

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

IN THE MATTER OF )  
EVICION JURY TRIALS )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER  
NO. 2019-006

WHEREAS Bench Policy Directive 1.1.1, Bench Governance and Policy-Making Authority authorizes the Presiding Justice of the Peace to manage the operation and administration of the justice court system; and

WHEREAS parties are entitled to a jury trial in eviction actions and Rule 11(c), Rules of Procedure for Eviction Actions, requires that trials be scheduled within three court days in justice court unless both parties agree to a longer setting; and

WHEREAS current summoning practices for the Justice Courts do not result in pools of on-call jurors available to each Justice Court each court business day; and

WHEREAS, the Superior Court Jury Office has agreed to assist the Justice Courts in facilitating jury trials in such matters.

IT IS ORDERED that the Justice Court consider the following options when scheduling a matter for a jury trial in an eviction action:

A. When the parties have agreed to waive time:

The Justice Court shall contact the Superior Court Jury Office (email Jury Contacts) immediately to discuss summoning jurors with less than the normal time for notice (currently four weeks). In these instances, the Justice Court should recognize that decreasing the timeframe for summoning may result in significantly smaller juror pools that may not yield an appropriate panel.

B. When the parties have not agreed to waive time:

1. For Justice Courts that are located at a regional court facility, the Justice of the Peace may inquire with the co-located courts if they have jurors available on call that the trial court may use. Similarly, the Justice of the Peace may inquire of other Justice Courts located in the county as to whether they have jurors available on call that the trial court may use, keeping in mind that the trial will need to be held at the facility to which the jurors are summonsed. In these instances, the parties must agree to waive ARS § 21-302H; or
2. The trial may be held by the Justice of the Peace or a pro tem judge at the downtown Superior Court complex, provided a courtroom is available. This would allow the Justice of the Peace to utilize jurors already summonsed to the

downtown Superior Court location and proceed with the trial in a timely fashion. The Justice Court will contact the Jury Office (email Jury Contacts) to request a venire panel and request assistance in securing an available courtroom. In these instances, the parties must agree to waive ARS § 21-302H; or

3. The trial may be transferred to an available Superior Court judicial officer, for a trial date within the prescribed time limits. The Justice Court will contact the Jury Office (email Jury Contacts) for facilitation of the transfer. Upon transfer, the Presiding Civil Judge will appoint a judicial officer (JO) by minute entry. Once the case is assigned, the assigned JO will send out a minute entry indicating the date and time of the trial. The Justice Court shall provide the assigned JO a scanned copy of the case file and send via interoffice mail the case file to the assigned JO. The jury trial shall then be held under the direction of the assigned Superior Court JO.

ALL JUSTICE COURTS ARE REMINDED, The Rules of Procedure for Eviction Actions Rule 11(c) denote there are different timeframes for eviction in Superior Court for trial dates and continuances, please see below:

**c. Continuances.** Whenever possible, the trial should be held on the initial return date. The court may order the continuance of a trial date by up to three court days in justice court or ten days in superior court on the request of a party for good cause shown or to accommodate the demands of the court's calendar, but the court nevertheless shall give priority to hearing and resolving alleged "immediate and irreparable" evictions. No continuance of more than three court days in justice courts or ten days in superior courts may be ordered unless both parties are in agreement.

If a jury trial is transferred to Superior Court the trial date should be set by Superior Court; not Justice Court.

Rule 12 (a) would appear to say setting a jury trial for the day after it has been determined the case is eligible for a jury trial may be inappropriate, since it could lead to litigants losing their ability to submit written voir dire questions to the court.

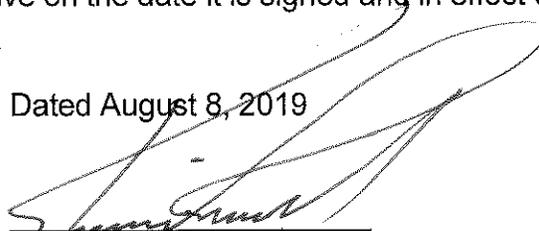
ALL JUSTICE COURTS ARE REMINDED, The Rules of Procedure for Eviction Actions Rule 11(d) outline when a jury trial is appropriate and when a bench trial is appropriate, please see below:

**d. Trial Settings.** Contested detainer matters shall be set for a trial by a judge alone unless a jury trial is demanded by the plaintiff in the complaint or by the defendant at or before the initial appearance. Failure to request a jury trial at or before the initial appearance shall be deemed a waiver of that party's right to a jury trial. At the initial appearance, if a jury trial has been demanded, the court shall inquire and determine the factual issues to be determined by the jury. If no factual issues exist for the jury to determine, the matter shall proceed to a trial by

the judge alone regarding any legal issues or may disposed of by motion or in accordance with these rules, as appropriate.

This Administrative Order is effective on the date it is signed and in effect until rescinded or amended.

Dated August 8, 2019



Keith E. Russell  
Presiding Judge, Maricopa County Justice Courts

cc: 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)