PREFACE TO THE 2018 EDITION

The period of time since 1992 (the year before the first publication of the Arizona Civil Rules Handbook in 1993 by Daniel J. McAuliffe) and the publication of this 2018 edition, has witnessed dramatic changes in the procedural requirements for the processing of civil actions in the Arizona courts. For example:

(1) 1992: far reaching discovery reform amendments;
(2) 1995: cutting edge jury reform amendments;
(3) 2000: major civil rules consolidation effort;
(4) 2014: progressive case management amendments; and
(5) 2017: total abrogation of the Arizona Rules of Civil Procedure, together with all comments and forms followed by the simultaneous adoption of amended, restructured, renumbered and restyled versions of the former rules of civil procedure.

This year—2018—once again brought significant amendments to the Arizona Rules of Civil Procedure. Thus, on August 31, 2017, the Arizona Supreme Court issued four separate orders adopting various technical and substantive amendments with effective dates of January 1, 2018 or July 1, 2018 depending on the nature of the rule amendment. These orders were followed by four other orders making technical amendments to the August 31st orders.

The three most significant changes for 2018 are:

(1) the adoption of new Rule 5.4, which sets forth extensive procedures governing the sealing and unsealing of documents and is effective January 1, 2018;
(2) the adoption of detailed rules governing the production, and protection, of electronically stored information (“ESI”);
(3) the adoption of new Rule 26.2 and various other rule amendments, effective July 1, 2018, to put into place a “new case management and discovery reform” system.

In this latter regard, the case management and discovery reform rule amendments include the establishment of a 3-tiered differentiated case management system intended to “reduce the cost and time required to resolve civil cases in Arizona’s superior courts,” together with corresponding significant amendments to the disclosure and discovery procedures altering deadlines and limitations. See August 31, 2017 Order on Petition R-17-0010 (Amending the Arizona Rules of Civil Procedure and Related Provisions), as amended September 14, 2017.
As in the past, those who use this work in their practice are reminded to cite check and update the information set forth in this publication. This reminder is particularly important given the extensive 2017 and 2018 revisions to the Arizona Rules of Civil Procedure.

Finally, practitioners are reminded that the Handbook is intended to serve as a starting point for further research, and not the end point.

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