

**JUDICIAL BRANCH OF ARIZONA
IN MARICOPA COUNTY**

ALTERNATIVE DISPUTE RESOLUTION (ADR)

**CIVIL SHORT TRIAL
ADMINISTRATIVE PROCEDURES**

By stipulation, parties can agree to a binding, one-day jury trial (short trial). Short trials cannot be mandated; it can be suggested as an option by the referring judge if the parties opt out of mandatory arbitration. Unless there is an issue of fraud, there is no right to appeal. The short trial begins at 8:30 a.m. at the Downtown Court Complex. Only a courtroom assistant* is available for the short trial and the proceedings are not recorded. ***The ADR Administrative Assistant will serve as courtroom assistant for the short trial.**

General Procedures

- Cases are referred to ADR by minute entry. Upon receipt of the minute entry, the referral is entered into the Integrated Court Information System (ICIS) and ADR Short Trial Database
- Generally, short trials are scheduled within 60–90 days upon receipt of the referrals (depending on the deadline set by the assigned judge).
- Scheduling a short trial:
 - Initially, ADR contacts counsel by e-mail and requests counsel to find at least 2 mutually convenient dates for counsel/parties/court. Note: Short trials may be conducted on Monday, Tuesday, Wednesday, or Thursday ONLY.
 - Once the dates are determined by counsel, ADR, sends an e-mail to Downtown JAs/judges to solicit a courtroom for one of the 2 proposed dates from counsel. Once a courtroom is secured for one of the proposed dates, ADR solicits a volunteer from the pool of judges *pro tempore* (JPT) who have expressed interest in conducting short trials. Note: JPTs are asked to perform a conflict check and once conflict clears, JPT confirms conflict check and responds to ADR confirming availability.
 - Once the short trial date & JPT appointment are confirmed, ADR
 - Enters Short Trial information in Microsoft Outlook, ICIS, and ADR's Short Trial Database
 - ADR generates the Short Trial minute entry (ME) draft and e-mails it to COCCRSSupervisorTeamNon-Criminal-DT@mail.maricopa.gov to generate/publish the ME. Endorsements: ADR-CCC & JPT.
 - Orders jury by utilizing the Court's Intranet Jury Office Main Menu

- Administrative requirements:
 - Seven days prior to the short trial:
 - The Joint Pre-Trial Memorandum should be sent to the JPT. The memorandum must contain a brief statement of the nature of claim and defense, a complete list of witnesses and a description of the substance of the testimony of each witness, and finally, a list of exhibits.
 - A telephonic conference is then held at least three judicial days prior to the short trial to identify potential problems and clarify procedural concerns. No *ex parte* communications are permitted.
 - If the case settles prior to the short trial, a Notice of Settlement (NOS) should be filed, by counsel and a copy sent to the assigned judge, JPT, and the ADR Office. JPT then vacates the short trial upon receipt of the NOS. ADR cancels the courtroom reservation by sending an e-mail to the judge's JA (division who gave ADR permission to use their courtroom), cancels jury order, and updates information in ICIS and ADR's Short Trial Database.
 - On the day of the short trial:
 - Attorneys are encouraged to meet with the JPT at 8:30 a.m.
 - The courtroom assistant is sworn in by the JPT and picks up the jurors from the Jury Assembly Room. Eight potential jurors are escorted to the courtroom and sworn in by the JPT. **NOTE: Typically one of the first questions that the judge will ask is if there is anyone who does not speak or understand English so that those jurors can be released early on in the process. Our current practice is that the determination of whether a juror can meaningfully participate due to language must be made by the judge, so we do not release anyone for language.** Four jurors are selected to hear the case. The jurors not selected should return to the Jury Assembly Room. The JPT and attorneys, using the RAJI Preliminary and Standard Instructions or by Court stipulation, develop the Jury Instructions.

NOTE: On August 23, 2021, the Arizona Supreme Court amended Rule 18.4 and 18.5 of the Arizona Rules of Criminal Procedure and Rule 47 (e) of the Arizona Rules of Civil Procedure to **eliminate peremptory challenges in criminal and civil trial**, effective January 1, 2022.

- A Short Trial Benchbook, which includes all instructions for conducting a short trial is provided to the JPT.
- The courtroom assistant provides the Court forms to the JPT and parties/counsel: Certificate of Pro Tem Hours Form, Verdict Form,

- Nameplate, Party Address Forms, and Judgment for Jury Fees Form.
- Each counsel has approximately two hours to present its case. The presentation includes an opening statement (10 minutes) presentation of evidence, direct examination of witnesses and closing arguments (10 minutes). Stipulations to documentary evidence and pretrial motions are strongly encouraged and live testimony is discouraged. Witnesses can be used by deposition or affidavit. Jury fees are assessed against the appropriate parties or can be split equally.
 - Exhibits are **NOT** submitted ahead of time. The parties should agree on the exhibits they each will use and put them in the joint notebooks that they will bring to the Short Trial (one for each of the four jurors, one for the judge, one for the witness, and one for each counsel (having them numbered (with tabs) would be helpful for everyone).
 - Eight combined evidentiary notebooks may include facts, photographs, diagrams, and other evidence. Four notebooks are for the jury, one for the JPT, one for the witness, and one for each attorney.
 - Once the attorneys have presented the case, the jurors are taken to the jury room, by the courtroom assistant, to deliberate. To reach a verdict, at least three jurors must agree.
 - When the verdict is reached, the jurors return to the courtroom for the reading of the verdict. The judge thanks the jurors and dismisses them.
- Upon conclusion of the short trial:
 - The courtroom assistant compiles and forwards the following paperwork to the Jury Commissioner's Office: final jury list and biographies.
 - The courtroom assistant brings the jury fee assessment, verdict, party address forms, and jury questions (if any) to ADR for processing. ADR then sends the abovementioned documents to the assigned judge.
 - ADR enters result of short trial in ICIS and ADR's short trial database.

NOTE: ALL current RAJIs are available at <https://www.azbar.org/for-lawyers/communities/committees/civil-jury-instructions-committee/>