

this Court's Order regarding Rule Petition R-17-0010, effective
July 1, 2018.

DATED this 31st day of August, 2017.

_____/S/_____
SCOTT BALES
Chief Justice

TO:

Lisa M. Panahi
J. Russell Skelton
Cory E. Tyszka
Rule 28 Distribution

ATTACHMENT¹

ARIZONA RULES OF CIVIL PROCEDURE

Rule 16.1. Settlement Conferences

(a) **Generally.** At any party's request or on its own, a court may ~~hold~~ require the parties to participate in one or more pretrial settlement conferences unless the action is a lower court appeal or is subject to compulsory arbitration under Rule 72. ~~A pretrial settlement conference must be held in a medical malpractice action.~~

~~(b) **Deadlines and Scheduling.**~~

~~(1) **Timing.**~~

~~(A) In a medical malpractice action, the court must schedule and conduct a settlement conference no earlier than 4 months after the Rule 16(e) conference and no later than 30 days before trial.~~

~~(B) In all other actions, the Scheduling Order sets the deadline for a settlement conference, unless the court orders otherwise.~~

~~(2) **Scheduling and Planning.** The order setting a settlement conference should include the date, time, and place of the conference, the deadline by which settlement conference memoranda must be submitted, and other matters the court deems appropriate. An order setting a settlement conference may not be modified except by court order for good cause.~~

(be) Memoranda in Court-Conducted Settlement Conferences.

(1) **Requirement and Timing.** If the court conducts a settlement conference, Each party must submit, but not file, a settlement conference memorandum to the court at least no later than 5 days before the settlement conference. Unless the court orders otherwise, settlement conference memoranda must be served on every other party.

~~(2) **Method of Submission.**~~

~~(A) In a medical malpractice action, a settlement conference memorandum must be filed and served on all other parties participating in the conference.~~

~~(B) In all other actions, a settlement conference memorandum must not be filed. Instead, it must be delivered under seal to the judge assigned to the action.~~

¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike-through~~.

~~Unless the court orders otherwise, the memorandum does not need to be served on the other parties.~~

(23) Contents. Each A settlement conference memorandum must provide:

- (A)** a general description of the claims, defenses, and issues in the action, and the party's position on each claim, defense, and issue;
- (B)** a general description of the evidence ~~that that~~ the party anticipates presenting at trial;
- (C)** a summary of any settlement negotiations that have already occurred;
- (D)** the party's assessment of the likely outcome if the action proceeds to trial; and
- (E)** any other information that might be helpful in settling the action.