



REQUEST FOR CHANGE OF JUDGE INSTRUCTIONS

NOTICE

These instructions are provided for informational purposes only to assist pro se litigants with completing forms. The instructions do not create any rights, duties or obligations under the law.

GENERAL INFORMATION

Parties to cases before the Community Court may request a change of judge as a matter of right, in civil cases, and for cause, in any case. "In any civil action pending in the community court, the parties are entitled as a matter of right to a change of judge." SRP-MIC Code Sec. 4-26(a). In all other cases, a party may request a change of judge for cause. Sec. 4-26(b) and (c). The grounds for which judges may be disqualified from presiding over matters are provided in Section 2 of the Salt River Pima-Maricopa Indian Community Rules of Professional Conduct ("Judicial Rules of Professional Conduct") and Sections 4-26(b) and (c) of the SRP-MIC Code of Ordinances.

Sources: SRP-MIC Judicial Rule of Professional Conduct VI, SRP-MIC Code Sec. 4-26

HOW TO COMPLETE THE STANDARD FORMS

The Community Court has developed standard forms to give notice or request a change of judge. A request in another form will be considered if the document filed shows that proper grounds exist to change or disqualify the judge.

- 1) **Complete the Notice or Request.** The Court Clerk is able to provide forms that may be filled out by hand; the forms may also be downloaded from the Community Court's website (in Word format).
 - a) The caption of the form should be the same as the petition, as amended. Under the case number you should indicate if the document is a "Notice of Change of Judge" or "Request for Change of Judge" by checking the appropriate box.
 - b) In the introductory paragraph, identify yourself by name or your party designation (i.e., Petitioner, Plaintiff, Respondent or Defendant).
 - c) In Paragraph 1, identify the judge who is currently presiding over your case.
 - d) In Paragraph 2, indicate whether or not the judge has ruled on an issue of law or fact in the matter by checking the box preceding "has" or "has not".
 - e) In Paragraph 3, indicate whether or not you have previously exercised a right to change of judge by checking the box preceding "has" or "has not".
 - f) In Paragraph 4, designate the grounds for the request for change of judge if you are seeking to remove the judge for cause. If you are filing a "Notice of Change of Judge" and exercising your rights under Sec. 4-26(a) of the Code, check the box preceding "not applicable".
 - g) Provide your name, address and phone number(s) so that you may be contacted. Please note that it is your responsibility to notify the Court of any changes to this information. You will be deemed to have received notice of any documents mailed to your address of record in the current case.
 - h) Complete the Certificate of Mailing/Delivery. You are responsible for the delivery of the Notice/Request.
- 2) **Proposed Orders.** The proposed orders should be submitted attached to the petition as Page 2. The court clerk will serve the order after it is executed by the judge.
- 3) **Complete Attachment A – Affidavit.** The purpose of Attachment A is to provide the Community Court with notice of the factual basis upon which the request for change of judge is made. The affidavit is not required if the party is seeking a change of judge as a matter of right pursuant to Sec. 4-26(a) of the Code of Ordinances.
 - a) In Paragraphs 1, identify yourself by name.
 - b) In Paragraph 2, provide the information that is in the caption of the case (i.e., identify the parties and the case number).
 - c) In Paragraph 3, state the factual basis upon which the judge should be disqualified.