

IT IS FURTHER ORDERED that any Arizona local rules of practice that provide for peremptory strikes in jury selection shall be amended by separate order.

DATED this 28th day of September, 2021.

_____/s/_____
ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution
Hon. Peter B Swann
Hon. Paul J McMurdie
Brian Snyder
James M Schoppmann
Charles W Gurtler Jr
William H Sandweg III
Kip Anderson
Hon. John David Napper
Victor A Aronow
Paul J McGoldrick
Benjamin Taylor
Hon. Bruce R Cohen
Hon. Jay M Polk
Elizabeth Burton Ortiz
Lisa M Panahi
Mikel Steinfeld
Andrew Jacobs
Marsha Cotton
Michael E Bradford
Cory E Tyszka
J Russell Skelton
Kent J Hammond
Nicholas Klingerman
Kenneth N Vick
Claudia E Stedman
Barry D Halpern
Brett William Johnson
Tracy Olson
David J Euchner
Timothy J Casey

ATTACHMENT¹

RULES OF PROCEDURE FOR EVICTION ACTIONS

Rule 12. Trial by Jury

a. When an action is called for trial by jury, the jury panel shall be assembled. Voir dire may be conducted by the court. Failure to submit written voir dire questions a day before the panel is assembled waives the right to submit questions. ~~When, a~~After challenges for cause are exercised, a panel of ~~thirteen~~ seven jurors in justice court or ~~fifteen~~ nine jurors in superior court ~~is available~~, shall be assembled. ~~the court shall permit three peremptory challenges per side to reduce the jury to seven in justice court or nine in superior court.~~ One of the jurors shall be selected as the alternate after the evidence is presented and before deliberations.

b.-d. [No change]

JUSTICE COURT RULES OF CIVIL PROCEDURE

Rule 134. Trials

a. Trial procedures. The court may impose reasonable time limits for a trial or for any portion of a trial. The order of proceedings in a trial by jury, so far as applicable, also governs a trial to a judge without a jury. A jury will be summoned, and a trial to a jury will proceed, as provided by Title 22, Chapter 2 of the Arizona Revised Statutes, and as provided by this rule. Unless the parties agree otherwise, the number of individuals selected as trial jurors, and the number of jurors needed to render a verdict, shall be as provided by Title 21, Chapter 1, of the Arizona Revised Statutes, or as otherwise provided by law. The order of trial is as follows:

(1) Potential jurors are summoned to the court and are given an oath to truthfully answer questions about their qualifications to serve as trial jurors. The judge, and the parties as the judge may allow, then ask questions to prospective jurors concerning their qualifications and fitness to serve as jurors. Potential jurors may be challenged for cause during the course of questioning. Upon request, the judge may allow the parties to make brief opening statements to the prospective jurors before the questioning process. ~~After the questioning process, each side may exercise two peremptory challenges, or some other reasonable number of peremptory challenges as the court directs, of potential jurors.~~ The jurors then selected to hear the case are sworn, and the judge gives the jury preliminary instructions concerning the jury's duties, its conduct, the order of proceeding, and elementary legal principles that govern the trial. The judge will instruct the jurors

¹ Additions to text are indicated by underscoring; deletions by ~~strikeouts~~.

that each of them may take handwritten notes during the trial, which the jurors can take to the jury room, and the court will provide jurors with note-taking materials.

(2)-(13) [No change]

b. [No change]