changes are not inadvertently made. Moderately difficult to revise. Also note that the format used to display the subparts is different than that used in most of the other rules.

Rule 46. Exceptions unnecessary -- Substantially the same as the pre-2007 Federal Rule 46. Easy to revise.

Rule 47. Jurors

(1) **Rule 47(a). Trial Jury Procedure; List; Striking; Oath** -- No federal rule counterpart. Moderately difficult to revise.

(2) **Rule 47(b). Voir Dire Oath; Examination of Jurors; Brief Opening Statements** -- No federal rule counterpart. Moderately difficult to revise.

(3) **Rule 47(c). Grounds of challenge for cause** -- No federal rule counterpart. Moderately difficult to revise.

(4) **Rule 47(d). Extent of examination; trial of challenge** -- No federal rule counterpart. Moderately difficult to revise.

(5) **Rule 47(e). Manner of challenging; number of peremptory challenges** -- No federal rule counterpart. Moderately difficult to revise.

(6) **Rule 47(f). Alternate Jurors** -- No federal rule counterpart. Moderately difficult to revise.

(7) **Rule 47(g). Juror Notebooks** -- No federal rule counterpart. Moderately difficult to revise.

Rule 48. Juries of less than eight; majority verdict -- Differs substantially from the pre-2007 Federal Rule 48, but it is short. Easy to revise.

Rule 49. Special and general verdicts and interrogatories

- (1) **Rule 49(a). Return of a verdict by six or more jurors; presentation in court** -- No federal rule counterpart. Moderately difficult to revise.
- (2) **Rule 49(b). Proceedings on return of verdict** -- No federal rule counterpart. Moderately difficult to revise.
- (3) **Rule 49(c). Defective or nonresponsive verdict** -- No federal rule counterpart. Moderately difficult to revise.
- (4) **Rule 49(d). Fixing amount of recovery** -- No federal rule counterpart. Moderately difficult to revise.
- (5) **Rule 49(e). Special form of verdict not required** -- No federal rule counterpart. Moderately difficult to revise.
- (6) **Rule 49(f). Polling jury; procedure** -- No federal rule counterpart. Moderately difficult to revise.
- (7) **Rule 49(g). Special verdicts and interrogatories** -- Substantially the same as the pre-2007 Federal Rule 49(a). Easy to revise.
- (8) **Rule 49(h). General verdict accompanied by answer to interrogatories** -- Substantially the same as the pre-2007 Federal Rule 49(b). Easy to revise.

Rule 50. Judgment as a Matter of Law in Actions Tried by a Jury; Alternative Motion for New Trial; Conditional Rulings -- Note that the format used to display the subparts is different than that used in most of the other rules.

- (1) **Subpart (a) Judgment as a Matter of Law.** -- Substantially the same as the pre-2007 Federal Rule 50(a), but needs subheadings. Easy to revise.
- (2) **Subpart (b) Renewal of Motion for Judgment After Trial; Alternative Motion for New Trial.** -- Differs substantially from the pre-2007 Federal Rule 50(b). Moderately difficult to revise.
- (3) **Subpart (c) Same: Conditional Rulings on Grant of Motion for Judgment as a Matter of Law.** -- Substantially the same as the pre-2007 Federal Rule 50(c). Easy to revise.
- (4) **Subpart (d) Same: Denial of Motion for Judgment as Matter of Law.** -- Substantially the same as the pre-2007 Federal Rule 50(d). Easy to revise.

Rule 51. Instructions to jury; objections; arguments

- (1) **Rule 51(a). Instructions to Jury; Objection** -- Differs substantially from the pre-2007 Federal Rule 51(a). Moderately difficult to revise.
- (2) **Rule 51(b). Instructions to jury; notations; filing transcript** -- Differs substantially from the pre-2007 Federal Rule 51(b). Moderately difficult to revise.
- (3) **Rule 51(c).** Renumbered as Rule 39(n) -- Delete.
- (4) **Rule 51(d).** Deleted, May 1, 1989, effective July 1, 1989 -- Delete.

Rule 52. Findings by the Court; Judgment on Partial Findings

- (1) **Rule 52(a). Effect** -- Substantially the same as the pre-2007 Federal Rule 52(a). Easy to revise.
- (2) **Rule 52(b). Amendment** -- Substantially the same as the pre-2007 Federal Rule 52(b). Easy to revise.
- (3) **Rule 52(c). Judgment on Partial Findings** -- Substantially the same as the pre-2007 Federal Rule 52(c). Easy to revise.
- (4) **Rule 52(d). Submission on Agreed Statement of Facts** -- No federal rule counterpart, but the rule is short. Easy to revise.

Rule 53. Masters -- This rule was extensively revised in 2006. Much of the then-current federal rule was incorporated into the state rule, but there are some important differences between the state and federal rules. Also note that a set of amendments to this rule is now pending for the Supreme Court's consideration at its August 2013 Rules Agenda. Also note that the 2007 amended Federal Rule combined subparts (c) and (d), so there is one less subpart in the amended federal rule.

- (1) **Rule 53(a). Appointment** -- Similar to the pre-2007 Federal Rule 53(a), but there are some significant changes in the rule that are proposed for adoption. Easy to revise.
- (2) **Rule 53(b). Order appointing master** -- Similar to the pre-2007 Federal Rule 53(b), but there are some significant changes in the rule that are proposed for adoption. Easy to revise.
- (3) **Rule 53(c). Master's authority** -- Substantially the same as the pre-2007 Federal Rule 53(c). Easy to revise.

- (4) **Rule 53(d). Meetings and evidentiary hearings** -- Rule 53(d)(1) has no federal rule counterpart, and will be moderately difficult to revise. Rule 53(d)(2) is substantially the same as the pre-2007 Federal Rule 53(d) and will be easy to revise.
- (5) **Rule 53(e). Master's orders** -- Substantially the same as the pre-2007 Federal Rule 53(e). Easy to revise.
- (6) **Rule 53(f). Draft reports** -- No federal rule counterpart, but the rule is short. Easy to revise.
- (7) **Rule 53(g). Master's reports** -- Substantially the same as the pre-2007 Federal Rule 53(f). Easy to revise.
- (8) **Rule 53(h). Action on master's order, report or recommendation** -- Some similarities to the pre-2007 Federal Rule 53(f), but also some very significant differences. Moderately difficult to revise.
- (9) **Rule 53(i). Compensation** -- Substantially the same as the pre-2007 Federal Rule 53(h). Easy to revise.
- (10) **Rule 53(j).** Repealed by Order dated Sept. 27, 2005, effective Jan. 1, 2006 -
- Delete.
- (11) **Rule 53(k).** Repealed by Order dated Sept. 27, 2005, effective Jan. 1, 2006
-- Delete.

Rule 54. Judgments; Costs; Attorneys' Fees

- (1) **Rule 54(a). Definition; form** -- Substantially the same as the pre-2007 Federal Rule 54(a). Easy to revise.
- (2) **Rule 54(b). Judgment upon multiple claims or involving multiple parties** -
- Except for the last sentence, substantially the same as the pre-2007 Federal Rule 54(b). Easy to revise.
- (3) **Rule 54(c).** Deleted Sept. 15, 1987, effective October 1, 1987 -- Delete.
- (4) **Rule 54(d). Demand for judgment** -- Substantially the same as the pre-2007 Federal Rule 54(c). Easy to revise.
- (5) **Rule 54(e). Entry of judgment after death of party** -- No federal rule counterpart, but the rule is short. Easy to revise.
- (6) **Rule 54(f). Costs** -- Differs substantially from the pre-2007 Federal Rule 54(d)(1). Moderately difficult to revise.

- (7) **Rule 54(g). Attorneys' Fees** -- Differs substantially from the pre-2007 Federal Rule 54(d)(2). Moderately difficult to revise. **Note:** Amendments to this subsection are currently being considered by the Civil Practice & Procedure Committee. Mike Ferrell of Jennings Strauss is the chair of the responsible subcommittee. Judge Swann also is on the subcommittee.

Rule 55. Default

- (1) **Rule 55(a). Application and entry** -- Differs substantially from the pre-2007 Federal Rule 55(a). Moderately difficult to revise. Note that this rule has been amended several times since 2007, with provisions unique to Arizona. Care needs to be exercised to make sure that substantive changes are not made inadvertently. **Note:** Yet another set of amendments is likely to be submitted this January by the State Bar.
- (2) **Rule 55(b). Judgment by Default** -- Differs substantially from the pre-2007 Federal Rule 55(b). Moderately difficult to revise.
- (3) **Rule 55(c). Setting aside default** -- Substantially the same as the pre-2007 Federal Rule 55(c). Easy to revise.
- (4) **Rule 55(d). Plaintiffs, counterclaimants, cross-claimants** -- Substantially the same as the pre-2007 Federal Rule 55(d). Easy to revise.
- (5) **Rule 55(e). Judgment against the state** -- Substantially the same as the pre-2007 Federal Rule 55(e), except the federal rule pertains to the United States and not the state. Easy to revise.
- (6) **Rule 55(f). Judgment when service by publication; statement of evidence** -- No federal rule counterpart, but the rule is short. Easy to revise.

Rule 56. Summary judgment -- Note that this rule was substantially revised in 2013. Restraint should be exercised in making stylistic changes to avoid inadvertently making substantive changes.

- (1) **Rule 56(a). Motion for Summary Judgment or Partial Summary Judgment** -- Substantially the same as the current Federal Rule 56(a). Note the use of the word “shall” in the federal rule, which was inserted to resolve a dispute over whether the grant of summary judgment is mandatory if the requirements for imposing it are met. Should it be retained here or be replaced by the word “must,” “should” or “may”?
- (2) **Rule 56(b). Time to File a Motion** -- Significant differences from the current Federal Rule 56(b). Easy to revise.

- (3) **Rule 56(c). Motion and Proceedings** -- Differs substantially from the current Federal Rule 56(c). Moderately difficult to revise.
- (4) **Rule 56(d). Declining to Grant All the Requested Relief** -- Substantially the same as current Federal Rule 56(g). Easy to revise.
- (5) **Rule 56(e). Form of Affidavits and Depositions; Further Testimony; Defense Required** -- Contains some of the language from the current Federal Rule 56(c), but there are also some significant differences. Easy to revise.
- (6) **Rule 56(f). When Facts are Unavailable to the Nonmovant; Request for Rule 56(f) Relief and Expedited Hearing** -- Differs substantially from current Federal Rule 56(d). Moderately difficult to revise.
- (7) **Rule 56(g). Affidavits Made in Bad Faith** -- Some differences from current Federal Rule 56(g), but the rule is short. Easy to revise.
- (8) **Rule 56(h). Judgment Independent of the Motion or Based on Materials Not Cited in the Motion** -- Substantially the same as the current Federal Rule 56(f). Easy to revise.

Rule 57. Declaratory Judgments -- Substantially the same as the pre-2007 Federal Rule 57. Easy to revise.

Group 4
**(23 rules from Rule 57.1 through Rule 86,
with exceptions and not counting two abrogated rules (Rules 78 & 79))**

Rule 57.1 Declaration of Factual Innocence -- No federal rule counterpart. Recently adopted. Easy to revise. Note that the subheadings need to be italicized and bolded. Also note that the format used to display the subparts is different than that used in most of the other rules.

Rule 57.2 Declaration of Factual Improper Party Status -- No federal rule counterpart. Recently adopted. Easy to revise. Note that the subheadings need to be italicized and bolded. Also note that the format used to display the subparts is different than that used in most of the other rules.

Rule 60. Relief from judgment or order

- (1) ***Rule 60(a). Clerical mistakes*** -- Substantially the same as the pre-2007 Federal Rule 60(a). Easy to revise.
- (2) ***Rule 60(b). Correction of error in record of judgment*** -- No federal rule counterpart, but the rule is short. Easy to revise.
- (3) ***Rule 60(c). Mistake; inadvertences; surprise; excusable neglect; newly discovered evidence; fraud, etc.*** -- Substantially the same as the pre-2007 Federal Rule 60(b). Easy to revise.
- (4) ***Rule 60(d). Reversed judgment of foreign state*** -- No federal rule counterpart, but the rule is short. Easy to revise.

Rule 61. Harmless error -- Substantially the same as the pre-2007 Federal Rule 61. Easy to revise.

Rule 62. Stay of proceedings to enforce a judgment

- (1) ***Rule 62(a). Stay in injunctions and receiverships*** -- No federal rule counterpart. The rule is relatively short, but poorly written. Moderately difficult to revise.
- (2) ***Rule 62(b). Stay on Motion for New Trial or for Judgment*** -- Similar but not identical to the pre-2007 Federal Rule 62(b). Easy to revise.
- (3) ***Rule 62(c). Injunction pending appeal*** -- Substantially the same (but not identical to) the first sentence in the pre-2007 Federal Rule 62(c). Easy to revise.

- (4) **Rule 62(d).** Deleted, effective Jan. 1, 1978 -- Delete.
- (5) **Rule 62(e).** Deleted, effective Jan. 1, 1978 -- Delete.
- (6) **Rule 62(f).** *Stay of judgment directing execution of instrument; sale of perishable property and disposition of proceeds* -- No federal rule counterpart and awkwardly written. Moderately difficult to revise.
- (7) **Rule 62(g).** *Stay in Favor of the State or Agency or Political Subdivision Thereof* -- Same subject matter but differs substantially from the pre-2007 Federal Rule 62(e). Awkwardly written. Moderately difficult to revise.
- (8) **Rule 62(h).** Deleted, effective Jan. 1 1978 -- Delete.
- (9) **Rule 62(i).** *Stay of judgment under Rule 54(b)* -- Substantially the same as the pre-2007 Federal Rule 62(h). Easy to revise. Note that the subheading title is different in the state rule.
- (10) **Rule 62(j).** *Stay of Judgment in Rem* -- No federal rule counterpart. Poorly written (first sentence is difficult to disentangle). Moderately difficult to revise.

Rule 63. Disability of a judge -- Substantially the same as the pre-2007 Federal Rule 63. Easy to revise.

Rule 64. Seizure of person or property -- Similar subject matter as the pre-2007 Federal Rule 64, but contains substantially different provisions. The rule is short, but not well written. Moderately difficult to revise.

Rule 65.1. Security; proceedings against sureties -- Substantially the same as the pre-2007 Federal Rule 65.1. Easy to revise.

Rule 66. Receivers -- Note that it has the same subject matter as the pre-2007 Federal Rule 66, but the provisions are far more extensive and differ substantially from the federal rule. The rule, however, is pretty well written.

- (1) **Rule 66(a).** *Application; verification; service; notice; restraining order* -- No federal rule counterpart. The rule is generally well written. Easy to revise.
- (2) **Rule 66(b).** *Appointment; oath; bond; certificate* -- No federal rule counterpart. The rule is generally well written. Easy to revise.
- (3) **Rule 66(c).** *Powers; termination; governing law* -- No federal rule counterpart. The rule is generally well written. Easy to revise.

- (4) **Rule 66(d). Procedure** -- No federal rule counterpart. The rule is generally well written. Easy to revise.

Rule 67. Deposit in court; security for costs

- (1) **Rule 67(a). By leave of court** -- Substantially the same as the first sentence of the pre-2007 Federal Rule 67. Easy to revise.
- (2) **Rule 67(b). By order of court** -- No federal rule counterpart. The rule consists of one very long run-on sentence. Moderately difficult to revise.
- (3) **Rule 67(c). Custody; duties of clerk** -- Some parts are similar to the second half of the pre-2007 Federal Rule 67. Easy to revise.
- (4) **Rule 67(d). Security for costs; when required; bond and conditions** -- Abrogated Jan. 1, 2014.
- (5) **Rule 67(e). Inability to give security; proof; objection and examination** -- Abrogated Jan. 1, 2014.
- (6) **Rule 67(f). Exemptions; exceptions** -- Abrogated Jan. 1, 2014.

Rule 68. Offer of Judgment -- Note that the Arizona rule differs substantially from the federal rule, and reflects substantial revisions to the state rule that were made in 2007 amendments. Care needs to be exercised to make sure that substantive changes are not inadvertently introduced when making stylistic changes. Also note that the format used to display the subparts is different than that used in most of the other rules.

- (1) **Subpart (a). Time for Making; Procedure.** -- No federal rule counterpart. The rule is well written and should be easy to revise to conform to the federal rules' stylistic conventions.
- (2) **Subpart (b). Contents of Offer** -- No federal rule counterpart. The rule is well written and should be easy to revise to conform to the federal rules' stylistic conventions. Note that unlike all the other subparts in this rule, this subpart's heading does not have a period following the title.
- (3) **Subpart (c). Acceptance of Offer; Entry of Judgment.** -- No federal rule counterpart. The rule is well written and should be easy to revise to conform to the federal rules' stylistic conventions.
- (4) **Subpart (d). Rejection of Offer; Waiver of Objections..** -- No federal rule counterpart. The rule is well written and should be easy to revise to conform

to the federal rules' stylistic conventions. Note that this subpart's heading has two periods following the title; one should be deleted.

- (5) **Subpart (e). Multiple Offerors.** -- No federal rule counterpart. The rule is well written and should be easy to revise to conform to the federal rules' stylistic conventions.
- (6) **Subpart 68(f). Multiple Offerees.** -- No federal rule counterpart. The rule is well written and should be easy to revise to conform to the federal rules' stylistic conventions.
- (7) **Subpart 68(g). Sanctions.** -- No federal rule counterpart. The rule is well written and should be easy to revise to conform to the federal rules' stylistic conventions.
- (8) **Subpart 68(h). Effective Period of Offers; Subsequent Offers; Offers on Damages.** -- No federal rule counterpart. The rule is well written and should be easy to revise to conform to the federal rules' stylistic conventions.

Rule 69. Execution -- Similar but not identical to the pre-2007 Federal Rule 69(a). Easy to revise.

Rule 70. Judgment for specific acts; vesting title -- Similar but not identical to the pre-2007 Federal Rule. Easy to revise.

Rule 70.1 Application to Transfer Structured Settlement Payment Rights -- No federal rule counterpart. Adopted in 2009. The rule is pretty well written, and it should be relatively easy to incorporate the federal rules' stylistic conventions. Consider whether its requirements should be transferred to a form in Rule 84, accompanied by a short rule cross-referencing the form.

Rule 71. Process in behalf of and against persons not parties -- Substantially the same as the pre-2007 Federal Rule 71. Easy to revise.

Rule 78. Abrogated Oct. 10, 2000, effective Dec. 1, 2000 -- Delete.

Rule 79. Abrogated Oct. 10, 2000, effective Dec. 1, 2000 -- Delete.

Rule 80. General provisions -- No federal rule counterparts.

- (1) **Rule 80(a). Conduct in trial** -- No federal rule counterpart, but the rule is short. Easy to revise.
- (2) **Rule 80(b). Exclusion of minors from trial** -- No federal rule counterpart, but the rule is short. Easy to revise.

- (3) **Rule 80(c).** Deleted effective June 27, 1991; June 7, 1992 -- Delete.
- (4) **Rule 80(d). *Agreement or consent of counsel or parties*** -- No federal rule counterpart, but the rule is short. Easy to revise.
- (5) **Rule 80(e).** Deleted May 1, 1989, effective July 1, 1989 -- Delete.
- (6) **Rule 80(f).** Deleted September 16, 2008, effective January 1, 2009 -- Delete.
- (7) **Rule 80(g). *Officer of court or attorney as surety*** -- No federal rule counterpart, but the rule is short. Easy to revise.
- (8) **Rule 80(h). *Lost records; method of supplying; substitution of copies; hearing if correctness denied*** -- No federal rule counterpart. The rule is lengthy and not well written. Moderately difficult to revise.
- (9) **Rule 80(i). *Unsworn Declarations Under Penalty of Perjury*** -- No federal counterpart. Pretty well written. Easy to revise.

Rule 81. When rules applicable -- No federal rule counterpart. The rule is short and should be easy to revise.

Rule 81.1. Juvenile emancipation -- No federal rule counterpart. The rule is short and should be easy to revise.

Rule 82. Jurisdiction and venue unaffected -- Substantially the same as the pre-2007 Federal Rule 82. Easy to revise.

Rule 83. Local Rules by Superior Courts -- Similar subject matter as the pre-2007 Federal Rule 83, but the content differs substantially. The rule is relatively short, and should be easy to revise.

Rule 84. Forms -- Substantially the same as the pre-2007 Federal Rule 84. Easy to revise.

Rule 85. Title: Easy to revise

Rule 86. Effective Date. Delete??

Rules Likely to Be Difficult to Revise--Reserve for Later
(22 rules or subparts)

Rule 4. Process -- Differs substantially from the pre-2007 Federal Rule 4; the 2007 amended Federal Rule 4 offers little guidance in revising the state rule. Difficult to revise, mainly because of length.

Rule 4.1. Service of Process Within Arizona -- No federal rule counterpart. Difficult to revise, mainly because of length.

Rule 4.2. Service of Process Outside the State -- No federal rule counterpart. Difficult to revise, mainly because of length.

Rule 5.1. Duties of Counsel -- No federal rule counterpart and not well written. Difficult to revise, mainly because of length.

Rule 7.1(f) Limitations on Motions to Strike. Adopted effective January 1, 2014. Awkwardly written, and it may be difficult to revise without inadvertently altering its substantive content.

Rule 11. Signing of pleadings

(1) ***Rule 11(a). Signing of the pleadings, motions and other papers; sanctions*** -- This rule differs substantially from the pre-2007 Federal Rule 11(a)-(d), and mirrors the pre-1993 version of Rule 11(a). Difficult to revise without changing the rule's substance. [**Note:** Now under revision by a subcommittee of the Civil Practice & Procedure Committee –JKFeuerhelm is the subcommittee chair. The State Bar is likely to file a rule petition this January setting forth a proposed amendment.]

(2) ***Rule 11(b). Verification of pleading generally*** -- No federal rule counterpart. Very awkwardly written. Moderately difficult to revise.

(3) ***Rule 11(c). Verification of pleading when equitable relief demanded*** -- No federal rule counterpart. Moderately difficult to revise.

Rule 16. Pretrial conferences; scheduling; management. -- Because of recent rule changes, the amended rule needs careful review to avoid inadvertently making substantive changes. Because of the differences between Arizona and federal procedure, revising the rule may be difficult.

Rule 26(c)(2). Protective Orders Subpart (2) No federal rule counterpart. The provision imposes limitations on the designation of materials as confidential. The rule is very poorly written, and needs to be broken into subparts. Also needs a subheading. Difficult to revise without changing the rule's substance.

Rule 38.1 Setting Civil Cases for Trial; Postponements -- No federal rule counterpart. Same as for Rule 16. Because of recent rule changes, care needs to be taken to avoid making inadvertent substantive changes. Because of the rule's length and its multiple subparts, difficult to revise.

Rule 39. Trial by jury or by the court -- Because of the rule's length, its multiple subparts and the absence of federal rule counterparts to most of its provisions, this rule will be difficult to revise.

- (1) **Rule 39(a). Trial by jury** -- Substantially the same as the pre-2007 Federal Rule 39(a). Easy to revise.
- (2) **Rule 39(b). Order of Trial by Jury; Questions by Jurors to Witnesses or the Court** -- No federal rule counterpart. Moderately difficult to revise.
- (3) **Rule 39(c). Omission of testimony during trial** -- No federal rule counterpart. Moderately difficult to revise.
- (4) **Rule 39(d). Verdict, Deliberations and Conduct of Jury; Sealed Verdict; Access to Juror Notes and Notebooks** -- No federal rule counterpart. Moderately difficult to revise.
- (5) **Rule 39(e). Duty of officer in charge of jury** -- No federal rule counterpart. Moderately difficult to revise.
- (6) **Rule 39(f). Admonition to Jurors; Juror Discussions** -- No federal rule counterpart. Moderately difficult to revise.
- (7) **Rule 39(g). Communications to court by jury** -- No federal rule counterpart. Moderately difficult to revise.
- (8) **Rule 39(h). Assisting Jurors at Impasse** -- No federal rule counterpart. Moderately difficult to revise.
- (9) **Rule 39(i). Discharge of jury; new trial** -- No federal rule counterpart. Moderately difficult to revise.
- (10) **Rule 39(j). Trial by the court** -- Substantially the same as the pre-2007 Federal Rule 39(b). Easy to revise.
- (11) **Rule 39(k). Procedure applicable in trial by the court** -- No federal rule counterpart. Moderately difficult to revise.
- (12) **Rule 39(l).** Abrogated Oct. 10, 2000 -- Delete.

- (13) **Rule 39(m). Advisory jury and trial by consent** -- Very similar to the pre-2007 Rule 38(c). Easy to revise.
- (14) **Rule 39(n). Interrogatories when equitable relief sought; answers advisory** -- No federal rule counterpart. Moderately difficult to revise.
- (15) **Rule 39(o). Arguments** -- No federal rule counterpart. Moderately difficult to revise.
- (16) **Rule 39(p). Note Taking by Jurors** -- No federal rule counterpart. Moderately difficult to revise.
- (17) **Rule 39(q). Memoranda** -- No federal rule counterpart. Moderately difficult to revise.

Rule 42(f). Change of Judge -- No federal rule counterpart. Because of the rule's length and multiple subparts, difficult to revise. Note that the format also needs to be reconciled with the prescribed format.

Rule 58. Entry of judgment -- Because of the rule's length, its multiple subparts and the absence of federal rule counterparts to most of its provisions, this rule will be difficult to revise.

- (1) **Rule 58(a). Service of Form of Judgment; Entry** -- Differs substantially from the pre-2007 Federal Rule 58. Moderately difficult to revise.
- (2) **Rule 58(b). Remittur; procedure; effect on right of appeal** -- Differs substantially from the pre-2007 Federal Rule 58. Moderately difficult to revise.
- (3) **Rule 58(c). Enforcement of judgment; special writ** -- Differs substantially from the pre-2007 Federal Rule 58. Moderately difficult to revise.
- (4) **Rule 58(d). Objections to form** -- Differs substantially from the pre-2007 Federal Rule 58. Moderately difficult to revise.
- (5) **Rule 58(e). Minute Entries; Notice of Entry of Judgments** -- Differs substantially from the pre-2007 Federal Rule 58. Moderately difficult to revise.
- (6) **Rule 58(f). Entry of Judgment in Habeas Corpus Proceedings** -- Differs substantially from the pre-2007 Federal Rule 58. Moderately difficult to revise.

- (7) **Rule 58(g). Entry of Judgment** -- Differs substantially from the pre-2007 Federal Rule 58. Moderately difficult to revise.

Rule 59. New trial; amendment of judgment -- Because of the rule's length, its multiple subparts and the absence of federal rule counterparts to many of its provisions, this rule will be difficult to revise.

- (1) **Rule 59(a). Procedure; grounds** -- No federal rule counterpart. Moderately difficult to revise.
- (2) **Rule 59(b). Scope** -- Some similarity to the pre-2007 Federal Rule 58(a). Easy to revise.
- (3) **Rule 59(c). Contents of motion; amendment; rulings reviewable** -- No federal rule counterpart. Moderately difficult to revise.
- (4) **Rule 59(d). Time for motion** -- Somewhat similar to the pre-2007 Federal Rule 58(d). Easy to revise.
- (5) **Rule 59(e)**. Deleted, effective Nov. 1, 1967 -- Delete.
- (6) **Rule 59(f). Time for serving affidavits** -- Substantially the same as the pre-2007 Federal Rule 59(c). Easy to revise.
- (7) **Rule 59(g). On initiative of court** -- Although not identical, substantially the same as the pre-2007 Federal Rule 59(d). Easy to revise.
- (8) **Rule 59(h). Questions to be considered in new trial** -- No federal rule counterpart. Moderately difficult to revise.
- (9) **Rule 59(i). Motion on ground of excessive or inadequate damages** -- No federal rule counterpart. Moderately difficult to revise.
- (10) **Rule 59(j). After service by publication** -- No federal rule counterpart. Moderately difficult to revise.
- (11) **Rule 59(k). Number of new trials** -- No federal rule counterpart, but the rule is short. Easy to revise.
- (12) **Rule 59(l). Motion to alter or amend a judgment** -- Substantially the same as the pre-2007 Federal Rule 59(e). Easy to revise.
- (13) **Rule 59(m). Specification of grounds of new trial in order** -- No federal rule counterpart, but the rule is short. Easy to revise.

Rule 64.1 Civil arrest warrant -- Because of the rule's multiple subparts and the absence of federal rule counterparts to any of its subparts, this rule will be difficult to revise.

- (1) **Rule 64.1(a). Definition** -- No federal rule counterpart, but the rule is short. Easy to revise.
- (2) **Rule 64.1(b). When issued** -- No federal rule counterpart, and not well written. Moderately difficult to revise.
- (3) **Rule 64.1(c). Content of warrant** -- No federal rule counterpart, and not well written. Moderately difficult to revise.
- (4) **Rule 64.1(d). Time and manner of execution** -- No federal rule counterpart, and not well written. Moderately difficult to revise.
- (5) **Rule 64.1(e). Duty of court after execution of warrant** -- No federal rule counterpart, and not well written. Moderately difficult to revise.
- (6) **Rule 64.1(f). Forfeiture of bond** -- No federal rule counterpart, and not well written. Moderately difficult to revise.

Rule 65. Injunctions -- Because of the length of the last four subparts and because they are poorly written and without federal rule counterparts, this rule will be difficult to revise.

- (1) **Rule 65(a). Preliminary injunction; notice** -- Substantially the same as the pre-2007 Federal Rule 65(a). Easy to revise.
- (2) **Rule 65(b).** Deleted Sept. 15, 1987, effective Nov. 15, 1987 -- Delete.
- (3) **Rule 65(c). Motion to dissolve or modify** -- No federal rule counterpart. The rule is short, but it is not well written. Moderately difficult to revise.
- (4) **Rule 65(d). Temporary restraining order; notice; hearing; duration** -- Substantially the same as the pre-2007 Federal Rule 65(b). Easy to revise.
- (5) **Rule 65(e). Security** -- Substantially the same as the pre-2007 Federal Rule 65(c). Easy to revise.
- (6) **Rule 65(f).** Deleted, effective Nov. 1, 1967 -- Delete.
- (7) **Rule 65(g). Security on injunction restraining collection of money; injunction made permanent** -- No federal rule counterpart. Moderately difficult to revise.

- (8) **Rule 65(h). Form and scope of injunction or restraining order --** Substantially the same as the pre-2007 Federal Rule 65(d). Easy to revise.
- (9) **Rule 65(i). Writs of injunction; where returnable; several parties -- No federal rule counterpart.** The rule is short, but confusing. Moderately difficult to revise.
- (10) **Rule 65(j). Disobedience of injunction as contempt; order to show cause; warrant; attachment; punishment --** No federal rule counterpart. The rule is lengthy and not well written. Moderately difficult to revise.

Rule 65.2. Action pursuant to A.R.S. § 23-212 or § 23-212.01 -- No federal rule counterpart. Lengthy rule and not well written. Difficult to revise. Also note that the format used to display the subparts is different than that used in most of the other rules.

Rule 72. Compulsory Arbitration; Arbitration by Reference; Alternatives Dispute Resolution; Determination of Suitability for Arbitration -- No federal rule counterpart. Not well written. Difficult to revise.

Rule 73. Appointment of Arbitrators -- No federal rule counterpart. Not well written. Difficult to revise. Also note that the font used with the last two comments is too large.

Rule 74. Powers of Arbitrator; Scheduling of Arbitration Hearing; Permitted Rulings by Arbitrator; Time for Filing Summary Judgment Motion; Receipt of Court File; Settlement of Cases; Offer of Judgment -- No federal rule counterpart. Not well written. Difficult to revise.

Rule 75. Hearing Procedures -- No federal rule counterpart. Not well written. Difficult to revise.

Rule 76. Notice of Final Disposition; Failure of Arbitrator to File Award; Judgment; Dismissal; Compensation of Arbitrators -- No federal rule counterpart. Not well written. Difficult to revise.

Rule 77. Right of Appeal -- No federal rule counterpart. Not well written. Difficult to revise.