

Arizona Supreme Court

Rule 28 Petition

R-24-0048

AMENDING VARIOUS ARIZONA RULES RELATED TO E-FILING

Appellate Case Information

Case Filed: 18-Jun-2024

Case Closed:

Dept/Composition

Side 1. AMENDING VARIOUS ARIZONA RULES RELATED TO E-FILING PROCEDURES, Other

(Litigant Group) PETITIONER: DAVID K. BYERS

- David K Byers, Administrative Office of the Courts, Petitioner

CASE STATUS

Aug 22, 2024....Continued

Jun 24, 2024.....Circulating (until 10/1/24)

Jun 18, 2024....Pending

4 PROCEEDING ENTRIES

- 1. 18-Jun-2024 FILED: Petition to Amend Various Rules of Procedure Related to E-Filing (Expedited Consideration and Emergency Adoption Requested Pursuant to Rule 28) (Petitioner David K. Byers, Administrative Office of the Courts, Administrative Director)
2. 24-Jun-2024 On June 18, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed a rule petition on AOC's behalf that would abrogate the rules governing electronic filing and service in all the Arizona courts' procedural rules and replace them with provisions incorporating by reference the procedures and requirements of recently adopted ACJA § 1-901.

Petitioner contends that the current rules impose inconsistent requirements and procedures for electronic filing and related issues. As such, Petitioner further requests that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, and be adopted on an emergency basis under Rule 28(h)(2) of the same rules. Upon consideration,

IT IS ORDERED granting the request to consider this petition on an expedited basis.

IT IS FURTHER ORDERED that during its August 2024 Rules Agenda, the Court will consider whether to adopt the proposed amendments to the rules on an emergency basis. If it does, the Court will consider whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda. If it decides not to adopt the proposed rule amendments on an emergency basis, the Court will decide whether to adopt them on a non-emergency basis during its December 2024 Rules Agenda.

IT IS FURTHER ORDERED that this petition is opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than October 1, 2024, and any reply due no later than October 15, 2024.

The petition 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 (such as the "Rules of Civil Procedure"), which can be found by scrolling down the page.

For instructions on how to post comments electronically, click on https://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. Robert Brutinel)

- 3. 20-Aug-2024 WOULD ABROGATE THE RULES GOVERNING ELECTRONIC FILING AND SERVICE IN ALL THE ARIZONA COURTS' PROCEDURAL RULES AND REPLACE THEM WITH PROVISIONS INCORPORATING BY REFERENCE THE RECENTLY ADOPTED ACJA § 1-901

ORDERED: Petition to Amend Various Rules of Procedure Related to E-Filing = ADOPTED as modified on an emergency basis, effective immediately.

FURTHER ORDERED: The Court will decide whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda.

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4. 22-Aug-2024 On June 18, 2024, David K. Byers, on behalf of the Administrative Office of the Courts, filed a petition proposing to amend on an emergency basis Rules 5, 5.1, 5.2, 8, and 11 of the Rules of Civil Procedure; Rules 1.6 and 1.7 of the Rules of Criminal Procedure; Rules 20, 25, 26, 43, and 43.1 of the Rules of Family Law Procedure; Rules 105 and 106 of the Rules of Procedure for the Juvenile Court; Rules 108, 109, 120, and 139 of the Justice Court Rules of Civil Procedure; Rules 1, 5, 6, 7, and 15 of and the Appendix to the Rules of Small Claims Procedure; and Rules 1, 6, and 9 of the Rules of Procedure for Eviction Actions. The petition also proposes adopting new Rule 6.1 of the Rules of Procedure for Eviction Actions. Having considered the petition,

IT IS ORDERED, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, that Rules 5, 5.1, 5.2, 8, and 11 of the Rules of Civil Procedure; Rules 1.6 and 1.7 of the Rules of Criminal Procedure; Rules 20, 25, 26, 43, and 43.1 of the Rules of Family Law Procedure; Rules 105 and 106 of the Rules of Procedure for the Juvenile Court; Rules 108, 109, 120, and 139 of the Justice Court Rules of Civil Procedure; Rules 1, 5, 6, 7, and 15 of and the Appendix to the Rules of Small Claims Procedure; and Rules 1, 6, and 9 of the Rules of Procedure for Eviction Actions are amended and that new Rule 6.1 of the Rules of Procedure for Eviction Actions is adopted, all on an emergency basis and as shown in the attachment to this order, effective immediately.

IT IS FURTHER ORDERED that this Court will consider whether to adopt these rule amendments and this new rule on a permanent basis during its December 2024 Rules Agenda. (Hon. Ann A. Scott Timmer)