

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
 )  
ESTABLISHMENT OF THE )  
COMMITTEE TO STUDY ) Administrative Order  
RULE 10.2, RULES OF CRIMINAL ) No. 2000- 08  
PROCEDURE )  
\_\_\_\_\_ )

In accordance with Administrative Order 90-13, as revised on June 6, 1990, the Chief Justice may establish advisory committees to the Arizona Judicial Council to assist the Council in carrying out its responsibilities.

One of the concerns of the Judicial Department is the efficient and fair processing of criminal cases through the court system. The filing of Criminal Rule 10.2 (change of judge upon request) notices in an abusive manner seriously interferes with the courts' ability to manage caseflow, fosters lack of respect for the judicial system, and threatens judicial independence. The problems created by the abuse of this rule are compounded in courts where the number of available judges is limited. At the same time, this rule is of vital importance to parties in criminal proceedings.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Committee to Study Rule 10.2, Rules of Criminal Procedure is established as follows:

1. **PURPOSE:**  
The Committee shall examine the use of Rule 10.2 by prosecutors and defense attorneys and develop recommendations to eliminate or reduce the abuse of this rule. The recommendations must take into account the importance of preserving the ability of parties to remove a judge who should not sit in cases where it is impractical or impossible to remove the judge for cause, but at the same time prevent blanket challenges that have the effect of removing a judge from the criminal bench.
  
2. **MEMBERSHIP:**  
The membership of the Committee is attached as an Appendix. The Chief Justice or the Chair of the Committee may appoint additional members as may be necessary.

3. MEETINGS:

Meetings shall be scheduled at the discretion of the Committee Chair. All meetings shall comply with the Open Meeting Policy of the Arizona Judicial Department.

4. REPORTS:

The Committee shall submit an interim report of its findings and recommendations to the Superior Court and Limited Jurisdiction subcommittees of the Arizona Judicial Council in September 2000 and the Arizona Judicial Council in October 2000, with revisions if necessary to the Arizona Judicial Council in December 2000. A final report shall be submitted to the Supreme Court in December 2000.

5. STAFF:

The Administrative Office of the Courts shall provide staff for the Committee and, as feasible, may conduct or coordinate research as requested by the Committee.

Dated this 19 day of January, 2000.

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THOMAS A. ZLAKET  
Chief Justice