

**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. <b>2021-144</b>  <b>(AMENDMENT TO AO 2021-041)</b>
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Whereas, Administrative Order (“AO”) 2021-041 was issued on April 9, 2021 to address the increasing delays in conducting Alternative Dispute Resolution (“ADR”) Conferences for family court cases; and

Whereas, newly sought requests for an ADR Conference at that time resulted in a first available date which was approximately five to seven months from the date of request; and

Whereas, many ADR Conferences were continued or vacated just prior to the scheduled ADR Conference due to lack of preparedness to engage in meaningful settlement discussions, thereby causing a waste in available ADR resources; and

Whereas, the new procedures required under AO 2021-041 went into effect for all new ADR Conference requests made on or after April 15, 2021 and was applied to all ADR Conferences that were previously scheduled for a conference to be conducted on or after July 1, 2021; and

Whereas, the new procedures required that parties certify their preparedness to proceed with an ADR Conference (completion of discovery and disclosure necessary to engage in substantive settlement discussions) as a condition to securing a new ADR Conference date or to maintain an existing ADR Conference date previously scheduled for a date on or after July 1, 2021; and

Whereas, the new procedures under AO 2021-041 have resulted in a significant decrease in the number of continued or vacated ADR Conferences arising from lack of preparedness; and

Whereas, the new procedures under Administrative Order 2021-041 have eliminated the delay in the ADR Conference from five to seven months down to one to two weeks; and

Whereas, this readily available settlement proceeding has served the interests of justice and timely case management; and

Whereas, Administrative Order 2021-041 required that all new Requests and Certifications for an ADR Settlement Conference be submitted to the Presiding Judge of the Family Department so that the new scheduling procedures and program requirements could be uniformly applied; and

Whereas, it is no longer necessary for the approving and setting of an ADR Settlement Conference to be centralized within the court; and

Whereas, all other aspects of the request and certification process adopted under ADR 2021-041 not modified herein shall remain in full force and effect;

**NOW, THEREFORE IT IS ORDERED that, effective October 4, 2021:**

1. For any pre-decree 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 assigned judicial officer on the case.
2. 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 necessary 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 it would be cost-prohibitive or an undue financial burden for the parties to participate 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 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.
3. The Joint Request and Certification pleading shall be substantially in the form that will be available through the LLRC.

4. The authorization for the matter to be set for an ADR settlement conference shall be made by the judicial officer assigned to manage the case and may be scheduled through ICIS NG or referred to the ADR Office for scheduling.
5. 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.
6. If the parties to an ADR settlement conference scheduled under these procedures seek a continuance of the settlement conference with the assigned Judge Pro Tempore based upon the parties not being prepared to proceed, the assigned Judge Pro Tempore shall notify the Family Court Presiding Judge and the judicial officer assigned the management of the case for possible imposition of sanctions.

Dated this 23<sup>rd</sup> day of September, 2021.

*Judge Bruce R. Cohen*

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Hon. Bruce R. Cohen  
Presiding Family Court Judge

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  
Bob James, Deputy Court Administrator  
Brian Bledsoe, Family Department Administrator  
Emelda Dailey, ADR Program Coordinator  
Julie Carlson, Judicial Assistant to Family Court Presiding Judge  
Tania Nieblas, Family Department Judicial Staff Trainer