## SUPREME COURT OF ARIZONA

In the Matter of	) Arizona Supreme Court
PETITION TO AMEND RULE 32.7, ARIZONA RULES OF CRIMINAL PROCEDURE	) No. R-08-0042 ) ) ) ) ) ) ) _
ORDER AMENDING RULE 32.7, ARIZONA RULES OF CRIMINAL PROCEDURE	
A petition having been filed	proposing to amend Rule 32.7,
Arizona Rules of Criminal Procedu	re, and comments having been
received, upon consideration,	
IT IS ORDERED that Rule 32.7	, Arizona Rules of Criminal
Procedure, be amended in accordan	ce with the attachment hereto,
effective January 1, 2010.	
DATED this day of Se	ptember, 2009.
	REBECCA WHITE BERCH
	Chief Justice

TO:

Rule 28 Distribution

mwa

## **ATTACHMENT\***

## Rule 32.7. Informal conference

The court may at any time hold an informal conference to expedite the proceeding. <u>In a capital case</u>, the court shall hold an informal conference within 90 days after the appointment of counsel on the first notice of a petition for post-conviction relief. The defendant need not be present if the defendant is represented by counsel who is present.

## **Comment**

This provision authorizes a discretionary prehearing conference. Such a conference <u>may</u> <u>eould</u> be useful in reducing the length or, perhaps, entirely disposing of some plenary hearings. The hearing <u>may</u> <u>eould</u> be used to hear argument on issues of law, narrow the disputed issues of fact, explore issues which may arise at an evidentiary hearing, or otherwise expedite the hearing. <del>Such a conference is not necessary in every case. Accordingly, the decision whether or not to hold a prehearing conference is entirely within the discretion of the court. Prehearing conferences, though not specifically sanctioned, are often part of current post-conviction practice.</del>

<sup>\*</sup> Changes or additions in rule text are indicated by <u>underscoring</u> and deletions from text are indicated by <u>strikeouts</u>.