

Hon. Karl C. Eppich

May 20, 2015

Pinal County Superior Court

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Florence, AZ 85132

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RE: Proposed Amendment to Rule 31

As Presiding Family Law and Conciliation Court Judge for Pinal County, I respectfully write in opposition to the proposed amendment to Rule 31 (d)(25)(A), Rules of the Supreme Court. As noted by other commentators, the proposed change would result in unnecessary expense to taxpayers and inhibit access to justice for families in crisis seeking to resolve legal decision-making and parenting time disputes in a collaborative, non-confrontational manner.

The Conciliation Court in Pinal County currently employs nine mediators, only two of whom are licensed members of the bar. To require the others to become licensed document preparers would not only require the expenditure of public funds in the midst of very difficult budgetary times, but would impair the court's ability to efficiently resolve cases. In addition to cost of examination and licensing, the court would have to fund ten additional continuing education hours each year per mediator. The time spent in preparation for the LDP examination and continuing certification would be better spent mediating cases for families.

There does not appear to be a compelling need to amend the rule as it relates to Conciliation Court. I have yet to field a complaint from anyone regarding a mediation agreement prepared by our mediators. While the LDP program requires only a high school diploma or GED, the non-attorney mediators in our court have, at a minimum, master's degrees in behavioral health science and extensive mediation training, not to mention extensive experience addressing the unique issues that arise in the family court context. Moreover, every mediation agreement prepared by our mediators is submitted for review by a judicial officer prior to adoption, so as to protect the parties and ensure that the best interests of children are considered.

While there may be a need to amend other provisions of Rule 31, I urge the Court to retain the current version of the rule with respect to court-employed mediators.

Sincerely,

/s/Karl C. Eppich