2013 Court Rules

Court Services Division
Administrative Office of the Courts

This document summarizes court rules and rule amendments adopted by the Arizona Supreme Court during its 2013 rules agendas. The summary includes potential impacts of these rule changes on the courts.

- The rule petition numbers (e.g., R-13-0000) in this summary include a hyperlink to the Court's order promulgating the rule change. The full text of the rule change appears with the order, and readers may wish to click on the hyperlink to review the text for further details concerning the change.

- The effective date of rule changes in this 2013 summary is **January 1, 2014**, but there are a number of exceptions included in the summary.

- This summary includes most of the rule changes affecting trial courts, but it does not include all of the 2013 rule changes. The summary specifically does not include rule changes regarding tax court, or rule changes regarding the practice of law or admission to practice. Please see the Clerk's August 27, 2013 amended minutes, the November 13, 2013 minutes, and the Court's rules webpage for further information concerning rules on these and other topics.

The Court Services Division of the Administrative Office of the Courts prepared this summary. If you have any questions concerning this document, please contact Mark Meltzer, at (602) 452-3242, or by e-mail at MMeltzer@courts.az.gov.

Rules of Civil Procedure

Rule	Affects	Summary and Impact
Rule 4(d) R-12-0026	Superior Judges Clerks Admin	Summary: This change adds *"constable"* and *"constable's deputy"* to the list of persons authorized to serve process under this rule. Impact: Information only
Rule 5.1 Rule 11 SCR 42 R-12-0027 *See the note for information re: effective date*	Superior Judges Clerks Admin	Summary: These rules facilitate limited-scope or short-term legal representation. Amended Rule 5.1(c) permits a limited appearance. An attorney may undertake limited representation of a person involved in a court proceeding in accordance with SCR 42, ER 1.2. • An attorney makes a limited appearance by filing and serving a Notice of Limited Scope Representation • The Notice of Limited Scope Representation must specify the matters, hearings, or issues for which the attorney will represent the party • Service on an attorney making a limited appearance constitutes effective service on that party • Upon an attorney's completion of the representation that is specified in the Notice of Limited Scope Representation, the attorney may withdraw Amended Rule 11 permits an attorney to assist in drafting a pleading, motion or document filed by an otherwise self-represented person, and the attorney need not sign that pleading, motion, or document. ***Note:*** *The Court entered an Order on December 5, 2012, adopting these rule changes as modified, effective January 1, 2013, and extending the comment period to May 21, 2013. The Court has now adopted these rule changes permanently.* Impact: The attorney may withdraw when the attorney has completed the representation as specified in the notice. The attorney may withdraw with the consent of the client, or without consent. If counsel is moving for withdrawal without consent and the client files an objection within ten days after service of the motion, the court must hold a hearing to determine whether the attorney completed the representation.

Rule 15(a)(1) R-12-0040	Superior Judges Clerks	Summary: This amendment corrects an *"unintended consequence"* of a prior amendment regarding when a party may amend a pleading as a matter of course. The rule formerly allowed an amendment *"within"* 21 days *after* service of a responsive pleading, which appeared to require the amending party to wait until after service of a responsive pleading before filing the amendment. The new provision allows a party to amend a pleading *"no later than"* 21 days after service of a responsive pleading. This permits the amending party to file an amended pleading before service of a response to the initial pleading. Impact: Information only
Rule 7.1 R-12-0042	Superior Judges Clerks Admin	Summary: New Rule 7.1(g) establishes a procedure for obtaining extensions of time to file response or reply memoranda on motions. To be effective, • A notice of the extension with the parties' agreement must be filed with the court, containing the dates when briefs will be due • The notice must state in its title the number of extensions agreed to concerning that filing (e.g., First Extension of Time To File Response on Motion To Dismiss) • If a notice of extension provides that a filing is due less than five days before a hearing, or if a notice is filed after the memorandum is due, the extension will not be effective without court approval • Otherwise, no order is necessary to obtain an extension under this subsection. The extension is effective upon filing, unless the court disapproves of the change • This new rule does not apply to motion practice under Rule 56, which sets forth its own procedure for time extensions under Rule 56(c)(1) Impact: Court docketing procedures for motions need to account for notices for extensions that parties file under this new rule.
Rule 7.1 Rule 56 R-12-0043	Superior Judges Clerks	Summary: This amended rule imposes limits on filing motions to strike. It also provides a procedure for objecting to evidence submitted in connection with summary judgment motions. Impact: The intent of these amendments is to reduce the volume of

		motions to strike, and to reduce the length of the motions. Objections to the admissibility of evidence on a motion for summary judgment must be concise, and must be stated in the responsive memorandum or the responsive statement of facts.
Rule 54 Rule 58 ARCAP 9 R-13-0005	Superior Judges Clerks Admin	Summary: The amendment to Rule 54(c) provides that when the court intends to direct entry of judgment as to all claims and all parties, and that no further matters remain pending, a judgment must state that the court is entering the judgment pursuant to Rule 54(c). The amendment to Rule 58(a) requires service on other parties of *"proposed"* forms of judgment. The amendments to ARCAP 9 modify the time for filing a notice of appeal (*"NOA"*). • The time for filing a notice of appeal is calculated from the date of entry of an order granting or denying a motion under Rules 50(b) [JMOL], 52(b) [findings of fact], or 59(l) [alter or amend the judgment], or from the date of an order denying a motion under Rule 59(a) [motion for new trial] • If the parties file more than one of these motions, the time is calculated from the date of entry of the order regarding the last remaining motion • If a party files a NOA before the disposition of these motions, the appealing party has a duty to notify the Court of Appeals of the pendency and the disposition, and the COA suspends the appeal during that time • If a party files a notice of appeal after the court announces a decision or order, but before actual entry of the decision or order, the rule deems the NOA filed as of the date that the court enters its decision or order Impact: Judges and clerks should be alert to inclusion of *"Rule 54(c) language"* in a final judgment. The amendments to ARCAP 9 • Will extend the time for filing a notice of appeal if a party files one or more of the specified post-judgment motions • Will allow *"suspension"* of the appeal by the Court of Appeals pending the conclusion of a post-judgment motion proceeding in the Superior Court

Rules 16, 16.1, 26, 37, 38, 38.1, 72, 73, 74, 77 R-13-0017 *See the note for information re: effective date*	Superior Judges Clerks Admin	Summary: These amendments alter the rules for case management. There are no longer Motions to Set and Certificates of Readiness. Instead, the parties will submit joint reports to the court with proposed scheduling orders. The amendments include new forms for joint reports and proposed scheduling orders in *"expedited," "standard,"* and *"complex"* cases, allowing for differentiated case management. Unless otherwise ordered by the court, the deadlines in the proposed scheduling order must provide that all discovery will be completed and a private mediation or Rule 16.1 settlement conference will be held no more than 15 months after the filing of the complaint. Note that unless the court orders otherwise, no trial may be set unless the parties certify that they engaged in a settlement conference or private mediation or that they will do so by a date certain established by the court. These rule amendments establish a new event, a *"trial scheduling conference,"* which must be held unless the Scheduling Order provides a trial date. Note also that the court must endeavor to conduct a trial in an expedited case within twelve months after commencement of the action. The amendments replace the *"inactive"* calendar with a *"dismissal"* calendar. Because the amendments abolish motions to set, a party no longer has the option of deferring a jury demand until filing a motion to set. Instead, amended Rule 38(b) provides that a demand for a jury must be filed no later than *the earlier of* (i) the date on which the court sets a trial date, or (ii) the date on which a Joint Report and Scheduling Order is filed. This is an earlier deadline than provided by the current rule. ***Note:*** *A Supreme Court implementation order:* • *Makes the new rules applicable to cases filed on and after April 15, 2014* • *Makes the new rules applicable to cases filed before April 15, 2014, unless prior to that date, the parties filed a proposed scheduling order, a party filed a motion to set, or the court entered a scheduling order.* - *For those cases in which none of the foregoing events occurred before April 15, 2014, the parties must comply with the new rules by June 30, 2014, or within 270 days from the case filing date, whichever occurs later*

		- *For those cases where one of the foregoing events did occur before April 15, 2014, the trial court may nevertheless apply the new case management rules for further proceedings* • *Cases that are pending on the inactive calendar will be dismissed on June 14, 2014, unless the parties comply with the requirements of the new rules prior to that date* Impact: Some counties are already using procedures that are similar to those provided by the new rules. All counties must adapt their case management systems and/or policies to comply with the new terminology and procedures under these rule amendments. Judicial officers, clerks, and administrators may wish to conduct training programs regarding these rules, or to attend training offered by the State Bar or other organizations.
Rule 47(a)(3) Criminal Rule 18.6(b) R-13-0022	Superior Judges Clerks	Summary: These two rule amendments add words in the jurors' oath specifically requiring jurors to follow the admonition. The juror oaths in the civil and criminal rules are now identical. The intent of the new oath is to dissuade jurors from using new technology, including internet searches and social media, during the course of a trial. Impact: Clerks will need to use the new jurors' oath. Judges may wish during the course of a trial to remind jurors of their oath, including that portion of the oath where the jurors agreed to follow the admonition.
Rule 23 R-13-0040 *See the note for information re: effective date*	Superior Judges Clerks Admin	Summary: The Court amended the rule on class actions as a result of 2013 legislation, SB 1346. ***Note:*** *The Court adopted this rule amendment on an emergency basis on September 13, 2013. On November 14, 2013, the Court made the amendments permanent.* Impact: The Order amends Rule 23 sections (c) and (f). Rule 23(c): An amendment to this section requires the court to hold a hearing to determine whether to maintain an alleged class action as a class action. The court must enter an order following the hearing that states the reasons and evidence in support of the court's determination. Rule 23(f): The trial court's order certifying or denying class action status is appealable as a final judgment. There is a stay of further proceedings pending an appeal, although on motion the court may allow the parties to conduct discovery.

Rules of Criminal Procedure

Rule	Affects	Summary and Impact
Rules 2.3 Rule 31.13 Juvenile Rule 106 SCR 111 SCR 123 R-12-0004 *See the note for information re: effective date*	Superior Justice Municipal Judges Clerks Admin	Summary: These rule changes require use of a substitute *"victim identifier"* in lieu of the victim's name in cases where defendant was charged with an offense under Title 13, Chapters 14, 32, 35, or 35.1 [sexual offenses, prostitution, obscenity, or sexual exploitation of children], or in cases in which the victim was a juvenile at the time of the offense. A victim identifier means a victim's initials, a pseudonym or other substitute for the victim's true full name. ***Note:*** *Although the Court entered an order in December 2012 that adopted these rule changes, the effective date of these amendments is September 1, 2013.* Impact: Crim. R. 2.3(b): The prosecuting attorney must advise the clerk, when filing a charging document in one of these cases, that the case is subject to the provisions of SCR 123(g)(1)(c)(ii)(h). Crim. R. 31.13(c)(5): Appellate briefs in one of these cases must use a victim identifier in place of the victim's name. Juv. R. 106(H): Also requires use of a victim identifier in place of the victim's name in appellate briefs in a case involving an allegation of a delinquent act against a juvenile for an offense listed in A.R.S. Title 13, chapters 14, 32, 35, or 35.1, or in which the victim was a juvenile at the time of the offense. SCR 111(i): Requires all opinions, memorandum decisions, and orders in one of these cases to use a victim identifier; but this does not apply to a victim who is deceased when the court enters the opinion, decision, or order. A victim may also waive this requirement by written notice to the court. SCR 123(g): Remote electronic access is limited for a criminal case involving a juvenile victim, or an adult victim of the above offenses. A party, any person, or the court on motion and for good cause may allow remote electronic access, with provisions to protect the victim from embarrassment or oppression.
Rule 7.6 R-12-0036	Superior Justice Municipal Judges Clerks Admin	Summary: In lieu of a panoply of requested changes to Rule 7.6 concerning bond forfeiture hearings and bond exonerations, the Order simply modifies Rule 7.6(c). The rule change requires the trial court to set a show cause hearing on a bond forfeiture *"as soon as practicable after issuance of a warrant"* and within a reasonable time not to exceed 120 days.

		Impact: The 120-day requirement was in the existing rule, and the new rule does not change this. The language about setting a hearing *"as soon as practicable after issuance of a warrant"* is new.
Rule 15.8 R-13-0004 *See the note for information re: a new comment period*	Superior Judges	Summary: The current rule allows sanctions if a prosecutor does not disclose material information at least 30 days prior to a plea deadline. This amendment extends this concept by authorizing the superior court to impose sanctions for a prosecutor's failure to disclose material information to a defendant at least 30 days prior to withdrawal of any plea offer to a defendant under indictment or information in the superior court. ***Note:*** *Although the effective date of the rule amendment is January 1, 2014, the Court has re-opened the matter for comments. The comment deadline is May 20, 2014.* Impact: The court should anticipate that defendants in counties where prosecutors make plea offers that have no deadlines might begin to file motions for sanctions under this amended rule.
Rule 32.5 Rule 41, Form 25 R-13-0009	Superior Justice Municipal Judges Clerks Admin	Summary: An amendment to Rule 32.5 deletes a requirement that the defendant must include in a PCR petition *"every ground known to him or her for vacating, reducing, correcting or otherwise changing all judgments or sentences imposed upon him or her…"* The form for a petition for post-conviction relief deletes the corresponding certification containing this language. Impact: PCR forms provided by the court must delete that portion of the certification as shown in this amendment.
Rule 32.4 R-13-0010	Superior Judges Clerks Admin	Summary: The amendment extends the time to file the first petition in a capital case PCR proceeding. Under the existing rule, the time is 120 days from the notice of post-conviction relief. The amended rule requires the filing of a petition within twelve months from the notice. Impact: The court must docket the time for filing a PCR petition in a capital case as provided by the rule amendment.
Rule 12.9 R-13-0015	Superior Judges Clerks Admin	Summary: The amendment provides a timeframe in which the State must act after the trial court has granted a motion for a new finding of probable cause. The prosecution has fifteen days after entry of the court's order to file a complaint, or to resubmit the case to a grand jury. Impact: A defendant might move for relief based on the State's failure to comply with this requirement.

Rule 18.6(b) Civil Rule 47(a)(3) R-13-0022	Superior Judges Clerks	Summary: These two rule amendments add words in the jurors' oath specifically requiring jurors to follow the admonition. The juror oaths in the civil and criminal rules are now identical. The intent of the new oath is to dissuade jurors from using new technology, including internet searches and social media, during the course of a trial. Impact: Clerks will need to use the new jurors' oath. Judges may wish during the course of a trial to remind jurors of their oath, including that portion of the oath where the jurors agreed to follow the admonition.
Rule 41 Forms 18(a) + (b) R-13-0032	Superior Justice Municipal Judges Clerks Admin	Summary: This order amends Form 18(a), plea agreements for non-capital felonies, and Form 18(b), misdemeanor plea agreements, specifically the portion of the forms concerning the avowal of defense counsel. • Deleted from the forms: *"I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein."* • Added to the forms: *"I believe that the defendant's plea is knowing, intelligent, and voluntary and that the plea and disposition are consistent with law."* Impact: The court must amend its plea agreement forms to conform to these changes.
Please note: Supreme Court Rule 42 R-11-0033	Superior Justice Municipal Judges Clerks Admin	The changes to this rule affect criminal cases. Please see the summary that appears under the Supreme Court Rules, infra.

Rules of Evidence

Rule	Affects	Summary and Impact
Rule 803(10) R-12-0034	Superior Justice Municipal Judges	Summary: The amended rule requires a defendant in a criminal case to make a timely pretrial demand for production of a witness after receiving notice from the State of its intent to offer a certificate concerning the absence of a record. Unless the court sets a different time, the *"notice and demand"*

		procedure requires a written notice from the prosecution of its intent to offer a certificate at least 20 days before trial, and the defendant must object within 10 days of receiving the notice. Impact: Parties may ask the judge to determine the admissibility of a certificate that the State offers pursuant to this rule amendment.

Rules of the Supreme Court ("SCR")

Rule	Affects	Summary and Impact
Rule 42 R-11-0033	Superior Justice Municipal Judges Clerks Admin	Summary: The amendments provide ethical guidance in situations in where there may have been conviction of an innocent person. Amendments to ER 3.8 provide this guidance to prosecutors, and a new ER 3.10 provides the guidance to lawyers generally. Impact: Among other things, a prosecutor or a lawyer who becomes aware of evidence that a convicted defendant did not commit the offense that gave rise to the conviction has an ethical responsibility to notify the court in which the defendant was convicted.
Rule 123 R-13-0002	Superior Judges Clerks Admin	Summary: The rule amendments identify minute entries and orders in family law cases that courts may provide online. The modification also clarifies that certain information about protective orders is excluded from "case information" and cannot be published online in any circumstance. • Case information may be provided for family law matters, with minute entries limited only to those issued during hearings conducted in open court or in chambers when one or more parties or their counsel are present. • Case information does not include any information regarding the registration of, filing of a petition for, or issuance of an order of protection or an injunction against harassment if publication of that information would likely reveal to the public the identity or location of the party protected by the protective order. Impact: Case management systems must be configured to prevent online publication of under-advisement family law rulings and specified information about protective orders. A new comment states, *"Courts and clerks of court should prominently note on their document access website that it may not display all documents in a case and that additional or subsequent documents or orders may be available from the court or clerk of court."*

Rule 122 R-13-0012	Superior Justice Municipal Judges Clerks Admin	Summary: These amendments update, clarify, and restyle this rule on use of video and audio recording devices during a court proceeding. • The amendments include nine definitions (camera, courtroom, coverage, judge, person, personal audio recorder, proceeding, recording device, victim) • A person who wishes to record a proceeding *"submits"* but does not file the request • A request must be submitted seven days before trial, or 48 hours before any other proceeding • A new *"factor"* is added (whether the person making the request is engaged in the dissemination of news to a broad community) • Provisions have been added regarding victims • The judge has discretion to allow more than one camera • A person may verbally request permission to photo or record a celebratory or ceremonial proceeding Impact: The rule amendments require courts to use reasonable means to inform the public of the prohibitions of this rule. Note that anyone using a personal audio recorder (an audio recording device that is held by, on, or near the person) must notify the court of intent to use the device. Although the user need not comply with the other requirements of Rule 122, informing the court of intent-to-use will alert the court of an unofficial recording.
Rule 122.1 R-13-0013	Superior Justice Municipal Judges Clerks Admin	Summary: This new rule concerns permissible uses of portable electronic devices by visitors to the courthouse (attorneys, parties, jurors, witnesses, and members of the public.) It governs use of those devices in the courtroom for functions other than recording, as well as general use of portable electronic devices, including recording, elsewhere in the courthouse. This new rule includes two definitions (portable electronic device, courthouse.) It also provides that • No one may photo or record in a courtroom except as allowed by Rule 122 • No one may photo or record people in the courthouse without their consent

		• A court by local AO may further limit photos or recording in the courthouse • Jurors may not use a portable electronic device in a courtroom during a trial, or in a jury room during deliberations (but they may use a device during breaks) • Attorneys, parties, and members of the public may use a portable electronic device in the courtroom (but not for phone calls or other audible functions) • A judge has authority to terminate use of a device in the courtroom that may be disruptive or distracting • Except as otherwise provided in this rule, anyone may use a portable device elsewhere in the courthouse, unless use is disruptive or use may compromise courthouse security Impact: Like Rule 122, Rule 122.1 also provides that a court must use reasonable means to advise courthouse visitors of the provisions of this rule. Rule 122.1 also provides that a violation of the rule may be punishable as contempt.

Arizona Rules of Civil Appellate Procedure ("ARCAP")

Rule	Affects	Summary and Impact
Rule 9.1 12-0024	Superior Judges Clerks Admin	Summary: This new rule provides a procedure for an appellate court to suspend an appeal and to revest jurisdiction in the trial court to decide matters over which the trial court would otherwise lack jurisdiction. The Court of Appeals can do this on motion or stipulation, or on its own initiative. Impact: The new rule allows the appellate court's order suspending the appeal to include other terms and conditions, such as a date certain for automatic reinstatement of the appeal.
Rules 13, 21, 23 R-12-0039	Superior Judges	Summary: These amendments concern a claim of attorneys' fees on an appeal, and the procedure for making a claim. The amendments include a provision that a claim for attorneys' fees made in the superior court may satisfy the notice requirements of ARCAP Rule 21. Impact: Information only

ARCAP 9 **Civil Rule 54** **Civil Rule 58** R-13-0005	Superior Judges Clerks Admin	Summary: Please see the civil rule summary regarding amendments to Rules 54 and 58 of the Ariz. R. Civ. P. The amendments to ARCAP 9 modify the time for filing a notice of appeal (*"NOA"*). • The time for filing a notice of appeal is calculated from the date of entry of an order granting or denying a motion under Rules 50(b) [JMOL], 52(b) [findings of fact], or 59(l) [alter or amend the judgment], or from the date of an order denying a motion under Rule 59(a) [motion for new trial] • If the parties file more than one of these motions, the time is calculated from the date of entry of the order regarding the last remaining motion • If a party files a NOA prior to the disposition of these motions, the appealing party has a duty to notify the Court of Appeals of the pendency and the disposition, and the COA suspends the appeal during that time • If a party files a notice of appeal after the court announces a decision or order, but before actual entry of the decision or order, the rule deems the NOA filed as of the date that the court enters its decision or order Impact: The amendments to ARCAP 9 • Will extend the time for filing a notice of appeal if a party files one or more of the specified post-judgment motion • Will allow *"suspension"* of the appeal by the Court of Appeals pending the conclusion of a post-judgment motion proceeding in the Superior Court

Rules of Procedure for the Juvenile Court

Rule	Affects	Summary and Impact
Rule 106 R-12-0004	**	** Please see the summary of R-12-0004 under the criminal rules, supra.

Rules of Probate Procedure

Rule	Affects	Summary and Impact
Rule 21 R-13-0038 *See the note for information re: effective date*	Superior Judges Clerks Admin	Summary: These rule amendments are a result of HB 2308, which the legislature passed in 2013. The rule previously required a criminal background check for a person not related to a minor who sought appointment as the minor's guardian. These amendments permit the court to exercise discretion in requiring a background check for other individuals seeking appointment as a guardian or conservator pursuant to A.R.S. §§ 14-5304 and -5401. This requirement does not apply to a licensed fiduciary, who undergoes a background check during the licensing process, or to an employee of a financial institution. The amendments also provide a general process for the submission of the fingerprints and establish who bears the cost of the criminal background check. ***Note:*** *This rule became effective on September 13, 2013, on an expedited basis, with a comment period to October 25, 2013. The Court received no comments, and on November 14, 2013, the Court permanently adopted the amendments.* Impact: In most counties, the clerk's office is responsible for distribution of the fingerprint cards and instructions for fingerprinting to individuals who apply for appointment as a guardian or conservator. In Maricopa County, the Probate Court Administrator's Office handles the fingerprinting process. In most circumstances, the court will not make the appointment until the background check is completed. In emergency circumstances, the court may make a temporary appointment pending receipt of the background check results.

Rules of Family Law Procedure ("ARFLP")

Rule	Affects	Summary and Impact
Rule 3 Rule 43 Rule 95 Forms 4 & 5 R-12-0041	Superior Judges Clerks Admin	Summary: An amendment to Rule 43(D)(2) expands the list of materials that are not filed with the court (except when relevant as attachments or exhibits to other filings) to include documents exchanged under Family Law Rules 49 [disclosure], 50 [complex case disclosure], and 91(P) [post-decree disclosure], and related notices. In Rules 3 and 95, and Forms 4 and 5, an amendment changes references to the DES Division of Child Support *"Enforcement"* to the DES Division of Child Support *"Services."* Impact: Forms 4 and 5 need updating to conform to the change in the name of this government agency.

Form 10 R-13-0007	Superior Judges Clerks Admin	Summary: The amendment replaces the form of Order Regarding Parenting Coordinator's Report and Recommendations with a revised form. The revised form provides deadlines for objections to the order. Impact: Form 10 needs updating to conform to these changes. The court needs to fill-in-the-blanks for deadlines, as provided in the new form.
Rule 13 R-13-0036 *See the note for information re: effective date*	Superior Judges Clerks Admin	Summary: The amendment is a result of the passage of SB 1073 in 2013. The amendment makes a change within the comment to Rule 13, but not to the body of Rule 13. The comment contains a quote from A.R.S. §25-407[now section *"E"* of the statute], and in the quote, the term *"custody"* is deleted and replaced by *"legal decision-making."* ***Note:*** *This rule became effective on September 13, 2013, on an expedited basis, with a comment period to October 25, 2013. On November 14, 2013, the Court permanently adopted the amendments.* Impact: Information only

Rules of Protective Order Procedure ("ARPOP")

Rule	Affects	Summary and Impact
Rule 6(E)(4)(e)(2) R-12-0007	Superior Justice Municipal Judges Clerks Admin	Summary: The Court modified this rule to allow a judge to prohibit a defendant in an Injunction Against Harassment from possessing a firearm or ammunition *"if necessary to protect the plaintiff or other specifically designated person…."* Impact: This change clarifies the judge's authority regarding firearms possession in an IAH proceeding.

Justice Court Rules of Civil Procedure ("JCRCP")

Rule	Affects	Summary and Impact
Rules 113, 115, 119, 120, 126, and 134 Appendices 3 & 4 R-12-0044 *See the note for information re:*	Justice Judges Clerks Admin	Summary: These changes corrected technical errors in the Justice Court Rules of Civil Procedure, which became effective on January 1, 2013. The changes also conform the JCRCP to a recent amendment to Rule 4.1, Ariz. R. Civ. P., regarding service of process on a governmental entity. These changes: • Revised JCRCP Rule 113(c) regarding serving a government entity, pursuant to a corresponding change in Rule 4.1 of the Ariz. R. Civ. P., and conformed the JCRCP appendices to these revisions

effective date		• In Rule 115(c), provided rule authority for a judge to extend ("enlarge") time • Specified in Rule 119(a) the time for filing a response to an amended pleading • Clarified in Rule 120(g) that the content of each notice in the rules on discovery and motions is a requirement of each respective rule • Corrected a scrivener's error in Rule 126(c) regarding the notation of service • Changed the reply time in Rule 128(c) from 5 days after filing to 5 days after service A change in the number of peremptory challenges to jurors was superseded by R-13-0039. Please see the following rule summary. ***Note:*** *The Court adopted these changes on an emergency basis, effective February 13, 2013. The Court opened the changes for comment until May 21, 2013, and thereafter permanently adopted the changes on August 28, 2013.* Impact: Most of these changes affect practitioners. However, the court should be aware of these rule amendments, and in particular, the expressed authority of a judge to extend time, and the clarification that notices in the rules on discovery and motions are requirements of the respective rules.
Rule 133 Rule 134 R-13-0039 *See the note for information re: effective date*	Justice Judges Clerks Admin	Summary: Changes to Rules 133 and 134 are: • In Rule 133(b), that a party make a demand for a jury at least ten days before the trial date • In Rule 133(c), that a party file a motion for change of venue within ten days of filing an answer; and that a party's loses the opportunity to change venue if the judge in the precinct where the lawsuit was filed has heard an issue in the case on its merits • In Rule 134(a), a reduction in the number of peremptory challenges of trial jurors to two, which is consistent with the number of challenges in a justice court criminal case ***Note:*** *The Court adopted the rule changes on an expedited basis, effective August 27, 2013. The Court adopted the rule amendments on a permanent basis on November 13, 2013.*

		Impact: • Clerks should assure that parties timely file any motions for change of venue or demands for jury trial • A right to change venue is lost if the judge has heard a contested issue in a case on its merits • A party is allowed two peremptory challenges of jurors, which may affect the size of a panel of potential jurors that the court calls for a case

Rules of Procedure for Eviction Actions ("RPEA")

Rule	Affects	Summary and Impact
Appendix A R-13-0006 *See the note for information re: effective date*	Superior Justice Judges Clerks Admin	Summary: This amendment made changes to Appendix A of the eviction rules. Appendix A is the Residential Eviction Information Sheet. The changes include a change to a website address for obtaining information concerning the eviction statutes. ***Note:*** *The Court adopted this change on an expedited basis, effective January 24, 2013.* Impact: Courts should assure, if they provide a Residential Eviction Information Sheet form, that it includes these changes.

Rule Petitions Denied or Closed

Petition Number and Rule	Summary
R-11-0043 ARPOP Rule 1(M)	This rule amendment proposed by this petition would have required the court to mail to plaintiff a copy of the proof of service of a protective order on the defendant.
R-12-0017 SCR 123	This petition requested authority to make probate records available electronically. The petition was closed because it was superseded by R-13-0002.
R-12-0029 ARE Rule 412	This petition proposed that statements of charges for medical, hospital or other health care expenses be admissible in evidence as prima facie evidence that the charges are reasonable.
R-12-0035 Rule 8, Uniform Rules of Procedure for the Commissions on Appellate and Trial Court Appointments	This petition requested a new rule that would require a competitive examination for judicial applicants on the common law, the Arizona Rules of Evidence, and various rules of procedure.

R-13-0003 Crim. Rule 32.2(b)	The petition proposed that the doctrine of preclusion not apply to post-conviction claims involving a lack of subject matter jurisdiction. (Cross-reference this petition to rule petition #R-11-0016, which is now *"closed."*)
R-13-0014 Crim. Rule 17.4	The petition proposed the addition of two new sections to Rule 17.4 that would have required: • Prosecutors to reduce to writing and file with the court an unaccepted plea offer no later than five days after rejection or expiration of the offer. • Clerks to maintain the plea offer as a confidential record. • The court to inquire of the parties, before proceeding to trial, whether they engaged in settlement discussions and, if so, assure that the parties complied with the requirements above.
R-13-0023 SCR 123	The petition stated, *"The purpose of this petition is 1) to encourage the Court's various committees to post meeting minutes on their Internet pages within five working days after a public meeting, 2) to encourage judicial officers not to micro-manage record requests and, 3) to encourage judicial offices not to gouge the public with usurious interpretations of statutory public record request fee schedules."* The petition did not contain specific text for any of these proposed amendments.
R-13-0025 SCR 28	This petition would have precluded the State Bar, as an entity, from filing petitions under Rule 28 [*"Procedure for adoption, amendment or repeal of rules"*], or from filing comments to rule petitions.
R-13-0026 Civil Rule 42(f)	This petition would amend Rule 42(f)(1)(D)(ii)(dd) to specify that an ex parte hearing did not constitute the commencement of a trial, and therefore is not a waiver of the entitlement to a change of judge as a matter of right.
R-13-0027 Crim. Rules 10.1 and 10.6	These proposed amendments would have clarified the procedure for change of judge for cause when the challenged judge is the only judge in a particular court, or one of only two judges.
R-13-0028 Crim. Rule 10.2	The petition proposed elimination of the *"avowal"* requirement in Rule 10.2 *["change of judge upon request."]*
R-13-0029 ARPOP (all rules)	This petition asserted that the ARPOP are unconstitutional, and it proposed repeal of these rules in their entirety.