

Arizona Supreme Court

Rule 28 Petition

R-23-0055

RULE 28(a)(2), PROCEDURE FOR SPECIAL ACTIONS

Appellate Case Information

Case Filed: 13-Dec-2023

Case Closed:

Dept/Composition

Side 1. RULE 28 (a)(2), RULES OF PROCEDURE FOR SPECIAL ACTIONS, Other

(Litigant Group) PETITIONER: TASK FORCE ON RULES OF PROCEDURE FOR SPECIAL ACTIONS

- Task Force on Rules of Procedure for Special Actions, Petitioner
- Mark E Meltzer, Task Force on Rules of Procedure for Special Actions

(Litigant Group) COMMENTOR: JOEL W. NOMKIN

- Joel W Nomkin, Commentor  
AZ Bar No. 11939  
[Current Member]  
Admitted 6/21/88

(Litigant Group) COMMENTOR: HON. D. DOUGLAS METCALF

- D Douglas Metcalf, Commentor  
AZ Bar No. 17377  
[Current Member]  
Admitted 10/19/96

CASE STATUS

Feb 22, 2024....Pending

Jan 17, 2024.....Circulating (until 5/17/24)

6 PROCEEDING ENTRIES

1. 13-Dec-2023 FILED: Motion to Suspend Rule 28(a)(2) & Request Expedited Consideration (Task Force on Rules of Procedure for Special Actions, Mark Meltzer, Staff)

2. 26-Dec-2023 In August 2023, this Court established the Task Force on the Rules of Procedure for Special Actions ("the Task Force") to revise and restyle the special action rules. On December 13, 2024, Mark Meltzer, a Task Force staff member, filed a motion on the Task Force's behalf. The motion indicates that the Task Force is making progress in preparing a set of proposed rule revisions for the Court's consideration. It also says, however, that the Task Force does not anticipate that it will be able to file a rule petition with the Court by January 10, 2024, which is the deadline set forth in Rule 28(a)(2), Rules of the Supreme Court of Arizona, if the Court is to consider the petition during the August 2024 Rules Agenda.

Consequently, the motion asks the Court to enter an order suspending the portion of Rule 28(a)(2) imposing a January 10, 2024, filing deadline and providing that the Court will consider the Task Force petition during the August 2024 Rules Agenda if it is filed no later than February 23, 2024. The motion also proposes that when the Court opens the petition for public comment, it imposes a deadline of May 17, 2024, for submitting public comments and a deadline of June 21, 2024, for submitting any Task Force reply.

After considering the motion and finding good cause for suspending part of Rule 28(a)(2) under Rule 28(i), Rules of the Supreme Court of Arizona,

IT IS ORDERED suspending Rule 28(a) of the Rules of the Supreme Court of Arizona to the extent it provides that this Court may consider a petition by the Task Force during the August 2024 Rules Agenda only if it is filed by January 10, 2024.

IT IS FURTHER ORDERED that the Court will consider the Task Force's petition to revise and restyle the Rules of Procedure for Special Actions during the August 2024 Rules Agenda if it is filed no later than February 23, 2024.

IT IS FURTHER ORDERED that if the Task Force's petition is filed by no later than February 23, 2024, the Court will open the petition for public comment, with all comments due no later than May 17, 2024, and any reply by the Task Force due no later than June 21, 2024. (Hon. Robert Brutinel)

3. 22-Feb-2024 FILED: Petition; Appendix A; Appendix B; Appendix C (Petitioner Task Force on Rules of Procedure for Special Actions, Mark Meltzer, Staff)

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4. 26-Feb-2024 In August 2023, this Court established the Task Force on the Rules of Procedure for Special Actions (“the Task Force”) to revise and restyle the special action rules. On December 26, 2023, the Court entered an order granting a motion by the Task Force to suspend Rule 28(a)(2) of the Rules of Supreme Court of Arizona, which says a rule petition must be filed by January 10 in order for it to be considered by the Court during its Rules Agenda the following August. The order further provided that if the Task Force filed its rule petition regarding the special action rules by February 23, 2024, the Court would consider the petition during its August 2024 Rule Agenda and open the petition for public comment.

On February 22, 2024, the Task Force filed its rule petition with the Court. Accordingly, consistent with the Court’s December 26, 2023 order,

IT IS ORDERED that the Court will consider the Task Force’s petition during its August 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 May 17, 2024, and any reply by the Task Force due no later than June 21, 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 pertinent body of rules. For example, the Task Force’s petition will be found under the category “Rules of Procedure for Special Actions,” which may be located 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 scroll down to the question “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)

5. 18-Mar-2024 FILED: Comment of Joel Nomkin On Petition to Amend the Rules of Procedure for Special Actions (Joel W. Nomkin, Perkins Coie LLP)
6. 3-Apr-2024 FILED: Comment to Petition to Amend Rules of Procedure for Special Actions (Hon. D. Douglas Metcalf, Judge of the Superior Court in and for Pima County)