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, in the event that 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 bailiff is available for the short trial and the proceedings are not recorded.

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 dates are determined by counsel, ADR, via e-mail, 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's e-mail by selecting a date and confirming availability.
    - Once a JPT volunteer is determined, ADR sends a preliminary notice/confirmation e-mail to counsel and JPT with the JPT information and date of short trial
    - Once the short trial date is confirmed, ADR
        - Enters Short Trial information in Microsoft Outlook, ICIS, and ADR's Short Trial Database
        - Sends an e-mail to:
            1. Civil Court Administration to request courtroom assignment
            2. Counsel & JPT once courtroom assignment is determined. Generates Short Trial Notice with the date & time and other pertinent information regarding the short trial and sends original plus 1 copy of notice to Clerk of Court distribution for filing & distribution of copies to counsel.
        - Orders jury by utilizing the Court's Jury Office Main Menu
- Administrative requirements:
    1. 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.
    2. 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.
    3. If the case settles prior to the short trial, a Notice of Settlement (NOS) should be filed, by counsel, with the Clerk of the Court and a copy sent to the referring judge, JPT, and the ADR Office. JPT then vacates the short trial upon receipt of the NOS. ADR will then send an e-mail to Civil Court Administration to cancel courtroom/bailiff assignment, cancel jury order, and update information in ICIS and ADR's Short Trial Database.

4. On the day of the short trial:
    - Attorneys are encouraged to meet with the JPT at 8:30 a.m.
    - The bailiff is sworn in by the JPT and picks up the jurors from the Jury Assembly Room. The jurors are brought to the Courtroom at 9:00 a.m. Ten potential jurors are sent to the Courtroom, sworn in by the JPT. 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.
    - A Short Trial Bench Book, which includes all instructions for conducting a short trial is provided to the JPT.
    - The Bailiff 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**.** During the *Voir Dire* process each counsel is allowed five minutes for follow-up questions. Jury fees are assessed against the appropriate parties or can be split equally.
    - 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 bailiff, to deliberate. In order 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:
        1. The bailiff compiles and forwards the following paperwork to the Jury Commissioner's Office: final jury list and biographies.
        2. The bailiff forwards the jury fee assessment, verdict, party address forms, and jury questions (if any) to ADR. ADR then sends the abovementioned documents to the referring judge.
        3. ADR enters result of short trial on ICIS and ADR's short trial database.