



DIVISION ONE
FILED: 03/27/2012
RUTH A. WILLINGHAM,
CLERK
BY: DLL

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

VIRGINIA ORTIZ,)
)
) Petitioner,)
)
) v.)
) ICA Claim
) No. 20100-950343
)
) THE INDUSTRIAL COMMISSION OF)
) ARIZONA,)
) Carrier Claim
) No. 15213615
)
) Respondent,)
)
) MV TRANSPORTATION,)
) **DECISION ORDER**
)
) Respondent Employer,)
)
) INDEMNITY INS CO OF NORTH)
) AMERICA,)
)
) Respondent Carrier.)
)
)

The court, Acting Presiding Judge Michael J. Brown, Judges Jon W. Thompson and Margaret H. Downie participating, has considered this appeal.

Virginia Ortiz appeals from the denial of her petition to reopen a workers' compensation claim.¹ Because Ortiz has failed

¹ An Administrative Law Judge determined that Ortiz "failed to establish a new, additional or previously undiscovered condition" causally related to an earlier industrial injury.

to comply with the Arizona Rules of Civil Appellate Procedure, we dismiss her appeal.

Appellate courts prefer to decide cases on the merits. However, an appeal may be dismissed when the appellant fails to comply with the Rules of Civil Appellate Procedure. *Adams v. Valley Nat'l Bank of Ariz.*, 139 Ariz. 340, 342-43, 678 P.2d 525, 527-28 (App. 1984) ("Although the sanction of dismissal may seem harsh in the context of a particular case, it will be a prophylactic effect in the long run.").

Ortiz's briefing utterly fails to comply with ARCAP 13(a). Ortiz does not provide a statement of facts or issues. See ARCAP 13(a)(4)-(5). She cites no factual or legal authority. And perhaps most importantly, Ortiz makes no legal arguments. Her opening brief is one paragraph in length and states, *inter alia*: "I Virginia Ortiz . . . in truth statement don't know how this court works or what I am submitting. I am hoping you have all my filled out paperwork because all my paperwork is in storage." The deficiencies in Ortiz's briefing are simply too substantial for us to ignore. See *Adams*, 139 Ariz. at 342, 678 P.2d at 527 ("there is a limit to which judicial leniency can be stretched" when reviewing deficient briefs).

Opening briefs must present significant arguments, supported by authority, setting forth the appellant's position on the issues raised. ARCAP 13(a)(6), (b)(1). The failure to

present an argument in this manner usually constitutes abandonment and waiver of that issue. See, e.g., *Polanco v. Indus. Comm'n*, 214 Ariz. 489, 491, ¶ 6, n.2, 154 P.3d 391, 393 n.2 (App. 2007) (failure to develop argument in accordance with rules of appellate procedure waives issue).

Furthermore, it is well-settled in Arizona that courts hold parties appearing *in propria persona* to the same standards as attorneys. *Ackerman v. S. Ariz. Bank & Trust Co.*, 39 Ariz. 484, 486, 7 P.2d 944, 944 (1932); *Kelly v. NationsBanc Mortg. Corp.*, 199 Ariz. 284, 287, ¶ 16, 17 P.3d 790, 793 (App. 2000) (citations omitted) (a party who conducts a case without an attorney is entitled to no more consideration from the court than a party represented by counsel, and is held to the same standards expected of a lawyer); *Old Pueblo Plastic Surgery, P.C. v. Fields*, 146 Ariz. 178, 179, 704 P.2d 819, 820 (App. 1985) (citation omitted); *Copper State Bank v. Saggio*, 139 Ariz. 438, 441, 679 P.2d 84, 87 (App. 1983) (citations omitted) (persons representing themselves are "held to the same familiarity with required procedures" as attorneys); *Homecraft Corp. v. Fimbres*, 119 Ariz. 299, 301, 580 P.2d 760, 762 (App. 1978) (citation omitted) (one who represents himself "is held to the same familiarity with . . . notices of statutes and local rules as would be attributed to a duly qualified member of the bar").

Because of the extreme deficiencies in Ortiz's briefing, we deem all of her substantive arguments waived and therefore dismiss this appeal.

/s/
MARGARET H. DOWNIE, Judge