

Hon. Lawrence Winthrop  
1501 W Washington, Suite 410  
Phoenix, AZ 85007

**IN THE SUPREME COURT STATE OF ARIZONA**

PETITION TO AMEND RULES	)	Supreme Court No. R-_____
5(a), 5(b)(6), 5(b)(7) AND ADD	)	<b>(Expedited Adoption</b>
RULES 13(h) AND 20, OF THE	)	<b>Requested)</b>
RULES OF PROCEDURE FOR	)	
EVICITION ACTIONS	)	

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Petitioner is the Arizona Commission on Access to Justice (hereinafter “ACAJ”) through its Chair undersigned. Petitioner requests this Court amend Rules 5(a), 5(b)(6), and 5(b)(7), and add new Rules 13(h) and 20 to the Rules of Procedure for Eviction Actions. Most significantly, the new Rule 20 would require litigants to use court-approved eviction action forms and authorizes the Administrative Director of the Administrative Office of the Courts (AOC) to approve and modify eviction action forms in response to changes in state laws or procedures, to make other necessary amendments or technical corrections, and to add or delete eviction action forms as may be appropriate. The new Rule 20 will apply to the following forms in eviction actions:

- Eviction Action Complaint;
- Eviction Action Summons;

- Eviction Action Judgment;
- 5-Day Notice to Move - Health and Safety Violation;
- 5-Day Notice to Move - Failure to Pay Rent;
- 10-Day Notice to Move - Material Breach;
- 10-Day Notice to Move - Repeat Material or Health and Safety Breach;  
and
- Immediate Notice to Move - Material and Irreparable Breach
- Other notices that are later approved by the Administrative Director

Petitioner also proposes changes and additions to Rules 5(a) and (b), and 13 addressing the summons, complaint, and form of judgment to reference the new Rule 20 requirements for mandatory forms.

## **I. Background and Purpose of the Proposed Rule Amendment**

The ACAJ was established by Administrative Order 2014-83 pursuant to the Court’s strategic agenda of “Advancing Justice Together: Courts and Communities.” The order directs the ACAJ to make recommendations on assisting self-represented litigants and revising court rules and practices to facilitate access and the efficient processing of eviction cases. The Supreme Court’s access to justice initiative also sought to ensure that court forms and information, whether in electronic or paper form, are easily understandable. In March 2015, the Arizona Judicial Council

approved in concept an ACAJ revision to eviction action forms to make them easier to read and understand. Thereafter, the Self-Represented Litigant in Limited Jurisdiction Courts Workgroup (SRL-LJC WG) of the ACAJ worked with justice court managers, judicial staff, and tenant and landlord attorneys, all with subject-matter expertise in landlord-tenant matters, to create forms for use statewide.

The proposed forms are based on the most frequently used forms available in Maricopa County Justice Courts. The workgroup vetted them for feedback and suggestions through, among others, the Arizona Justice of the Peace Association and other Maricopa County Justices of the Peace.

At its May 18, 2016 meeting, ACAJ concluded the forms should be mandated rather than optional to better promote improved readability of and consistency in forms used by attorneys, landlords and judges; and to allow for standardized and timely updating. These benefits are all in keeping with the Supreme Court's access to justice initiative.

The ACAJ unanimously approved the filing of this petition and authorized AOC staff to circulate the petition and forms among the appropriate AJC and State Bar standing committees for further comment. Petitioner is attaching the draft forms proposed for adoption by the Administrative Director as Appendix B to aid in the court's deliberations and allow public comment on the forms as well as the rule amendments. Public comments on the forms will be provided to the

Administrative Director for his consideration.

## **II. Request for Expedited Adoption**

In fiscal year 2015, almost 84,000 eviction actions were filed in Justice Courts in Arizona; almost 64,000 were filed in Maricopa County alone. The overwhelming majority of these actions concern residential leases with most tenants and many landlords appearing without legal representation. This means that every month that passes, approximately 7,000 eviction actions are being filed in Arizona. In light of the Supreme Court's emphasis on increasing fairness and justice in eviction actions, the ACAJ believes use of the proposed mandatory forms is an urgent need that warrants expedited consideration and adoption of the proposed new rules and amendments outside of the annual rule processing cycle, as permitted by Supreme Court Rule 28(G).

Accordingly, Petitioner respectfully requests the Court modify the usual comment schedule as follows:

September 23: Comments to the petition due

November 4: Petitioner's reply to comments due

This proposed schedule will then allow the Court to address the petition, comments, and replies in December 2016. Additionally, Petitioner recognizes the need for and requests a delayed effective date of July 1, 2017 in order to allow courts,

lawyers, and the public sufficient time to transition to using the newly adopted forms.

### **III. Conclusion**

For the reasons stated above, the ACAJ respectfully requests the Supreme Court to adopt the amendments contained in Appendix A as proposed on an expedited basis.

RESPECTFULLY SUBMITTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
Judge Lawrence Winthrop  
Chair, Arizona Commission on  
Access to Justice