

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-16-0022  
ARIZONA RULES OF PROCEDURE )  
FOR EVICTION ACTIONS )  
 )  
 ) **FILED 12/13/2017**  
 )  
 )  
\_\_\_\_\_ )

**ORDER  
AMENDING RULE 9, ARIZONA RULES OF PROCEDURE FOR EVICTION ACTIONS, ON  
A PERMANENT BASIS**

A petition having been filed proposing to amend the Arizona Rules of Procedure for Eviction Actions by adding a new subsection c to Rule 9, the Court having previously adopted the amendment on a one-year experimental basis, effective January 1, 2017, and comments having been received, upon consideration,

**IT IS ORDERED** that Rule 9, Arizona Rules of Procedure for Eviction Actions, be amended by adding new subsection c, on a permanent basis, in accordance with the attachment hereto.

DATED this 13th day of December, 2017.

\_\_\_\_\_/s/\_\_\_\_\_  
SCOTT BALES  
Chief Justice

TO:

Rule 28 Distribution

Lisa M Panahi

Patricia Seguin

Susan Pickard

Michael A Parham

Kathy Sekardi

Hon. C Steven McMurry

Hon. Lawrence F Winthrop

Ellen S Katz

Scott M Clark

Hon. Karen Slaughter

## ATTACHMENT<sup>1</sup>

### 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.

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

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