

Alternative Dispute Resolution Fund FY2009

Administrative Office of the Courts
Court Services Division
Arizona Supreme Court

January 2010

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Alternative Dispute Resolution Fund FY2009

Introduction

The 1989 Commission on the Courts Report recommended the expanded use of alternative dispute resolution in the Arizona judicial system. The Alternative Dispute Resolution Fund (ADR) was created in 1991 to fund local, regional or statewide projects that establish, maintain, improve or enhance ADR programs in the superior court and justice of the peace courts (A.R.S. §12-135). Since October 1991, a portion of the civil filing fees collected in the superior court and justice courts has been designated for deposit in the ADR Fund. Pursuant to A.R.S. §12-135 through fiscal year 2003, courts wishing to participate in the alternative dispute resolution program applied to the supreme court for funding. The statute requires that funds collected in the superior court be used to pay for superior court ADR programs and ADR funds collected through the justice of the peace courts shall be used for ADR programs in the justice of the peace courts.

In fiscal year 2009, ADR revenues collected in justice courts totaled \$259,921 including accrued interest. This is a 13.0 percent increase over the \$230,048 ADR revenue collected in FY2008. The superior courts collected another \$95,696 in ADR revenue, a 40.7% increase from the \$68,032 collected in FY2008.

A.D.R. Fund Update

During FY2009, the Arizona legislature passed Senate Bill 1001, which allowed the Joint Legislative Budget Committee (JLBC) to transfer \$218,200 from the Alternative Dispute Resolution fund maintained by the AOC to the state general fund using a process called “excess balance transfers” and \$37,300 using another process called “fund reductions and transfers”. In addition, House Bill 2209, the General Appropriations Bill, included a “back of the bill adjustment” which allowed an \$800 transfer from the ADR fund to the General Fund for hiring freeze/vacancy savings. Total legislative fund “sweeps” from ADR during the fiscal year amounted to \$256,300.

Training Volunteer Mediators

During FY2009, continued emphasis was placed on the facilitation of training for volunteer mediators statewide. In a continued effort to provide all of the counties in the state with more qualified mediators to assist in mediation and arbitration, the Administrative Office of the Courts (AOC) contracted with the Attorney General’s Office (AG) to provide training across the state for interested attorneys.

As shown below, 339 hours of instruction were provided in basic and advanced mediation training, and a total of 166 volunteer mediators exist in the state due to these efforts.

Date	County	Class	Number of Attendees Completing the Course
August 6-8, 11, 12, 2008	Coconino	Basic Mediation Training-40 Hours	19
September 10-12, 15, 16, 2008	Mohave	Basic Mediation Training-40 Hours	8
October 21-23, 28, 29, 2008	Maricopa	Basic Mediation Training-40 Hours	24
December 4, 5, 8-10, 2008	Pinal	Basic Mediation Training-40 Hours	6
December 15, 2008	Pima	Victim Offender Mediation Training-8 Hours	6
January 14, 2009	Mohave	Advanced Mediation Training-3 Hours	15
February 17-19, 23, 24, 2009	Pima	Basic Mediation Training-40 Hours	13
March 11-13, 16, 17, 2009	Maricopa	Basic Mediation Training-40 Hours	18
April 30, 2009	Pima	Victim Offender Mediation Training-4 Hours	18
May 5-7, 11, 12, 2009	Maricopa	Basic Mediation Training-40 Hours	12
June 15-17, 18, 19, 2009	Yuma	Basic Mediation Training-40 Hours	15
June 26, 2009	Pima	Advanced Mediation Training-4 Hours	12
Total Participants Trained			166

Meeting the Needs

While the AG provides the staff and curriculum used to provide alternative dispute resolution (mediation) training, it is a goal of both the AOC and the AG to make the ADR training program easily available to people who wish to become mediators. To this extent, some language was modified in the contract between the AOC and the AG to provide flexibility in the mediation training schedule so more people can attend at varying times. The AOC continues to work with ADR program staff to ensure the needs of the people seeking to become mediators in Arizona are being met.

Arizona Judicial Automated Case System (AJACS) in Superior Court

In November of 2007, the AOC selected American Cadastre LLC (doing business as AmCad) to replace the aging AZTEC case management system currently used by 13 of the 15 county branches of the superior court in Arizona. AmCad's Arizona Judicial Automated Case System (AJACS) is configurable, secure, auditable, and table-driven all while remaining modifiable by authorized users. All standard Case Management functionality can be accessed from within a browser. When the legislature mandates new fee codes, they can be immediately included, with start and expire dates, if necessary. Components of this new system are being developed to address the needs of the ADR program across the state.

AJACS is a modular application, providing clerks and courts the ability to enter, update, calendar, query and report cases in a person-centric environment. The system can also be used to track the progress of alternative dispute resolution cases.

AJACS has been installed and is being used currently by the Superior Court in ten counties (Apache, Cochise, Coconino, La Paz, Mohave, Navajo, Pinal, Santa Cruz, Yavapai and Yuma) and Gila, Graham and Greenlee counties are scheduled to go live by June 2010.