

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

IN THE MATTER OF CASE MANAGEMENT)
PROCEDURES IN FAMILY COURT AND)
THE EARLY RESOLUTION CONFERENCE)
PROGRAM)
_____)

ADMINISTRATIVE ORDER
NO. 2010-118

Whereas, Rules 16(a) and 16(b), Arizona Rules of Civil Procedure, authorizes the Court to direct the parties and their attorneys in any Family Court action to participate, either in person or, with leave of Court, by telephone, in a conference or conferences to expedite the disposition of the action, to avoid delay from lack of management of the case, to discourage wasteful pretrial activities, and to improve the quality of the trial through more thorough preparation; and

Whereas, Rule 66 (E), Arizona Rules of Family Law Procedure, requires the parties in any Family Court action to confer and attempt in good faith to settle the case or agree upon an appropriate alternate dispute resolution process in their case, and also authorizes the Court to direct the parties to submit disputed issues to an alternate dispute resolution program created or authorized by local court rules; and

Whereas, Rule 67 (D), Arizona Rules of Family Law Procedure, authorizes the Court to schedule a settlement conference before trial of any Family Court case; and

Whereas, Rule 73(B), Arizona Rules of Family Law Procedure and Rule 6.14, Local Rules of Practice of the Superior Court-Maricopa County, allow the court to appoint a type of master termed a conference officer to conduct conferences with the parties to expedite family court cases; and

Whereas, Rule 6.5, Local Rules of Practice of the Superior Court—Maricopa County, establishes a Differentiated Case Management process and conference to provide a forum for early intervention and fair and orderly management of appropriate cases prior to trial; to set deadlines for issue resolution and trial preparation; and to facilitate the preparation of stipulations regarding issues in the case, position statements and other pretrial documents; Statement of Agreement and Disagreement, or Consent Decree; and

Whereas, the Family Court has a high percentage of cases involving self-represented litigants that have difficulty with complex court rules and procedures;

and delay of prompt resolution of these cases results in further conflict, instability and harm to children and family relationships; and

Whereas, the implementation of a comprehensive and uniform case management system is necessary with respect to these cases to effectively and timely adjudicate the issues and prevent delay and confusion to the parties.

IT IS ORDERED:

1. Court Administration is authorized to establish and continue an early intervention program to provide assistance to all Family Court cases involving one or more self-represented litigants to settle and resolve disputed issues, to assist the parties in memorializing agreements for presentation to the Court, to assist the Court in case management, and to work with the assigned divisions to schedule trial dates and other events to finalize cases.

2. This early intervention program shall be directed by the Family Court Administrator and Family Court Presiding Judge, with conferences conducted by qualified law-trained professionals trained to mediate and facilitate agreements in family law cases, and include any necessary staff to assist in the resolution and management of cases in a timely and judicious manner.

3. This program shall be known as the "Early Resolution Conference Program" and shall be conducted in accordance with family law statutes, court rules, and department policy adopted herewith, and to be amended from time to time as authorized by the Family Court Presiding Judge.

4. Administrative Order No. 2005-045 (*In The Matter of Case Management Procedures in Family Court For Self Represented Litigants By Attorney Case Managers and Authorizing Early Resolution Triage Program*) is vacated.

IT IS FURTHER ORDERED that this Administrative Order expires automatically without further Order on a date ten (10) years from the date of issuance in accordance with Arizona Code of Judicial Administration, Section 3-402(C), unless sooner modified, amended or replaced.

Dated this 17th day of November, 2010.

Hon. Carey Hyatt
Presiding Family Court Judge

Original: Clerk of the Superior Court

Copies: Hon. Norman Davis, Presiding Judge
Hon. Eddward Ballinger, Associate Presiding Judge
All Family Court Judges and Commissioners
Marcus Reinkensmeyer, Judicial Branch Administrator
Phillip Knox, General Jurisdiction Courts Administrator
Cheri Clark, Family Court Administrator