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7 IN THE SUPREME COURT

8 STATE OF ARIZONA

9 PETITION TO AMEND THE RULES OF  
10 PROCEDURE FOR EVICTION  
11 ACTIONS

Supreme Court No. R-19-0018

**COMMENTS IN SUPPORT OF  
PETITION TO AMEND THE RULES  
OF PROCEDURE FOR EVICTION  
ACTIONS**

12 Pursuant to Rule 28 of the Rules of the Supreme Court, Community Legal  
13 Services (“CLS”), DNA People’s Legal Services (“DNA”), Southern Arizona Legal Aid  
14 (“SALA”) and the William E. Morris Institute for Justice (“Institute”) submit these  
15 comments in support of this Petition to Amend the Rules of Procedure for Eviction  
16 Actions. The Petition filed by the State Bar of Arizona requests that Rules 5(d) and 10(a)  
17 be amended to: (1) require that the landlord serve the lease and specified relevant rental  
18 documents with the eviction complaint, including in non-payment of rent cases, an  
19 accounting of rental charges and payments for the previous six months.; (2) permit a  
20 party to request other documents and information from the opposing party prior to the  
21 hearing; and (3) provide sanctions for the failure to produce the documents and  
22 information. Currently, only the notice to vacate is required to be attached to the  
23 complaint. The lease and other relevant rental documents the eviction is based on are not  
24 required to be served with the complaint. Moreover, the current requirement to produce  
25 relevant documents and information is only triggered by a request from one of the parties.  
26 In support of the petition, CLS, DNA, SALA and the Institute state the following:

27 **I. Statement of Interest**

28 The Institute is a non-profit program established to advocate and litigate on behalf

1 of the interests of low-income Arizonans. We work closely with the three federally  
2 funded legal services programs, other legal advocacy programs and community groups.  
3 For the last 14 years, the Institute has had a focus on the rights of tenants in eviction  
4 cases. The Institute prepared a report on eviction cases in Maricopa County, “Injustice In  
5 No Time: The Experience of Tenants in Maricopa County Justice Courts,” June 2005  
6 found at [www.morrisinstituteforjustice.org/docs/Final\\_eviction\\_report.pdf](http://www.morrisinstituteforjustice.org/docs/Final_eviction_report.pdf). (“Injustice In  
7 No Time”). The Director of the Institute was a member of the State Bar Task Force that  
8 drafted the original Rules of Procedure for Eviction Actions and previously served on the  
9 Access to Justice Commission.

10 CLS, DNA and SALA are federally funded civil legal services programs for low-  
11 income Arizonans. Eviction cases are a high priority case for legal aid organizations.  
12 The legal services programs represent tenants in eviction actions throughout the state and  
13 typically are the only attorneys who represent tenants in justice court. Legal services  
14 attorneys understand the significant impact evictions have on low-income persons in  
15 general and specifically those tenants who live in subsidized housing.

16 **II. The Current Rules of Procedure for Eviction Actions Do Not Require the**  
17 **Service of Relevant Rental Documents Needed to Understand Claims and**  
18 **Prepare a Defense**

19 In 2008, the Arizona Supreme Court approved the Rules of Procedure for Eviction  
20 Actions. The current rules have limited provisions on party disclosures. Rule 5(d)  
21 concerns the complaint and summons. Rule 5(b)(7) requires:

22 b. Complaint. The complaint shall:

23 \*\*\*

24 (7) State the specific reason for the eviction; that the  
25 defendant was served a proper notice to vacate; if applicable;  
26 the date the notice was served; and what manner of service  
27 was used. A copy of the notice shall be attached as an exhibit  
to the complaint. (emphasis in original).

28 Rule 10 concerns party disclosures. Rule 10(a) provides that:

1 Disclosure

2 a. **Upon request**, a party shall provide to the other party:  
3 1) a copy of any lease agreement; 2) a list of witnesses and  
4 exhibits; 3) if nonpayment of rent is an issue, an accounting  
5 of charges and payments for the preceding six months; and 4)  
6 copies of any documents the party intends to introduce as an  
7 exhibit at trial. (emphasis added).

8 As noted above, when the complaint is filed and served on the tenant, the rules  
9 only require that the landlord attach a copy of the notice to vacate. Although most  
10 landlords and tenants enter into a written lease that includes significant contractual terms  
11 such as the rate of the rent, any late fees and any concessions provided to the tenant as  
12 well as rules of conduct, the current rules do not require the landlord to attach a copy of  
13 the lease to the complaint.

14 While the Arizona Residential Landlord and Tenant Act (“ARLTA”) requires a  
15 landlord to give the tenant a copy of the lease at move-in, A.R.S. § 33-1321(C), legal  
16 services attorneys report that many tenants do not receive a copy of their lease. Thus, the  
17 tenants may not know or have available to them the significant terms of their rental lease.  
18 If a tenant served with eviction papers does not have a copy of their lease and wants to  
19 find out more about the landlord’s claims, such as the landlord’s accounting of the rental  
20 payments, the tenant first must be aware of the disclosure rule and then must make the  
21 request. Without this relevant information, a tenant is not able to evaluate and prepare  
22 defenses. A miniscule number of tenants are represented. The average unrepresented  
23 tenant is unaware of the Rules of Procedure for Eviction Actions and does not know they  
24 can request relevant documents from the landlord and that without such a request, the  
25 landlord is not required to produce the documents and information. As a result, the  
26 unrepresented tenant typically is left without the lease information and other rental  
27 documents and is at a severe disadvantage in defending against the eviction.

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1 **III. Landlords Are Not Required to Disclose Relevant Documents Prior to the**  
2 **Hearing to the Disadvantage of Tenants**

3 In addition to few tenants having an attorney, the tenant's need for relevant  
4 documents at the time of service is acute because the time frames to act in eviction  
5 actions are very short. The initial hearing or trial can take place in as few as two days  
6 after the service of the eviction complaint. A.R.S. § 12-1175 (C). As an example, a  
7 tenant may be served an eviction complaint later in the day on a Friday for a Monday  
8 morning hearing. These short time frames can present obstacles for tenants. There is  
9 limited time for tenants served with an eviction complaint to consult with an attorney and  
10 prepare for a hearing or trial. In the overwhelming number majority of cases, the eviction  
11 judgment is entered on the initial return date. A.R.S. § 12-1178 (A). Unless agreed upon  
12 by the parties, continuances are usually for three days. *See generally* A.R.S. § 12-1177  
13 (C). An appeal must be filed within five calendar days of the judgment. A.R.S. § 12-  
14 1179 (A).

15 Legal services attorneys report that except for an immediate eviction for a material  
16 and irreparable breach pursuant to A.R.S. § 33-1368(A), where the landlord must provide  
17 evidence at a hearing, A.R.S. § 33-1377(E), most landlord attorneys come to court  
18 unprepared to prove up their case. Many landlord attorneys come to court without the  
19 appropriate tenant files for their cases or are covering the eviction call for another  
20 attorney who is not present in the courtroom. If a tenant appears in court and raises an  
21 issue with the eviction and the landlord attorney is unprepared, the court will  
22 automatically grant a continuance, often without any consultation with the tenant as to  
23 what day and time is convenient. Tenants are typically not asked if they object to the  
24 continuance. In marked contrast, tenants' requests for continuances may not be granted  
25 and landlords know they have the opportunity to object.

26 Legal services staff estimate that less than one tenth of one percent of tenants who  
27 come to court are represented. Most if not all unrepresented tenants are unfamiliar with  
28 the Rules of Procedure for Eviction Actions and, therefore, do not know they can request

1 that the landlord produce relevant documents prior to a hearing or trial. Legal services  
2 staff report that the Justice Courts do not tell unrepresented tenants about Rule 10(a),  
3 even when a case is continued for a trial. Thus, typically the tenants appear in court  
4 without the relevant documents needed to prove their defense, are not informed by the  
5 court that they have a right to a copy of the relevant documents and the landlords fail to  
6 produce the relevant documents. As an example, a tenant who disputes the amount of  
7 rent sought in the complaint can leave court after the case is continued at the landlord's  
8 request with no more information than when they came to court. For tenants who come  
9 to court, they often have had to take time off from work, take public transportation to a  
10 regional court far from their home or make costly child care arrangements on short  
11 notice. In these circumstances, a continuance for a tenant may create a hardship. For  
12 example, a tenant who has taken time off from work for a hearing on Tuesday, may not  
13 be able to get time off for a continued hearing that Friday. Or the time off work comes  
14 with a steep cost, the loss of wages.

15 In contrast to the unrepresented tenant, the vast majority of landlords are  
16 represented by attorneys, who specialize in eviction cases. The timing of the filing of the  
17 eviction action is totally in the control of the landlord. Prior to filing the eviction, the  
18 landlord has the time to collect evidence, talk to witnesses and gather the relevant  
19 documents. This relevant information and documents should have been sent to the  
20 landlord's attorney who has the obligation to "exercise due diligence to ensure that the  
21 action has a good faith basis . . . ensure their pleadings are accurate and well-grounded in  
22 fact and law." Rule 4 of the Rules of Procedure for Eviction Actions.

23 In non-payment of rent cases, landlords typically sue for rent owed, late fees, a  
24 credit for any concessions, and other fees that are set out in the lease. Currently,  
25 landlords are not required and do not attach the lease to the complaint or produce the  
26 lease in court and enter it into evidence. The lease is the contractual basis for the  
27 eviction, and to prevail on a breach of contract claim, the landlord needs to prove the  
28 existence and terms of that contract, and any damages. *See Goodman v. Physical Res.*

1 *Engineering, Inc.*, 229 Ariz. 25, 28, 270 P.3d 852, 855 (Ariz. App. 2011); *Graham v.*  
2 *Asbury*, 112 Ariz. 184, 185, 540 P.2d 656, 657 (Ariz. 1975). In addition, most landlords  
3 maintain some accounting business record of the rent collected, fees assessed, and  
4 amounts owed. In an eviction case, the dates the rental payments were made and in what  
5 amounts may be at issue. Legal services report that when a tenant comes to court and  
6 disputes the amount of rent owed, the landlord's accounting records may be referred to at  
7 the hearing by the landlord or the landlord's attorney, but the business records typically  
8 are not introduced into evidence and a copy of the record is not given to the tenant.

9         In non-payment of rent cases, the tenant usually arrives to court unaware of the  
10 terms of their lease agreement or the exact amount of rent owed. The court, also unaware  
11 of these key details, often relies on the landlord attorneys to verbally confirm the terms of  
12 the lease and the amount owed at the time of the hearing. As an example, although  
13 landlords rely on the terms of the lease and accounting ledgers that are not produced or  
14 introduced into evidence, the courts routinely accept "standard avowals" concerning the  
15 evidence from the landlord attorneys without requiring introduction of these business  
16 records into evidence. We are not aware of another type of case, where courts encourage  
17 and accept these types of "avowals" and the avowals are allowed to take the place of the  
18 introduction of business records and other relevant evidence.

19         Under Rule 13 of the Rules of Procedure for Eviction Actions, the court is  
20 required to review the evidence and determine if the landlord has a superior right to  
21 possession of the rental. We question how the court can meet its obligations when it has  
22 not actually received into evidence and reviewed the relevant documents, including the  
23 lease and the accounting statement, and has instead simply relied on avowals from  
24 landlord attorneys.

25         In cases where the landlord claims a violation of the lease other than non-payment  
26 of rent, a tenant without the lease or other relevant documents the landlord intends to  
27 introduce at the hearing, such as incident reports, also is at a severe disadvantage.

28         Thus, for the typical eviction case, on one side is an unrepresented tenant with

1 limited or no documents and no access to the documents and information who is at risk of  
2 losing their home, while on the other side is a represented landlord who has all the  
3 relevant documents, but no obligation to provide the documents to the tenant or introduce  
4 them into evidence.

5 The result of the above practices is that eviction proceedings usually end with  
6 tenants losing possession of their home rental and having a monetary judgment and a writ  
7 of restitution entered against them. The proposed rule changes attempt to level this very  
8 uneven judicial process and ensure that all parties and the court know what is at issue, are  
9 prepared for the eviction hearing, and that the relevant evidence is produced to the tenant  
10 and introduced into evidence.

11 **IV. Explanation of Need for Proposed Rule: Eviction Cases Are Important and**  
12 **Constitutional Due Process Protections Apply**

13 Tenants have a property interest in their residences. *Greene v. Lindsey*, 456 U. S.  
14 444, 451-52 (1982). *See also Foundation Development Corporation v. Loehmann's*, 163  
15 Ariz. 438, 442, 788 P.2d 1189, 1193 (Ariz. 1990) (recognizing common law right of  
16 tenant's property interest in rental). Eviction proceedings that deprive tenants of that  
17 property must comply with the due process requirements of the 14th Amendment to the  
18 United States Constitution. *Greene*, 456 U.S. at 455. Moreover, tenants also have a  
19 property interest in their subsidized housing benefits because they are in the class of  
20 persons the program is intended to benefit. *Ressler v. Pierce*, 692 F.2d 1212, 1215, (9th  
21 Cir. 1982).

22 The plight of low-income tenants and the many negative effect evictions have on  
23 their lives has received national attention. In 2015, Mathew Desmond, a professor at  
24 Harvard published the book, *Evicted: Poverty and Profit in the American City*. Professor  
25 Desmond lived in a low-income residential section of Milwaukee for almost two years  
26 and observed the intersection of low-income tenants and eviction actions. He  
27 documented the resulting loss of shelter and the increased social and economic  
28 instability.

1 Others also have written about this problem. It is well recognized that for low-  
2 income persons, an eviction action may threaten their only means of shelter. *See, e.g.,*  
3 Laurie Ball Cooper, *Legal Responses to the Crisis of Forces Moves Illustrated in Evicted*,  
4 126 Yale L.J. Forum 448 (2017); Allyson E. Gold, *No Home for Justice: How Eviction*  
5 *Perpetuates Health Inequality Among Low-Income and Minority Tenants*, 24 Geo. J on  
6 Poverty L. & Pol’y 59 (2016); Chester Hartman and David Robinson, *Evictions: The*  
7 *Hidden Housing Problem*, Housing Policy Debate, Vol. 14, Issue 4 (2003) found at  
8 [http://content.knowledgeplex.org/kp2/](http://content.knowledgeplex.org/kp2/cache/kp/10950.pdf) cache/kp/10950.pdf. Indeed, commentators have  
9 noted that, “any tenant who has been named in an eviction proceeding is effectively  
10 barred from obtaining safe, decent, and healthy housing.” Gold, *supra* at 60. The effects  
11 of an eviction are far reaching and the inability to find other housing on short notice can  
12 lead to the disruption of children’s education, interruption of employment, dislocation  
13 from health care providers, loss of personal belongings, and homelessness. In addition,  
14 the eviction process may lead to monetary judgments and writs of restitution. These  
15 monetary judgments and writs make it difficult for tenants to secure new rental housing.  
16 Thus, the consequences of evictions make these actions very important to tenants and  
17 especially low-income tenants, who often lack back-up resources. The result of an  
18 eviction may be that a family is living in a car. The consequences for tenants evicted  
19 from subsidized housing may mean that the tenant can never again live in subsidized  
20 housing.

21 Eviction cases also have gained local media attention. In the last year the *Arizona*  
22 *Republic* published an entire series of articles about eviction cases in Maricopa County.  
23 Alden Woods, *The New Housing Crisis*, Arizona Republic, (April 24, 2017 and  
24 September 19, 2018). [https://www.azcentral.com/story/news/local/phoenix-best-reads/](https://www.azcentral.com/story/news/local/phoenix-best-reads/2017/04/24/arizona-cannot-afford-rent-cannot-afford-move-new-housingcrisis/99546080)  
25 [2017/04/24/arizona-cannot-afford-rent-cannot-afford-move-new-housingcrisis/99546080](https://www.azcentral.com/story/news/local/phoenix-best-reads/2017/04/24/arizona-cannot-afford-rent-cannot-afford-move-new-housingcrisis/99546080).  
26 The series documented the severe impact the eviction process has on tenants, who often  
27 are low-income individuals and persons of color.

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1 Landlords are very successful in the current eviction process. Phoenix has the  
2 second highest rate of evictions of any major city. [https://www.azcentral.com/story/  
3 money/real-estate/catherine-reagor/2017/10/30/phoenix-eviction-rate-second-highest-us-  
4 apartment-list-study/804319001/](https://www.azcentral.com/story/money/real-estate/catherine-reagor/2017/10/30/phoenix-eviction-rate-second-highest-us-apartment-list-study/804319001/).

5 Finally, because tenants have a property interest in their rental homes,  
6 constitutional due process protections apply. As explained below, this petition addresses  
7 due process issues faced by tenants in eviction cases.

#### 8 **V. Tenants Should Be Provided the Relevant Documents**

9 Legal services attorneys identified as a serious problem the issues of tenants not  
10 having relevant documents; tenants not knowing they can request relevant documents;  
11 landlords failing to provide the relevant documents to the court or the tenant at hearings;  
12 and justices not advising a tenant that the tenant could request these documents. If a  
13 tenant does not have a copy of his or her lease, a copy of the accounting statement or an  
14 incident report, an attorney or advocate will have a hard time evaluating the case and  
15 providing advice. Thus, even a tenant who may have a defense or counterclaim may not  
16 have the documents necessary to present their claims. This lack of relevant documents  
17 severely hinders the unrepresented tenant in a system where they are already at a  
18 significant disadvantage.

19 As explained in the petition, for all evictions, the landlord would be required to  
20 serve the lease with the complaint. Proposed Rule 5(d)(3). For non-payment of rent  
21 cases, landlords would be required to also serve with the complaint the accounting  
22 records currently produced only upon request. *Id.* (d)(4). In addition, for cases where  
23 non-payment of rent is not the issue, the landlord would be required to serve with the  
24 complaint the documents and exhibits the landlord intends to present or rely upon at the  
25 hearing that currently are only produced upon request. *Id.* (d)(5). Proposed Rule 5(e)  
26 provides for reasonable sanctions for failure to comply with the disclosures required in  
27 subsections b, c or d of Rule 5, including granting a continuance, excluding evidence not  
28 disclosed and dismissal of the complaint.

1 Rule 10(a) is proposed to be amended to reflect the relevant documents that are to  
2 be served with the complaint and upon request that a list of witnesses and copies of  
3 documents the party intends to introduce at trial that were not served with the complaint  
4 will be provided to the other party.

5 The goal of this petition is to ensure that tenants have the documents, exhibits and  
6 information they need to evaluate their cases and present their defenses so that they are  
7 not unfairly evicted when they have defenses.

## 8 **VI. Response to Filed Comments**

9 Before addressing the articulated concerns in the comments, we note that the  
10 Access to Justice Commission “agreed that as a matter of due process a tenant is entitled  
11 to have the information called for in the petition.” Page 3. Because the constitutional  
12 right to due process is involved, the Court’s decision on the petition should balance this  
13 right for each tenant in relation to the arguments made against the petition.

14 The submitted comments have three general themes. First, leases contain  
15 confidential information and if the landlord uses post and mail service of process and  
16 posts the lease with the complaint on the tenant’s door, the posting may pose a risk for  
17 identity theft. Second, copying the relevant documents and serving them with the  
18 complaint will have a cost, be administratively inconvenient and negativity impact the  
19 environment. Third, some commentators claim the proposed rule is not targeted to  
20 solving the articulated problem and propose some other rule changes. None of these  
21 comments are a basis to deny the petition.

22 First, the commenters claim that leases have confidential information such as  
23 Social Security Numbers, bank account numbers, emergency contact information and  
24 children’s names and birthdays and if the lease is posted with the complaint or filed with  
25 the court, the confidential information will be compromised. Initially, we question why  
26 Social Security Numbers, bank account numbers and birthdays are put in leases. Such  
27 information has no place in a lease, is not proper for a lease and landlords should not  
28 include such personal information in a lease. If a landlord insists on putting this personal

1 information in a lease, then it is incumbent on them to redact the confidential personal  
2 information from the lease prior to filing it with the court. But the fact that some  
3 landlords insist on putting confidential information in leases is not a proper consideration  
4 for landlords to not serve relevant documents with the eviction complaint. Landlords use  
5 form leases and the places where any confidential information may be included will be  
6 easy to find. Thus, the cost to redact documents for *each* case is a small administrative  
7 price to pay for providing due process to that tenant.

8 In its comments, the Access to Justice Commission states it “believes the court  
9 should consider a resolution that ensures timely delivery of relevant information without  
10 creating any risk of identity theft or release of otherwise confidential information.” As  
11 explained above, we think that goal can easily be accomplished by landlords either not  
12 inserting such personal information in leases or, if they do, by taking the time to redact  
13 the information before filing the eviction actions and serving the documents.

14 Second, the commenters claim attaching the requested documentation is costly  
15 administratively and will lead to significantly more paper submitted to the court.  
16 However, the number of additional pages is not significant for *each* case. Moreover, in  
17 this day of scanned documents, the time and cost to copy 10-15 pages of relevant  
18 documents is a small price to pay so that a tenant has the evidence needed to fully  
19 understand the claims against them and prepare a defense. Due process should not be  
20 compromised or denied over such a small administrative inconvenience. Moreover, in  
21 Maricopa County, where the majority of evictions are filed, after a dismissal or judgment  
22 is entered in an eviction case, the case file documents are scanned for online storage. No  
23 hard copies of documents are kept. Our understanding is that the scanning process for  
24 online storage occurs within a few days of the hearing date.

25 One commentator suggested that Rule 5 be modified to only require the  
26 attachment of the portion of lease and the addendum that are “related to the underlying  
27 basis of the eviction.” We are concerned that this option would allow landlords to decide  
28 what is “relevant” and that they would provide incomplete lease and addendum

1 information on relevant matters included in the documents. Moreover, this restriction is  
2 not necessary for leases and addendums that total less than 25 pages, which we think are  
3 the overwhelming majority of all leases and addendums. Therefore, we prefer the rule  
4 changes in the petition. What is important is that the tenant have the documents needed  
5 to evaluate and prepare a defense in sufficient time prior to the hearing date. We think  
6 that goal is best served by serving the lease and other documents with the complaint.

7 In arguing against the petition, the Maricopa County Justices claim that the  
8 “overwhelming majority” of eviction cases are undisputed but they provide no data to  
9 support this claim and they do not specify what “undisputed” means. Page 3. Due  
10 process protections apply to eviction cases whether or not a tenant comes to court. The  
11 justices also claim that while tenants may “often” dispute the factual and legal basis of  
12 the eviction complaint, “there are likely few tenants who do not understand why they are  
13 facing an eviction.” Page 4. That argument could be made in just about any case and is  
14 certainly not a basis to deny the petition. When a consumer is sued on a credit card debt,  
15 it is rare that the consumer is not aware that they had the credit card and may owe some  
16 money on the card. But no one would suggest that the credit card company is not  
17 required to produce its business records, serve the consumer with the records and  
18 introduce the records and prove up their case at trial. The same analysis applies to many  
19 other cases, including a suit for the non-payment of a homeowner’s mortgage. Fairness  
20 in the judicial system applies to all cases.

21 Finally, the justices assert that “nearly every case is prepared as if it will be served  
22 by posting and mailing.” Page 5. However, the fact that landlords overuse post and mail  
23 is not a valid reason for landlords to not provide tenants the landlords are seeking to evict  
24 with relevant documents.

25 Third, the Maricopa County Justices claim there are other changes to the eviction  
26 rules that would be better “alternatives.” We object to their proposals. If the justices  
27 want to propose a rule change, they must follow Supreme Court Rule 28 requirements so  
28 that the public has the opportunity to review, consider and respond.

1           Despite the justices not following Supreme Court Rule 28, we will comment on  
2 their suggestions to show the inadequacy of their suggestions to resolving the problems  
3 tenant face. The justices propose amending Rule 5(a)(5) to require that additional  
4 information be set forth in the Residential Eviction Information Sheet, Appendix A, to  
5 explain how a tenant may request relevant information prior to the hearing. The quick  
6 eviction timeframes make this option illusory. Moreover, if this information is needed  
7 for due process, the opportunity to request the information should not be provided in a  
8 handout served with the eviction complaint.

9           The justices also propose adding a requirement that the landlord inform the tenant  
10 in the complaint that the tenant can make requests for information prior to the initial  
11 appearance. New Rule 5(d)(3). Here, as well, the eviction timeframes make this  
12 suggested option unworkable.

13           In addition, the justices suggest adding a sentence to Rule 11(c) concerning the  
14 sanction of a continuance if the requested disclosures are not made. It is telling that the  
15 only “sanction” the justices propose is a continuance, the very option that landlords and  
16 their attorneys routinely rely upon when they are not prepared to proceed to a hearing on  
17 the initial appearance date. The problem for many tenants with automatic continuances  
18 granted to unprepared landlords is explained above in section III.<sup>1</sup>

19           Finally, in the last section of their comments the Maricopa County Justices  
20 suggest that a “different portion of Rule 5 be clarified.” Page 7. Here, as well, the  
21 justices’ request violates the requirements in Supreme Court 28 and should be rejected  
22 outright.

### 23           **Conclusion**

24           CLS, DNA, SALA and the Institute request that the Court approve the petition  
25 filed by the State Bar of Arizona. The proposed rules will require landlords to serve

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27           <sup>1</sup> The justices also propose that the continuances in superior court be shortened from  
28 ten days to five days with no explanation that the change is being requested or the reason  
for the request.

