

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-10-0033
)
PETITION TO AMEND RULE 21(c)(1),)
ARIZONA RULES OF CIVIL)
APPELLATE PROCEDURE)
) **FILED 09/01/2011**
)
)
_____)

**ORDER
AMENDING RULE 21(c)(1),
ARIZONA RULES OF CIVIL APPELLATE PROCEDURE**

A petition having been filed proposing to clarify the requirements for requesting attorneys' fees on appeal, and comments having been received, upon consideration,

IT IS ORDERED that Rule 21(c)(1), Arizona Rules of Civil Appellate Procedure, be amended in accordance with the attachment hereto, effective January 1, 2012.

DATED this _____ day of September, 2011.

REBECCA WHITE BERCH
Chief Justice

TO:
Rule 28 Distribution
John C Gemmill
Patricia K Norris
Diane M Johnsen
Michael J Brown
John A Furlong

ATTACHMENT

ARIZONA RULES OF CIVIL APPELLATE PROCEDURE*

* * *

Rule 21. Costs and Attorneys' Fees

(a)-(b) [No change in text.]

(c) **Claim for Attorneys' Fees.** (1) A claim for allowance of attorneys' fees ~~When attorneys' fees are claimed pursuant to statute, decisional law or contract, a request for allowance of attorneys' fees in connection with the prosecution or defense of the appeal or the prosecution or defense of the case in the superior court~~ shall be made in the briefs on appeal; or by written motion filed and served ~~prior to~~ before oral argument or submission of the appeal. If a petition or cross-petition for review is filed, a claim request ~~request~~ for allowance of attorneys' fees shall be made in the petition or cross-petition for review or the response thereto. All claims for attorneys' fees must specifically state the statute, rule, decisional law, contract, or other provision authorizing an award of attorneys' fees. If recovery of attorneys' fees is allowed by the court in its decision or order, a statement of the amount claimed for such fees may be included in the statement of costs prescribed by Rule 21(a).

(2) The statement of the amount claimed for attorneys' fees shall set forth ~~any relevant statutory or contractual provisions and any other factors considered by counsel to be~~ consider relevant to the determination of a reasonable fee. Counsel shall also attach and submit an affidavit containing an itemized statement of hours, indicating the following:

- (a) The date on which the service was performed;
- (b) The time expended on such date;
- (c) The nature of the service; and

* Changes or additions to text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

(d) The identity of the persons performing the service.

(d)-(f) [No change in text.]