

General Information About the Arizona Justice Courts

Jurisdiction

The justice courts process a wide variety of case types. Justice Courts have jurisdiction to hear misdemeanor violations; criminal and civil traffic violations; civil lawsuits up to \$10,000.00; small claims up to \$3,500.00; eviction action (landlord/tenant) actions for possession of property; orders of protection in domestic violence cases; and, injunctions prohibiting harassment.

For your information, the following is a brief overview of the types of case filings and court proceedings handled by justice courts.

Misdemeanors

Misdemeanors are filed with the court either by the County Attorney or by an officer issuing a citation. These offenses may include shoplifting; disorderly conduct; minor consumption or possession of alcohol; indecent exposure, simple assault; and, interfering with judicial proceedings.

Other violations might include game and fish or boating violations; contracting license violations; and bad check violations, DUI and other criminal traffic violations, ie., reckless driving, exhibition of speed and driving while license is suspended or revoked.

The courts issue summons or warrants to secure a defendant's appearance.

The justice of the peace also issues search warrants and court orders to aid in criminal investigations. The justice of the peace is on call 24 hours every day to sign search warrants.

The justice of the peace conducts arraignments, holds pre-trial conferences and presides over both jury trials and bench trials and sentencing and post judgment proceedings.

Civil Traffic Cases

The justice of the peace has jurisdiction to hear all civil traffic violations, except those filed in a municipal court by a municipal or city law enforcement officer. Hearings are set for defendants who deny responsibility for the violation. The justice of the peace or a volunteer civil traffic hearing officer will hear and determine the case. A finding at the hearing is based on a preponderance of the evidence presented.

Civil Cases - Small Claims Division

Each justice court has a small claims division for claims not exceeding \$3,500.00. The claim must be for a provable monetary amount, and may not be for actions involving libel, slander, specific performance, class actions, or injunctive relief. Attorneys may not represent either party in a small claims action, unless stipulated to by both parties. You cannot have your small claims case heard before a jury. The decision of the justice of the peace or a small claims hearing officer is final and cannot be appealed.

Regular Civil Docket

The justice courts have exclusive jurisdiction for all civil actions when the amount involved, not including court costs or attorney fees when awarded, is \$10,000.00 or less.

The law governing procedure and practice in the superior court, so far as is applicable, also governs procedure and practice in the justice court.

The courts issue summons, subpoenas, hears motions, renders judgments, and writs of garnishment, writs of execution, attachment, replevin and restitution.

The justice of the peace presides over both jury trials and bench trials.

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Eviction Actions

Justice courts have exclusive jurisdiction to hear eviction actions or special detainer actions for claims up to \$10,000.00. An eviction action or special detainer action is a landlord/tenant dispute for non-compliance of the rental agreement and for return of possession of the rental property.

Other Civil Proceedings

The justice of the peace also hears cases involving livestock liens, disposition of vicious or mistreated animals and post-storage hearing claims (impounded automobiles).

Petitions for Orders of Protection, Injunctions Prohibiting Harassment and Injunctions Prohibiting Workplace can be filed and processed in any court in the State.

Marriage Ceremonies

The Justice of the peace may also perform marriage ceremonies. Under the authority of the State of Arizona, the Justice of the peace is authorized to perform a marriage anywhere in the state. Some justice courts also issue marriage licenses.