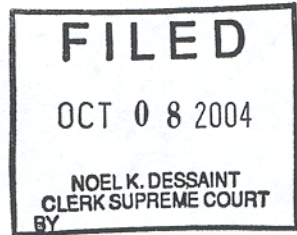


IN THE SUPERIOR COURT
OF THE STATE OF ARIZONA,
MARICOPA COUNTY

(R-04-0019)

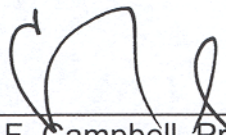


ORDER AMENDING RULES 10 – 15,
LOCAL RULES OF PRACTICE,
MARICOPA COUNTY SUPERIOR COURT

A majority of the judges of the Maricopa County Superior Court having approved, pursuant to Rule 83, Ariz. R. Civ. Proc., the proposed amendments to the Maricopa County local court rules,


IT IS ORDERED amending Rules 10 - 15, Local Rules of Practice for the Maricopa County Superior Court, in accordance with the attachment hereto,* effective November 1, 2004.

DATED in the City of Phoenix, Arizona, this 30 day of Sept., 2004.



Colin F. Campbell, Presiding Judge
Maricopa County Superior Court

APPROVED this 8th day of October, 2004.



Charles E. Jones, Chief Justice
Arizona Supreme Court

* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

LOCAL RULES OF PRACTICE
MARICOPA COUNTY SUPERIOR COURT

* * *

Rule 10. REGIONAL JUDICIAL DISTRICTS

Rule 10.1. Regional Judicial Districts.

Regional Judicial Districts refer to distinct branches of the Superior Court of Arizona in Maricopa County as shall be defined by the Presiding Judge through Administrative Order.

Rule 10.2. Assignment of cases to Regional Judicial Districts

a. Qualifying. Subject to the removal provisions of Local Rule 10.3, superior Court cases initiated in or transferred to Maricopa County shall be assigned to one of the Regional Judicial Districts based on the address zip code set forth on the initial filing of the petitioning or plaintiff party, or if that party is represented by counsel, then based on the address zip code set forth on the initial filing by the attorney for the petitioner or plaintiff. By Administrative Order, the Presiding Judge shall designate which zip codes within Maricopa County fall within specific Regional Judicial Districts.

b. Judicial designation.

(1) The Presiding of the County, or designee may designate any out-of-county matter that is being litigated in Maricopa County to another Regional Judicial District.

(2) The Presiding Judge of the County, or designee, may designate a particular case or category of cases to be assigned to a specific Regional Judicial District by Administrative Order or other policy directive.

Rule 10.3. Procedures for transfer to and removal from an assigned Regional Judicial District

a. Requests. A party desiring to transfer a case to or remove a case from a particular Regional Judicial District shall file a motion or stipulation requesting transfer, and shall specify the grounds for transfer. The motion or stipulation shall be served upon the judge to whom the case is presently assigned. Absent good cause shown, a request for transfer or removal shall not be filed less than sixty (60) days before trial.

b. Rulings. The court shall rule upon the assignment objections without oral argument unless requested by the judge. The court may consider, in addition to the factors set forth in Rule 10.2(a), the following factors:

(1) Location of events or circumstances out of which the alleged cause of action arose;

(2) Location or residences of all parties involved;

(3) Location of the parties' respective legal counsel;

(4) The number and convenience of the parties' witnesses;

(5) The financial impact of the situs of the litigation on the parties and witnesses;

(6) Any other relevant factor indicating good cause for transferring the case to or removing the case from an assigned Regional Judicial District.

c. Change of judge. A change of judge, whether as a matter of right or for cause, shall not cause the removal of a qualified case from the assigned Regional Judicial District. In the event a request for change of judge is filed, the Presiding Judge for the County, or the designated Regional Presiding Judge, shall reassign the case to another judge either regularly or specially assigned to the designated Regional Judicial District if such reassignment is administratively practical.

Rule 10.4 Administration – Regional Judicial Districts

a. Days of court. The days that the Regional Judicial Districts shall hold court shall be designated by the Presiding Judge for the County.

b. Judicial assignments. Judicial Officers assigned to Regional Judicial Districts and their term shall be designated by the presiding Judge for the County.

c. Clerk's office. The Clerk of the superior Court shall maintain an office in each of the Regional Judicial Districts. The Clerk shall receive pleadings and documents for filing, fees, fines, forfeitures, bonds, payments and other funds in new and pending cases for any of the Regional Judicial Districts except as may otherwise be directed by the presiding Judge through Administrative Order. The Clerk of the Court shall perform such other powers and duties in each of the Regional Judicial Districts as shall be prescribed by the Presiding Judge in accordance with Rule 92(a)(3), Arizona Rules of the Supreme Court.

d. Transition and implementation. All cases filed in the Office of the Clerk of the Superior Court subsequent to the effective date of this rule, cases pending as of the effective date of this rule, or cases brought back to active status subsequent to the effective date of this rule, may be assigned to a particular Regional Judicial District by the Presiding Judge of the County based on the criteria set forth in Rule 10.2(a).

Rule 10.5. Court reporters, interpreters and equipment requested

a. Court reporters. If a court reporter is desired for any proceeding to be conducted before a judicial officer within the Regional Judicial Districts, a separate request for each proceeding must be submitted in writing and delivered to the assigned judicial officer at least two (2) judicial days in advance of the day set for the proceeding.

b. Interpreters. To the extent possible and consistent with the policies adopted by the Superior Court, the court may appoint the Office of Court Interpretation and Translation Services to provide interpreter services in a case. A request for appointment of a court interpreter should be submitted in writing and delivered to the assigned judicial officer at least ten (10) judicial days in advance of the hearing date for a Spanish interpreter, fourteen (14) judicial days for an interpreter for the hearing impaired, and thirty (30) judicial days for all other languages. The written request must be accompanied by a proposed form of order appointing the Office of the Court Interpreter to provide services. The court may impose the cost of interpreter services on non-indigent parties. In the event the court is unable to appoint the Office of the Court Interpreter, the party needing interpreter services is responsible for providing and paying for an interpreter who, absent leave of the judicial officer before whom the proceeding will take place, meets the qualifications for court interpreters as adopted by the Superior Court.

c. Equipment requested. Requests for equipment to accommodate the special needs of any party or witness must be submitted in writing and delivered to the assigned judicial officer at least five (5) judicial days in advance of the date of the proceeding.

~~RULE 10. NORTHEAST JUDICIAL DISTRICT~~

~~Rule 10.1. Definitions~~

~~a. Civil Case.~~ As used in these rules civil case means any case filed with the Clerk of the Superior Court and assigned a regular civil case number.

~~b. Domestic Relations Case.~~ As used in these rules domestic relations case means any case filed with the Clerk of the Superior Court and assigned a regular domestic relations case number.

~~c. Northeast Judicial District.~~ Northeast Judicial District means that area comprising the northeast corner of Maricopa County, lying east of 40th Street, north to the County border, and south to the Salt River and east to the County border.

~~Rule 10.2 Cases eligible for the Northeast Judicial District~~

~~a. Qualifying.~~ A party to any civil or domestic relations case in the Superior Court may request the court to have all proceedings heard before a judge assigned to the Northeast Judicial District in the following circumstances:

~~(1) When an action for personal injury, wrongful death or damage to property arises out of events occurring within the Judicial District.~~

~~(2) When at least one of the real parties in interest resides within the Judicial District or, in the case of a corporation or business entity, maintains its principal place of business within the Judicial District.~~

~~(3) When an action involves real property located within the Judicial District.~~

~~(4) When an action involves personal property located within the Judicial District or personal property which has been removed to or removed from a location within the Judicial District.~~

~~(5) When the contemplated performance of a contract is within the Judicial District.~~

~~**b. Venue.** Nothing in this local rule shall be construed as modifying or abrogating the provisions of A.R.S. § 12-401, as amended, et seq., pertaining to venue and changing of venue or judge.~~

~~**Rule 10.3. Procedures for setting matters in the Northeast Judicial District**~~

~~**a. Requests.** Parties desiring a qualifying case to be set before a judge in the Northeast Judicial District shall make such a request as follows:~~

~~(1) *Plaintiff:* At the time of filing and serving of the complaint, the plaintiff(s) may file and serve all parties with a Request for Assignment to the Northeast Judicial District on a form approved by the Presiding Judge of the Superior Court setting forth the grounds for such assignment.~~

~~(2) *Defendant:* In the event a plaintiff does not file a Request for Assignment to the Northeast Judicial District, a defendant may, at the time of his initial appearance, file and serve all parties with a Request for Assignment to the Northeast Judicial District on a form approved by the Presiding Judge of the Superior Court setting forth the grounds for such assignment.~~

~~(3) *By Stipulation:* At any time within 10 days after filing and service of a Motion to Set and Certificate of Readiness, the parties may request assignment by filing a written stipulation of all parties who have appeared on a form approved by the Presiding Judge of the Superior Court setting forth the grounds for such assignment.~~

~~**b. Waiver.** A party who fails to comply with subsection a. shall be deemed to have waived the right to make such a request.~~

~~**c. Pleadings.** A party to a case which has been accepted for assignment in the Northeast Judicial District shall state in the caption of all pleadings and documents filed in the case the words "FOR NORTHEAST JUDICIAL DISTRICT".~~

~~d. Copies of Requests.~~ At the time of filing formal Requests for Assignment to Northeast Judicial District, a copy of the request shall be lodged with the Court Administrator's Office.

Rule 10.4. Procedure for objecting to request for assignment to Northeast Judicial District

~~a. Written Objection.~~ A party may object to another party's Request for Assignment to Northeast Judicial District by filing a written objection specifying the grounds for such objection.

~~b. Time Limits.~~ Objections to the Request for Assignment to Northeast Judicial District shall be deemed waived unless made within the following time limits:

(1) In the case of a defendant not later than 10 days after his appearance in the case.

(2) In the case of a plaintiff within 10 days after service of a defendant's Request for Assignment to the Northeast Judicial District.

(3) A response to the objections may be made by the opposing party within 10 days of service of the objection.

~~c. Copies of Objections.~~ At the time of filing objections to the Request for Assignment to Northeast Judicial District, a copy of the objection shall be lodged with the Court Administrator's Office.

~~d. Rulings.~~ The court in its discretion shall rule upon the objection without oral argument unless so requested by the judge. The court may consider, among other things, the following factors:

(1) Location of events or circumstances out of which the alleged cause of action arose;

(2) Location or residences of all parties who have appeared;

(3) Location of the parties' respective legal counsel;

(4) The number and convenience of the parties' witnesses;

(5) The financial impact of the situs of the litigation on the parties and witnesses.

Rule 10.5. Administration — Northeast Judicial District

~~a. Days and Time.~~ The days that the Northeast Judicial District shall hold court and the time of the sessions shall be designated by the presiding judge.

~~**b. Non-Jury Cases.** All cases transferred to the Northeast Judicial District shall be non-jury cases. Request for jury with intent to avoid the Northeast session, and subsequent disposition without a jury may subject counsel to the imposition of sanctions including those set forth in Rule 37, Rules of Civil Procedure.~~

~~**c. Judge Assignments.** Judges assigned to the Northeast Judicial District and their term shall be designated by the presiding judge.~~

~~**d. Clerk's Office.** The Deputy Clerk of the Superior Court who attends court in the Northeast Judicial District shall receive documents for filing in Phoenix except that no filings shall be made which involve the conveyance of funds or a fee for filing.~~

~~**e. Effect on Court Commissioners.** Conduct of the sessions of the Superior Court in the Northeast Judicial District shall in no way affect the existing calendars handled by a Court Commissioner on designated days in Scottsdale.~~

~~**f. Transition and Implementation.** All cases filed in the Office of the Clerk of the Superior Court subsequent to the effective date of this rule shall be subject to this rule. Cases pending as of the effective date of this rule may be assigned to the Northeast Judicial District by stipulation of all parties who have appeared on a form approved by the Presiding Judge of the Superior Court setting forth the grounds for such assignment.~~

RULE 11. SOUTHEAST JUDICIAL DISTRICT

Rule 11.1. Definitions

~~**a. Civil Case.** As used in these rules civil case means any case filed with the Clerk of the Superior Court and assigned a civil case number except habeas corpus proceedings which deal with criminal issues.~~

~~**b. Domestic Relations Case.** As used in these rules domestic relations case means any case filed with the Clerk of the Superior Court and assigned a domestic relations case number.~~

~~**c. Probate Case.** As used in these rules, probate case means any case filed with the Clerk of the Superior Court and assigned a probate case number.~~

~~**d. Lower Court Appeals.** As used in these rules lower court appeals means any case appealed from a lower court and filed with the Clerk of the Superior Court except misdemeanors and De Novo Criminal Traffic Matters.~~

~~**e. Southeast Judicial District.** Southeast Judicial District means that area comprising the Southeast corner of Maricopa County encompassing the Tempe, Chandler, and East Mesa Justice Court Precincts, and that part of the West Mesa Justice Court Precinct which lies South of the centerline of the Salt River excluding the~~

~~Tonto National Forest. The right-of-way of all freeways, roads, streets, or canals, bordering the district shall be deemed to be within the district.~~

~~This district generally includes that area of the county which is bounded on the East and South by the county lines, on the West by the West right-of-way of Interstate 10 and the Tempe boundary, and on the North by the Tempe boundary, the Salt River and Tonto National Forest.~~

Rule 11.2. ~~Cases eligible for the Southeast Judicial District~~

a. ~~Qualifying.~~ ~~Subject to the removal provisions of Rule 11.3, all civil, domestic relations and probate cases and lower court appeals satisfying any of the following criteria shall be assigned to the Southeast Judicial District:~~

- ~~(1) Events constituting a tort occurred within the Judicial District.~~
- ~~(2) The petitioner in a domestic relations case resided within the Judicial District at the time of the filing of the action.~~
- ~~(3) In a Decedent's Estate Proceeding, the decedent had his domicile in the district at the time of death, or creditors of the Decedent are present in the district and the administration of the estate would be best accomplished in the district; or, if the Decedent was not domiciled in this state at the time of his death, property of the Decedent was located in the district at the time of his death.~~
- ~~(4) In a Guardianship Proceeding, the minor or incapacitated person resides or is present in the district.~~
- ~~(5) In a Protective Proceeding (conservatorship), the person to be protected resides in or has a major portion of his property in the district.~~
- ~~(6) In a Trust Proceeding under § 14-7201, the principal place of administration of the trust is in the district.~~
- ~~(7) The action involves real property located within the Judicial District.~~
- ~~(8) The action involves personal property located within the Judicial District or personal property which has been removed to or from a location within the Judicial District.~~
- ~~(9) A contract was to be performed within the Judicial District.~~
- ~~(10) The Justice or Police Court from which an appeal is taken is located within the Southeast Judicial District.~~

b. ~~Venue.~~ ~~Nothing in this local rule shall be construed as modifying or abrogating the provisions of the Arizona Revised Statutes pertaining to venue and changing of venue.~~

Rule 11.3. Procedures for transfer to and removal from the Southeast Judicial District

a. Requests. A party desiring to transfer a case to or remove a case from the Southeast Judicial District shall file a motion requesting transfer, and specify the grounds for transfer. The motion shall be served upon the judge to whom the case is assigned.

b. Time. The motion may be filed not later than 15 days prior to any judicial proceeding in the case which concerns the merits of the action and involves the consideration of evidence or affidavits, or not later than the expiration of the time for filing a controverting certificate to a motion to set and certificate of readiness, whichever occurs first.

c. Objections. A party objecting to the transfer or removal of a case shall file written objections to the motion specifying the grounds for such objections, not later than 10 days after service of the motion. The moving party may reply to the objections not later than 5 days after service of the objections.

d. Rulings. The court shall rule upon the motion without oral argument unless requested by the judge. The court may consider, in addition to the factors set forth in Rule 11.2(a), the following factors:

- (1) Location of events or circumstances out of which the alleged cause of action arose;
- (2) Location or residences of all parties involved;
- (3) Location of the parties' respective legal counsel;
- (4) The number and convenience of the parties' witnesses;
- (5) The financial impact of the situs of the litigation on the parties and witnesses;
- (6) Any other relevant factor indicating good cause for transferring the case to or removing the case from the Southeast Judicial District.

e. Change of Judge. A change of judge, whether as a matter of right or for cause, shall not cause the removal of a qualified case from the Southeast Judicial District. Except as otherwise provided in Rule 3.1(b), in the event of a change of judge, the Presiding Judge of the Superior Court shall, if administratively practical, reassign the case to another judge either regularly or specially assigned to the Southeast Judicial District.

f. Other Methods of Transfer. In addition to the transfer provisions in Rule 11.3, cases may be transferred to the Southeast Judicial District provided they qualify under

Rule 11.2(a), or be removed from the Southeast Judicial District, by any of the following methods:

~~(1) *By Stipulation of All Parties.* The stipulation shall set forth the grounds for such transfer and be approved by the judge to whom the case is assigned.~~

~~(2) *By the Court.* The Presiding Judge may transfer any pending case to or remove any pending case from the Southeast Judicial District subject to the right of any party to object to such order pursuant to Rule 11.3 within 10 days after notice of transfer.~~

Rule 11.4. Administration — Southeast Judicial District

~~**a. Days of Court.** The days that the Southeast Judicial District shall hold court shall be designated by the Presiding Judge of the Superior Court.~~

~~**b. Judicial Assignments.** Judges and Commissioners assigned to the Southeast Judicial District and their term shall be designated by the Presiding Judge of the Superior Court.~~

~~**c. Clerk's Office.** The Clerk of the Superior Court shall maintain an office in the Southeast Judicial District. The Clerk shall receive pleadings and documents for filing, fees, fines, forfeitures, bonds, payments and other funds in new and pending cases whether or not assigned to the Southeast Judicial District.~~

RULE 12. NORTHWEST JUDICIAL DISTRICT

Rule 12.1. Definitions

~~**a. Civil Case.** As used in these rules, civil case means any case filed with the Clerk of the Superior Court and assigned a civil case number except habeas corpus proceedings that deal with criminal issues.~~

~~**b. Family Case.** As used in these rules, family case means any case filed with Clerk of the Superior Court and assigned a family court case number.~~

~~**c. Probate Case.** As used in these rules, probate case means any case filed with Clerk of the Superior Court and assigned a probate case number.~~

~~**d. Northwest Judicial District.** Northwest Judicial District means that area generally comprising the northwest corner of Maricopa County that is bounded on the North and West by the county lines, on the South at Northern Avenue [8000 N] and on the East and Northeast by the Loop 101 Highway and that portion of the I-17 Highway lying North of the Loop 101, and includes the North Valley, Northwest Phoenix, Peoria and Wickenburg Justice Court Precincts.~~

Rule 12.2. ~~Cases eligible for the Northwest Judicial District~~

~~a. Qualifying.~~ Subject to the removal provision of Rule 12.3, all civil, family and probate cases satisfying any of the following criteria shall be assigned to the Northwest Judicial District:

~~(1) Events constituting a tort occurred within the Judicial District.~~

~~(2) The petitioner in a family court case resided within the Judicial District at the time of the filing of the action.~~

~~(3) In a Decedent's Estate Proceeding, the decedent was domiciled in the district at the time of death, or creditors of the decedent are present in the district and the administration of the estate would be best accomplished in the district; or, if the Decedent was not domiciled in this state at the time of death, property of the Decedent was located in the district at the time of death.~~

~~(4) In a Guardianship Proceeding, the minor or incapacitated person resides or is present in the district.~~

~~(5) In a Protective Proceeding (conservatorship), the person to be protected resides in or has a major portion of his property in the district.~~

~~(6) In a Trust Proceeding under § 14-7201, et seq., the principal place of administration of the trust is in the district.~~

~~(7) The action involves real property located within the Judicial District.~~

~~(8) The action involves personal property located within the Judicial District or personal property that has been removed to or from a location within the Judicial District.~~

~~(9) A contract was to be performed within the Judicial District.~~

~~b. Venue.~~ Nothing in this local rule shall be construed as modifying or abrogating the provisions of the Arizona Revised Statutes pertaining to venue and changing of venue.

Rule 12.3. ~~Procedures for transfer to and removal from the Northwest Judicial District~~

~~a. Requests.~~ A party desiring to transfer a case to or remove a case from the Northwest Judicial District shall file a motion requesting transfer, and specify the grounds for transfer. The motion shall be served upon the judge to whom the case is assigned.

~~b. Time.~~ The motion may be filed not later than 15 days prior to any judicial proceeding in the case which concerns the merits of the action and involves the

consideration of evidence or affidavits, or not later than the expiration of the time for filing a controverting certificate to a motion to set and certificate of readiness, whichever occurs first.

c. Objections. A party objecting to the transfer or removal of a case shall file written objections to the motion specifying the grounds for such objections, not later than 10 days after service of the motion. The moving party may reply to the objections not later than 5 days after service of the objections.

d. Rulings. The court shall rule upon the motion without oral argument unless requested by the judge. The court may consider, in addition to the factors set forth in Rule 12.2(a), the following factors:

- (1) Location of events or circumstances out of which the alleged cause of action arose;
- (2) Location or residences of all parties involved;
- (3) Location of the parties' respective legal counsel;
- (4) The number and convenience of the parties' witnesses;
- (5) The financial impact of the situs of the litigation on the parties and witnesses;
- (6) Any other relevant factor indicating good cause for transferring the case to or removing the case from the Northwest Judicial District.

e. Change of Judge. A change of judge, whether as a matter of right or for cause, shall not cause the removal of a qualified case from the Northwest Judicial District. Except as otherwise provided in Rule 3.1(b), in the event of a change of judge, the Presiding Judge of the Superior Court shall, if administratively practical, reassign the case to another judge either regularly or specially assigned to the Northwest Judicial District.

f. Other Methods of Transfer. In addition to the transfer provisions in Rule 12.3, cases may be transferred to the Northwest Judicial District provided they qualify under Rule 12.2(a), or be removed from the Northwest Judicial District, by any of the following methods:

(1) *By Stipulation of All Parties.* The stipulation shall set forth the grounds for such transfer and be approved by the judge to whom the case is assigned.

(2) *By the Court.* The Presiding Judge may transfer any pending case to or remove any pending case from the Northwest Judicial District subject to the right of any party to object to such order pursuant to Rule 12.3 within 10 days after notice of transfer.

Rule 12.4. Administration – Northwest Judicial District

a. Days of Court. The days that the Northwest Judicial District shall hold court shall be designated by the Presiding Judge of the Superior Court.

b. Judicial Assignments. Judicial Officers assigned to the Northwest Judicial District and their term shall be designated by the Presiding Judge of the Superior Court.

c. Clerk's Office. The Clerk of the Superior Court shall maintain an office in the Northwest Judicial District. The Clerk shall receive pleadings and documents for filing, fees, fines, forfeitures, bonds, payments and other funds in new and pending cases whether or not assigned to the Northwest Judicial District.

d. Transition and Implementation. All cases filed in the Office of the Clerk of the Superior Court subsequent to the effective date of this rule shall be subject to this rule. Cases pending as of the effective date of this rule may be assigned to the Northwest Judicial District by the Presiding Judge of the Superior Court based on the criteria set forth in Rule 12.2(a).

Rule 12.5. Court reporters, interpreters and adaptive equipment

a. Court Reporters. If a court reporter is desired for any proceeding to be conducted before a judicial officer within the Northwest Judicial District, a separate request for each proceeding must be submitted in writing and delivered to the assigned judicial officer at least two (2) judicial days in advance of the day set for the proceeding.

b. Interpreters. To the extent possible and consistent with the policies adopted by the Superior Court, the court may appoint the Office of the Court Interpreter to provide interpreter services in a case. A request for appointment of a court interpreter should be submitted in writing and delivered to the assigned judicial officer at least ten (10) judicial days in advance of the hearing date for a Spanish interpreter, fourteen (14) judicial days for an interpreter for the hearing impaired, and thirty (30) judicial days for all other languages. The written request must be accompanied by a proposed form of order appointing the Office of the Court Interpreter to provide services. The court may impose the cost of interpreter services on non-indigent parties. In the event the court is unable to appoint the Office of the Court Interpreter, the party needing interpreter services is responsible for providing and paying for an interpreter who, absent leave of the judicial officer before whom the proceeding will take place, meets the qualifications for court interpreters as adopted by the Superior Court.

c. Adaptive Equipment. Requests for adaptive equipment to accommodate the needs of any party or witness must be submitted in writing and delivered to the assigned judicial officer at least five (5) judicial days in advance of the date of the proceedings.

RULE 4311. SUSPENSION OF RULES

Rule 4311. Suspension of Rules

Upon application, any judge of this court may suspend any of these Local Rules for good cause shown.

RULE 4412. TITLE AND CITATION

Rule 4412. Title and Citation

The foregoing rules are hereby promulgated as the Local Rules of Practice for the Superior Court of Arizona in and for Maricopa County and may be known and cited as the Superior Court Local Rules--Maricopa County.

RULE 4513. EFFECTIVE DATE

Rule 4513. Effective Date

These rules shall take effect and be in force on and after September 1, 1978, on which date all other rules adopted by this Court are hereby repealed.