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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
PETITION FOR THE ADOPTION) Supreme Court No. R-
OF A CLERICAL AMENDMENT)
TO RULE 20(e)(4), LOCAL RULES)
OF PRACTICE, APACHE)
COUNTY SUPERIOR COURT)
_____)

On August 24, 2021, the Arizona Supreme Court amended Arizona's rules of statewide application by eliminating peremptory strikes from jury selection in civil and criminal trials in the State of Arizona effective January 1, 2022. See R-21-0020. Rule 20(e)(4) of the Local Rules of Practice for the Superior Court in Apache County currently references peremptory strikes in jury selection in civil and criminal cases and therefore, as of January 1, 2022, will be in conflict with the Court's action with respect to the statewide rules. As such, it will be invalid. See Rule 28.1, Rules of the Supreme Court ("Local rules and amendments must be consistent with rules of statewide application and must be approved by the Supreme Court.").

The Staff Attorneys' office petitions for a clerical amendment to Rule 20(e)(4) that would remove the non-conforming reference to peremptory strikes in civil and criminal cases from the rule, and replace it with a reference to “jury selection,” effective January 1, 2022. Consistent with the Court’s action taken in R-21-0020, the amendment should be applicable to all cases in which the first day of jury selection occurs after January 1, 2022. The text of the amendment is as follows:

Rule 20. Pretrial statements and Conferences—Discovery

a.-d. [no change]

e. Pretrial Conference. In both criminal and civil cases, in addition to the matters set forth in the pretrial statement, the Court will consider and counsel shall be prepared to discuss:

- (1) Motions deferred to the pretrial conference and legal issues expected to be encountered at trial.
- (2) Any matter by way of stipulation, pleading or proof that may simplify the issues or expedite the trial.
- (3) Requirements of necessity of filing trial briefs.
- (4) Number of jurors, alternates, ~~peremptory strikes~~ jury selection.
- (5)-(12) [No change]

RESPECTFULLY SUBMITTED this 29th day of September, 2021.

/s/
Patience Huntwork, Staff Attorney