

As amended through August 31, 2020

Rule 3.11 - Mandatory Settlement Conferences

- a. Mandatory Settlement Conferences; Objectives.** Except as to lower court appeals and cases subject to compulsory arbitration under A.R.S. § 12-133, in any action in which a motion to set and certificate of readiness is filed, the court, at the request of any party, shall, except for good cause shown, direct the parties, the attorneys for the parties and, if appropriate, representatives of the parties having authority to settle, to participate either in person or, with leave of court, by telephone, in a conference or conferences before trial for the purpose of facilitating settlement. Unless otherwise ordered by the court, all requests for settlement conferences shall be made not later than sixty (60) days prior to trial.

At any time, on motion of a party, or on its own motion, the court may schedule a settlement conference pursuant to Rule 16.1, Arizona Rules of Civil Procedure. The provisions of subparagraphs (b) and (c) of this rule shall apply to such pre-trial settlement conferences.

- b. Scheduling and Planning.** The court shall enter a scheduling order that sets the date for the conference, a deadline for furnishing memoranda, and other matters appropriate in the circumstances of the case. A schedule shall not be modified except by leave of court upon a showing of good cause.
- c. Settlement Conference Memoranda.** Each party shall furnish the court with a separate memorandum. The memorandum shall not be filed with the Clerk of the Superior Court. Parties shall exchange the memoranda with each other, or with the consent of all parties, furnish the memoranda sealed to the division assigned to the case. Each memoranda shall address the following:**(1)** a general description of the issues in the lawsuit, and the positions of each party with respect to each issue;**(2)** a general description of the evidence that will be presented by each side with respect to each issue;**(3)** a summary of the settlement negotiations that have previously occurred;**(4)** an assessment by each party of the anticipated result if the matter did proceed to trial; and**(5)** any other information each party believes will be helpful to the settlement process.
- d. Discretion to Transfer.** The court, upon its own motion, or upon the motion of a party, may transfer the settlement conference to another division of the court willing to conduct the settlement conference.
- e. Sanctions.** The provisions of Rule 16(i), Arizona Rules of Civil Procedure, concerning sanctions shall apply to a conference provided for by this rule.

L. R. Prac. Sup. Ct. 3.11

Added April 19, 1989, effective June 1, 1989. Amended June 28, 1989, effective Sept. 1, 1989; May 31, 2002, effective June 1, 2002; June 12, 2013, effective July 1, 2013; Sept. 2, 2016, effective Jan. 1, 2017.