

**IN THE JUSTICE COURTS OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF TRANSFERRING)	ADMINISTRATIVE ORDER
EVICION ACTIONS)	NO. 2019-005
_____)	

WHEREAS Bench Policy Directive 3.1.1, Subject: Case Transfer Policy (effective 02/11/15) authorizes the Presiding Justice of the Peace to issue standing orders concerning the transfer of cases; and

WHEREAS, the prompt transfer of eviction actions is important to the timely resolution of these cases under the accelerated process required by statute; and

WHEREAS Administrative Directive No. 2016-003 has worked effectively in promptly transferring cases involving a change of judge as a matter of right in eviction cases; and

WHEREAS the same process may be used to promptly transfer cases involving recusals by a Justice of the Peace in eviction cases; and

WHEREAS, in Maricopa County Justice Courts, all transfers necessitated by either the filing of a change of judge as a matter of right or the recusal of a Justice of the Peace are directed to the Presiding Justice of the Peace, or designee, for reassignment.

IT IS ORDERED:

1. Expanding the process previously detailed in Administrative Directive No. 2016-003 to include both transfers of eviction actions involving a change of judge as a matter of right and matters involving the recusal of a Justice of the Peace.
2. Maricopa County Justice Court managers and clerks assigned to eviction matters are authorized to process requests for change of judge as a matter of right in eviction actions including the completion and issuance of Eviction Action Reassignment Notices and assignment of courts to receive transfers pursuant to the matrices in paragraphs 4 through 10 below. The processing of cases shall be done in groups of up to ten (10) cases in a group, i.e. if less than 11 cases need to be transferred they will go as a group to one court as outlined in paragraphs 4 thru 10. If 11 to 20 cases need to be transferred the second group of ten cases will go to the second court in the outlined paragraphs and so forth. In order to share the cases evenly among the other courts, the rotation should be continuous from week to week, rather than starting over.
3. Similarly, Maricopa County Justice Court managers and clerks assigned to eviction matters are also authorized to process transfers due to recusals in eviction cases including the completion and issuance of Eviction Action Reassignment Notices and

assignment of courts to receive transfers pursuant to the matrices in paragraphs 4 through 10. The processing of cases shall be done in groups of up to ten (10) cases in a group, i.e. if less than 11 cases need to be transferred they will go as a group to one court as outlined in paragraphs 4 thru 10 below. If 11 to 20 cases need to be transferred the second group of ten cases will go to the second court in the outlined paragraphs and so forth. In order to share the cases evenly among the other courts, the rotation should be continuous from week to week, rather than starting over.

4. Requests in the Downtown Justice Center shall be transferred as follows:

For transfers or recusals made on the day the case is filed. Each court is listed alphabetically below and lettered a thru e. Transfers from any of the courts start with the court who has the next letter for the first 10 cases and then the next ten cases will be transferred to the next lettered court and so forth. If any court in this process has an Administrative Order moving certain cases to another court that order will be honored and any applicable cases will be transferred to the next numbered court.

- a. Arcadia
- b. Downtown
- c. Encanto
- d. South Mountain
- e. West McDowell

An example of how this is to occur is on any day of the week if the Arcadia Court needs to transfer 15 cases the first 10 cases will be transferred to the Downtown Court (assuming there is no Administrative Order in place preventing such a transfer) and the next 5 cases will be transferred to the Encanto Court.

For transfers or recusals made on the day of the initial appearance the case will be transferred to the next lettered court which has an eviction calendar that day if possible.

5. Requests in the Northeast Regional Center shall be transferred as follows:

For transfers or recusals made on the day the cases is filed. Each court is listed alphabetically below and lettered a thru d. Transfers from any of the courts start with the court who has the next letter for the first 10 cases and then the next ten cases will be transferred to the next lettered court and so forth. If any court in this process has an Administrative Order moving certain cases to another court that order will be honored and any applicable cases will be transferred to the next numbered court.

- a. Desert Ridge
- b. Dreamy Draw
- c. McDowell Mountain

d. Moon Valley

An example of how this is to occur is on any day of the week if the Dreamy Draw Court needs to transfer 15 cases the first 10 cases will be transferred to the McDowell Mountain (assuming there is no Administrative Order in place preventing such a transfer) and the next 5 cases will be transferred to the Moon Valley Court.

For transfers or recusals made on the day of the initial appearance the case will be transferred to the next lettered court which has an eviction calendar that day if possible.

6. Requests in the Northwest Regional Center shall be transferred as follows:

For transfers or recusals made on the day the cases is filed. Each court is listed alphabetically below and lettered a thru d. Transfers from any of the courts start with the court who has the next letter for the first 10 cases and then the next ten cases will be transferred to the next lettered court and so forth. If any court in this process has an Administrative Order moving certain cases to another court that order will be honored and any applicable cases will be transferred to the next numbered court. The one exception to this rotation is any transfers originating in the North Valley Court will go exclusively to either Hassayampa or Manistee Court and no transfers from North Valley will go to the Arrowhead Court.

- a. Arrowhead
- b. Hassayampa
- c. Manistee
- d. North Valley

An example of how this is to occur is on any day of the week if the Manistee Court needs to transfer 15 cases the first 10 cases will be transferred to the North Valley Court (assuming there is no Administrative Order in place preventing such a transfer) and the next 5 cases will be transferred to the Arrowhead Court.

For transfers or recusals made on the day of the initial appearance the case will be transferred to the next lettered court which has an eviction calendar that day if possible.

7. Requests in the San Tan Regional Center shall be transferred as follows:

For transfers or recusals made on the day the cases is filed. Each court is listed alphabetically below and lettered a thru d. Transfers from any of the courts start with the court who has the next letter for the first 10 cases and then the next ten cases will be transferred to the next lettered court and so forth. If any court in this process has an Administrative Order moving certain cases to another court that order will be honored and any applicable cases will be transferred to the next numbered court.

- a. Kyrene
- b. San Marcos
- c. San Tan
- d. University Lakes

An example of how this is to occur is on any day of the week if the University Lake Court needs to transfer 15 cases the first 10 cases will be transferred to the Kyrene Court (assuming there is no Administrative Order in place preventing such a transfer) and the next 5 cases will be transferred to the San Marcos Court.

For transfers or recusals made on the day of the initial appearance the case will be transferred to the next lettered court which has an eviction calendar that day if possible.

8. Requests in the three Mesa Courts and Highland Courts shall be transferred as follows:

For transfers or recusals made on the day the cases is filed. Each court is listed alphabetically below and lettered a thru d. Transfers from any of the courts start with the court who has the next letter for the first 10 cases and then the next ten cases will be transferred to the next lettered court and so forth. If any court in this process has an Administrative Order moving certain cases to another court that order will be honored and any applicable cases will be transferred to the next numbered court.

- a. East Mesa
- b. Highland
- c. North Mesa
- d. West Mesa

An example of how this is to occur is on any day of the week if the East Mesa Court needs to transfer 15 cases the first 10 cases will be transferred to the Highland Court (assuming there is no Administrative Order in place preventing such a transfer) and the next 5 cases will be transferred to the North Mesa Court.

For transfers or recusals made on the day of the initial appearance the case will be transferred to the next lettered court number which has an eviction calendar that day if possible.

9. Requests in the Southwest Regional Center shall be transferred as follows:

For transfers or recusals made on the day the cases is filed. Each court is listed alphabetically below and lettered a thru d. Transfers from any of the courts start with the court who has the next letter for the first 10 cases and then the next ten cases will be transferred to the next lettered court and so forth. If any court in this process

has an Administrative Order moving certain cases to another court that order will be honored and any applicable cases will be transferred to the next numbered court.

- a. Agua Fria
- b. Country Meadows
- c. Maryvale
- d. White Tank

An example of how this is to occur is on any day of the week if the Country Meadow Court needs to transfer 15 cases the first 10 cases will be transferred to the Maryvale Court (assuming there is no Administrative Order in place preventing such a transfer) and the next 5 cases will be transferred to the White Tank Court.

For transfers or recusals made on the day of the initial appearance the case will be transferred to the next lettered court which has an eviction calendar that day if possible.

10. Cases involving a request in the Ironwood Justice Court shall be presided over by a judge of the Video Appearance Center while the file shall be retained by the Ironwood Justice Court.
11. If transfer to a court as directed in paragraphs 4 through 10 proves not possible, staff may proceed with transfer to the next court in-line on their list. Staff shall briefly describe the difficulty encountered when emailing a copy of the Notice to the Presiding Justice of the Peace pursuant to 12.c.
12. An Eviction Action Reassignment Notice shall be completed and issued upon request for change of judge as matter of right or upon the recusal of a Justice of the Peace.
 - a. If a request is made at the time a case is filed, court staff shall complete and issue to the Plaintiff an Eviction Action Reassignment Notice. Staff shall also amend the Summons or issue a new Summons with the location, date and time of hearing of the receiving court. The Plaintiff shall serve the Notice with the Eviction Action Summons and Complaint.
 - b. If a request is made after case filing, before a hearing, or during a hearing; court staff shall immediately complete an Eviction Action Reassignment Notice and issue copies in person to all parties present and those who subsequently appear. Copies shall be delivered to all parties who are not present or did not appear.
 - c. Staff shall email a copy of each completed Eviction Action Reassignment Notice to the Presiding Justice of the Peace within five

(5) business days.

CRITERIA & OTHER INFORMATION

13. Requests and Recusals Made At Time Of Hearing

- a. A hearing would actually be the first opportunity, in practical terms, for a tenant to make a request. A landlord, however, may choose to have the judge process three defaults and then present a request in open court when the tenant walks up on the fourth case.
- b. To the extent possible, courts shall provide for transferred cases to be heard as promptly as possible and preferably on the same day. This is critical when a landlord requests a change of judge to avoid causing a tremendous inconvenience for the tenant. It is also important when the tenant makes a request, to avoid causing a delay in the case.
- c. The judge against whom a request is directed or who has chosen to recuse, can have no role whatsoever in deciding where or to whom the case will go. It will, therefore, be necessary for the judge, in those instances to send the parties back to the front counter to obtain an Eviction Action Reassignment Notice. Completing and issuing the Notice in the courtroom is disfavored, if only because it will appear to observers that the judge is controlling or influencing the re-assignment.

14. Timeliness Of Requests

- a. A request for change of judge as of right must be made before a judge makes a ruling on the merits, or it is untimely. If a Judge calls an eviction case, the notice must basically be made before the discussion begins. If a Judge hears enough from a tenant to recognize that a trial is necessary, over the landlord's objections, and sets, or begins to set, a trial, it is too late. If the landlord does not object, it is arguably not a contested issue and a request may be timely. See 14.c.
- b. On the other hand, a request belongs to the party, to the attorney's client. It would therefore not constitute a waiver if the attorney had the judge hear cases from some of his clients, and a few minutes later submitted requests in cases involving other plaintiffs.
- c. If there is a question as to whether a request is timely, the judge should err on the side of caution, allow the request and send the parties to the front window.

15. Flexibility Of Receiving Courts & Relief For Excessive Burden

- a. Courts receiving transferred cases must be flexible. They must be prepared to have calendars interrupted by a few initial appearances in eviction cases coming from a neighboring court. Bear in mind that these are initial appearances. For some courts they will be done on video. No one expects the receiving judge to do a trial on the day he or she receives the case.
- b. If a receiving court receives more than 10 case transfers for a single docket, the receiving court may if needed order a pro tem judge to hear those noticed cases in the court.

16. Additional Information For Staff


- a. The responsibility for processing these transfers falls to the clerk, carrying out this order of the Presiding Justice of the Peace. The Presiding Justice of the Peace will be available, by phone and e-mail, to answer questions and provide direction. Here are a few more general observations that may be of guidance.
- b. Most cases involving a request made at the time of hearing will be heard by a co-located court in our regional centers. For stand-alone courts where parties would need to leave the building, hearings can be held promptly by connecting parties that are present with the target court by video. Stand-alone courts may depend on video, because we don't want to make a tenant travel to a new location if such may be difficult or impossible. It is technically possible to bring any JP in the county in by video to do an initial appearance. Nevertheless, the matrix should be used as much as possible because an initial appearance may result in the setting of a trial in 2 or 3 days, and a tenant should not have to travel across the county to attend the trial.
- c. Every effort should be made to be fair and equitable and accommodate all parties. In hard cases, however, in which a choice must be made, the choice should be made to create the least inconvenience for the party who did not make the request.

IT IS FURTHER ORDERED:

1. Vacating Administrative Directive No. 2016-003 as it is superseded by this order.

IT IS FURTHER ORDERED that this Administrative Order shall remain in full effect unless modified, rescinded, or vacated by subsequent order.

Dated July 23, 2019.



Keith E. Russell
Presiding Judge, Maricopa County Justice Courts

cc: Donald Watts, Associate Presiding Judge Maricopa County Justice Courts
Justices of the Peace, Maricopa County Justice Courts Bench
Court Managers and Deputy Court Managers
Jim Morrow, Maricopa County Justice Courts Administrator
Scott Davis, Maricopa County Justice Courts PIO (for posting)