

Conciliation Court Roundtable  
200 North San Francisco Street  
Flagstaff, Arizona 86001

April 10, 2015

Committee on the Review of Supreme Court Rules  
Governing Professional Conduct and the Practice of Law  
State Courts Building  
1501 West Washington  
Phoenix, Arizona 85007

Re: Petition to Amend Rule 31, Rules of the Supreme Court

Dear Members of the Committee:

The Conciliation Court Roundtable (Roundtable) is a statewide group of Superior Court Judges, Conciliation Court Directors and staff who have met two times per year for the last 20 years in order to discuss how best to serve the people in the Arizona counties who utilize Conciliation Court services. On behalf of the Roundtable, please file the following comment pursuant to Rule 28, Arizona Rules of the Supreme Court, regarding the petition to amend Rule 31 of the Rules of the Supreme Court. The petition proposes many changes to the Rules Governing Professional Conduct and the Practice of Law, including the provision to require mediators who are not members of the State Bar and who prepare mediation agreements to be certified legal document preparers.

Under the current version of Rule 31, non-attorney mediators are allowed to draft a mediated agreement and file it with the court, as long as the mediator is employed, appointed, or referred by the Court or a government entity and is serving as a mediator at the direction of the Court or government entity. The current practice under Rule 31 has successfully served Court customers in each County. The rule petition provides no reason as to why a change to the current practices is proposed and the Roundtable is not aware of any issues or concerns that currently exist with Courts utilizing non-attorney mediators to serve in the mediator capacity at the direction of the Court or a government entity.

The mediators employed and appointed by the Court in Arizona have extensive professional and educational backgrounds. Some mediators are licensed attorneys while others hold Bachelors or Advanced Degrees in social work, counseling, psychology or business. Some mediators are paralegals or members of the legal or judicial community. In addition, these staff members have considerable training in

mediation practices, domestic violence and children's issues. Further, each mediator either is a Court employee or appointed by the Court to mediate. These mediators receive direct oversight from Court Administration and oversight by a judge who must review the documents prior to the documents becoming a court order. A certified legal document preparer is only required to have a high school diploma or GED and is not required to have any mediation training.

Court budgets and Conciliation Court programs in each county will feel the detrimental impact should this change to Rule 31 be implemented. Although the Roundtable members' focus is on Family and Conciliation Courts, this change would also adversely affect all court and government mediation programs. Rural counties with limited human and financial resources may have to eliminate mediation programs altogether thereby affecting their citizens' access to justice.

Without a demonstrated need for the rule change regarding court-employed mediators and government mediators, the members of the Conciliation Court Roundtable respectfully request the Supreme Court continue the current exemption.

Sincerely,

Cheryl L. Clark  
Michelle  
Rhonda Papp  
Tiffany Ely  
Hank  
Kathryn Brumick  
Young Day Eady  
Wendy Kasperik Roberts

Grace Hankins  
Catherine  
Robert Tere  
Maria Elena Cruz  
Yuma County Superior Court Judge  
Sidney Buchma

Members of the Conciliation Court Roundtable