

# Alternative Dispute Resolution Fund FY2007

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# Alternative Dispute Resolution Fund FY2007

## **Introduction**

The 1989 Commission on the Courts Report recommended the expanded use of alternative dispute resolution (ADR) in the Arizona judicial system. The ADR Fund 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.

ADR funds may be used for new court programs or for expansion or continuation of existing programs. However, the funds must be used to supplement, not supplant, local funding that would otherwise be available for ADR programs.

In May 2003, Arizona courts were notified that FY2003 would be the last year in which individual county grants would be awarded in order to allow the ADR fund to be used for centralized education and other statewide programs. This decision was based on a combination of the budget deficit in FY2004, and the limited amount of ADR Fund revenues. Combining this with the anticipated increase demand for mediation services related to ARCP 16(g), centralized use of the funding was a logical decision.

In fiscal year 2007, ADR revenues collected in justice courts totaled \$174,860 including accrued interest. This is a 10.1 percent increase over the \$158,852 ADR revenue collected in FY2006. The superior courts collected another \$64,598 in ADR revenue, a slight decrease from the \$65,004 collected in FY2006. During FY2007, continued emphasis was placed on the facilitation of training for volunteer mediators statewide.

## **Training Volunteer Mediators**

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 contracted with the Attorney General's Office to provide training across the state for interested attorneys.

As shown below 384 hours of training were provided in this area and a total of 277 new volunteer mediators exist in the state due to these efforts.

| Date                                     | County   | Class                                      | Number of Attendees Completing Course |
|--|----------|--|---------------------------------------|
| July 18, 2006                            | Cochise  | Advanced Mediation Training-8 Hours        | 30                                    |
| August 23, 2006                          | Yavapai  | Advanced Mediation Training-8 Hours        | 8                                     |
| September 28, 29 and October 2,3,4, 2006 | Maricopa | Basic Mediation Training-40 Hours          | 25                                    |
| December 4, 5, 6, 11, 12, 2006           | Maricopa | Basic Mediation Training-40 Hours          | 18                                    |
| December 8, 2006                         | Maricopa | Advanced Mediation Training-8 Hours        | 18                                    |
| December 11, 2006                        | Pima     | Victim Offender Mediation Training-8 Hours | 22                                    |
| February 16, 2007                        | Yuma     | Advanced Mediation Training-8 Hours        | 10                                    |
| February 22, 23, 28 and March 1, 2, 2007 | Mohave   | Basic Mediation Training-40 Hours          | 11                                    |
| March 16, 2007                           | Maricopa | Advanced Mediation Training-8 Hours        | 14                                    |
| March 19 – 23, 2007                      | Cochise  | Basic Mediation Training-40 Hours          | 14                                    |
| April 9, 10, 11, 16, 17, 2007            | Pima     | Basic Mediation Training-40 Hours          | 22                                    |
| April 26, 2007                           | Pima     | Victim Offender Mediation Training-8 Hours | 24                                    |
| May 2, 3, 4, 10, 11, 2007                | Apache   | Basic Mediation Training-40 Hours          | 10                                    |
| May 14, 15, 16, 21, 22, 2007             | Pinal    | Basic Mediation Training-40 Hours          | 5                                     |
| June 14, 15, 20, 21, 22, 2007            | Maricopa | Basic Mediation Training-40 Hours          | 23                                    |
| June 28, 2007                            | Pima     | Advanced Mediation Training-8 Hours        | 23                                    |
| Total Number Trained                     |          |  | 277                                   |

## **Meeting the Needs**

While the Office of the Attorney General (A.G.) provides the staff and curriculum used to provide alternative dispute resolution (mediation) training, it is a goal of both the Administrative Office of the Courts (A.O.C.) and the Office of the Attorney General 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 A.O.C. and the A.G. to provide flexibility in the mediation training schedule so more people can attend at varying times. The A.O.C. continues to work with ADR program staff to ensure the needs of the people seeking to become mediators in Arizona are being met.

## **Case Management System (CMS) in Superior Court**

In November of 2007, the Administrative Office of the Courts 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 INTEGRATED CASE MANAGEMENT SYSTEM (AiCMS) 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.

AiCMS 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.