

TO:

Rule 28 Distribution

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ATTACHMENT¹

Arizona Rules of Procedure for Eviction Actions

Rule 9. Motions

a. – b. [No change in text.]

c. Motion for Change of Judge. For purposes of this subsection, a lawsuit has only two sides. A party or a side, if there is more than one plaintiff or one defendant in a lawsuit, may request a change of judge as a matter of right orally or in writing. The party or side must request a change of judge as a matter of right in the precinct where the lawsuit is pending. The request must state that the party or side has not previously requested a change of judge in this lawsuit, that the party or side has not waived the party's right to change of judge, and that the request is timely. A request is timely if it is made prior to or at the time of the first court appearance or upon reassignment of the matter to a new judge for trial. A party waives a right to a change of judge if the judge has ruled on any contested motion or issue, or if the trial has started. When a proper and timely request for a change of judge as a matter of right is orally requested or filed, the court must transfer the lawsuit to a new judge within the county for further proceedings.

If a party believes that the party will not have a fair and impartial trial before a justice of the peace, then the party must proceed as provided in Arizona Revised Statutes § 22-204, except that any request must be made by the date of the first court appearance and five days' notice is not required.

The provisions of this subsection are deemed experimental and will expire December 31, 2017, unless otherwise extended by the Supreme Court of Arizona.

[Re-letter current subsections c. – i. as d. – j.]

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by strikeouts.