

Rule 16.1. Settlement Conferences

Arizona Revised Statutes Annotated Rules of Civil Procedure for the Superior Courts of
Arizona Effective: September 1, 2019

Arizona Revised Statutes Annotated
Rules of Civil Procedure for the Superior Courts of Arizona (Refs & Annos)
III. Pleadings and Motions; Pretrial Procedures

Effective: September 1, 2019

16 A.R.S. Rules of Civil Procedure, Rule 16.1 Rule 16.1. Settlement Conferences

Currentness

(a) Generally. At party's request or on its own, a court may require the parties to participate in one or more pretrial settlement conferences unless the action is a lower court appeal or is subject to compulsory arbitration under Rule 72.

(b) Memoranda in Court-Conducted Settlement Conferences.

(1) *Requirement and Timing.* If the court conducts a settlement conference, each party must submit, but not file, a settlement conference memorandum to the court no later than 5 days before the settlement conference. Unless the court orders otherwise, settlement conference memoranda must be served on every other party.

(2) *Contents.* A settlement conference memorandum must provide:

- (A) a general description of the claims, defenses, and issues in the action, and the party's position on each claim, defense, and issue;
- (B) a general description of the evidence the party anticipates presenting at trial;
- (C) a summary of any settlement negotiations that have already occurred;
- (D) the party's assessment of the likely outcome if the action proceeds to trial; and
- (E) any other information that might be helpful in settling the action.

(c) Attendance. Every party and its counsel must attend a settlement conference unless specifically excused by the court for good cause. Additionally, each party must have a representative present who has actual authority to enter into a binding settlement agreement. All participants must appear in person unless the parties agree or the court orders otherwise.

(d) Confidentiality. The court may order that discussions between the court and a party or the party's counsel during a settlement conference be treated confidentially and not be revealed to others.

(e) Transfer. On motion or on its own, the court may transfer a settlement conference to another court division that is willing to conduct the conference.

(f) Ex Parte Communications. The court, with the consent of the parties participating in the conference, may engage in ex parte communications if the court believes it might facilitate the action's settlement.

(g) Sanctions. A court may enter any of the sanctions provided in Rule 16(h) if a party or its counsel is substantially unprepared to participate in a settlement conference or fails to participate in the conference in good faith.

Credits

Added Sept. 2, 2016, effective Jan. 1, 2017. Amended Aug. 31, 2017, effective Jan. 1, 2018. Amended effective Oct. 9, 2018.

16 A. R. S. Rules Civ. Proc., Rule 16.1, AZ ST RCP Rule 16.1

Current with amendments received through 11/1/2020.