

Honorable Anthony Riojas, Jr.  
Chair, Committee on Limited Jurisdiction Courts  
c/o Administrative Office of the Courts  
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IN THE SUPREME COURT  
STATE OF ARIZONA

In the Matter of:

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
|                          | ) | Supreme Court No. R-19-0020       |
| PETITION FOR CONFORMING  | ) |                                   |
| AMENDMENTS TO THE        | ) | Notice in Support of Petition and |
| ARIZONA JUSTICE COURT    | ) | Amended Petition by Arizona       |
| RULES OF CIVIL PROCEDURE | ) | Committee on Limited              |
|                          | ) | Jurisdiction Courts               |

**I. Background**

At its August rule agenda meeting, the Court continued R-19-0020 and requested that the Administrative Office of the Courts (AOC) create a workgroup to review the proposed changes and make recommendations with input from the justice courts. The AOC took this matter to the Committee on Limited Jurisdiction Courts (LJC) and they formed the Discovery Limits in Justice Court Cases Workgroup. The workgroup decided an email summary and survey to all Arizona justices of the peace regarding the rule petition would allow the workgroup to determine how the proposal limits may affect the cases brought to the justice courts and to ensure that imposing the Tier 1 limit on justice courts

would not produce stricter standards than superior court or causing any unintended consequences.

Appendix A details the workgroup membership, timeline and survey results.

The survey results were presented to LJC at their November meeting. The committee voted unanimously to support the workgroup's report and adopt the recommendations in the Petition and Amended Petition.

Wherefore the Committee on Limited Jurisdiction Courts respectfully requests that the Supreme Court amend Rule 123, 124, 125 and 126 as set forth in the Petition and Amended Petition R-19-0020.

RESPECTFULLY SUBMITTED this 22nd day of November, 2019.

By /s/  
Honorable Anthony Riojas, Jr.  
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## **APPENDIX A**

### **Discovery Limits in Justice Court Cases Workgroup**

- September 18, 2019 – The Discovery Limits in Justice Court Cases workgroup was created during the meeting of the Committee on Limited Jurisdiction Courts (LJC). Workgroup members include: Judge Gerald Williams and Judge Lyle Riggs (Maricopa Justice and City Courts), Marla Randall (Superior Court of Navajo County), Lisa Royal (Pima County Consolidated Justice Courts), Paul Julien (AOC), and Jeff Fine (Clerk of Court, Maricopa County)
- September 26, 2019 - Workgroup met and decided to email all justice court judges with a summary of issues and survey for their feedback.
- October 9, 2019 – Email and survey sent to all Arizona justice court judges
- October 18, 2019 – Survey period ended, and results tabulated
- October 25, 2019 – Workgroup met and discussed results. Judge Williams moved to adopt the recommendations in the Petition and Amended Petition (R-19-0020); the motion was seconded and passed unanimously.

### **Courts and Counties Responding**

Responses were collected from 11 small-size courts, 2 medium-size courts and 1 large-size court. Courts responded from the following counties: Cochise, Coconino, La Paz, Maricopa, Mohave, Pima, Pinal and Yavapai.

### **Responses to Questions**

- 1) Do you agree with the discovery limits outlined in the rule petition and subsequent documents? Yes: 13, No: 1
- 2) Why?
  - I agree with the limits because justice court discovery should not be broader than lower tiered superior court discovery, but in nearly 9 years on this very busy bench, I have not had a case where discovery has come close to the limits.

- Limitations on discovery that apply in Superior Court should also in justice courts. That being said, I've served as a justice of the peace for almost seven years and cannot recall an instance in which this subject became an issue.
- Yes because it will save parties costs and time, it will unify the different rules, it will not allow a party to take advantage and it will save the Justice Courts time and clerk resources.
- Yes. Most of the cases are not complicated. Usually only one attorney involved. More discovery would be potentially abusive and unnecessarily costly.
- I think this would promote consistency across courts and appropriately reflect reasonable limits for civil case at the justice court level.
- They appear to be a reasonable and logical change from the existing time limits.
- Makes sense financially and time involved.
- The civil procedure for limited justice courts including monies should not be as complex.
- On the rare occasion when these issues become very burdensome it is almost always a case of what could be defined as harassment of one party by the other.

Why not?

- More interrogatories should be allowed.

3) Do you agree that additional discovery should be permitted if good cause is shown? Yes: 11, No: 1

4) Why?

- Absolutes are usually not helpful.
- Keep costs and time down but if additional discovery is needed it should be allowed as a limitation may not be in the interest of justice in all cases
- In the interest of justice there should be a provision for it.

- This change and practice would seem to be in line with fair justice and makes sense from a legal and practical perspective.
- Seems obvious to me.
- If good cause it assists in decision for court for both parties

Why not?

- The complexity of the cases does not justify additional discovery.