Guide for Self-Represented ("Pro Se" or "Pro Per") Appellants and Appellees

Revised Edition

October 2015

BASIC INFORMATION ABOUT CIVIL APPEALS IN THE
ARIZONA COURT OF APPEALS AND THE ARIZONA SUPREME COURT

The office hours for the courts listed below are 8:00 a.m. to 5:00 p.m., Monday through Friday, except on official state holidays.

Arizona Supreme Court
1501 W. Washington St.
Phoenix, AZ 85007
Clerk: (602) 452-3396
http://www.azcourts.gov

Arizona Court of Appeals
Division One
1501 W. Washington St.
Phoenix, AZ 85007
Clerk: (602) 542-4821
http://www.azcourts.gov/coa1

Arizona Court of Appeals
Division Two
400 W. Congress St.
Tucson, AZ 85701
Clerk: (520) 628-6954
http://www.appeals2.az.gov

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Introduction

This guide describes the process of appeals in civil cases from (1) Superior Courts in Arizona to the Arizona Court of Appeals, and (2) the Arizona Court of Appeals to the Arizona Supreme Court. This guide covers only appeals in civil cases, including tax and family law cases. It does not address appeals taken before entry of a final judgment or appeals in criminal, juvenile, and industrial commission cases. This guide also does not discuss appeals from municipal courts or justice of the peace courts.

Appeals to the Arizona Court of Appeals and the Arizona Supreme Court can be very complicated. You should consider hiring an attorney if you are able to do so. There may be options available for *pro bono* representation at little or no cost to the filer in certain matters; information on these options are available at http://www.azcourts.gov/coa1/RepresentationforIndigentParties.aspx. Please note: The law prohibits persons who are not attorneys from representing other persons or corporate entities. Among other things, this prohibition means that a spouse may not pursue an appeal on behalf of the other spouse, and a parent may not represent a child's interests.

Persons representing themselves in legal matters, also referred to as "Pro Se" or "Pro Per" litigants, are expected to know and follow the same rules as attorneys. The Rules of Civil Appellate Procedure, revised, effective January 1, 2015, to be easier to read and understand, can be found at a law library or online at: http://www.azcourts.gov/rules/Home.aspx. Throughout this guide, you will find references to the rules to aid in further study and preparation.

Neither the Arizona Court of Appeals nor the Arizona Supreme Court will retry your case. In other words, those courts do not review new evidence and do not decide which witnesses were telling the truth. Those courts only review the evidence and arguments presented to the Superior Court. The Arizona Court of Appeals and the Arizona Supreme Court will only reverse the Superior Court's judgment if they find an error of law that was so important that it likely affected at least part (or all) of the outcome of the case. It is difficult to win an appeal. Only a small percentage of civil appeals result in a reversal of the Superior Court's judgment. It is critical to file all papers on time and to fully explain your position.

You may not visit with or talk to any Arizona Court of Appeals or Arizona Supreme Court judge or member of his/her staff about your case. The staff in the Arizona Court of Appeals and the Arizona Supreme Court "clerk's offices" will help you as much as they can, but they cannot give you legal advice or tell you what to put in your papers. Some helpful information is provided in Appendix 1, "Frequently Asked Questions." You must remember to sign, and to include your current address in, any papers you file in an appeal. If your address changes, you must file a "Notice of Address Change" with the Arizona Court of Appeals (*See* Form 1) or, if a Petition for Review has been filed, the Arizona Supreme Court (*See* Form 2). You may provide consent to receive documents from the court electronically by completing, signing and filing Form 25 or 26.

Many legal terms are used in this guide. These terms are defined and explained in Appendix 2, "Important Terms." In the electronic version of this document, all references to forms and appendices are linked to the corresponding page. To view, place the cursor over the word and click.

Acknowledgements

This guide was originally written by Scott H. Gan and Gary J. Cohen of Mesch, Clark & Rothschild, P.C. as part of a committee on Pro Se Appellate Practice. The Committee was a joint effort among the Arizona Supreme Court, Arizona Court of Appeals, Maricopa County Superior Court, Pima County Superior Court, and State Bar of Arizona Appellate Practice Section.

This revised edition of the guide, updated through a joint effort of the judges, staff attorneys, and Clerks of the Court for the Arizona Court of Appeals and the Supreme Court, reflects the January 1, 2015, revisions to the Rules of Civil Appellate Procedure, and supports the initiative of Arizona Supreme Court Chief Justice Scott Bales to foster greater "Access to Justice" in Arizona.

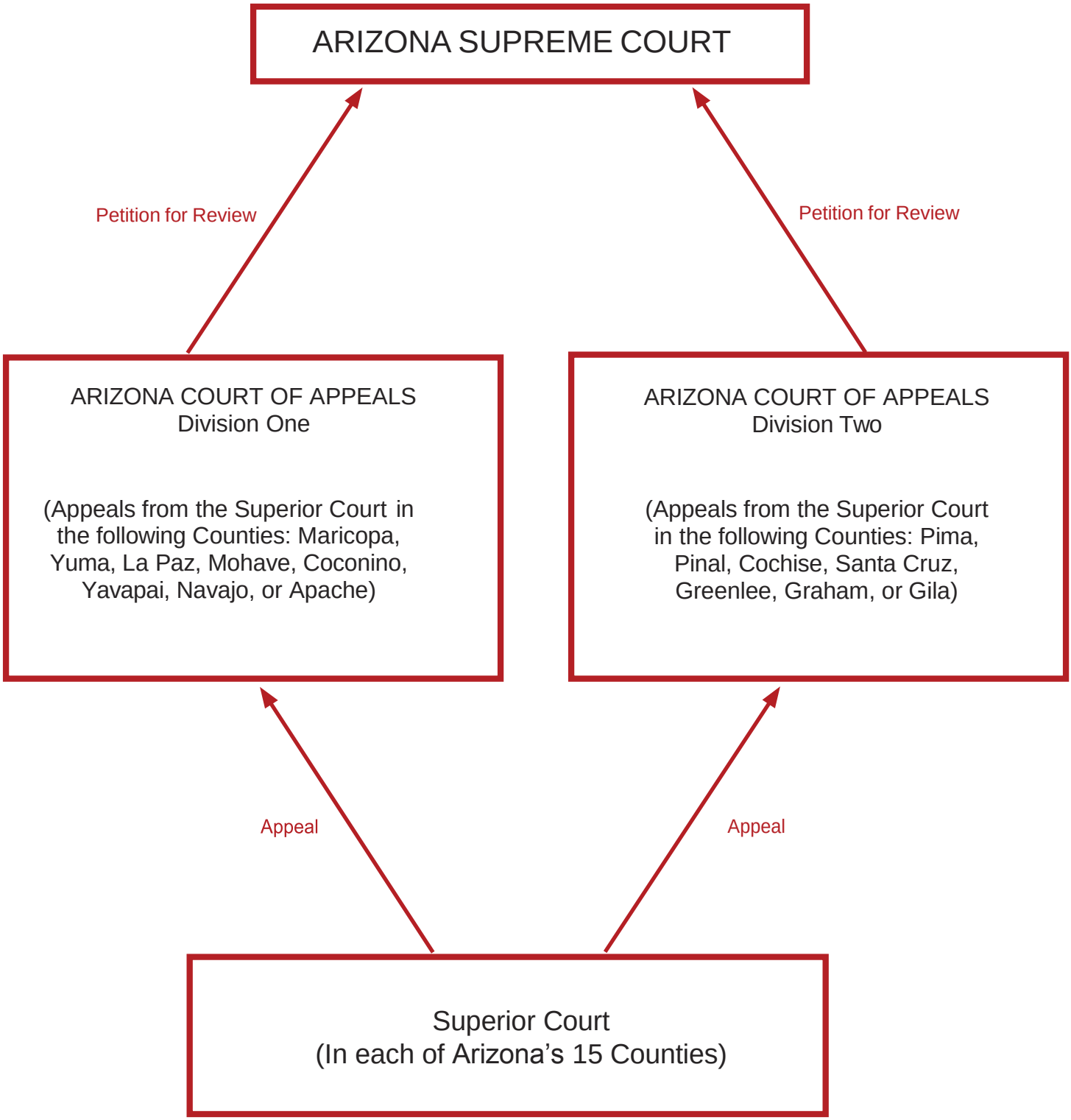
Disclaimer

The materials in this guide are not legal advice and may not be used as legal authority. This guide is an overview of the Arizona Rules of Civil Appellate Procedure. This guide does not replace or override those rules. You can obtain a copy of the Arizona Rules of Civil Appellate Procedure from a law library or http://www.azcourts.gov/rules/Home.aspx. Another helpful resource is the State Bar of Arizona's two-volume treatise on appellate practice entitled the *Arizona Appellate Handbook*. Both the Arizona Rules of Civil Appellate Procedures and the *Arizona Appellate Handbook* should be available at any law library. If you want to review the statutes referred to in this Guide, you can go to http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp.

Electronic Filing

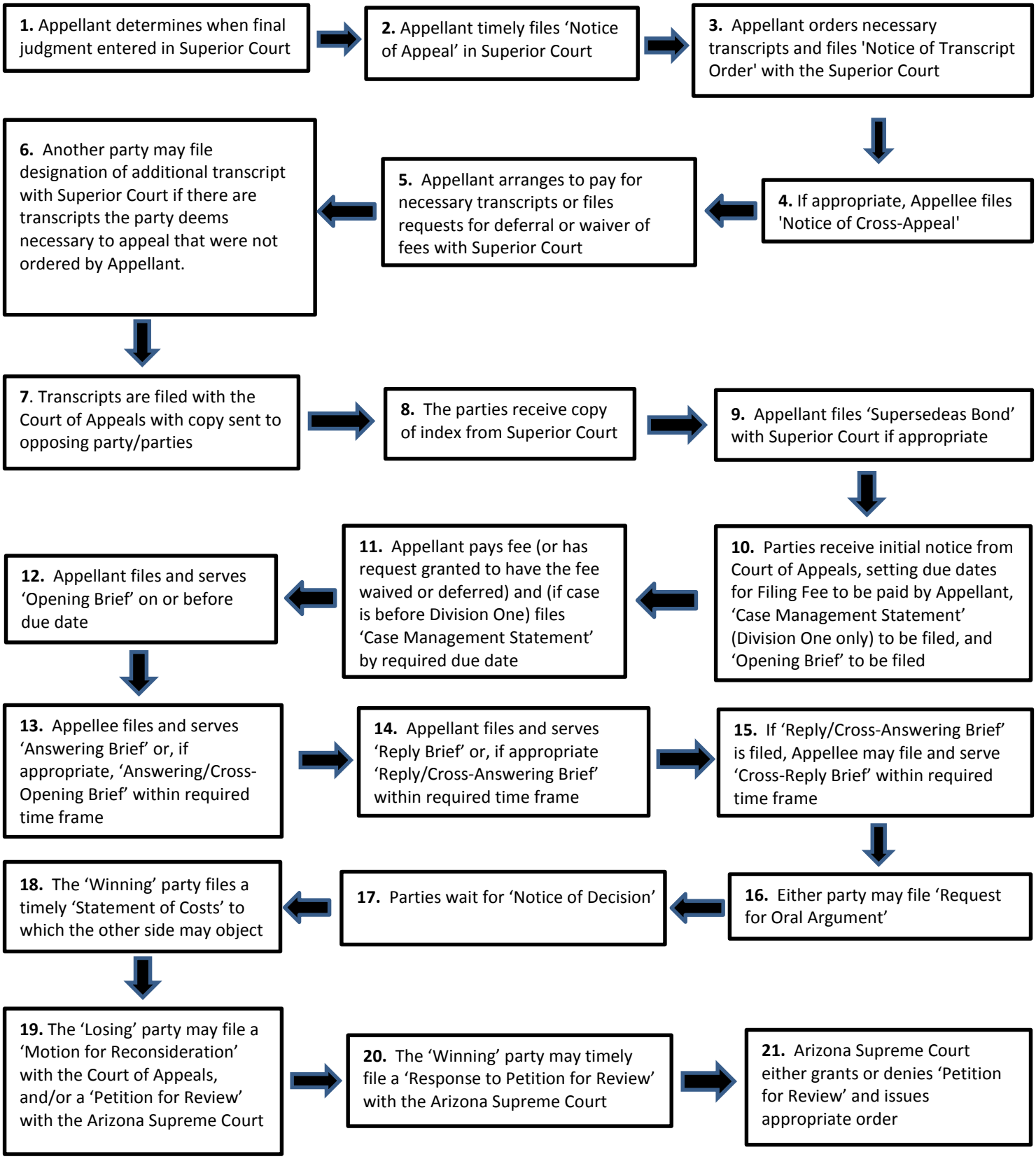
The Arizona Supreme Court and the Arizona Court of Appeals, Divisions One and Two, require attorneys to file electronically. However, Pro Per/Pro Se litigants are encouraged but not required to file electronically as well. For information on efiling in the Arizona Supreme Court and Arizona Court of Appeals, Division One, please visit:
http://www.azcourts.gov/azturbocourtinformation/Home.aspx and https://www.appeals2.az.gov/e-filer/welcome.cfm for information regarding electronic filing in Arizona Court of Appeals, Division Two.

Arizona Court System Flow Chart



ARIZONA APPEALS FLOW CHART

NOTE: Please see "Steps to Filing an Appeal" for important timelines and other filing requirements not included in this flow chart.



The Steps to Filing an Appeal

The party who seeks to have the Arizona Court of Appeals review the Superior Court's final judgment entered in a civil case is called the "Appellant." The party who opposes the appeal is called the "Appellee." The following pages describe the twelve (12) most important steps that must be taken to properly file or defend a civil appeal. The legal terms referred to in these steps are defined in Appendix 2.

Step 1: Determine when the final judgment was entered by the Clerk of the Superior Court

A. The date that the final judgment is "entered" (also known as the "Entry of Judgment") is the date that the final judgment is filed with the Clerk of the Superior Court. This date is file stamped by the Clerk of the Superior Court on the front page of the judgment.

B. The judgment may be in the form of a paper that is signed by the Superior Court judge entitled (1) "Judgment," (2) "Minute Entry," (3) "Ruling," or (4) "Decree."

C. The judge may manually or electronically sign the judgment. An "electronic signature" may contain the /s/ symbol followed by the judge's typed name. **An unsigned Minute Entry or Ruling is not a final judgment, even if it is entered by the Clerk of the Superior Court.**

D. Contact the Clerk of the Superior Court to review the Superior Court's file and determine when the Final Judgment was entered.

E. To be appealed, the Superior Court's judgment, even if signed by the judge, usually must conclude the entire case. The judgment must note that it decides the entire case pursuant to Rule of Civil Procedure 54(c). If the judgment does not decide all the claims against all the parties, the judgment cannot be appealed unless it contains a statement that there is no just reason to delay the entry of the judgment. Read the judgment carefully before filing an appeal.

F. In addition to appealing from a final judgment, a party may appeal from a superior court order denying a petition for an order of protection, an injunction against harassment, or an injunction against workplace harassment. A party may appeal from an order granting, affirming, modifying or quashing an order of protection or an injunction against harassment or workplace harassment if the order is entered after a hearing at which both parties were entitled to appear. Certain other orders that do not conclude a case, including orders concerning other injunctions and orders denying a motion to compel arbitration, may be appealed and are identified in Arizona Revised Statutes section 12-2101.

G. SPECIAL RULES FOR FAMILY LAW CASES.

1. In family law cases, the party initiating the case is called the "Petitioner," rather than the "Plaintiff." The opposing party is called the "Respondent," rather than the "Defendant."

2. A judgment in a family law case may be entitled "Judgment" or "Decree."

3. In addition to appealing from a final judgment, a party in a family law case may appeal special orders entered after the final judgment. These orders may include: (1) "Orders of Contempt," (2) "Modified Decrees," or (3) "Orders Modifying Support or Maintenance."

Step 2: Timely file a "Notice of Appeal" from the final judgment

A. The Appellant must file a paper called a "Notice of Appeal" with the Clerk of the Superior Court (not the Court of Appeals) within thirty (30) days after the date of Entry of Judgment by the Clerk of the Superior Court. Neither the Superior Court nor the Court of Appeals may grant an extension to file a notice of appeal. (A form of the Notice of Appeal is attached as Form 3.)

B. The Court of Appeals will dismiss the appeal as untimely if the Notice of Appeal is not timely filed.

C. In your Notice of Appeal, state what order or judgment you are appealing from. If it is a final judgment, you do not need to list any intermediate orders issued by the Superior Court in your Notice of Appeal. Remember all parties must sign the Notice of Appeal if they are not represented by counsel.

D. If your case was tried before a jury and you contend that there was insufficient evidence to support the verdict, you must file a motion for new trial in the Superior Court raising that ground either before the entry of the final judgment or within 15 days after entry of the filing of the final judgment if you want to preserve the issue for appeal. A timely motion for new trial will extend the time to file your Notice of Appeal until 30 days after the entry of a signed order disposing of the motion.

E. If a timely motion for new trial (or another motion identified in ARCAP Rule 9(e)(1)), has been filed, and you have filed a Notice of Appeal before the Superior Court has ruled on that motion, you must notify the Court of Appeals, after it has assigned an appellate case number, about the pending motion(s), and the Appeal will be suspended until the last such motion is decided. You must also notify the Court of Appeals when all Rule 9(e)(1) motions have been decided, and the Appeal will then be reinstated.

F. A Superior Court ruling on a Rule 9(e)(1) motion is separate from the Judgment in the case. A party intending to appeal an order deciding one of the motions listed in Rule 9(e)(1) must file a Notice of Appeal, a Notice of Cross-Appeal, or an Amended Notice of Appeal within 30 days after entry of the order disposing of the last such remaining motion. *See* ARCAP 9(e). The order resolving Rule 9(e)(1) motions must be signed by the judge to be appealable.

Step 3: Decide whether a "Cross-Appeal" is Appropriate and, if so, timely file a "Notice of Cross-Appeal"

A. An Appellee should decide whether a cross-appeal is appropriate and, if so, file a "Notice of Cross-Appeal" with the Clerk of the Superior Court within twenty (20) days from the date that the Notice of Appeal is filed. (A form of the Notice of Cross-Appeal is attached as Form 3.) Neither the Superior Court nor the Court of Appeals may extend your time to file a Notice of Cross-Appeal. If your Notice of Cross-Appeal is untimely, the Court of Appeals must dismiss the cross-appeal.

B. A Notice of Cross-Appeal is usually filed when the Appellee believes that the Superior Court judgment failed to grant all the requested relief.

For example, if the Appellee claims that the Superior Court judgment should have included an award of attorneys' fees, then the Appellee must timely file a Notice of Cross-Appeal to raise this issue in the Court of Appeals.

Step 4: Order the necessary transcripts of proceedings conducted in the Superior Court

A. Within ten (10) days, not including weekends or official state holidays, after filing the Notice of Appeal, (or within 10 days after entry of an order disposing of the last timely remaining motion under Rule 9(e), whichever is later), the Appellant must order all transcripts that the Appellant believes necessary to include in the record on appeal. (A form of the "Designation of Partial Transcript" is attached as Form 9.) The Appellant should order these transcripts from either the court reporter in the Superior Court case or the Electronic Services Office in the Superior Court if the proceeding was recorded electronically in a case before that court. Within 15 days after filing the Notice of Appeal, the Appellant must file in the superior court a Notice of Transcript Order and, if the Appellant has ordered less than a complete transcript of all proceedings, a Statement of Issues the Appellant intends to raise on appeal (*See* ARCAP 11(c)(3)). These requirements also require a Cross-Appellant to order those transcripts necessary to resolve a Cross-Appeal, with deadlines calculated from the date a Notice of Cross-Appeal was filed.

B. If the Appellant intends to argue on appeal that a decision by the Superior Court is not supported by the evidence or is contrary to the evidence, or that certain rulings by the Superior Court are not supported by the evidence, the Appellant must order all transcripts relevant to the Superior Court's findings or conclusions and file these transcripts with the Clerk of the Court of Appeals.

C. The Court of Appeals will presume that the evidence supports the Superior Court's findings, conclusions, and/or judgment if it is not given all the transcripts of proceedings related to these rulings.

D. If an Appellant orders fewer than a complete transcript of proceedings, and another party believes the Appellant has failed to order a transcript of a proceeding that is needed for proper consideration of the issues on appeal, the other party must file in the Superior Court, and serve on all parties, a Designation of Additional Transcript to be part of the record on appeal.

This Designation must be filed and served within 10 days after service of the Appellant's Notice of Transcript Order and Statement of Issues. The Appellant then must either (1) order the additional transcript designated by the other party, or (2) within five days after the other party's Designation was served, file in the Superior Court, and serve on the other parties, a Notice of Intention Not to Order the transcript the other party has designated.

If the Appellant fails to timely file and serve a Notice of Intention Not to Order the transcript, the Appellant must order and pay for the additional designated transcript.

Within five days after service of an Appellant's Notice of Intention Not to Order the additional transcript, the party who filed the Designation of Additional Transcript must do one of the following: (1) file and serve a notice withdrawing the Designation, (2) order and arrange to pay for the additional transcript, and file and serve a notice identifying the additional transcript ordered, or (3) file a motion asking the Superior Court to direct the Appellant to order and pay for the additional transcript. *See* ARCAP Rule 11(c)(4).

If no transcript of oral proceedings is available, the parties may prepare and file a narrative statement of the evidence with the superior court. *See* ARCAP Rule 11(d).

Step 5: Make satisfactory arrangements for payment

A. The Appellant or Cross-Appellant must pay the preparation costs when ordering the necessary transcripts from either the court reporter in the Superior Court case or the Electronic Services Office in the Superior Court if the proceeding was recorded electronically.

B. If the Superior Court created only an audio or audio-video recording of the proceeding, the Appellant must order a certified transcript of the proceeding directly from an authorized transcriber.

C. It may be possible to obtain a "deferral" or a "waiver" of the obligation to pay for preparing the transcripts. A deferral postpones the obligation to pay or the setting of a schedule of payment for preparation of the transcripts. A waiver permanently relieves a party from paying for the preparation of transcripts.

D. The court reporter's fees for preparing the transcripts or transcribing an electronic record can only be deferred or waived if the court reporter or transcriber is employed by the Superior Court.

E. The requirements for obtaining a deferral or waiver of fees are set forth in Arizona Revised Statute §12-302. The requirements are based on the party's financial situation, including the amount of any economic assistance from the state or federal government. The party applying for a deferral or waiver must file an application with the Superior Court and provide proof of the financial circumstances supporting the request. (A form of the "Application for Deferral or Waiver of Costs of Preparing Transcript" is attached as Form 11.)

F. If the request for deferral or waiver is granted, the party filing the application may order transcription of the audio or audio-video recording either without paying the cost or by making payments pursuant to the schedule set by the Superior Court. If the request for deferral or waiver is denied, the party must pay the cost of preparing or transcribing the recording.

G. Under certain circumstances, the Court of Appeals may grant a motion to permit a party to file a short portion of an audio or video recording from the Superior Court proceedings in lieu of or in addition to a transcript. You should order any needed transcripts rather than assume that the Court of Appeals will grant such a motion. Generally, such an audio or video recording, if permitted at all, will be limited to 30 minutes.

Step 6: File and deliver the proper papers

A. Within five (5) days after receiving a certified transcript, the Appellant (or other ordering party) must: (1) file it with the Clerk of the Court of Appeals, and (2) serve copies of the transcript on all other parties. An ordering party who receives an electronic transcript must serve the transcript in either electronic or paper format, as requested by the other parties.

Step 7: Request additional transcripts

A. After the deadlines for designating transcripts have expired (*See* Step 4 above) a party may file a motion with the Court of Appeals at any time before the final reply brief is filed or due, whichever is earlier, asking to include additional transcripts in the record to be considered in the appeal.

Step 8: Receive a copy of the Superior Court Clerk's Index

A. The Clerk of the Superior Court where the judgment was entered is required to electronically transmit the Clerk's Index and all documents filed in the Superior Court for each case in which a Notice of Appeal is filed. This transmission will not ordinarily include the transcripts of any proceedings that took place in the Superior Court, unless a transcript was previously ordered and filed during Superior Court proceedings.

B. When referring to these documents in briefs submitted to the Court of Appeals, the parties should identify them by their index number. (*See* discussion of the Opening Brief, Answering Brief, and Optional Reply Brief below.)

C. You should receive the Superior Court Index within thirty (30) days of filing your Notice of Appeal. If you do not receive it within that time frame, contact the Superior Court Clerk's Office. It is important to review that Index to ensure any document filed in the Superior Court which might be needed for the appeal is listed in the Index. If a document is missing, you may file a motion, or a stipulation showing the other parties' agreement, in the Superior Court asking to supplement or correct the record on appeal and the Index.

Step 9: File a Supersedeas Bond with the Clerk of the Superior Court to prevent collection of a money judgment while the Appeal is being decided by the Court of Appeals

A. A party appealing from the entry of a money judgment must deposit a "Supersedeas Bond" with the Superior Court if the party wants to prevent the other side from collecting on the judgment until after the appeal is decided.

B. The Supersedeas Bond may be filed in the Superior Court before or after the Notice of Appeal is filed. (*See* Step 2 above.)

C. Both sides may agree upon the amount of the Supersedeas Bond. (A form of the "Stipulation Fixing Amount of Supersedeas Bond" is attached as Form 13.)

D. If the parties cannot agree on the amount, the Appellant must file a motion with the Superior Court asking it to set the amount of the Supersedeas Bond. Filing this motion temporarily stays enforcement of the judgment until the Superior Court denies the motion or sets the bond amount and allows time for posting (*See* ARCAP 7(a)(2)).

E. The amount of the Supersedeas Bond will be the lowest of the following:

1. The total amount of damages awarded, excluding punitive damages
2. Fifty (50) per cent of the Appellant's net worth
3. Twenty-five million dollars

A form of the Supersedeas Bond is attached as Form 14.

F. Until a Supersedeas Bond is filed or a motion to set the amount and form of the bond is filed, the party in whose favor a money judgment has been entered can take steps to collect the judgment while the appeal is being decided by the Court of Appeals.

G. Once a Supersedeas Bond is filed or during the pendency of a motion to set the bond, the party in whose favor a money judgment has been entered cannot attempt to enforce the judgment until the Court of Appeals resolves the appeal. If the judgment is reversed or remanded to be modified, enforcement must await the entry of a new judgment by the superior court.

H. **Special Rules for Family Law Cases:** In certain family law judgments, a party may not be able to prevent the other side from enforcing the judgment until after the appeal is decided.

1. The following judgments will be enforced while the appeal is pending: (1) an order directing payment of money for child support or spousal maintenance; (2) a decision establishing or changing child custody; and (3) a protective order.

2. However, a party may be able to prevent a property award from being collected by filing a Supersedeas Bond.

Step 10: Get the Court of Appeals briefing schedule and pay all fees and file all briefs on time

A. After the Clerk of the Court of Appeals receives the Index, all documents that were filed in the Superior Court, and all Notices of Appeal, it will send the parties an " Initial Notice" containing the appellate case number assigned and directing the Appellant to (1) pay the filing fee for the appeal within ten (10) days of the Initial Notice, not including weekends or official state holidays, and (2) file the "Opening Brief" with the Court of Appeals within sixty (60) days of the date of the Initial Notice. (*See* Step 10: F for requirements regarding the Case Management Statement due in those cases filed in Division One of the Court of Appeals.)

B. After receiving the Appellant's filing fees, the Clerk of the Court of Appeals will send a Second Notice directing Appellee(s) and any Cross-Appellant(s) to (1) pay the appropriate appellate filing fee within ten (10) days, not including weekends or official state holidays, of the date of the Second Notice, and (2) file an Answering Brief or a combined Answering Brief and Cross-Appeal Opening Brief within forty (40) days after service of the Opening Brief by hand-delivery or forty-five (45) days after service if the Opening Brief was mailed or electronically served.

C. It may be possible to obtain a "deferral" or a "waiver" of the Court of Appeals' filing fee. A deferral postpones the obligation to pay the filing fee or the setting of a schedule for payment of the filing fee. A waiver permanently relieves a party from paying the filing fee.

D. The requirements for obtaining a deferral or waiver of the filing fee are set forth in Arizona Revised Statutes section 12-302. The requirements are based on the party's financial situation, including the amount of economic assistance provided by the state or federal government. A party must file an application with the Court of Appeals and provide proof of the financial circumstances justifying the request for deferral or waiver. (A form of the "Application for Deferral or Waiver of Court Fees and/or Costs" is attached as Form 15.)

E. If a request for deferral is granted, a party will be required to make payments pursuant to a schedule set by the court's order, or payment of the fee will be deferred until further order of the court. If a request for waiver is granted, the party will not have to pay the filing fee. If the request for deferral or waiver is denied, the party must pay the filing fee in full.

F. If the appeal is before Division One of the Court of Appeals (all appeals taken from judgments entered in the Superior Courts of Maricopa, Yuma, La Paz, Mohave, Coconino, Yavapai, Navajo, or Apache Counties), the Appellant must complete and file a Case Management Statement with the Clerk of the Appellate Court within twenty (20) days after distribution of the Notice described in (A) above. A Cross-Appellant must file a Case Management Statement within thirty (30) days after the appellate clerk's second notice under ARCAP Rule 12(c). A Copy of the Case Management Statement is attached as Form 8. Division Two of the Court of Appeals (handling appeals taken from judgments entered in the Superior Courts of Pima, Gila, Santa Cruz, Pinal, Cochise, Graham, and Greenlee Counties) does not require a Case Management Statement.

G. If the Appellant fails to pay the filing fee or file the Opening Brief on time, the appeal may be dismissed.

H. If you need an extension of time to file your appellate brief, you may file a motion in the Court of Appeals prior to the due date to obtain a short extension. Normally, one extension will be granted. However, multiple extensions will not be granted unless a showing of extraordinary circumstances is made.

The Opening Brief

The Appellant prepares and files the Opening Brief. The Opening Brief is the document filed with the Court of Appeals describing what happened in the Superior Court and why the Superior Court Judgment should be reversed. Below is a description of how to prepare the Opening Brief.

Step 1: Preparation

A. The Opening Brief should be typed on a computer or a typewriter. The text must be black.

B. Typing all papers filed with the Court of Appeals and the Arizona Supreme Court will ensure that the court can read and understand what is filed. If you cannot type your papers, you may file handwritten papers so long as they are legibly printed on white paper and do not include cursive writing or script. Only one side of the paper may be used.

C. The brief must be prepared using an easily readable 14-point font. For example, an acceptable proportionally spaced type is Times New Roman, 14 point.

D. The brief must be on 8 ½ by 11 inch paper and contain a caption setting forth the name of the court, title of the case, and case number.

E. The text must be double spaced. Headings, quotations, and footnotes may be indented and single spaced. Footnotes must also be in 14-point font, and footnotes must not appear in the space required for the bottom margins.

F. All pages must contain margins of at least one (1) inch.

G. Each page must be separately numbered.

H. Cases referred to in the brief must be in italics.

I. Headings must be underlined, in italics, or in bold.

J. The Opening Brief cannot be longer than 14,000 words and may not have an average of more than 280 words per page. The word limit does not include the table of contents, table of citations, certificate of service, certificate of compliance, or any appendix.

Step 2: Referring to the Superior Court Clerk's Index and Transcripts

A. The Clerk of the Superior Court is required to send the parties a copy of the Index of all papers filed in the Superior Court and given to the Court of Appeals. (*See* "Steps to Filing an Appeal," Step 10 above.)

B. Use this Index to identify the important papers considered by the Superior Court in reaching its judgment.

C. The items in the Index will be numbered. Use this index number to refer to the documents that you cite in the Opening Brief.

D. For example, if the Complaint is item 1 in the Index, the Complaint should be identified as "(I #1)" in the Opening Brief. "I" stands for Index and "#1" refers to the item number for the Complaint as set forth in the Clerk's Index.

E. It is also important to identify the date and page of any transcript containing important evidence that supports the appeal. An example of how to refer to the transcripts in the brief is "(TR 2, 5/1/07 p. 17)." In this example, "TR 2" refers to the second day of trial, "5/1/07" refers to the date of the hearing, and "p. 17" refers to page 17 of the transcript where the important evidence can be found. If the Court of Appeals allows you to file an audio or video recording of any proceeding from the Superior Court, your brief must identify the portion of the recording by minutes to which you are referring.

F. If the Opening Brief does not identify important papers filed in the Superior Court by the number in the Clerk's Index or important evidence in the transcripts by date and page, the Court of Appeals may not be able to determine that the arguments presented in the Opening Brief are supported by the record. The Court of Appeals will not search the record to determine if there is evidence to support the appeal.

Step 3: Contents (*See* Form 16):

A. **Cover Page**: The cover page should be a separate page with the case caption. Additional requirements for the cover page are:

1. The caption should contain the Superior Court and Court of Appeals case numbers. The Court of Appeals case number is on the Notice issued by the Court of Appeals setting the due date for Appellant's Opening Brief.

2. The cover page should be titled "Appellant's Opening Brief." (*See* Form 16.)

3. The cover page should list the name, address, and e-mail address, if any of the Appellant.

B. **Statement of the Case:** This section describes the procedural history of the case and concludes by identifying when the Superior Court entered the judgment and when the Notice of Appeal was filed.

1. The Statement of the Case helps the Court of Appeals understand what the Superior Court did before it entered the judgment, and it shows that the Notice of Appeal was filed on time.

2. If the judgment was entered after a jury trial, that fact should be stated in the Statement of the Case.

3. If the judgment was entered after the Superior Court heard testimony, received evidence, or considered a motion and made a decision without a jury, that information should be stated in the Statement of the Case.

C. **Statement of Facts:** This section tells the Court of Appeals about the circumstances that caused the dispute between the parties.

1. The information contained in the Statement of Facts should be found in (1) the papers and exhibits that were filed with the Superior Court before the entry of judgment, or (2) the transcripts of the proceedings conducted in the Superior Court before the entry of judgment.

2. Whenever possible, identify papers in the Superior Court's Index or the pages of the transcript(s) where each of the important facts can be found.

3. If the Court of Appeals cannot determine that the facts presented are supported by the papers filed with the Superior Court clerk or the transcripts, it will not be able to consider the reasons presented for reversing the Superior Court's judgment.

D. **Issues Presented for Review:** This section lists all issues the Appellant wants the Court of Appeals to decide but does not include any arguments. The issues can be stated as questions or described in sentences. For example: Did the judge incorrectly consider testimony from John Doe during the trial? Whether the judge failed to admit evidence of an oral will during the trial.

1. List each issue separately.

2. The best Opening Briefs seldom raise more than three (3) or four (4) issues for review.

E. **Arguments:** For each issue listed above, explain the reasons the Superior Court's judgment is wrong. The best Opening Briefs separate arguments with descriptive headings that match the issues listed in the prior section. For example: A. The judge incorrectly considered testimony from John Doe during the trial. B. The judge incorrectly failed to admit evidence of an oral will during the trial.

1. In the body of the argument, identify any statutes, reported cases, or court rules the Superior Court violated or any other legal authority that justifies reversal of the Superior Court's judgment.

2. Refer to the documents in the Clerk's Index, the transcripts, or the exhibits that were admitted by the Superior Court during the trial or other proceeding to support these reasons. If you stated these reasons in objections or arguments you made during the Superior Court proceedings, be sure to refer to the items in the Index or the portion of the transcript that show this. *See* ARCAP Rule 13(a)(7)(B). Generally, the parties may not raise new arguments to the Court of Appeals.

3. Identify each issue separately and state all the reasons the Superior Court's judgment should be reversed, including how the judge's error affected the outcome of the case. The Court of Appeals will not reverse a judgment when the Superior Court makes harmless errors.

F. **Conclusion and Signature:** In the conclusion, the Appellant should simply tell the Court of Appeals what the Appellant wants the court to do. For example, "reverse the Superior Court's judgment and grant a new trial." The last page of the Opening Brief should be dated and signed by all parties not represented by an attorney before making the copies for filing with the Court of Appeals.

G. **Certificate of Compliance:** A separate statement called a "Certificate of Compliance" must be included at the end of the Opening Brief. This statement should indicate that the brief contains no more than 14,000 words. (A form of the Certificate of Compliance is attached as Form 17.)

H. **Certificate of Service:** The Opening Brief must also contain a separate statement indicating that two (2) copies of the Opening Brief were sent to the other side or the other side's attorney (if the brief was filed in paper), or that the brief was otherwise served in accordance with ARCAP Rule 4(f). This statement can be a separate document or may appear at the end of the brief.

I. **Appendix (Optional):** If the Appeal is filed in Division One, the Appellant may file an Appendix with the Opening Brief, but it must be filed by the same method—paper or electronic—as the Opening Brief. A party may file an Appendix in Division Two only if both the Opening Brief and the Appendix are filed in paper. An Appendix should include only those portions of the record and legal authorities that are cited in the brief and that are essential to deciding an issue on appeal. Special requirements for formatting an Appendix are found in ARCAP Rule 13.1. They are also summarized in Step 3: B. of "The Petition for Review" section of this guide.

Step 4: Filing

A. **Filing Location and Number of Copies:** The Appellant must file an original and one (1) copy of the Opening Brief with the Court of Appeals if the brief is filed in physical (paper) format. An original and six (6) copies of a brief are required if the brief is filed under seal, or in a sealed case. A case is "sealed" only if a judge signs an order sealing some or all documents in a case from public view. ARCAP Rule 14(c) provides guidance on how a paper brief should be bound. A party filing a paper brief by mail or by delivering to a commercial carrier also must file, and serve on all other parties, a Certificate of Paper Filing indicating the manner of filing and stating the date the brief was mailed or placed with a commercial carrier for delivery to the appellate court. Paper briefs are deemed filed when mailed or hand-delivered to the court within the time allowed for filing or given to a commercial carrier for hand filing with the court within 3 calendar days.

All attorneys filing papers with the Arizona Supreme Court or Arizona Court of Appeals must electronically file their documents, and pro per litigants may do so as well. An electronically filed brief filed in Division Two of the Court of Appeals must include electronic links when citing to the record on appeal or to other items, and the brief must not include an Appendix. There are no copy requirements for briefs or other papers that are electronically filed. Documents that are electronically filed shall not also be filed in paper.

B. **Timing:** The Appellant must file the Opening Brief within the time stated in the Initial Notice issued by the Court of Appeals. This deadline is typically sixty (60) days after the Initial Notice is mailed. If the Opening Brief is not filed within the time stated in the Initial Notice, the Court of Appeals may dismiss the appeal.

1. If the Appellant has a good reason for needing more time to file the Opening Brief, the Appellant can file a motion with the Clerk of the Court of Appeals explaining this reason and asking for an extension of time to file the Opening Brief (A form of a "Motion for Extension of Time to File Brief" is attached as Form 18). Initial motions requesting a short extension of time for good cause to file a brief are

normally granted, but do not assume the Court will grant more than one extension without compelling circumstances.

2. The Appellant should file the Motion for Extension of Time to File the Opening Brief with the Clerk of the Court of Appeals before the deadline to file the Opening Brief expires.

3. The Appellee may either object or agree to the request for an extension of time to file the Opening Brief. (A form of a "Stipulation for Extension of Time to File Brief" is attached as Form 19.)

C. **SERVICE**: If filing a paper brief, the Appellant must deliver, by hand-delivery or mail, two (2) copies of the Opening Brief (and two (2) copies of any separate Appendix), on all other parties to the Appeal. If a party is represented by an attorney, the copies must be delivered to the attorney for that party and should not be given directly to the party. If two or more parties are represented by the same attorney, serving two (2) copies on that attorney will satisfy the service requirement for all parties the attorney represents. *See* ARCAP Rule 15(d)(2).

Parties filing via an approved electronic filing vendor may utilize that vendor's electronic service options if available to complete service. There are no copy requirements for serving briefs or other papers that are electronically filed.

The Answering Brief

After the Appellant files the Opening Brief, the Appellee files the Answering Brief. The Answering Brief responds to the arguments made in the Opening Brief and explains why the Superior Court judgment was correct. The Answering Brief is due to be filed within 40 days after service of the Opening Brief. Below is a discussion of how to prepare the Answering Brief.

Step 1: Preparation

A. The Answering Brief must be formatted in the same manner as the Opening Brief, except it should be titled "Appellee's Answering Brief."

B. The Appellee should follow all the requirements with respect to the paper, font size, margins, headings, page numbers, etc. that are described in Step 1 of "The Opening Brief."

C. The Appellee should refer to the record and the transcripts of the proceedings in the Superior Court in the same manner as described in Step 2 of "The Opening Brief."

D. The Appellee should place his or her name, address, and email address, if any, on the front cover of the Answering Brief.

E. Like the Opening Brief, the Answering Brief is limited to 14,000 words. The word limit does not include the table of contents, table of citations, certificate of service, certificate of compliance, or any appendix.

Step 2: Contents

A. The Answering Brief should contain most of the same sections as described in Step 3 of the Opening Brief. For example, the brief must include: (1) a caption on the cover page, (2) a separate section for the argument, (3) a conclusion, and (4) a signature page. (*See* Form 16.)

B. The Answering Brief does not have to contain a separate Statement of the Case, Statement of Facts, or Statement of the Issues Presented for Review, unless the Appellee finds that these sections of the Opening Brief are insufficient or incorrect.

C. **Arguments:** The Answering Brief should tell the Court of Appeals why the Superior Court's judgment is correct and explain why the arguments made by the Appellant are incorrect. The best Answering Briefs separate arguments with descriptive headings that match the issues listed in the Appellant's Opening Brief. For example: A. The judge correctly considered testimony from John Doe during the trial. B. The judge correctly refused to admit evidence of an oral will during the trial.

1. In the body of the argument, identify any statutes, reported cases, court rules, or other legal authority that support the Superior Court's rulings and judgment.

2. Refer to the documents in the Clerk's Index, the transcripts, or the exhibits that were admitted by the Superior Court during the trial or other proceeding to support these reasons. If you stated these reasons during the Superior Court proceedings, be sure to refer to the items in the Index or the portion of the transcript that show this. *See* ARCAP Rule 13(b)(1). Generally, the parties may not raise new arguments to the Court of Appeals.

3. State all the reasons the Superior Court's judgment should be affirmed. If the judge made an error but that error was harmless, point this out. The Court of Appeals will not reverse a judgment when the Superior Court makes harmless errors.

D. **CERTIFICATE OF COMPLIANCE/ CERTIFICATE OF SERVICE**: Like the Opening Brief, the end of the Answering Brief must contain a Certificate of Compliance—stating that the brief does not exceed the word or page limitation—and a Certificate of Service stating how and when copies of the brief were served on other parties. (*See* "Opening Brief," Step 3: G. and H. above.)

E. **APPENDIX (Optional)**: The same rules that apply to filing an Appendix with an Opening Brief apply to filing an Appendix with an Answering Brief. (*See* "Opening Brief," Step 3: I. above.)

Step 3: Filing

A. **FILING LOCATION AND NUMBER OF COPIES**: To file an Answering Brief, the Appellee must have either: (1) timely paid the required filing fee to the Clerk of the Court of Appeals or (2) been granted, after proper application, a waiver or deferral of the filing fee. (*See* "Steps to Filing an Appeal," Step 10. above).

If filing a paper brief (instead of filing the brief electronically), the Appellee must file an original and one (1) copy of the Answering Brief with the Clerk of the Court of Appeals. An original and six (6) copies of a brief are required if the brief is being filed under seal, or in a sealed case. A case is "sealed" only if a judge signs an order sealing some or all documents in a case from public view. ARCAP Rule 14(c) provides guidance on how a paper brief should be bound. A party filing a paper brief by mail or by delivering to a commercial carrier also must file, and serve on all other parties, a Certificate of Paper Filing indicating the manner of filing and stating the date the brief was mailed or placed with a commercial carrier for delivery to the appellate court. Paper briefs are deemed filed when mailed or hand-delivered to the court within the time allowed for filing or given to a commercial carrier for hand filing with the court within 3 calendar days.

All attorneys filing papers with the Arizona Supreme Court or Arizona Court of Appeals must electronically file their briefs, and pro per litigants may do so as well. An electronically filed brief filed in Division Two of the Court of Appeals must include electronic links when citing to the record on appeal or to other items, and the brief must not include an Appendix. There are no copy requirements for briefs or other papers that are electronically filed, and documents that are electronically filed shall not also be filed in paper.

B. **TIMING:** The Appellee has forty (40) days to file the Answering Brief if the Opening Brief was hand-delivered. If the Opening Brief was mailed or electronically served, the Appellee has forty-five (45) days from the date of mailing or electronic transmission to file the Answering Brief.

The Appellee may file a motion with the Clerk of the Court of Appeals requesting an extension of time to file the Answering Brief or reach an agreement with the Appellant (called a stipulation) to extend the time. (See Forms 18 and 19.) If the Court of Appeals grants the request, the Appellee must file the Answering Brief by whatever date is then set by the Court of Appeals. A timely motion seeking a short extension of time for good cause is normally granted, but absent compelling circumstances, no further extensions will be granted.

C. **SERVICE:** If filing a paper brief, the Appellee must deliver, by hand-delivery or mail, two (2) copies of the Answering Brief (and two (2) copies of any separate Appendix), on all other parties to the Appeal. If a party is represented by an attorney, the copies must be delivered to the attorney for that party and should not be served directly on the party. If two or more parties are represented by the same attorney, serving two (2) copies on that attorney will satisfy the service requirement for all parties the attorney represents. *See* ARCAP Rule 15(d)(2).

Parties filing via an approved electronic filing vendor may utilize that vendor's electronic service options if available to complete service. There are no copy requirements for serving briefs or other papers that are electronically filed.

Step 4: The combined Answering Brief and Opening Brief on Cross-Appeal (This applies if a timely notice of Cross-Appeal was filed)

A. If the Appellee has filed a Notice of Cross-Appeal, the Appellee may combine in one brief both the Answering Brief (to address the issues raised in the Opening Brief) and the Opening Brief on Cross-Appeal (to address the issue(s) that Appellee wants to raise on cross-appeal). A Notice of Cross-Appeal is needed if the Appellee seeks to obtain more relief than the Appellee obtained in the final judgment.

B. **PREPARATION:** In preparing the combined Answering Brief and Opening Brief on Cross-Appeal, the Appellee should follow all of the requirements for font size, paper, margins, headings, page numbers, etc. described in Step 1 of "The Opening Brief."

1. The cover of the combined brief should be titled "Appellee's Answering Brief/ Opening Brief on Cross-Appeal." (A form of the cover page of the combined brief is attached as Form 20.)

2. The combined Answering Brief/Opening Brief on Cross-Appeal cannot be longer than 28,000 words. The word limit does not include the table of contents, table of citations, certificate of service, certificate of compliance, or any appendix.

C. **Contents:** The combined brief should be divided into two clearly designated sections: (1) the Answering Brief, and (2) the Opening Brief on Cross-Appeal.

1. The first section, designated as the Answering Brief, should address only those facts, issues and arguments raised in the Opening Brief.

2. The second section, designated as the Opening Brief on Cross-Appeal, should address only those facts, issues, and arguments related to the Cross-Appeal. This section should separately set forth the Statement of the Case, Statement of Facts, Issue(s) Presented for Review, and arguments applicable to the Cross-Appeal (*See* "Opening Brief," Step: 3 above).

3. The combined brief must include a Certificate of Compliance (Form 17) stating that the combined brief does not exceed the word or page limitation and a Certificate of Service stating how and when copies of the combined brief were served on the other parties (*See* "Opening Brief," Step 3: G. and H. above).

D. **Filing Location and Number of Copies:** The same rules that apply to filing an Answering Brief apply to filing an Answering Brief/Opening Brief on Cross-Appeal. (*See* Answering Brief, Step 3: A. above).

E. **Timing:** The Appellee has forty (40) days to file the combined brief if the Opening Brief was hand-delivered. If the Opening Brief was mailed or electronically served, the Appellee has forty-five (45) days from the date of the mailing or electronic transmission to file the combined brief.

The Appellee may request an extension of time to file the combined brief by filing a timely motion or stipulation with the Clerk of the Court of Appeals and explaining the reason for the request. The motion should be filed before the brief is due (*See* "The Answering Brief," Step 3: B above and Forms 18 and 19).

F. **Service**: The same requirements for serving an Opening Brief apply to serving a combined Answering Brief/Opening Brief. (*See* "Answering Brief," Step 3: C. above).

The Optional Reply Brief

The Reply Brief tells the Court of Appeals why the Appellee's arguments in the Answering Brief are incorrect. The Appellant is not required to file a Reply Brief.

Step 1: Preparation

A. In preparing the Reply Brief, the Appellant should follow all of the requirements with respect to the paper, font size, margins, headings, page numbers, etc. that are described in Step 1 of the "The Opening Brief," except it should be titled "Appellant's Reply Brief."

B. All references to the record or the transcripts should comply with the requirements described in Step 2 of "The Opening Brief."

C. The Reply Brief is limited to 7,000 words. The word limit does not include the table of contents, table of citations, certificate of service, certificate of compliance, or appendix.

Step 2: Contents

A. The Reply Brief is limited to responding to those arguments or facts presented in the Answering Brief. It is not an opportunity to repeat arguments that were made in the Opening Brief.

B. The form of the Reply Brief is similar to the Opening and Answering Briefs. (*See* Form 16.)

C. Like the Opening Brief, the end of the Reply Brief must contain a Certificate of Compliance stating that the brief does not exceed 7,000 words and a Certificate of Service stating how and when copies of the brief were served on other parties. (*See* "Opening Brief," Step 3: G. and H. above.)

Step 3: Filing

A. **Filing Location and Number of Copies:** The Appellant must file an original and one (1) copy of the Reply Brief with the Court of Appeals if the brief is filed in physical (paper) format. An original and six (6) copies of a brief are required if the brief is filed under seal, or in a sealed case. ARCAP Rule 14(c) provides guidance on how a paper brief should be bound. A party filing a paper brief by mail or by delivering to a commercial carrier also must file, and serve on all other parties, a Certificate of Paper Filing indicating the manner of filing and stating the date the brief was delivered to a commercial carrier, or placed in the mail. (*See* "Opening Brief," Step 4: above.)

All attorneys filing papers with the Arizona Supreme Court or Arizona Court of Appeals must electronically file their documents, and pro per litigants may do so as well. An electronically filed brief filed in Division Two of the Court of Appeals must include electronic links when citing to the record on appeal or to other items, and the brief must not include an Appendix. There are no copy requirements for briefs or other papers that are electronically filed. Documents that are electronically filed shall not also be filed in paper.

B. **TIMING:** The Appellant has twenty (20) days to file the Reply Brief if the Answering Brief was hand-delivered. If the Answering Brief was mailed or electronically served, the Appellant has twenty-five (25) days from the date of mailing or electronic transmission to file the Reply Brief.

The Appellant may request additional time to file the Reply Brief by filing a motion or stipulation with the Clerk of the Court of Appeals and explaining the need for an extension. (*See* "The Opening Brief," Step 4 above and Forms 18 and 19.)

C. **SERVICE:** The same requirements for serving an Opening Brief apply to serving a Reply Brief. (*See* "Opening Brief," Step 4: C. above).

Step 4: The combined Reply Brief and Answering Brief on Cross-Appeal (This applies if a timely notice of Cross-Appeal was filed)

A. If the Appellant has received a combined brief from the Appellee containing both the Answering Brief and Opening Brief on Cross-Appeal, the Appellant may file in response a combined brief containing both the Reply Brief (responding to the Answering Brief) and the Answering Brief on Cross-Appeal (responding to the Opening Brief on Cross-Appeal).

B. **PREPARATION**: In preparing the combined Reply Brief/Answering Brief on Cross-Appeal, the Appellant should follow all of the requirements for font size, margins, headings, page numbers, etc. described in Step 1 of "The Opening Brief," except it should be titled "Appellant's Reply Brief/Answering Brief on Cross-Appeal." The length of the combined brief should not exceed 21,000 words.

C. **CONTENT:** The brief should be divided into two clearly designated sections: (1) the Reply Brief, and (2) the Answering Brief on Cross-Appeal. The length of the combined brief should not exceed 21,000 words.

1. The first section of the combined brief, designated as the Reply Brief, should only address those facts, issues, and arguments raised in the Answering Brief.

2. The second section of the combined brief, designated as the Answering Brief on Cross-Appeal, should address only those facts, issues, and arguments made in the Opening Brief on Cross-Appeal.

D. **Certificate of Compliance/Certificate of Service:** Like other briefs, the combined Reply/Answering Brief on Cross-Appeal must contain a Certificate of Compliance (Form 17)—stating that the brief does not exceed the word or page limitation—and a Certificate of Service stating how and when copies of the brief were served on other parties. (See "Opening Brief," Step 3: G. and H. above.)

E. **Filing, Location and Number of Copies:** The same rules that apply to filing a Reply Brief apply to filing a combined Reply/Answering Brief on Cross-Appeal (*See* "Reply Brief," Step 3. A. above).

F. **Timing:** The Appellant has forty (40) days to file the combined brief if the combined Answering Brief/Opening Brief on Cross-Appeal was hand-delivered. If the combined Answering Brief/Opening Brief on Cross-Appeal was mailed or electronically served, the Appellant has forty-five (45) days from the date of mailing or electronic transmission to file the combined brief.

The Appellant may request additional time to file the Reply Brief/Answering Brief on Cross-Appeal by filing a motion or stipulation with the Clerk of the Court of Appeals and setting forth the need for the extension. (*See* "Opening Brief," Step 4 above and Forms 18 and 19.)

G. **Service:** The same requirements for serving an Opening Brief apply to serving a combined Reply Brief/Answering Brief on Cross-Appeal. (*See* "Opening Brief," Step 4. C. above).

Step 5: Appellee/Cross-Appellant's Optional Reply Brief (This applies if a timely notice of Cross-Appeal was filed)

A. The Appellee/Cross-Appellant has twenty (20) days to file a Reply Brief on Cross-Appeal if the combined Reply Brief/Answering Brief on Cross-Appeal was hand-delivered. If the combined Reply Brief/Answering Brief on Cross-Appeal was mailed or electronically served, the Appellee/Cross-Appellant has twenty-five (25) days from the date of mailing or electronic transmission to file the Reply Brief on Cross-Appeal.

B. The cover of the Reply Brief should be titled "Appellee's Reply Brief on Cross-Appeal". (*See* Form 20.)

C. The Appellee must follow Steps 1-3 of this section for preparing and filing the Reply Brief with the Court of Appeals. The length of the Reply Brief must not exceed 7,000 words.

Oral Argument

If either party to the appeal wants the Court of Appeals to conduct an oral argument before issuing a written decision, that party can file a written request for oral argument with the Clerk of the Court of Appeals. The Court of Appeals will decide whether to grant oral argument. If granted, the Court of Appeals will set a time for the parties to appear to discuss the facts and arguments made in the written briefs.

1. A written request must be made by either party in a separate paper filed with the Clerk of the Court of Appeals no later than ten (10) days after the due date for the final Reply Brief, or no later than ten (10) days after the date the Appellant or Cross-Appellant actually files the final Reply Brief, whichever is earlier. (A form of a "Request for Oral Argument" is attached as Form 21.)

2. At least twenty (20) days before the date set for oral argument, the Clerk of the Court of Appeals will notify the parties of the specific time and place at which oral argument will be heard.

3. However, an appeal may be considered and decided without oral argument if (1) the parties do not timely make a written request for oral argument, or (2) the Court of Appeals decides that oral argument will not be helpful in reaching its decision.

4. If the Court of Appeals decides that a case will be submitted without oral argument, the Clerk of the Court of Appeals will give the parties prompt written notice of this decision, and any party will have ten (10) days from the date of such notice to file a statement with the Clerk of the Court of Appeals explaining why oral argument should be heard.

5. Most appellate cases are decided without oral argument. This is not an indication of how the court will rule on the appeal.

Notice of Decision

When the Court of Appeals issues its decision resolving the appeal, the Clerk of the Court of Appeals will simultaneously advise the parties of the decision in writing via an e-mailed notification, which will direct the recipient to the Court of Appeals website to view the Decision. If no e-mail address is on record for a party, a physical (paper) copy of the decision will be mailed to that party. The Court of Appeals will also post decisions online. Division One decisions are posted at http://www.azcourts.gov/coa1/SearchDecisions.aspx. Division Two decisions are located at http://www.appeals2.az.gov/ODSPlus/recentdecisions.cfm.

Costs

The party who is successful on appeal (the winner) may file a "Statement of Costs" with the Clerk of the Court of Appeals requesting reimbursement for the costs of preparing or responding to the appeal (A form of a Statement of Costs is attached as Form 22). Costs will not be awarded unless a Statement of Costs is timely filed.

1. The Statement of Costs should contain a request for reimbursement of the filing fee, the cost of making the copies of the briefs, the cost of the transcripts, and any vendor fees incurred during the electronic filing of documents.

2. The successful party must file the Statement of Costs within ten (10) days, not including weekends and legal holidays, after the Clerk of the Court of Appeals advises the parties of the Court of Appeals' decision. This time is not extended if the notification of the decision is sent by mail.

3. The successful party must file the Statement of Costs with the Clerk of the Court of Appeals.

4. The unsuccessful party may file an Objection to the amount of costs requested. This Objection must be filed within ten (10) days, not including weekends and legal holidays, after service of the Statement of Costs. If an Objection is timely filed, the requesting party may file a reply to the Objection within five (5) days, not including weekends and legal holidays.

5. The appellate court will then determine the amount of attorneys' fees and costs without a hearing or additional filings.

Attorneys' Fees

The Court of Appeals may also award attorneys' fees to the successful party on appeal in limited circumstances. As a pro per party, you will not be entitled to an award of attorneys' fees. However, if the other party hired an attorney and asked for fees on appeal, you could be responsible for the other party's attorneys' fees. This occurs most often in family law cases and in cases involving contract disputes.

1. The Court of Appeals may consider (1) the financial resources of both parties, (2) the reasonableness of the positions each party has taken throughout the proceedings, and, if applicable, (3) whether the written contract provides for an award of reasonable attorneys' fees to the successful party in the dispute.

2. A party entitled to costs or attorneys' fees may, within ten (10) days after notice that a decision has been rendered and fees will be awarded, file a verified itemized statement of costs or attorneys' fees.

3. The unsuccessful party must file an objection to the statement for attorneys' fees within ten (10) days, not including weekends and official state holidays, after receipt of the itemized statement for an award of attorneys' fees.

4. If fees are requested by one of the parties in the opening or answering brief, stating the substantive statute or contract for an award of fees, the court will decide whether fees are to be awarded in the decision on the merits.

The Petition for Review

Seeking Further Review in the Arizona Supreme Court

Any party who believes that the Court of Appeals decision was wrong can file a "Petition for Review" with the Clerk of the Arizona Supreme Court within thirty (30) days after the Court of Appeals issues its decision. That time is not extended if the decision is sent to the parties by mail. The party opposing the Petition for Review may file a "Response to the Petition for Review" in the Arizona Supreme Court. (A form of the Petition for Review is attached as Form 23, and a form of the Response to the Petition for Review is attached as Form 24.) Below is a description of the formatting requirements and contents of the Petition for Review and the Response to the Petition for Review.

Step 1: Preparation

A. The parties filing the Petition for Review and the Response to the Petition for Review should follow all of the requirements for paper size, font size, margins, page numbers, headings, etc. described in Step 1 of "Opening Brief."

B. The Petition for Review and the Response to the Petition for Review may not exceed 3,500 words. A Cross-Petition combined with a Response to a Petition for Review may not exceed 6,500 words. *See* http://www.azcourts.gov/clerkofcourt/Home.aspx for requirements for handwritten documents.

C. A copy of the Court of Appeals decision must be attached to the Petition for Review.

Step 2: Contents

A. The Petition for Review (Form 23) and the Response to the Petition for Review (Form 24) must contain a discussion of:

1. The issues presented for review;
2. A list of additional issues not decided by the Court of Appeals that may need to be decided by the Arizona Supreme Court if review is granted;
3. A statement of the important facts; and
4. The reasons for granting or denying the Petition for Review, such as whether (1) an Arizona decision controls the point of law in question, (2) a decision of the Arizona Supreme Court should be overruled or modified, (3) the Court of Appeals has made conflicting decisions, or (4) an important issue of law has been decided incorrectly. This section is important because the Supreme Court is not required to review Court of Appeals decisions.

Step 3: Filing

A. **Filing Location and Number of Copies:** In order to file a Petition for Review or a Response to the Petition for Review, the party must have either: (1) timely paid the required filing fee to the Clerk of the Supreme Court or (2) been granted, after proper application, a waiver or deferral of the filing fee. (*See* "Steps to Filing an Appeal," Step 10. above).

The party filing either the Petition for Review or the Response to the Petition for Review must file an original and one (1) copy if filed in paper. An original and six (6) copies are required if the Petition for Review or the Response to the Petition for Review is filed under seal, or in a sealed case. All attorneys filing with the Arizona Supreme Court or Arizona Court of Appeals, Division One or Two, must electronically file their documents. There are no copy requirements for documents that are electronically filed.

B. **Appendix:** The Appendix should include only those portions of the record and legal authorities that are cited in the petition or response and that are necessary to assist the Arizona Supreme Court in understanding and ruling on the issues presented.

A party's appendix in the Arizona Supreme Court must be filed by the same method – paper or electronic – as the party's petition or response.

1. If there is more than one item in the Appendix, the Appendix must begin with a Table of Contents that identifies each item in the Appendix, including the index number, transcript date, or exhibit number, as appropriate, and the page number where the item can be found in the Appendix.

2. A party that files electronically may file a separate Appendix or may file a combined Petition for Review or Response and Appendix as a single document, with the Appendix following the Petition or Response. If a combined Petition or Response is filed, the first page of the Appendix must be numbered sequentially to the last page of the Petition or Response. If a separate Appendix is filed, the numbers should start with the cover page of the Appendix. Each item in the Appendix Table of Contents must include a bookmark or hyperlink to the item in the Appendix.

3. A party that files a paper Petition for Review or Response may file a separate Appendix or combine the Appendix with the Petition or Response as a single document. Pages of a separately filed Appendix must be numbered sequentially, beginning with the Appendix cover page. A separately filed Appendix must be securely clipped or banded, but the binding must not use adhesives. The Supreme Court and Division One discourage the use of staples or two-pronged fasteners that put holes in the pages. If combined, the Appendix must follow the brief, and a blank page of a different color must be placed between the last page of the Petition or Response and the first page of the Appendix. The first page of the Appendix must be numbered sequentially to the last page of the Petition or Response.

C. **TIMING:** The Petition for Review must be filed within 30 days after entry of the Court of Appeals' decision. If any party files a timely motion for reconsideration in the Court of Appeals, a party must file a petition for review within 15 days after the ruling on this motion or within 30 days after entry of the Court of Appeals' decision, whichever is later. A party may file a cross-petition for review within 15 days after service of a petition for review, or within 30 days after entry of the Court of Appeals' decision, whichever is later.

A party opposing the Petition for Review has thirty (30) days to file a Response to the Petition for Review if the Petition for Review was hand-delivered. If the Petition for Review was mailed or electronically served, the opposing party has thirty-five (35) days from the date of mailing or electronic transmission to file the Response to the Petition for Review.

1. If a party, for good reason, needs more time to file the Petition for Review or the Response to the Petition for Review, the party can file a motion with the Clerk of the Supreme Court asking for an extension of time to file the Petition or Response. Initial motions requesting a short extension of time for good cause to file a Petition for Review or a Response to Petition for Review are normally granted, but do not assume the Court will grant more than one extension without compelling circumstances.

2. The Motion for Extension of Time should be filed with the Clerk of the Supreme Court before the deadline to file the Petition for Review or the Response to the Petition for Review expires respectively.

3. The other party may either object or agree to the request for an extension of time.

D. **CERTIFICATE OF COMPLIANCE/CERTIFICATE OF SERVICE:** Like the briefs filed in the Court of Appeals, the Petition for Review and the Response to the Petition for Review must contain a Certificate of Compliance (Form 17)—stating that the document does not exceed the word or page limitation—and a Certificate of Service stating how and when copies of the Petition for Review or the Response to the Petition for Review were served on other parties. (*See* Forms 23 and 24.)

E. A Reply to the Response to the Petition for Review is not allowed unless the Supreme Court orders a Reply to be filed.

F. When the Supreme Court decides whether it will grant or deny the Petition for Review, it will mail a copy of its decision to the parties. You may provide consent to receive documents from the court electronically by completing, signing and filing Form 26.

G. If the Petition for Review is granted, the Supreme Court will issue an Order stating whether supplemental briefs or oral argument will be permitted.

H. If a Petition for Review is denied, no further appeal to a state court is permitted. Motions to reconsider the denial of a petition for review are not allowed.

Appendix 1

Frequently Asked Questions

Frequently Asked Questions

QUESTION 1: Where can I find the Arizona Rules of Civil Appellate Procedure?

ANSWER: The Arizona Rules of Civil Appellate Procedure are in the Arizona Revised Statutes located at any law library and at azrules.westgroup.com.

QUESTION 2: What does it cost to file a Notice of Appeal in Arizona?

ANSWER: The Superior Court fee for filing a Notice of Appeal in a civil action is currently $92.00. There is also an Appellant's filing fee payable to the Court of Appeals that is currently $280.00. These fees may change. You should check the fees posted on the websites for Division One and Division Two of the Arizona Court of Appeals. The website address for Division One is: www.azcourts.gov/coa1. The website for Division Two is: www.appeals2.az.gov. After the Notice of Appeal is sent by the Superior Court Clerk to the Court of Appeals, the Court of Appeals Clerk will notify the appellant by mail that the Court of Appeals filing fee is due.

QUESTION 3: How long will it take for the Court of Appeals to make its decision?

ANSWER: The time period can vary depending on the nature of the case. It often takes about one (1) year from the date the Notice of Appeal is filed until the Court of Appeals makes its written decision.

QUESTION 4: What is a Supersedeas Bond?

ANSWER: A Supersedeas Bond prevents a party from collecting or enforcing a judgment while an appeal is pending. If the Appellant does not post the Supersedeas Bond, the Appellee may enforce the judgment while the appeal is pending. While the motion to set a bond is pending, the Appellee may not seek to collect on the monetary judgment. If the Appellant files a Supersedeas Bond, the Appellee may not collect the money judgment while the appeal is pending. In domestic relations cases, however, a Supersedeas Bond will not prevent enforcement of an order directing payment of money for child support or spousal maintenance and it will not affect an order establishing or changing child custody.

QUESTION 5: What is the "record on appeal"?

ANSWER: The "record on appeal" is all of the papers filed in the Superior Court and transcripts of hearings in that court. The appellate courts will only consider the record on appeal and the law. The record may be transmitted to the Court of Appeals electronically or physically. If the paper records are physically transmitted, they will be returned to the Superior Court after the appeal is over.

QUESTION 6: Who can a self-represented party speak to at the Court of Appeals or the Supreme Court?

ANSWER: A self-represented party can speak only to the Clerk or his/her Deputy Clerks. The Clerk and his/her Deputy Clerks cannot give legal advice. The self-represented party cannot contact any staff member, judge, or other person at the Court of Appeals or the Arizona Supreme Court.

QUESTION 7: Why did I receive a copy of the Clerk's Index after the Notice of Appeal was filed?

ANSWER: Both sides to an appeal receive a copy of the Clerk's Index after a Notice of Appeal is filed. This Index identifies all of the papers that were filed in the Superior Court. The papers are usually indexed chronologically. That is, the earliest filed paper is listed as No. 1 and the last paper filed is listed as the last number in the index. The Index is used to identify the specific paper for the purposes of informing the Court of Appeals which pleading or paper you are referring to in your brief. For example, if the complaint is indexed item No. 1, then when you refer to the complaint in your brief you should indicate that it can be found at Index No. 1.

QUESTION 8: What is a Petition for Review?

ANSWER: A Petition for Review asks the Arizona Supreme Court to review a decision made by the Court of Appeals. A sample format of a Petition for Review is attached in Appendix 3.

QUESTION 9: Can I file a Motion for Reconsideration if the Arizona Supreme Court denies my Petition for Review?

ANSWER: No. You may not ask the Arizona Supreme Court to reconsider its decision denying your Petition for Review.

Question 10: How long after the Court of Appeals issues its decision do I have to file a Petition for Review?

Answer: You have thirty (30) days to file a Petition for Review with the Clerk of the Arizona Supreme Court after the Court of Appeals issues its decision.

Question 11: Where do I file the Petition for Review to the Arizona Supreme Court?

Answer: The Petition for Review is filed with the Arizona Supreme Court.

Question 12: Can I file a Writ of Certiorari to the United States Supreme Court with the Arizona Supreme Court?

Answer: No. It is filed in the United States Supreme Court.

Question 13: What is the difference between a trial and an oral argument for an appeal?

Answer: An oral argument is an opportunity to discuss why the trial court's decision was incorrect. No new evidence is presented. The only evidence consists of the papers, exhibits, and testimony previously admitted by the Superior Court. The Court of Appeals and Supreme Court do not conduct trials.

Question 14: Who can I call to get legal advice?

Answer: You should call an attorney to get legal advice. Most county bar associations have a "Lawyer's Referral Service" that can help you find an attorney. In addition, the Arizona State Bar website (www.azbar.org) has links that can help you locate an attorney. Maricopa County also offers a Pro Bono Appellate Assistance Program that may assist pro per litigants. Information on this program can be found at http://azcourts.gov/coa1/AppellateAssistanceProgram.aspx.

Question 15: Can the Court of Appeals appoint an attorney to represent me?

Answer: No. The right to appointed counsel applies only in some criminal and juvenile cases.

APPROPRIATE QUESTIONS FOR THE CLERKS OF THE ARIZONA COURT OF APPEALS OR THE ARIZONA SUPREME COURT

This is a list of some things that court personnel can and cannot do for you:

****

We can explain and answer general questions about how the court works and the status of the appeal.

We can give you general information about court rules, procedures, and practices.

We can provide you with the telephone number for local lawyer referral services, legal aid programs, and other services where you can get legal information.

We can provide court schedules and information on how to get a case scheduled.

We can give you information from your case file that is not restricted.

We can provide you with court forms and instructions that are available.

We can usually answer questions about court filing deadlines.

****

We cannot tell you whether you should bring your case to court.

We cannot tell you what words to use in your court papers or whether they are correct.

We cannot tell you what to say in court.

We cannot give you an opinion about what will happen if you bring your case to court.

We cannot conduct legal research for you.

We cannot talk to the judge for you or let you talk to the judge outside of court.

We cannot alter court documents.

Appendix 2

Important Terms

Important Terms

Affidavit:

This is a paper signed by an individual who swears under oath that the facts or conduct described in the affidavit are true. Beneath the signature of the person signing the affidavit is a statement by a notary public indicating that the person who signed the affidavit presented proof of identity.

Answering Brief:

This is the paper filed by the party opposing the appeal, (the Appellee), in response to the Opening Brief filed by the party filing the appeal, (the Appellant). The Answering Brief should contain arguments in support of the trial court's judgment and references to the transcripts or trial exhibits supporting those arguments. (*See* Form 16.)

Appeal:

An appeal begins when a timely Notice of Appeal is filed with the Clerk of the Superior Court that entered the final judgment. Appeals of most civil cases are made from the Superior Court to the Court of Appeals. The Arizona Supreme Court can be asked to review final decisions of the Court of Appeals. The Arizona Supreme Court has discretion to accept or reject review of final decisions of the Court of Appeals.

Appellant:

This is the party filing an appeal. The Appellant asks the Court of Appeals to review a final judgment by timely filing a Notice of Appeal with the Clerk of the Superior Court.

Appellee:

This is the party opposing an appeal.

Arizona Supreme Court:

This is the highest state appellate court in Arizona. The Court is located in Phoenix and has discretion to review decisions from either Division One or Two of the Arizona Court of Appeals.

Authorized Transcriber:

As defined by Rule 30, Rules of the Supreme Court, an authorized transcriber means, a) a certified reporter; b) an individual or a transcription service under contract with an Arizona court; or c) an individual employed by a court whose official duties include the preparation of transcripts.

Brief:

This is an argument in writing that explains why a judgment of the Superior Court should be reversed or affirmed by the Court of Appeals. The Appellant files an Opening Brief with the Clerk of the Court of Appeals. The Appellee then files an Answering Brief. If the Appellee has filed a Notice of Cross-Appeal, the Appellee may file a combined Answering Brief and Opening Brief on Cross-Appeal. Afterward, the Appellant may file a Reply Brief. If the Appellee has filed an Opening Brief on Cross-Appeal, the Appellant may file a combined Reply Brief and Answering Brief on Cross-Appeal. If so, the Appellee may file a Reply Brief on Cross-Appeal. (*See* Form 16.)

Caption:

The caption is part of any paper filed with the Court of Appeals or the Arizona Supreme Court that states: (1) the court in which the paper is being filed; (2) the name of the Plaintiff and Defendant (or Petitioner and Respondent in a family law case) in the Superior Court case; (3) the Superior Court case number; and (4) the case number assigned by the Arizona Court of Appeals or the Arizona Supreme Court.

Certificate of Compliance:

This is a page that must be attached to the end of the Opening Brief, Answering Brief, and any Cross-Appeal Brief or Reply Brief. (*See* Form 17.) The Certificate of Compliance tells the Court of Appeals that the brief does not exceed the word count or page limit set by the Arizona Rules of Civil Appellate Procedure.

Civil Case:

Most lawsuits are categorized as either civil or criminal, with the exception of Industrial Commission and Corporation Commission cases. Civil cases are typically cases between people or corporations for money or injunctive or declaratory judgment relief. Tax and family law cases are also civil cases.

Case Management Statement:

This is a paper that the Appellant or Cross-Appellant must file for cases in counties where appeals are heard by Division One. These counties are Maricopa, Yuma, La Paz, Mohave, Coconino, Yavapai, Navajo, and Apache. (*See* Form 8.)

Clerk's Office:

Each court in Arizona has an office for the "clerk" of that court. The clerk is a public official responsible for filing papers and keeping records of court proceedings. There is a clerk for each Superior Court in Arizona's fifteen (15) counties. There is a clerk for Division One and a clerk for Division Two of the Court of Appeals. There is a clerk for the Arizona Supreme Court.

Court Reporter:

This person records, by stenographic or electronic means, everything that is said during a court proceeding. The parties to an appeal need to arrange with the court reporter in their Superior Court case, or the Electronic Services Office in the Maricopa County Superior Court if the proceeding was recorded by audio or audio-video recording in a case in that court, to get all necessary transcripts to include in the Record on Appeal. The court reporter's name and contact information is contained in the Superior Court case record.

Cross-Appeal:

After a Notice of Appeal has been timely filed, the party opposing the appeal (the Appellee), may ask the Court of Appeals to review a particular issue arising from the same Superior Court final judgment by timely filing a Notice of Cross-Appeal with the Clerk of the Superior Court. A cross-appeal is usually filed when the Appellee contends that the Superior Court judgment failed to grant all of the relief requested, such as by denying a request for an award of attorneys' fees. (See Form 4.)

Division One of Arizona Court of Appeals:

Division One of the Arizona Court of Appeals is located at 1501 W. Washington, Phoenix, Arizona 85007. You may contact the Clerk of the Court at (602) 542-4821. Division One hears appeals from final decisions of the Superior Court in the counties of Maricopa, Yuma, La Paz, Mohave, Coconino, Yavapai, Navajo, and Apache.

Division Two of Arizona Court of Appeals:

Division Two of the Arizona Court of Appeals is located at 400 W. Congress, Tucson, Arizona 85701. You may contact the Clerk of the Court at (520) 628-6954. Division Two hears appeals from final decisions of the Superior Court in the counties of Pima, Pinal, Cochise, Santa Cruz, Greenlee, Graham, and Gila.

Electronic Signature:

An electronic signature is an electronic symbol, usually /s/, followed by a typed name. For example, "/s/ John Doe," is an electronic signature. The /s/ symbol means that the individual whose typed name appears next to it or below it intended that the typed name be treated as an original signature. An electronic signature is attached to a paper filed with the Clerk of the Court by a party or a judge of the Superior Court or the Court of Appeals.

Entry of Judgment:

This is the date that the final judgment is filed with the Clerk of the Superior Court. When the final judgment is filed with the Clerk of the Superior Court, it is stamped with the entry date. The entry date may differ from the date that a judgment is signed by the Superior Court judge. A party has thirty (30) days from the entry of judgment to file a Notice of Appeal with the Clerk of the Superior Court. (See Form 3.) If the Notice of Appeal is not filed within this thirty (30) day period, the Court of Appeals will dismiss the appeal as untimely.

Evidence:

Evidence consists of the testimony of witnesses, documents or items admitted by the court as exhibits, and facts agreed to by the parties. The Court of Appeals and the Arizona Supreme Court will only review evidence and arguments presented to the Superior Court. These courts will not accept or review new evidence.

Filing:

To "file" a paper is to give it to the clerk's office at the court where the case is pending. The paper will then become part of the case record. Papers can be filed with the clerk of the court in person, by mail, or electronically using an approved electronic filing system. The clerk's office may reject for filing papers that do not comply with applicable rules.

Filing Fee for the Appeal:

The filing fee is an amount of money that the law requires the Appellant to pay to pursue an appeal or the Appellee to pay to defend against it. The Court of Appeals will issue a written Notice that explains to the parties the amount of money that must be paid as the filing fee. This filing fee must be paid within the time set forth in the Notice, unless a deferral or waiver of this fee is obtained from the Court of Appeals. (See Form 15.)

Clerk's Index:

This paper is provided by the Clerk of the Superior Court to the parties approximately forty (40) days after an appeal is timely and properly initiated by the Appellant. This index chronologically lists all of the papers filed in the Superior Court. When referring to these papers in briefs submitted to the Court of Appeals, the parties should identify those papers by their index number.

Judgment:

A judgment is a paper issued by the Superior Court indicating that it is the Superior Court's final determination of the rights and obligations of the parties in the case. This can be in the form of a paper entitled "Judgment," "Minute Entry," "Ruling," or "Decree." The judge must electronically or manually sign the judgment in order for it to be considered final. A final Superior Court judgment is required before a Notice of Appeal can be filed.

Money Judgment:

A money judgment is a judgment signed by a judge of the Superior Court requiring one party to pay a specific amount of money to another party.

Motion:

A motion is a paper filed with the Superior Court, the Court of Appeals, or the Arizona Supreme Court requesting that certain relief be granted. For example, a motion is filed in the Court of Appeals requesting an extension of time to file the Opening Brief. (See Form 18.)

Notice of Appeal:

This is a paper that must be filed in the Superior Court within thirty (30) days after the date of entry of judgment by the Clerk of the Superior Court in order to appeal the judgment to the Court of Appeals. If the Notice of Appeal is not timely filed, the Court of Appeals must dismiss the appeal. (See Form 3.)

Notice of Cross-Appeal:

The Notice of Cross-Appeal is a paper that must be filed with the Clerk of the Superior Court within twenty (20) days after the Notice of Appeal is filed if the party opposing the appeal (the Appellee) wants the Court of Appeals to review a particular issue arising from the same Superior Court judgment. (See Form 4.)

Opening Brief:

The Opening Brief is a paper filed by the party pursuing the appeal (the Appellant). The Opening Brief should contain a procedural history of the case (Statement of the Case), a Statement of Material Facts, Issues Presented for Review, Arguments supporting reversal of the Superior Court's judgment, a Conclusion, and proof that the Opening Brief was timely filed in the Court of Appeals and copies were hand-delivered or mailed to the party opposing the appeal (Certificate of Compliance). (See Form 16.)

Oral Argument:

Oral argument is an opportunity for the Appellee and Appellant to appear in person at a time set by the Court of Appeals to discuss the issues and arguments presented in the briefs with the judges of the Court of Appeals. These judges will decide whether to affirm or reverse the Superior Court's judgment. (See Form 21.)

Order:

An order is a written direction or command delivered by a court or judge. An order from a Superior Court that resolves the case and is signed by the judge and entered by the clerk is called a final judgment.

Party:

A party is a person or entity that either brings or defends a lawsuit. Some cases may involve more than one Plaintiff or Defendant. When a Rule of Civil Appellate Procedure refers to "all parties" or "any party" it means either (1) every party whose claims or defenses have been resolved by the judgment on appeal, or (2) after the Court of Appeals has assigned a case number and designated the parties on appeal, those parties identified in the appellate court caption. Special rules apply if more than one party files an appeal from the same judgment. See, for example, ARCAP Rules 11(h) and 13(h).

Petition for Review/Response to Petition for Review:

A Petition for Review is a paper that a party files with the Clerk of the Arizona Supreme Court if that party wants the Arizona Supreme Court to review a decision of the Court of Appeals. The Petition for Review must be filed with the Clerk of the Arizona Supreme Court within thirty (30) days after the Court of Appeals files its decision. If a Petition for Review is filed on time, the opposing side will have thirty (30) days from the date the Petition for Review is served by hand delivery or thirty-five (35) days after service by mail, to file any objections in a paper called a Response to Petition for Review. The Response to the Petition for Review is filed with the Clerk of the Arizona Supreme Court. (See Forms 23 & 24.)

Petitioner:

In family law cases, the party initiating the case is called the Petitioner instead of the Plaintiff.

"Pro Se" or "Pro Per" Litigants:

These are persons who represent themselves in a court of law without the assistance of an attorney.

Record on Appeal:

The record on appeal consists of (1) all papers filed in a case with the Clerk of the Superior Court, (2) all exhibits admitted by the Superior Court judge, and (3) all transcripts of any and all proceedings for that case. The parties in an appeal must take steps to ensure that all necessary transcripts of proceedings that took place in the Superior Court are included in the Record on Appeal.

Reply Brief:

This is an optional paper that the Appellant or Cross-Appellant may file in response to the Answering Brief or Answering Brief on Cross-Appeal. The Reply Brief should respond to the arguments in the Answering Brief or the Answering Brief on Cross-Appeal and should not re-urge the same arguments that were made in the Opening Brief or the Opening Brief on Cross-Appeal. The Reply Brief should refer to the trial transcripts or exhibits to show that the facts supporting the argument can be found in the record. (See Form 16.)

Respondent:

In family law cases, the opposing party is called the Respondent instead of the Defendant.

Service:

Service occurs when one party delivers a copy of a legal paper to the other party or parties. Service may be personal (hand-delivered) or by mail. A party may also agree to be served electronically, or a court may order electronic service. All papers filed with the Clerk of the Superior Court, the Clerk of the Court of Appeals, and the Clerk of the Arizona Supreme Court must be served on the other parties to an appeal. If the other party has an attorney, the papers must be served on the attorney. If the other party does not have an attorney, the papers must be served on the other party at the other party's last known address.

Statement of Costs:

This is a paper that the party who wins on appeal can file in order to recover, from the unsuccessful party, the costs he or she incurred in preparing the appeal from the unsuccessful party. (See Form 22.)

Superior Court:

This is the "trial court" in each of Arizona's fifteen (15) counties. It is the court where most civil cases are initially filed. Appeals from final decisions in the Superior Court are taken to the Court of Appeals.

Supersedeas Bond:

This is a bond that the Superior Court requires the Appellant to pay if the Appellant wants to delay payment of a money judgment until the appeal is completed. If a Supersedeas Bond is filed in the Superior Court, the Appellee cannot collect the money awarded by the final judgment until the appeal is completed. If no Supersedeas Bond is filed, and no proceedings initiated to set a Supersedeas Bond, the Appellee may collect the money judgment while the appeal is awaiting decision by the Court of Appeals. (See Form 14.)

Timely File:

Whatever paper is to be filed in the Superior Court, the Court of Appeals, or the Arizona Supreme Court must be filed on or before the last day set forth in this guide or on or before any other date set by the Court of Appeals or the Arizona Supreme Court in a notice sent to the parties.

Transcripts:

These are papers prepared by a court reporter or from an electronic recording. They contain an exact record of what was said and done in proceedings that took place in the Superior Court. The parties in an appeal must make sure that all necessary transcripts are included in the Record on Appeal.

Appendix 3

Forms

INDEX OF FORMS

Information to complete the forms should be TYPED rather than hand-written.

Special Rule for Domestic Relations Cases

Wherever the terms "Plaintiff" or "Defendant" appear in the attached forms, substitute the terms "Petitioner" or "Respondent."

Form 1: Notice of Change of Address (Court of Appeals)
Form 2: Notice of Change of Address (Arizona Supreme Court)
Form 3: Notice of Appeal/Notice of Cross-Appeal/Amended Notice of Appeal
Form 4: Caption
Form 5: Caption of a Brief
Form 6: Deleted
Form 7: Deleted
Form 8: Case Management Statement with instructions
Form 9: Designation of Partial Transcript
Form 10: Deleted
Form 11: Application for Deferral or Waiver of Costs of Preparing Transcript
Form 12: Deleted
Form 13: Stipulation Fixing Amount of Supersedeas Bond
Form 14: Supersedeas Bond
Form 15: Application for Deferral or Waiver of Court Fees and/or Costs
Form 16: Form of Brief
Form 17: Certificate of Compliance
Form 18: Motion for Extension of Time to File Brief
Form 19: Stipulation for Extension of Time to File Brief
Form 20: Cover Sheet for Combined Brief on Cross-Appeal
Form 21: Request for Oral Argument
Form 22: Statement of Costs
Form 23: Petition for Review (filed in the Arizona Supreme Court)
Form 24: Response to Petition for Review (filed in the Arizona Supreme Court)
Form 25: Consent for Electronic Distribution by the Clerk of the Court of Appeals
Form 26: Consent for Electronic Distribution by the Clerk of the Supreme Court

ARIZONA COURT OF APPEALS

DIVISION _____

_____ [**Name of Plaintiff**], _____ [**Appellant/Appellee**], v. _____ [**Name of Defendant**], _____ [**Appellant/Appellee**].	CA-CV _____ Superior Court Case No. _____ **NOTICE OF CHANGE OF ADDRESS**

The party signing this document is the_____

[**Appellant/Appellee**]. This party advises this Court that_____[**his/her**]

address has changed. This party's current address is as follows:

_____

_____

[**Full address and phone number**].

Dated: _____

_____
Name [**Appellee/Appellant**]

_____
Address

Copy of the foregoing Notice was served by
[Method of Service, e.g., mail or hand-delivery] on
[Date] to:

_____
Name

_____
Address

ARIZONA SUPREME COURT

_____ [**Name of Plaintiff**], _____ [**Appellant/Appellee**], v. _____ [**Name of Defendant**], _____ [**Appellant/Appellee**].	Supreme Court Case No. _____ CA-CV _____ Superior Court Case No. _____ **NOTICE OF CHANGE OF ADDRESS**

The party signing this document is the _____ [**Appellant/Appellee**]. This party advises this Court that _____ [**his/her**] address has changed. This party's current address is as follows: _____

_____

[**Full address and phone number**].

Dated: _____

_____
Name [**Appellee/Appellant**]

_____
Address

Copy of the foregoing Notice was served by
[Method of Service, e.g., mail or hand-delivery] on
[Date] to:

_____
Name

_____
Address

Attorney or Party Name
Law Firm Name (if any)
State Bar No. (if any)
Mailing Address
City, State, Zip Code
Telephone Number
Email Address (if required)
Attorney for _____ (party name)

SUPERIOR COURT OF ARIZONA

_____ COUNTY

	)	
Plaintiff(s)/Petitioner	)	Case number _____
	)	
v.	)	[] **Notice of Appeal**
	)	[] **Notice of Cross-Appeal**
	)	[] **Amended Notice of Appeal**
Defendant(s)/Respondent	)	

[<u>Use paragraph 1, 2, or 3 as applicable.</u>]

1. If the appeal is from the entire Judgment

Notice is hereby given that the _____ [name of party or parties] [] appeals or [] cross-appeals to the Arizona Court of Appeals from the judgment entered in this case on the ___ day of _____ 20__.

Dated this __ day of _____, 20__

_____
Signature of [] Attorney or [] Self-Represented Party

Certificate of Service

Copy of the foregoing Appeal was served by
[Method of Service, e.g., mail or hand-delivery] on
[Date] to:

Name:_____

Address:_____

2. If the appeal is from a part of the Judgment

Notice is hereby given that the _____ [name of party or parties] [] appeals or [] cross-appeals to the Arizona Court of Appeals from the following part of the Judgment entered in this case on the ___ day of _____ 20__. [Specify here the part of the Judgment the party is appealing. _____]

Dated this __ day of _____, 20__

_____
Signature of [] Attorney or [] Self-Represented Party

Certificate of Service
Copy of the foregoing Appeal was served by
[Method of Service, e.g., mail or hand-delivery] on
[Date] to:

Name:_____

Address:_____

3. If the appeal is from an Order

Notice is hereby given that the _____ [name of party or parties] [] appeals or [] cross-appeals to the Arizona Court of Appeals from the Order made and entered in this case on the ___ day of _____ 20__. [Briefly describe here the Order that the party is appealing. _____]

Dated this __ day of _____, 20__

_____
Signature of [] Attorney or [] Self-Represented Party

Certificate of Service
Copy of the foregoing Appeal was served by
[Method of Service, e.g., mail or hand-delivery] on
[Date] to:

Name:_____

Address:_____

Caption/Form 4

Attorney or Party Name
Law Firm Name (if any)
State Bar No. (if any)
Mailing Address
City, State, Zip Code
Telephone Number
Email Address (if required)
Attorney for _____ (party name)

ARIZONA COURT OF APPEALS

DIVISION __

ROBERT RED,	)	No. 1-CA-CV-15-0000
	)	
Petitioner/Appellee,	)	Maricopa County Superior Court
	)	No. FC-2014-999999
v.	)	
	)	PETITIONER'S MOTION TO
ROBERTA RED,	)	EXTEND TIME FOR FILING
	)	OPENING BRIEF
Respondent/Appellant.	)	
	)	*[Note – If applicable, add: "Motion for Procedural Order"]*

Caption of a Brief/Form 5

ARIZONA COURT OF APPEALS

DIVISION __

THE TOWN OF CACTUS, a political subdivision of the State of Arizona; ABC HOMES, INC., an Arizona corporation; ROBERT RED AND ROBERTA RED, husband and wife, Plaintiffs/Appellants, v. ARIZONA DEPARTMENT OF ELECTRONICS ("ADE"), an agency of the State of Arizona, and BILL BOBB, in his capacity as Director of ADE Defendants/Appellees. ---------- MOUNTAIN VIEW PRODUCTS, INC., a Montana corporation, Intervenor. _____	))	No. 1-CA-CV 15-0000 Maricopa County Superior Court No. CV 2013-999999

ANSWERING BRIEF OF DEFENDANTS/APPELLEES ADE AND BOBB

David Done
Greater Phoenix Law Firm
State Bar No. 000000
P.O. Box 000
Phoenix, Arizona 85090
(602) 999-9999
Email Address (if required)
Attorney for ADE and Bobb

IN THE

Court of Appeals

STATE OF ARIZONA

DIVISION ONE

CASE MANAGEMENT STATEMENT INSTRUCTIONS

Arizona Rule of Civil Appellate Procedure 12(d) requires an appellant to file a Case Management Statement in superior court within 20 days after distribution of the appellate clerk's initial notice under Rule 12(b). The appellant must file a copy of the judgment/order appealed from with the Case Management Statement. In cases involving multiple appellants, the Court encourages appellants to consult with each other and file a single Case Management Statement. A cross-appellant must file a Case Management Statement within 30 days after the appellate clerk's second notice under Rule 12(c).

Copies of the Case Management Statement must be served on all other parties to the appeal. Failure to file or serve the statement within the time prescribed may result in sanctions, including dismissal of the appeal.

The Case Management Statement assists the parties in identifying common procedural and jurisdictional problems prior to briefing and provides the Court of Appeals with information it needs to process the appeal properly. The statement must be completed fully and accurately. The omission of an issue from a Case Management Statement, however, will not by itself support a motion to strike an argument from the opening brief.

IN THE

Court of Appeals

STATE OF ARIZONA

DIVISION ONE

CASE MANAGEMENT STATEMENT

_____

v.

_____

1 CA-CV _____

_____ County Superior Court

Superior Court case number: _____

Judge _____

_____

Name of Filing Party

_____

Signature of Counsel or Party

_____

Date

A. APPELLATE JURISDICTION

1. State the basis for appellate jurisdiction (*See* A.R.S. § 12-2101):

2. State the date the superior court filed the judgment/order you are appealing and state whether the court signed the ruling.

3. Provide the date each notice of appeal or cross-appeal was filed and identify the filing party.

4. If the time for appeal was extended by one of the motions identified in Arizona Rule of Civil Appellate Procedure 9(e)(1), identify the motion, the date it was filed, the date the superior court filed its ruling on the motion, and state whether the ruling was signed.

5. If any motions are currently pending in superior court, identify the name of each motion and the date it was filed.

6. Is the judgment/order appealed from certified as final pursuant to Arizona Rule of Civil Procedure 54(c)?

7. If any claims remain pending in the superior court, including claims for attorneys' fees, was the judgment/order made appealable pursuant to Arizona Rule of Civil Procedure 54(b) or Arizona Rule of Family Law Procedure 78(B)?

B. CASE INFORMATION

1. List all parties to the superior court action.

2. List any party in superior court that is not a party to this appeal and explain in detail why the party is not included in this appeal, e.g., the party was dismissed, not served, or other. Include specific relevant references to the record.

3. Describe briefly all claims (including counterclaims, cross-claims and third-party claims) asserted in the superior court and the manner each such claim was resolved in the superior court (i.e., bench trial, jury verdict, dismissal, summary judgment, or default judgment). Include specific relevant references to the record.

4. Identify the issues to be raised on appeal.

5. If this case involves an assertion or allegation that a state statute, ordinance, franchise, or rule is unconstitutional on its face, or that a municipal ordinance or franchise is facially invalid, have you complied with A.R.S. § 12-1841?

C. TRANSCRIPTS

1. State the date you complied with Arizona Rule of Civil Appellate Procedure 11(c)(1) and (2) by ordering the transcript(s) necessary for proper consideration of the issues on appeal.

   Identify the certified court reporter or authorized transcriber responsible for preparing the transcript(s): _____

   Provide the court reporter's estimated date of completion of the transcript(s): _____

2. State the date you complied with Arizona Rule of Civil Appellate Procedure 11(c)(3) by filing a notice of transcript order and, if applicable, a statement of the issues.

D. OTHER PENDING AND PRIOR PROCEEDINGS

1. If any party to this appeal is the subject of a pending petition in bankruptcy court, identify the court and provide the case name and number.

2. Provide the case name and number of any other appeal, special action, or petition for review filed from the same, or a consolidated, superior court action.

3. Provide the case name and number of any other appeal(s) pending in the Court of Appeals that involve the same parties, events, or transactions giving rise to this appeal.

4. Provide the case name and number of any known pending appeals in the Court of Appeals that raise the same or closely related issues.

E. CONTACT INFORMATION

1. Filing Party

This Case Management Statement is filed by or on behalf of:

Name of Party: _____

Counsel: _____

Address: _____

_____

Email address: _____

Telephone: _____

Check one: _____ Appellant _____ Cross-Appellant _____ Appellee

For a joint statement by multiple appellants, provide contact information for additional appellants on a separate sheet accompanied by certification that they concur in the contents of this statement.

2. Opposing Party

Name of Party: _____

Counsel for Opposing Party: _____

Address: _____

_____

Email address: _____

Telephone: _____

(List additional counsel/parties on separate sheet if necessary

CERTIFICATION OF SERVICE

I certify that on the _____ day of _____, _____, I served copies of the above Case Management Statement on all counsel/parties of record by email or by depositing a true copy thereof in the United States mail addressed as follows:

Name: _____

Address: _____

_____

_____
Signature

SUPERIOR COURT OF ARIZONA

_____COUNTY

_____ [**Name of Plaintiff**], Plaintiff, v. _____ [**Name of Defendant**], Defendant.	Superior Court Case No._____ **DESIGNATION OF PARTIAL TRANSCRIPT**

Pursuant to Arizona Rule of Civil Procedure 11(b), the _____[**Plaintiff/Defendant**] designates the following portions of the reporter's transcript to be included in the record on appeal:

_____

_____

_____

[**Set forth the date of transcript and pages to be used. Attach additional pages if necessary**.]

Dated: _____

_____
Name [**Plaintiff/Defendant**]

_____
Address

Copy of this Designation was served by
[Method of Service, e.g., mail or hand-delivery] on
[**Date**] to:

_____
Name

_____
Address

SUPERIOR COURT OF ARIZONA

_____COUNTY

_____ [**Name of Plaintiff**], Plaintiff, v. _____ [**Name of Defendant**], Defendant.	Superior Court Case No._____ **APPLICATION FOR DEFERRAL OR WAIVER OF COSTS OF PREPARING TRANSCRIPTS ON APPEAL**

STATE OF ARIZONA)
) ss.
COUNTY OF_____)

STATEMENTS MADE TO THE COURT UNDER OATH OR AFFIRMATION. I swear or affirm that the information in this application is true and correct. I make this statement under the penalty of prosecution for perjury if it is determined that I did not tell the truth.

I am requesting a deferral or waiver of the fees and costs of transcript(s) preparation in my case.

The basis for this request is:

1. _____ WAIVER: I am permanently unable to pay. My income and liquid assets are insufficient or barely sufficient to meet the daily essentials of life and unlikely to change in the foreseeable future.

OR

2. _____ FURTHER DEFERRAL:

_____ a. I receive government assistance from the state/federal program(s) checked below:

____Temporary Assistance for Needy Families (TANF)
____Food Stamps
____Supplemental Security Income (SSI)
____General Assistance (GA)

If you checked any of the above boxes in 1 or 2(a), you must complete the Financial Questionnaire. You must submit proof that you receive government assistance. If you are submitting this application by mail or a third party, you must attach a photocopy of that proof.

OR

_____ b. My income is sufficient or is barely sufficient to meet the daily essentials of life, and includes no allotment that could be budgeted for the fees and costs that are required to gain access to the court.

To determine whether income is sufficient or barely sufficient, the court will review your income and expenses. Among the factors the court may consider are:

1. Whether your gross income as computed on a monthly basis is 150% or less of the current federal poverty level. Gross monthly income includes your share of community property income if available to you.

2. Although your income is greater than 150% of the poverty level, you have proof of extraordinary expenses, including medical expenses, costs of care for elderly or disabled family members or other expenses that the court finds are extraordinary and that reduce your gross monthly income to at or below 150% of the poverty level.

OR

_____ c. I do not have the money to pay court filing fees and/or costs now. I can pay the filing fees and/or costs at a later date. Explain:

_____
_____
_____

If you checked either boxes 2b or 2c, you must complete the Financial Questionnaire.

FINANCIAL QUESTIONNAIRE

SUPPORT RESPONSIBILITIES: List all persons you support (including those for whom you pay child support and/or spousal maintenance/support).

NAME	RELATIONSHIP
_____	_____
_____	_____
_____	_____

STATEMENT OF INCOME AND EXPENSES

ASSISTANCE: I receive assistance from:

____ Arizona Health Care Cost Containment System (AHCCCS)
____ Arizona Long Term Care System (ALTUS)
____ Other (explain): _____

MONTHLY INCOME: My monthly income is:
Monthly gross income: $ _____
_____ Employer name: _____
_____ Employer address: __
_____
Employed since (month/year): ____
_____ Other current monthly income including spousal maintenance/support, retirement, rental, interest, pensions, scholarships, grants, royalties, lottery winnings (explain amount and source):
$_____
_____
_____

My spouse's monthly gross income (if available to me): $_____

MONTHLY EXPENSES AND DEBTS: My monthly expenses and debts are:

	Payment Amount	**Loan Balance**
Rent/Mortgage Payment	$_____	$_____
Car Payment	$_____	$_____
Credit Card Payments	$_____	$_____
Other Payments and Debts	$_____	$_____

Explain:

_____

Food/Household supplies	$_____
Utilities/Telephone	$_____
Clothing	$_____
Medical/Dental/Drugs	$_____
Health Insurance	$_____
Nursing Care	$_____
Laundry	$_____
Child Support	$_____
Child Care	$_____
Spousal Maintenance	$_____
Car Insurance	$_____
Gasoline/Bus Fare	$_____
Contributions to Employer or other retirement account	$_____

TOTAL MONTHLY PAYMENTS: $_____

STATEMENT OF ASSETS: List only those assets available to you and accessible without financial penalty. Equity is defined as market value minus any liens or loans.

	ESTIMATED VALUE
Cash and Bank Accounts	$_____
Credit Union Accounts	$_____
Equity in:	
Home	$_____
Other Property	$_____
Cars and other vehicles	$_____
Other, including stocks, bonds, etc.	$_____
Retirement Accounts	$_____
TOTAL ASSETS:	**$_____**

EXTRAORDINARY EXPENSES: For example, unusual medical needs, financial hardship, costs of care of elderly or disabled family members. (Proof must be submitted.)

DESCRIPTION	**AMOUNT**
_____	$_____
_____	$_____

TOTAL EXTRAORDINARY EXPENSES: $_____

SIGNATURE UNDER PENALTY OF PERJURY

Date: _____

_____
Signature

Print your name:_____

SUPERIOR COURT OF ARIZONA

_____COUNTY

_____ [**Name of Plaintiff**], Plaintiff, v. _____ [**Name of Defendant**], Defendant.	Superior Court Case No._____ **STIPULATION FIXING AMOUNT OF SUPERSEDEAS BOND**

_____[**Plaintiff or Defendant**] is appealing the Judgment rendered on_____[**Date**] and desires to supersede the judgment and stay the execution thereof on appeal. Therefore, it is stipulated between the parties that the supersedeas bond required be in the amount of $ [**Dollar Amount**] and that a _____ [**Cashier's Check or Bond**] in the form attached hereto may be used for that purpose.

Dated: _____

_____ Name [**Plaintiff/Defendant**]

_____ Attorney Name [**for Name Party**]

_____ Address

_____ Address

SUPERIOR COURT OF ARIZONA

_____COUNTY

_____ [**Name of Plaintiff**], Plaintiff, v. _____ [**Name of Defendant**], Defendant.	Superior Court Case No._____ **SUPERSEDEAS BOND**

KNOW ALL MEN BY THESE PRESENTS:

That_____[**Appellant's Name**] as principal and _____ [**Company's Name**] as surety do hereby acknowledge themselves bound to _____ [**Appellee's Name**] for the sum of $_____[**Dollar Amount**]. The principal is appealing the judgment in the above-entitled case entered on _____ [**Date**], and desires to supersede that judgment and stay the execution thereof on appeal. Therefore, the foregoing bond shall remain in force and effect except that if principal satisfies in full the judgment remaining unsatisfied, together with the costs, interest and any damages reasonably anticipated to flow from the granting of the stay, including damages for delay, if for any reason the appeal is dismissed or if the judgment is affirmed, or if the principal satisfies in full such modifications of the judgment and costs, interest and damages as the appellate court may adjudge and award, then the foregoing bond shall be void.

Dated: _____

_____
[**Name and address of Appellant**]

_____
[**Name and address of Surety**]

Name of Person Filing Document: _____
Your Address: _____
Your City, State, and Zip Code: _____
Your Telephone Number: _____
Attorney Bar Number (if applicable): _____
Attorney E-mail Address _____
Representing ☐ **Self (Without an Attorney) OR**
☐ **Attorney for** ☐ **Petitioner** ☐ **Respondent**

ARIZONA COURT OF APPEALS
DIVISION ONE

_____
Name of Petitioner/Plaintiff

No._____

Case Number:_____

Superior Court Case

APPLICATION FOR DEFERRAL OR WAIVER OF COURT FEES AND/OR COSTS AND CONSENT TO ENTRY OF JUDGMENT

_____
Name of Respondent/Defendant

IMPORTANT

This ***"Application for Deferral or Waiver of Court Fees and/or Costs"*** includes a ***"Consent to Entry of Judgment."*** By signing this Consent, you agree a judgment may be entered against you for all fees and costs that are deferred but remain unpaid thirty (30) calendar days after entry of final judgment. At the conclusion of the case you will receive a Notice of Court Fees and Costs Due indicating how much is owed and what step you must take to avoid a judgment against you if you are still unable to pay. Additional details about this process are discussed in the ***"Consent to Entry of Judgment"*** section of this application.

STATEMENTS MADE TO THE COURT UNDER OATH OR AFFIRMATION. I swear or affirm that the information in this application is true and correct. I make this statement under the penalty of prosecution for perjury if it is determined that I did not tell the truth.

I am requesting a deferral/waiver of the following fees and/or costs in my case:
(Notice to electronic filers: The $6.00 application fee charged by TurboCourt is not eligible for a waiver or deferral and is due at the time of each submission)

The basis for the request is:

1. [ ] **DEFERRAL:**

A. [ ] I receive governmental assistance from the state/federal program(s) marked below:
[ ] Temporary Assistance to Needy Families (TANF)
[ ] Food Stamps

OR

B. [ ] My income is insufficient or is barely sufficient to meet the daily essentials of life, and includes no allotment that could be budgeted for the fees and costs that are required to gain access to the court.
NOTE: To determine whether income is insufficient or barely sufficient, the court will review your income and expenses. Among the factors the court may consider are:

1. Whether your gross income as computed on a monthly basis is 150% or less of the current federal poverty level. Gross monthly income includes your share of community property income if available to you.
2. If your income is greater than 150% of the poverty level, but you have proof of extraordinary expenses (including medical expenses and costs of care for elderly or disabled family members) or other expenses that the court finds are extraordinary that reduce your gross monthly income to at or below 150% of the poverty level.

OR

C. [ ] I do not have the money to pay court filing fees and/or costs now. I can pay the filing fees and/or costs at a later date. **Explain.** _____

_____

2. [ ] **WAIVER:**

A. [ ] I am permanently unable to pay. My income and liquid assets are insufficient or barely sufficient to meet the daily essentials of life and unlikely to change in the foreseeable future.

B. [ ] I receive government assistance from the federal program Supplemental Security Income (SSI).

NOTE: Every applicant, regardless of his or her financial circumstances, must complete the Financial Questionnaire (below). If you submit the Application and Financial Questionnaire in person, you MUST sign it in front of the court clerk; if you submit the form by mail or by a third party, you MUST sign it in front of a notary public. You must submit proof that you receive governmental assistance. If you submit the Application and Financial Questionnaire by mail or by a third party, please attach a copy of your proof of governmental assistance.

FINANCIAL QUESTIONNAIRE

SUPPORT RESPONSIBILITIES: List all persons you support (including those you pay child support and/or spousal maintenance/support for):

NAME	RELATIONSHIP
_____	_____
_____	_____
_____	_____

STATEMENT OF INCOME AND EXPENSES

ASSISTANCE: I receive assistance from:

[ ] Arizona Health Care Cost Containment System (AHCCCS)
[ ] Arizona Long Term Care System (ALTCS)
[ ] Other (explain):_____

MONTHLY INCOME: My monthly income is:

Monthly gross income: $_____
Employer name:_____
Employer address: _____
Employed since (month/year):_____

Other current monthly income, including spousal maintenance/support, retirement, rental, interest, pensions, scholarships, grants, royalties, lottery winnings (explain amount and source): $_____
_____
_____

My spouse's monthly gross income (if available to me): $_____

TOTAL MONTHLY INCOME $_____

MONTHLY EXPENSES AND DEBTS: My monthly expenses and debts are:

	PAYMENT AMOUNT	**LOAN BALANCE**
Rent/Mortgage payment	$ _____	$_____
Car Payment	$_____	$_____
Credit Card Payments	$_____	$_____
Other payments & debts	$_____	$_____
Explain:	_____	
Food/Household supplies	$_____	
Utilities/Telephone	$ _____	
Clothing	$_____	
Medical/Dental/Drugs	$_____	
Health Insurance	$_____	
Nursing care	$_____	
Laundry	$_____	
Child Support	$_____	
Child Care	$_____	
Spousal Maintenance	$_____	
Car Insurance	$_____	
Gasoline/Bus Fare	$_____	
Contributions to Employer or Other Retirement Account	$_____	

TOTAL MONTHLY EXPENSES $_____

STATEMENT OF ASSETS: List only those assets available to you and accessible without financial penalty. Equity is defined as market value minus any liens or loans.

	ESTIMATED VALUE
Cash and Bank Accounts	$_____
Credit Union Accounts	$_____
Equity in:	
1. Home	$_____
2. Other property	$_____
3. Cars/other vehicles	$_____
4. Other, including stocks, bonds, etc.	$_____
5. Retirement accounts	$_____
TOTAL ASSETS	$_____

EXTRAORDINARY EXPENSES: For example, unusual medical needs, financial hardship, costs of care of elderly or disabled family members. (Proof must be submitted.)

DESCRIPTION	**AMOUNT**
_____	$_____
_____	$_____
_____	$_____
TOTAL EXTRAORDINARY EXPENSES	$_____

Note: If you receive a deferral and have unpaid fees at the end of your case you will receive a Notice of Court Fees and Costs Due. This is to remind you that you may submit a supplemental application for further deferral or waiver if you believe you need more time to pay or cannot afford to pay your court fees and costs. The court will decide at that time whether or not you must pay. If you do not file a supplemental application, the original deferral order remains in effect and a consent judgment may be entered against you if you do not pay within thirty calendar days after entry of final judgment.

If your case is dismissed for any reason, the fees and costs are still due.

CONSENT TO ENTRY OF JUDGMENT: By signing this Application, I agree that a judgment may be entered against me for all fees and/or costs that are deferred but remain unpaid after thirty (30) calendar days after entry of final judgment. Judgment may be entered against me unless any one of the following applies:

A. Fees and costs are taxed to another party;
B. I have an established schedule of payments in effect and I am current with those payments;
C. I file a supplemental application for waiver or further deferral of fees and costs and a decision by the court is pending;
D. In response to a supplemental application, the court orders that the fees and costs be waived or further deferred; or
E. Within twenty days of the date the court denies the supplemental application, I either:
   1. Pay the fees and/or costs; or,
   2. Request a hearing on the court's order denying waiver or further deferral. If I request a hearing, the court cannot enter the consent judgment unless a hearing is held, further deferral or waiver is denied and payment has not been made within the time prescribed by the court.

If you appeal the final decision in your case, a consent judgment for deferred fees and/or costs that remain unpaid in the lower court shall not be entered until after the appeals process is concluded.

OATH OR AFFIRMATION

The contents of this document are true and correct to the best of my knowledge and belief.

Date	Signature
	Printed Name
Date Signed or Affirmed	Judicial Officer, Deputy Clerk or Notary Public
My Commission Expires/Seal:	

ARIZONA COURT OF APPEALS

DIVISION _____

_____ [**Name of Plaintiff**], _____ [**Appellant/Appellee**], v. _____ [**Name of Defendant**], _____ [**Appellant/Appellee**].	CA-CV _____ Superior Court Case No. _____

[APPELLANT'S OPENING BRIEF] [APPELLEE'S ANSWERING BRIEF]
OR
[APPELLANT'S REPLY BRIEF]

_____
Name [**Appellant/Appellee**]

_____
Address

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STATEMENT OF THE CASE

(Add additional sheets of paper as necessary to complete this section.)

STATEMENT OF FACTS

(Add additional sheets of paper as necessary to complete this section.)

ISSUE(S) PRESENTED

(Add additional sheets of paper as necessary to complete this section.)

ARGUMENT

(Add additional sheets of paper as necessary to complete this section.)

CONCLUSION

_____

[**Date**]

_____

[**Name**]

_____

[**Address**]

PROOF OF SERVICE

The undersigned _____ [Appellant/Appellee] on the ____ day of _____, 20___, filed an Original and one (1) copy of the _____ [Appellant's Opening Brief, Appellee's Answering Brief, or Appellant's Reply Brief] in the Court of Appeals; and served a copy to the following parties in compliance with Rule 5(c) of the Arizona Rules of Civil Procedure as follows:

Method of Service:_____
_____
_____
__

_____
[Appellant/Appellee or Counsel]

_____
Address

_____
City, State, Zip Code

<u>CERTIFICATE OF COMPLIANCE</u>

(See **Form 17** for complete version of Certificate of Compliance to insert here.)

Certificate of Compliance

1. This certificate of compliance concerns:

   [] A brief, and is submitted under Rule 14(a)(5)

   [] An accelerated brief, and is submitted under Rule 29(a)

   [] A motion for reconsideration, or a response to a motion for reconsideration, and is submitted under Rule 22(e)

   [] A petition or cross-petition for review, a response to a petition or cross-petition, or a combined response and cross-petition, and is submitted under Rule 23(h)

   [] An amicus curiae brief, and is submitted under Rule 16(b)(4)

2. The undersigned certifies that the brief/motion for reconsideration/petition or cross- petition for review to which this Certificate is attached uses type of at least 14 points, is double-spaced, and contains _____ words.

3. The document to which this Certificate is attached [] does not, or [] does exceed the word limit that is set by Rule 14, Rule 22, Rule 23, or Rule 29, as applicable.

_____

Signature of [] Attorney or [] Self-Represented Party

_____

Printed Name of Attorney or Self-Represented Party

ARIZONA COURT OF APPEALS

DIVISION _____

_____ [**Name of Plaintiff**], _____ [**Appellant/Appellee**], v. _____ [**Name of Defendant**], _____ [**Appellant/Appellee**].	CA-CV _____ Superior Court Case No. _____ **MOTION FOR EXTENSION OF TIME TO FILE BRIEF**

_____[**Appellant/Appellee**] requests an extension of time within which to file_____ [**His/Her**]_____[**Opening/Answering/Reply**] brief from _____ [**Date Currently Due**] to_____ [**New Date**] for the reasons that _____ _____[**Set Forth Reasons**].

Dated: _____

_____
Name [**Appellant/Appellee**]

_____
Address

Copy of this Motion was served by
[Method of Service, e.g., mail or hand-delivery]
on **Date**] to:

_____
Name

_____
Address

ARIZONA COURT OF APPEALS

DIVISION _____

_____ [**Name of Plaintiff**], _____ [**Appellant/Appellee**], v. _____ [**Name of Defendant**], _____ [**Appellant/Appellee**].	CA-CV _____ Superior Court Case No. _____ **STIPULATION FOR EXTENSION OF TIME TO FILE BRIEF**

The undersigned stipulate and agree that _____ [**Appellant's/ Appellee's**] time for filing the_____ [**Opening/Answering/Reply**] brief in this matter may be extended from _____ [**Current Due Date**] to _____ [**New Date Desired**]. This extension is requested because [**List Reasons**].

Dated: _____

_____ Name [**the Appellant**]	_____ Name [**the Appellee**]
_____ Address	_____ Address

ARIZONA COURT OF APPEALS

DIVISION _____

_____ [**Name of Plaintiff**], _____ [**Appellant/Appellee**], v. _____ [**Name of Defendant**], _____ [**Appellant/Appellee**].	CA-CV _____ Superior Court Case No. _____

[APPELLEE'S/CROSS-APPELLANT'S ANSWERING BRIEF AND OPENING BRIEF ON CROSS-APPEAL]
OR
[APPELLANT'S/CROSS-APPELLEE'S REPLY BRIEF AND ANSWERING BRIEF ON CROSS-APPEAL]
OR
[APPELLEE'S/CROSS-APPELLENT'S REPLY BRIEF ON CROSS-APPEAL]

NOTE: These Briefs follow the same format as **Form 16** above.

_____
Name [**Appellant/Appellee**]

_____
Address

ARIZONA COURT OF APPEALS

DIVISION _____

_____ [**Name of Plaintiff**], _____ [**Appellant/Appellee**], v. _____ [**Name of Defendant**], _____ [**Appellant/Appellee**].	CA-CV _____ Superior Court Case No. _____ **REQUEST FOR ORAL ARGUMENT**

Pursuant to ARCAP 18, the_____ **[Appellant/Appellee]** requests oral argument in the above-entitled matter.

Dated:_____

_____
[**Name**]

_____
[**Address**]

Copy of the foregoing Request was served by [Method of Service, e.g., mail or hand-delivery] on **Date**] to:

_____
Name

_____
Address

ARIZONA COURT OF APPEALS

DIVISION _____

_____ [**Name of Plaintiff**], _____ [**Appellant/Appellee**], v. _____ [**Name of Defendant**], _____ [**Appellant/Appellee**].	CA-CV _____ Superior Court Case No. _____ **STATEMENT OF COSTS**

To: The Clerk of this Court and attorneys for the _____ [**Appellant/Appellee**]:

The undersigned_____ [**Appellant/Appellee**] requests taxation of costs in the sum of $_____[**Dollar Amount**] for the following expenses:

1. Clerk's fees .....$_____
2. Certified copies of record .....$_____
3. Briefs .....$_____
4. Reporter's Transcript.....$_____
5. Attorneys' Fees (if applicable) .....$_____
6. [Other] .....$_____

TOTAL ..... $_____

Dated: _____

_____
[**Name**]

_____
[**Address**]

Copy of this Statement was served by
[Method of Service, e.g., mail or hand-delivery]
on [**Date**] to:

_____
Name

_____
Address

AFFIDAVIT SUPPORTING STATEMENT OF COSTS

STATE OF ARIZONA)
) ss.
_____COUNTY)

_____ [**Name**], being first sworn upon oath, deposes and says:

_____ [**He/She**] is _____ [**Appellant/Appellee**] in this action, is better informed than the_____[**Appellant/Appellee**] of the costs in this appeal. The amounts listed above have actually been expended in connection with this case.

_____
_ [**Signed**]

SUBSCRIBED AND SWORN TO before me on [**Date**].

[seal]

_____
_Notary Public

Copy served by
[Method of Service, e.g., mail or hand-delivery]
on [**Date**] to:

_____
Name

_____
Address

[NOTE: LIMIT FOR THIS DOCUMENT IS 3500 WORDS OR 12 HANDWRITTEN PAGES]

ARIZONA SUPREME COURT

_____ [**Name of Plaintiff**], _____ [**Appellant/Appellee**], v. _____ [**Name of Defendant**], _____ [**Appellant/Appellee**].	CA-CV _____ Superior Court Case No. _____ **PETITION FOR REVIEW**

_____[**Appellant/Appellee**] petitions the Supreme Court of Arizona to review the decision of the Court of Appeals in this matter.

A. Issues Presented for Review.

B. List of Additional Issues Presented to, but Not Decided by, Court of Appeals and Which May Need to be Decided if Review is Granted.

C. Statement of Facts.

D. Reasons for Granting this Petition.

E. [**PARTY FILING THE PETITION FOR REVIEW MUST ATTACH A COPY OF THE COURT OF APPEALS DECISION TO THE PETITION**]

Dated: _____

_____
Name

_____
Address

PROOF OF SERVICE

The undersigned _____ [Appellant/Appellee] on the ____ day of _____, 20___, filed an Original and one (1) copy of the _____ Petition for Review in the Supreme Court; and served a copy to the following parties in compliance with Rule 5(c) of the Arizona Rules of Civil Procedure as follows:

Method of Service:_____
_____
_____

_____
[Appellant/Appellee or Counsel]

_____
Address

_____
City, State, Zip Code

CERTIFICATE OF COMPLIANCE

(See **Form 17** for complete version of Certificate of Compliance to insert here.)

[**NOTE: LIMIT FOR THIS DOCUMENT IS 3500 WORDS OR 12 HANDWRITTEN PAGES**]

ARIZONA SUPREME COURT

_____ [**Name of Plaintiff**], _____ [**Appellant/Appellee**], v. _____ [**Name of Defendant**], _____ [**Appellant/Appellee**].	Supreme Court Case No. _____ CA-CV _____ Superior Court Case No. _____ **RESPONSE TO PETITION FOR REVIEW**

_____ [**Appellant/Appellee**] responds to the Petition for Review to the Arizona Supreme Court previously filed to review the decision of the Court of Appeals in this matter.

A. Issues Presented for Review.

B. List of Additional Issues Presented to, but Not Decided by, Court of Appeals and Which May Need to be Decided if Review is Granted.

C. Statement of Facts.

D. Reasons Petition for Review should not be Granted.

Dated: _____

_____
Name

_____
Address

PROOF OF SERVICE

The undersigned _____ [Appellant/Appellee] on the ____ day of _____, 20___, filed an Original and one (1) copy of the _____ Response to Petition for Review in the Supreme Court; and served a copy to the following parties in compliance with Rule 5(c) of the Arizona Rules of Civil Procedure as follows:

Method of Service:_____
_____
_____

_____
[Appellant/Appellee or Counsel]

_____
Address

_____
City, State, Zip Code

CERTIFICATE OF COMPLIANCE

(See **Form 17** for complete version of Certificate of Compliance to insert here.)

Form 25: Consent for Electronic Distribution by the court of Appeals Clerk

Party Name
Mailing Address
City, State, Zip Code
Telephone Number

ARIZONA COURT OF APPEALS

DIVISION ____

_____, Appellee,	) Court of Appeals Division ____ No. _ -_____
v.	)
_____, Appellant.	) _____ County Superior Court No. _____

The undersigned self-represented party to this appeal, pursuant to Rule 4.2(h) of the Arizona Rules of Civil Appellate Procedure, consents to electronic distribution of court documents by the appellate clerk. The appellate clerk may distribute court documents to the undersigned at the following electronic mailing address:_____.

The undersigned is responsible for maintaining this email address, and for checking it on a regular basis.

This consent is effective when it is filed with the appellate clerk. The undersigned understands that this consent is voluntary and that it remains in effect until the undersigned files a written withdrawal of consent with the appellate clerk.

This consent form does not constitute consent to electronic service on the undersigned by another party.

Dated this __ day of _____, 20__

_____
Printed Name of Self-Represented Party

_____
Signature of Self-Represented Party

Form 26: Consent for Electronic Distribution by the Supreme Court Clerk

Party Name
Mailing Address
City, State, Zip Code
Telephone Number

SUPREME COURT OF ARIZONA

_____,	)	Arizona Supreme Court
	)	No.
Appellee,	)	
	)	Court of Appeals
v.	)	Division ____
	)	No. _ -_____
_____,	)	
	)	
Appellant.	)	_____ County
	)	Superior Court
_____	)	No. _____

The undersigned self-represented party to this appeal, pursuant to Rule 4.2(h) of the Arizona Rules of Civil Appellate Procedure, consents to electronic distribution of court documents by the appellate clerk. The appellate clerk may distribute court documents to the undersigned at the following electronic mailing address:_____.

The undersigned is responsible for maintaining this email address, and for checking it on a regular basis.

This consent is effective when it is filed with the appellate clerk. The undersigned understands that this consent is voluntary and that it remains in effect until the undersigned files a written withdrawal of consent with the appellate clerk.

This consent form does not constitute consent to electronic service on the undersigned by another party.

Dated this __ day of _____, 20__

_____
Printed Name of Self-Represented Party

_____
Signature of Self-Represented Party