

Arizona Supreme Court

Rule 28 Petition

R-24-0027

RULE 23, RULES OF CIVIL PROCEDURE

Appellate Case Information

Case Filed: 10-Jan-2024
Case Closed: 23-Aug-2024

Dept/Composition

Side 1. RULE 23, RULES OF CIVIL PROCEDURE, Other

(Litigant Group) PETITIONER: ARIZONA FOUNDATION FOR LEGAL SERVICES & EDUCATION

- Arizona Foundation for Legal Services and Education, Petitioner
Hon Joseph C Kreamer, Arizona Foundation for Legal Services and Education, Petitioner

(Litigant Group) COMMENTOR: ARIZONA COMMISSION ON ACCESS TO JUSTICE

- Arizona Commission on Access to Justice, Commentor
Hon Samuel A Thumma, Arizona Commission on Access to Justice, Commentor

(Litigant Group) COMMENTOR: WILLIAM E. MORRIS INSTITUTE FOR JUSTICE, COMMUNITY LEGAL SERVICES, DNA PEOPLE'S LEGAL SERVICES, AND SOUTHERN ARIZONA LEGAL AID

- William E Morris Institute for Justice, Commentor
Community Legal Services, Commentor
DNA People's Legal Services Inc, Commentor
Southern Arizona Legal Aid, Commentor

Attorneys for: Commentor

Andrew P Schaffer, Esq. (AZ Bar No. 37352)
Brenda Munoz Furnish, Esq. (AZ Bar No. 27280)
Michelle J Simpson, Esq. (AZ Bar No. 20199)
Pamela M Bridge, Esq. (AZ Bar No. 18252)
Charles W Doughty, Esq. (AZ Bar No. 27403)
Alan R Solot, Esq. (AZ Bar No. 6587)

(Litigant Group) COMMENTOR: STATE BAR OF ARIZONA

- State Bar of Arizona, Commentor

Attorneys for: Commentor

Lisa M Panahi, Esq. (AZ Bar No. 23421)

CASE STATUS

Aug 23, 2024....Case Closed

Aug 23, 2024....Decision Rendered

CASE DECISION

23-Aug-2024 ORDER

* A petition having been filed proposing to amend Rule 23, Rules of Civil Procedure, to require that residual settlement funds in class action cases be distributed to the Arizona Foundation for Legal Services and Education ("the Arizona Bar Foundation") t

Filed: 23-Aug-2024 Mandate:

Decision Disposition
Adopted as Modified

Ann Timmer

8 PROCEEDING ENTRIES

- 1. 10-Jan-2024 FILED: Petition to Amend Rule 23, Arizona Rules of Civil Procedure (Petitioner Arizona Foundation for Legal Services & Education by Hon. Joseph Kreamer, President of the Board of Directors)

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8 PROCEEDING ENTRIES

2. 17-Jan-2024 Rule petitions have been filed in the above-captioned matters under Rule 28(a), Rules of the Supreme Court of Arizona. Upon consideration,
- IT IS ORDERED that these petitions are opened for public comment pursuant to Rule 28(c), Rules of the Supreme Court of Arizona. Comments must be submitted by no later than Wednesday, May 1, 2024, and any reply by a petitioner must be submitted no later than Monday, June 3, 2024.
- The petitions may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules, for example, Rules of Criminal Procedure, which is found by scrolling down the page.
- For instructions on how to post comments electronically, follow the steps listed above and click on <http://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"
- Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."
- Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail. (Hon. John R. Lopez IV)
3. 29-Apr-2024 FILED: Comments of the Arizona Commission on Access to Justice in Support of the Petition (Arizona Commission on Access to Justice by Samuel A. Thumma, Chair)
4. 30-Apr-2024 FILED: Comments in Support of Petition to Amend Rule 23 of the Arizona Rules of Civil procedure (William E. Morris Institute for Justice by Andrew P. Schaffer, Brenda Munoz Furnish, and Michelle J. Simpson; Community Legal Services by Pamela Bridge; DNA People's Legal Services by Charles W. Doughty; Southern Arizona Legal Aid by Alan R. Solot)
5. 1-May-2024 FILED: Comment of the State Bar of Arizona (State Bar of Arizona by Lisa M. Panahi, General Counsel)
6. 3-Jun-2024 FILED: Reply to Comments (Petitioner Arizona Foundation for Legal Services & Education by Hon. Joseph Kreamer, President of the Board of Directors)
7. 20-Aug-2024 **WOULD AMEND RULE 23 OF THE RULES OF CIVIL PROCEDURE TO REQUIRE THAT RESIDUAL SETTLEMENT FUNDS IN CLASS ACTION CASES BE DISTRIBUTED TO THE ARIZONA BAR FOUNDATION TO PROVIDE FOR LEGAL SERVICES TO LOW-INCOME INDIVIDUALS**
- ORDERED: Petition to Amend Rule 23, Arizona Rules of Civil Procedure = ADOPTED as modified, effective January 1, 2025.
8. 23-Aug-2024 A petition having been filed proposing to amend Rule 23, Rules of Civil Procedure, to require that residual settlement funds in class action cases be distributed to the Arizona Foundation for Legal Services and Education ("the Arizona Bar Foundation") to provide for legal services to low-income individuals, and comments and a reply having been received, upon consideration,
- IT IS ORDERED that a new Rule 23(i) is adopted in accordance with the attachment to this order, effective January 1, 2025. (Hon. Ann A. Scott Timmer)
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