

REPORT TO THE SUPREME COURT
ON THE
EXPERIMENTAL RULE CHANGE
ALLOWING CHANGE OF JUDGE IN EVICTION ACTIONS

Background

On September 2, 2016, the Supreme Court approved a rule change authorizing a change of judge without cause in eviction matters for a one-year experiment beginning January 2017. The Court further ordered that the amendment be reopened for comment with comments due July 14, 2017, on the issue of whether or not the experiment should be extended or made permanent. To assist in their decision making, the Administrative Office of the Courts (AOC) collected data and information on the impact of the rule change and submits the following report to the Court for consideration at its August rules agenda.

Court Survey

The AOC developed an instrument to survey the Justice of the Peace Courts regarding change of judge request in eviction action cases. The survey was sent to court administrators in each Justice of the Peace Courts. Each court was asked to submit results each month, starting in January of 2017. The survey results are from January to June of 2017. Justice Courts were asked to report:

1. The number of change of judge requests for eviction action cases and number of continuances resulting from this action.
2. Additional costs, if any, to court resulting from the change of judge request.
3. Any other impact to the court resulting from the change of judge request.

For more information on the data collection instrument please see attached survey.

Survey Results

A total of 88 justice court precincts reported over the six month period. Eleven of the fifteen counties reported no change of judge request in eviction action civil cases during the entire reporting period. Five courts reported 11 requests for change of judge. Maricopa and Pima counties reported that three precincts had eight change of judge requests. The remaining three requests for change of judge occurred in Greenlee and Mohave counties.

Only one continuance was reported in Pima county resulting from an eviction action change of judge request.

Mohave County reported that one court had an additional cost of \$98 resulting from an eviction action change of judge request.

Conclusion

After six months of experience, the data shows little impact on justice court case processing or new costs to the local budget.

Eviction Action Change of Judge Survey CY17

Reporting Status as of 06/28/2017

All 88 Precincts Reported

County	Eviction Action Filings FY2016	Number of Requests for Eviction Action Change of Judge
Apache	17	0
Cochise	410	0
Coconino	426	0
Gila	198	0
Graham	79	0
Greenlee	7	1 court – 1 requested/granted
La Paz	73	0
Maricopa	61,493	2 courts – 7 requested/granted
Mohave	957	1 court – 2 requested/granted
Navajo	192	0
Pima	11,813	1 court – 1 requested/granted
Pinal	2,166	0
Santa Cruz	312	0
Yavapai	578	0
Yuma	680	0
Total	79,401	11