

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE MATTER OF ALTERNATIVE )  
DISPUTE RESOLUTION PROGRAM )  
PROCEDURES FOR FAMILY COURT CASES )  
\_\_\_\_\_ )  
\_\_\_\_\_ )

**ADMINISTRATIVE ORDER  
NO. 2021-041**

Whereas, the Family Court remains committed to the use of Alternative Dispute Resolution for contested family court cases and Family Court relies upon the ADR Program to provide a settlement process for cases in which one or both parties are represented by counsel, with Family Court Judges *Pro Tempore* serving as settlement judges; and

Whereas, Rule 67.4 of the Arizona Rules of Family Law Procedure authorizes court-ordered settlement conferences, whether upon request of the parties or on the court's own motion, with the ADR Office responsible for coordinating the scheduling of ADR Settlement Conferences once authorized by the assigned judicial officer; and

Whereas, the number of Judges *Pro Tempore* for Family Court have reduced over the course of several years, and such reduction has contributed to a backlog of cases awaiting an ADR Settlement Conference; and

Whereas, as backlog has grown, parties are requesting the scheduling of a settlement conference earlier in cases solely to reserve a time and date for a future settlement conference, if needed; and

Whereas, certain cases are not prepared at the time of the scheduled settlement conference due to discovery/disclosure or other issues, thereby resulting in continuances or vacating of settlement conferences, further contributing to the backlog of cases; and

Whereas, certain cases are resolved in advance of the settlement conference but without timely notice to the ADR Office or the assigned Judge *Pro Tempore*, resulting in last-minute vacating of the settlement conference and insufficient time to utilize the settlement conference for another matter; and

Whereas, delay in the ADR process is resulting in an overall delay in finalization of family cases, which significant procedural changes relating to the supply of available settlement conferences and the timeliness of the scheduling of such conferences will help address; and

Whereas, ADR Settlement Conferences already set for a date on or before June 30, 2021 shall proceed, as scheduled, but this new process shall require matters already set for an ADR settlement conference for a date on or after July 1, 2021 to comply with the certification process or be subject to having the scheduled ADR conference vacated.

**IT IS ORDERED:**

1. The Family Court ADR Process shall be coordinated through the Office of the Presiding Family Court Judge.

2. Effective no later than April 15, 2021, for any case in which either or both parties are represented by counsel and either or both parties seek the setting of a settlement conference through the ADR program, the parties shall submit the request to the Family Court Presiding Judge and not through the judicial officer assigned on the case. If the parties are ordered by the assigned judicial officer to participate in an ADR settlement conference, the assigned judicial officer shall order the parties to comply with the certification process detailed herein by a date certain.

3. To qualify for the scheduling of an ADR settlement conference, the parties must certify that all of the following are true:

- a That all discovery and disclosure required for the parties to engage in comprehensive settlement negotiations are complete and that there are no pending discovery or disclosure disputes between the parties; and
- b That the parties have exchanged comprehensive settlement proposals and have been unable to reach an agreement; and
- c That the parties do not have sufficient financial means with which to engage in private mediation in accordance with Rule 67.3 of the Arizona Rules of Family Law Procedure; and
- d That the parties are aware of and shall comply with the submission requirements detailed in Rule 67.4(b)(3) of the Arizona Rules of Family Law Procedure and Rule 3.11(c) of the Local Rules of Court-Maricopa County by no later than seven (7) days prior to the scheduled ADR settlement conference; and
- e That the parties are aware that if the information certified to be true is not, sanctions may be imposed.

4. The Joint Request and Certification pleading shall be substantially in the form that will be available through the LLRC.

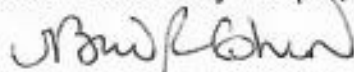
5. The authorization for the matter to be set for an ADR settlement conference shall be made by the Family Department Presiding Judge and then referred to the ADR Office for scheduling.

6. The unavailability of an ADR settlement conference in advance of a scheduled trial or evidentiary hearing shall not be a basis for a continuance of the scheduled proceeding without leave from the judicial officer to whom the case is assigned.

7. If the parties to an ADR settlement conference scheduled under these procedures seek a continuance or vacating of the settlement conference with the assigned Judge *Pro Tempore* due to the parties not being prepared to proceed or not having complied with the filing of settlement position statements, the assigned Judge *Pro Tempore* shall notify the Family Court Presiding Judge for possible imposition of sanctions.

8. For all cases in which an ADR settlement conference has been or will be scheduled prior to April 15, 2021 for a settlement conference date on or after July 1, 2021, the certification process shall be required in order to retain the settlement conference date and time. A minute entry shall be issued by Presiding Judge of the Family Department in each such case, allowing the parties a specific timeframe within which to comply with the certification process. If submitted by the deadline, a minute entry shall be issued affirming the ADR settlement conference. If the certification is not timely submitted, the ADR settlement conference set for a date on or after July 1, 2021 with leave to the parties to seek the setting of another ADR settlement conference upon completion of the certification process.

Dated this 9<sup>th</sup> day of April, 2021.



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Hon. Bruce R. Cohen  
Presiding Family Court Judge  
Maricopa County Superior Court

Original: Clerk of the Superior Court  
Copies: Hon. Joseph Welty, Presiding Judge  
Hon. Joseph Kreamer, Associate Presiding Judge  
All Family Court Judges and Commissioners  
All Family Court Judicial Assistants  
Raymond Billotte, Judicial Branch Administrator  
Shawn Friend, Deputy Court Administrator  
Brian Bledsoe, Family Court Administrator  
Emelda Dailey, ADR Program Coordinator  
Julie Carlson, Judicial Assistant to Family Court Presiding Judge  
Sandra Monz, Family Department Judicial Staff Trainer