

IN THE SUPREME COURT OF THE STATE OF ARIZONA

FILED
JUN 25 1997
NOEL K. DESSAINT
CLERK SUPREME COURT
BY *DK*

RE: CLERK OF THE COURT)
)
) ADMINISTRATIVE ORDER
)
) NO. 97-28
)
_____)

The Court having given consideration to the matter of the authority of the Clerk of the Supreme Court.

IT IS HEREBY ORDERED **amending Administrative Order No. 97-21** by modification of sub-paragraph Nos. 27 and 28 as set forth below.

IT IS HEREBY ORDERED that the Clerk of the Supreme Court is hereby authorized to take the following actions and to sign the following orders:

1. Orders referring miscellaneous Pro Se Special Actions and Habeas Corpus petitions to the Attorney General and/or County Attorney for response; setting due dates for response and reply on miscellaneous Special Actions and Habeas Corpus Petitions; and, setting date for consideration by the Court.
2. Orders setting Special Action hearing dates, oral argument dates and other Special Action processing dates; Orders granting or denying motions continuing Special Action hearings and other scheduling dates.
3. Orders granting or denying extended pagination on briefs and legal memoranda.
4. Orders granting or denying first extensions of time to file briefs and other pleadings, including delayed Petitions for Review.
5. Orders granting or denying second extensions of time on briefs and other pleadings (except for second extensions of time to file briefs in death penalty cases), but if the Clerk believes that the motion should be denied outright or that less time than that which is sought should be permitted, the matter may be referred to a Justice.
6. Orders releasing original trial court instruments and reporter's transcripts or copies to a judge or clerk of the superior court, a judge or clerk of a federal court and orders releasing court reporter's transcripts to a court reporter.
7. Orders granting or denying extensions of time for the return of court reporter's transcripts.

8. Orders denying defense counsel's motion to withdraw in Anders cases and permitting both appellant and appellee to file supplemental opening, answering and reply briefs.
9. Orders and/or notices granting and/or setting oral argument in death penalty cases and State Bar disciplinary cases, but specific dates for oral argument will be determined by the Court or designated justice on behalf of the Court.
10. Orders submitting cases on the record and/or briefs when oral argument is not requested.
11. Supervise the calendaring and care of Court records and the filing, distribution and publication of decisions and orders of the Supreme Court; keep such statistics and make such reports normally kept by the Clerk of the Supreme Court and keep and prepare monthly statistical reports as may be directed by the Chief Justice or pursuant to agreement between the Clerk and Administrative Director.
12. Orders waiving or refusing to waive filing fees.
13. Orders granting or denying first extensions of time to court reporters upon request for the filing of reporter's transcripts, but all subsequent requests for extensions of time are to be referred to the Chief Justice.
14. Require court reporters to serve copies of their requests for extensions of time to file transcripts on all parties and/or their attorneys and the Presiding Judge of the Superior Court.
15. Orders granting non-substantive uncontested procedural motions related to the processing of the case, but if the Clerk believes that the motion should be denied, the matter is to be referred to the Chief Justice.
16. Accept for filing in the Clerk's discretion, documents such as briefs, motions, responses, replies and other legal memoranda that are not later than five straight calendar days past the due date for filing. Filing of such documents is without prejudice to the filing of a motion to strike for untimeliness.
17. Reject for filing any document presented by any person or party, including those persons who are not represented by an attorney, that does not show service of the document on all other parties in the case, including opposing counsel.
18. Accept or reject documents presented for filing when the original and six copies are not presented for filing, but to be accepted, the original must have the original signature.

19. Reject all documents presented for filing which do not comply with Rules of Procedure or are not provided for by Rules of Procedure. If such documents are accompanied by a formal motion requesting permission of the Court to file documents not contemplated by the Rules of Procedure, such matters will be referred to a Justice.
20. Reject and return all Petitions for Review initially presented to the Supreme Court for original filing after the time for filing a Petition for Review has expired unless a Court order provides for delayed filing.
21. Reject and return all documents requesting relief over which the Supreme Court clearly has no original jurisdiction such as money damage claims.
22. Advise persons who present informal letter requests that the Court cannot take action based on letters and the Clerk is further authorized, in his discretion, to advise persons making requests of the Supreme Court that such requests cannot be handled unless properly filed in pending litigation over which the Court has jurisdiction.
23. Orders to Clerk of the Superior Court directing transmittal of exhibits, sealed documents, papers, books, photographs and all documents in the file related to any case pending in the Arizona Supreme Court.
24. Cost and filing fee assessment orders described in A.R.S. §§ 12-302(B) and 12-306(C) as amended and added by Laws 1994, Ch. 358, Sections 1 and 2.
25. Orders granting stipulations or unopposed motions of petitioner to dismiss a petition for review in cases where the subject of the petition is a memorandum decision or order rendered by the Court of Appeals.
26. Orders granting unopposed motions or requests for substitution of attorneys unless to do so might adversely affect the processing of the case, in which event the motion shall be referred to a Supreme Court Justice.
27. Orders granting costs in civil cases, pursuant to Rule 21(a), Rules of Civil Appellate Procedure.
28. Orders granting attorney's fees in civil cases pursuant to Rule 21(a), Rules of Civil Appellate Procedure, where the Court has awarded attorney's fees and the party to whom fees has been awarded has complied with Rule 21, Rules of Civil Appellate Procedure.

29. At the recommendation of the Supreme Court's Chief Staff Attorney or Assistant Chief Staff Attorney, the Clerk of the Supreme Court may order any party to file a response to a petition for review.
30. Orders granting the motion to file an amicus curiae brief in any case and the motion of a party desiring to respond when such motions are in compliance with Rule 16, Rules of Civil Appellate Procedure. If a motion to file an amicus brief is filed after a case has been submitted to the Court, or after a request for oral argument has been granted or, after a case has been scheduled for an agenda or court calendar of any type, it shall be referred to the duty justice or other appropriate justice. Any motion by amicus curiae to participate in oral argument shall be referred by the Clerk of this Court to the chief justice, vice-chief justice or duty justice.
31. Orders in conformity with the requirements of Rule 37(b), Rules of the Supreme Court, authorizing the oath of admission outside Arizona. The authority of the Chief Justice as set forth in Rule 37(b) is delegated to the Clerk of the Arizona Supreme Court.
32. Sign and issue certificates of good standing on behalf of the Arizona Supreme Court pursuant to Rule 74(b) Rules of the Supreme Court.

IT IS FURTHER ORDERED that any party or person dissatisfied with the decision of the Clerk may petition the Court for relief.

IT IS FURTHER ORDERED that the Clerk of the Court may provide procedural suggestions to parties or their attorneys in regard to Supreme Court practice.

IT IS FURTHER ORDERED that the Clerk of the Court and staff of the Clerk shall publish and distribute the Supreme Court's opinions, memorandum decisions and orders according to procedures and directions established by the Supreme Court or the Chief Justice on behalf of the Supreme Court.

DATED this 25th day of June, 1997.

FOR THE COURT:

THOMAS A. ZLAKET
Chief Justice