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**AZ State Supreme Court Adopts Verbatim NCLA’s Proposed Changes to Court Rule;
Revised Rule Will Better Protect the Civil Rights of Arizonans Who Appeal Agency Decisions**

R-20-0008 Petition to Amend Rule 3 of the Rules of Procedure for Judicial Review of Administrative Decisions

Washington, DC (August 31, 2020) – Arizonans seeking to appeal administrative decisions to state courts will finally be able to obtain relief from state agency abuses thanks to the New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group. NCLA is pleased to announce that the Arizona Supreme Court has adopted verbatim an [NCLA-drafted](#) amendment to its Judicial Review of Administrative Decisions Rule 3 (“JRAD Rule 3”). The new rule makes it easier for litigants to obtain Superior Court stays of agency decisions.

Arizona state agency adjudications have several due-process and separation-of-powers problems. Individuals in administrative adjudications can be denied basic due-process rights such as the right to confront witnesses, the right to jury trial, and the right to disclosure of exculpatory evidence. Further, state agencies often decide these cases in a haphazard manner. Agency heads can bypass rules of evidence and civil procedure, ignore witnesses, and rely solely on the one-sided facts crafted by their own subordinates in rendering these decisions. Agencies can thus investigate and prosecute Arizonans, as well as act as the judge and jury in administrative cases.

The new rule goes into effect starting January 1, 2021. The rule change affects all appeals from the final decisions of all Arizona state agencies that are required to go to the Superior Court—that is, all Title 32 boards, the Department of Child Safety, and so forth.

NCLA released the following statement:

“JRAD appellants are usually people of limited financial means. The old rule had made it practically impossible for those accused of wrongdoing by one-sided agency proceedings to obtain meaningful judicial review from state courts. The amended rule is a welcome change that allows Arizona’s courts to hold state agencies accountable for their myriad violations of the people’s civil liberties.”

— **Adi Dynar, Litigation Counsel, NCLA**

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation

and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans' fundamental rights.

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