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This rule is a good idea except that for forcible/special detainers, the time for the trial de novo under SCRAP Civil Rule 12(e) should be reduced to five days after determination that a new trial is necessary. That is a short fuse but statutes require these matters to be heard promptly and forbid continuances exceeding three days in Justice Court.

This assumes that the forcible/special detainer statutes even will permit a trial de novo in Justice Court. Since the statutes require the notice of appeal to be filed within five days after judgment and have limitations on extending that time (see ARS 12-1179(A)), it is possible that a trial de novo in the lower court would be impermissible absent an amendment to the forcible/special detainer statutes. If permissible, it can be argued that the time to appeal cannot be extended.

Whatever the decision on that point, applying a 45 day rule to setting eviction retrials is completely inconsistent with the intent of the forcible/special detainer statutes creating a speedy summary proceeding.