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8
9 **IN THE SUPREME COURT**
10 **STATE OF ARIZONA**
11

12
13 PETITION TO ADOPT RULE
14 GOVERNING APPLICATION TO
15 TRANSFER STRUCTURED
16 SETTLEMENT PAYMENT RIGHTS

Supreme Court No. R-07-0027

Arizona Judges Association
Comments: Petition re Structured
Settlement Payment Rights

17 The Arizona Judges Association agrees with Petitioner
18 that Arizona's Rules of Civil Procedure ought to be amended
19 to require more information in applications for the transfer
20 of structured settlement payment rights.

21 The mission of the Arizona Judges Association is to
22 foster the highest quality judiciary in our state. To do
23 this, we advocate for the adoption of tools that help judges
fully and fairly decide cases. The Association therefore
supports this requirement that more information be provided
about structured settlement applications.

Judges are required by law¹ to determine whether
a payee's request to assign future structured payment rights

¹ A.R.S. § 12-2902(B)(3)

is in their best interests. However, these are non-adversarial proceedings. As a result, and unlike many cases, only one side of the application is presented. Judges are then at a disadvantage when deciding the best interests of a party who almost always is not represented by counsel.

When judges do not have needed information, their ability to make the right decision is diminished.

The proposed rule will give judges the important, necessary information needed to better evaluate applications.

Conclusion

The Arizona Judges Association respectfully requests that the Court adopt the Petitioner's proposed rule with the modifications that he agreed to as suggested by the State Bar of Arizona.

RESPECTFULLY SUBMITTED April 28, 2008.

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Original and six copies mailed
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