

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-16-0022  
RULE 9(c), ARIZONA RULES OF )  
PROCEDURE FOR EVICTION ACTIONS )  
 )  
 ) **FILED 08/31/2017**  
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\_\_\_\_\_ )

**ORDER**

**CONTINUING THIS MATTER AND CONTINUING THE ADOPTION OF RULE 9(c),  
ARIZONA RULES OF PROCEDURE FOR EVICTION ACTIONS, ON AN EXPERIMENTAL  
BASIS UNTIL FURTHER ORDER OF THE COURT**

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** continuing this matter for further consideration at the Court's December 2017 Rules Agenda.

**IT IS FURTHER ORDERED** continuing the adoption of Rule 9(c), Arizona Rules of Procedure for Eviction Actions, as set forth in the attachment hereto, on an experimental basis until further order of the Court.

DATED this 31st day of August, 2017.

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

TO:

Rule 28 Distribution

Lisa M Panahi

Patricia Seguin

Susan Pickard

Michael A Parham

Kathy Sekardi

Ellen S Katz

Scott M Clark

Hon K 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.