

Alternative Dispute Resolution Fund FY 2003



*Court Programs Unit
Court Services Division
Administrative Office Of the Courts
Arizona Supreme Court*

December 2003

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Alternative Dispute Resolution Fund FY 2003

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 have applied to the supreme court for funding. A court applicant has been able to use funds for subcontracts with outside agencies providing ADR services. Under the provisions of A.R.S. § 12-135, fees collected in the superior court and deposited in the ADR fund shall be used to fund ADR programs in the superior court. Fees collected in the justice of the peace courts and deposited in the ADR fund shall be used to fund 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 court ADR programs. However, the funds must be used to supplement, not supplant, local funding that would otherwise be available for ADR programs. Due to the limited availability of ADR funds, and until such time as ADR services are available statewide, funding has been restricted to the current fiscal year only.

ADR revenues totaled \$169,975 in fiscal year 2003, with \$118,052 collected in the justice court and \$51,923 collected in superior court. Grants totaled \$161,415.36 for the same period with \$80,403.37 going to the justice courts and \$81,011.99 to superior court. Projects included programs providing mediation, arbitration, settlement conferences and other dispute resolution services to disputants, as well as education and training programs for judges, court staff, and attorneys. An increased emphasis was placed on facilitating education of volunteer mediators statewide in FY 2003 with training being provided locally in Maricopa, Pima, Pinal, Yavapai and Yuma counties through an interagency agreement with the Office of the Attorney General.

Until fiscal year 2004, courts were encouraged to propose programs that are new and innovative, that involve more than one court or a court and another entity working together to facilitate implementation of an alternative approach to dispute resolution. Programs were to demonstrate local philosophical and financial support for ADR generally and the proposed project in particular. This took the form of an ADR policy, local funding for certain costs associated with project staff or activities related to the project, or letters of support from entities who would be impacted by or involved with the project.

In May 2003, Arizona courts were notified that FY 2003 would be the last year in which grants would be awarded to allow the ADR Fund to be used for centralized educational and

other statewide programs. A number of influences precipitated this decision: the FY04 State deficit, limited ADR Fund revenues which have not increased in recent years, and the anticipated increased demand for mediation services due to the statewide implementation of ARCP 16(g). Grant applications were not solicited for FY 2004.

County Overviews

Counties typically have applied to use ADR funds for the purpose of expediting civil caseflow and achieving a more mutually satisfying result for litigants. Solutions in each county may be different due to a varying base of volunteers, trained professionals or staff constraints. The implementation of revised Rule 16(g), ARCP, effective December 1, 2001, requiring litigants to meet and confer in every civil case in which a response has been filed may have placed additional strains on these limited resources.

Cochise County

ADR funding was used to contribute to the personnel costs for a court assistant position to provide direct support to the ADR Program Manager who continued the work of overseeing the ADR services of the Superior Court. The additional funds received through the grant proved vital to the overall management of the program during the extended medical leave of the Program Manager.

- Superior Court
 - 156 cases referred - 135 settled - 86.5% settlement rate.
- Justice Court:
 - 347 cases referred - 347 settled - 100% settlement rate.

Two new documents were developed and are now provided to all litigants filing civil or domestic relations actions in either the superior or justice courts.

- Notification to Litigant regarding Rule 16(g), Arizona Rules of Civil Procedure
- Joint Alternative Dispute Resolution Statement to the Court

The County Board of Supervisors has allocated funds to cover the personnel costs for the court assistant position previously covered by these grant funds, making it a permanent position. Without an ADR Fund award for FY04, Cochise County will be unable to augment training and expand their program.

Coconino County

ADR funding was used to contribute to the personnel costs for an ADR coordinator position to continue the work of overseeing the ADR services of the Superior Court.

- Superior Court:
 - 30 cases referred - 21.6 settled - 72% settlement rate.

Coconino County systematically considers referral to ADR of all civil cases after a Case Management Conference with the county ADR Director shortly after the first answer is filed.

While the County Board of Supervisors was able to provide the funding necessary to fill the gap between the amount needed to continue the program and the amount collected through their \$200/party/case fee for FY04, there is uncertainty about these funds being available in FY05 and future years.

Graham County

Graham County has ADR programs available in both justice of the peace and superior courts. ADR funding was used for personnel costs to calendar, schedule and conduct ADR conferences.

- Superior Court:
 - 50 cases referred - 37 settled - 74% settlement rate.
- Justice Court:
 - 75 cases referred - 51 settled - 68% settlement rate.

Graham County has seen an increased in cases referred to their ADR program in their justice (250%) and superior (138%) courts from last year.

While they were able to convince the Graham County Board of Supervisors to pay the partial salary of the ADR Coordinator previously covered by these grant funds, an adjustment has been made for 2004 from mediating family and civil cases to providing those services for family cases only. Greater case backlog and additional litigation is anticipated.

Greenlee County

Greenlee County has struggled in their efforts to initiate an “in-house” mediation program. The county has less than one percent of the state’s population and frequently lacks the resources that are available in other areas of the state. The county does not at this time have a private provider or mediation service available for the court. The court used the grant funds in accordance with the approved project plan to research and develop a case referral/settlement tracking system.

The lack of grant funding for FY04 will have minimal impact in Greenlee County. The provision of a service provider list is the extent of their current program. While an in-house ADR program with a part-time mediator on contract was the vision for this program, adequate funding was never realized to bring it to fruition.

Maricopa County

Maricopa County has ADR programs available in both justice of the peace and superior courts. ADR funding was used for personnel costs to calendar, schedule and conduct ADR conferences. Three training sessions for court volunteers were conducted during the period.

- Superior Court:
 - 69 probate cases referred - 29 cases settled - 42% settlement rate
 - 1195 family cases referred - 477 full settlement; 176 partial settlement - 55% settlement rate
 - 1136 civil cases referred - 294 full settlement; 105 partial settlement - 35% settlement rate
 - 54 civil short trials resulting in court orders.
- Justice Court:
 - 1125 cases referred - 560 full settlement; 23 partial settlement; 542 no settlement - 51% settlement rate.

To continue to operate and manage the Family Court Mediation and Settlement Conference, Probate Mediation, Justice Court Mediation, Civil Mediation, Settlement Conference and Short Trial Programs in FY04, Maricopa County moved previous ADR grant-funded positions to Maricopa County Caseflow Funds.

Navajo County

Navajo County struggled to hire an attorney/mediator for probate and guardianship/conservatorship cases. Their goal was to improve timeliness in concluding the cases. Unfortunately, they were unable to find a successful candidate. All funds were reverted.

While Navajo County has not established their ADR program, the benefits of using ADR to resolve issues are apparent to the court.

Pima County

Pima County, having not expended the 2003 funds granted by mid-May, requested an extension for use of ADR funds to provide a training session for Family Court Special Masters held September 18, 2003.

In FY04, Pima County will discontinue the training programs for judicial officers, settlement masters and pro bono hearing officers that these ADR Grant funds once supported.

Pinal County

Pinal County has a unique program that utilizes the potential sanction of transferring cases involving justice court truancy and gang disputes to a youth mediation program. The court contracts with the Attorney General's Office to provide services through the county school system. Cases are either resolved to the satisfaction of the court or are referred to the juvenile section of the Superior Court in Pinal County.

- Superior Court:
 - 1 case referred from justice court mediation program
- Justice Court:
 - processed 78 referrals from the community and the Pinal County School System. The mediation program resulted in favorable results in 77 cases; only one case was referred to juvenile court - 98.7% settlement rate.

The Youth Mediation Program will no longer be available for justice court truancy and gang disputes. Pinal County continues to seek alternate funding to no avail.

Yavapai

Yavapai County has an established ADR program in the Superior Court. Justice of the peace court and superior court mediators are beginning to function as a single group, attending the same training sessions and peer review meetings.

- Superior Court:
 - 432 cases referred - 243 settled - 56.2% settlement rate
 - 45 cases were referred as a result of Local Rule 19, approved October 15, 2002
- Justice Court
 - 45 cases referred - 38 settled - 84.4% settlement rate.

Yavapai Court will continue their ADR program in FY04. Not receiving ADR Grant Funds has had no immediate impact on the program due to Conciliation Court savings from last year. However, as volume and costs rise, there is the potential for substantial impact as the need for services increases and they are not able to provide those services without state ADR funds.

Grants FY 2003

County	Superior Court	Reverted	Justice Court	Reverted	Total Grants
Cochise			\$10,917.40	\$60.31	\$10,917.40
Coconino	\$2,496.00	\$0.00			\$2,496.00
Graham	\$11,685.49	\$0.00	\$10,149.52	\$0.00	\$21,835.01
Greenlee			\$3,967.60	\$0.00	\$3,967.60
Maricopa	\$21,621.60	\$0.00	\$37,795.68	\$0.00	\$59,417.28
Navajo	\$16,500.64*	\$8,250.32			\$16,500.64
Pima	\$5,000.00	\$2,002.63			\$5,000.00
Pinal	\$12,551.14	\$3,115.93	\$16,085.55	\$8,944.15	\$28,636.69
Yavapai	\$11,157.12	\$0.00	\$1,487.62	\$0.00	\$12,644.74
Total	\$81,011.99	\$13,368.88	\$80,403.37	\$9,004.46	\$161,415.36

* The second disbursement in the amount of \$8,250.32 was not made at the request of the Presiding Judge and the Court Administrator.

Attorney General Training

In Fiscal Year 2003, the Interagency Service Agreement with the Office of the Attorney General continued, providing up to six 32-hour and five 8-hour training seminars on mediation techniques for court staff, advocates and volunteers.

Maricopa County has established the requirement that trained volunteers provide a minimum of 16 mediation sessions in exchange for the training. The attendee's certificate of completion is held until the requirement is met. For volunteers who are committed to the process, this requirement works well. Maricopa is currently discussing ways to improve accountability.

Date	County	Class	Number of Attendees
August 16, 23, 30, and September 6	Yavapai	Basic Mediation Training 32-hour session	24
February 10, 14, 21 and 24	Maricopa	Basic Mediation Training 32-hour session	23
April 3, 4, 7, 8 and 12	Maricopa	Basic Mediation Training 32-hour session, plus 8-hour county-specific training	28
May 12, 13, 15, 16	Pinal	Basic Mediation Training 32-hour session	15
June 2, 3, 4, 5 and 6	Maricopa	Basic Mediation Training 32-hour session, plus 8-hour county-specific training	25
June 13, 14, 16, and 17	Yuma	Basic Mediation Training 32-hour session	8
Total Number of Volunteers receiving training			123

Alternative Dispute Resolution Fund FY 2004



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Alternative Dispute Resolution Fund FY 2004

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 have applied to the supreme court for funding. A court applicant in the past was able to use funds for subcontracts with outside agencies providing ADR services. Under the provisions of A.R.S. § 12-135, fees collected in the superior court and deposited in the ADR fund shall be used to fund ADR programs in the superior court. Fees collected in the justice of the peace courts and deposited in the ADR fund shall be used to fund 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 court ADR programs. However, the funds must be used to supplement, not supplant, local funding that would otherwise be available for ADR programs.

Until fiscal year 2004, courts were encouraged to propose new and innovative programs, that involved more than one court or a court and another entity working together to facilitate implementation of an alternative approach to dispute resolution. Approved programs were to demonstrate local philosophical and financial support for ADR generally and the proposed project in particular. This took the form of an ADR policy, local funding for certain costs associated with project staff or activities related to the project, or letters of support from entities who would be impacted by or involved with the project.

In May 2003, Arizona courts were notified that FY 2003 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 educational and other statewide programs. A number of influences precipitated this decision: the FY04 Arizona budget deficit, limited ADR Fund revenues which had not increased in recent years, and the anticipated increased demand for mediation services due to the statewide implementation of ARCP 16(g).

ADR revenues totaled \$212,719 in fiscal year 2004, with \$153,262 collected in the justice court and \$59,456 collected in superior court. Grant applications were not solicited for FY04. An increased emphasis was placed on facilitating education of volunteer mediators statewide with training being provided locally in Maricopa, Pima, Pinal, and Yuma counties through an interagency agreement with the Office of the Attorney General. In addition, the AOC hosted a statewide meeting for ADR coordinators in February, 2004. The Court Programs Unit of Court Services also planned and conducted two ADR training sessions,

one at the February, 2004 Domestic Relations Conference and the other at the June, 2004 Judicial Conference in Tucson, Arizona.

County Overviews

Although no grant funds were awarded to the counties for FY04, only one county ADR program suffered a terminal blow. Most courts were able to convince their county boards of supervisors of the importance of their programs and received local support and funding.

Cochise County

The Cochise County Board of Supervisors allocated funds to cover the personnel costs for the court assistant position previously covered by these grant funds, making it a permanent position; however, without an ADR Fund award for FY04, Cochise County was unable to augment training and expand their program as previously planned.

Coconino County

ADR funding was used to contribute to the personnel costs for an ADR coordinator position to continue the work of overseeing the ADR services of the Superior Court. While the Coconino County Board of Supervisors provided the funding necessary to fill the gap between the amount needed to continue the program and the amount collected through their \$200/party/case fee for FY04, there is uncertainty about these funds being available in FY05 and future years.

Graham County

Graham County has ADR programs available in both justice of the peace and superior courts. ADR funding was used for personnel costs to calendar, schedule and conduct ADR conferences. The Graham County Board of Supervisors paid the partial salary of the ADR Coordinator previously covered by these grant funds. Without the ADR Fund award for FY04, mediating civil cases did not take place.

Greenlee County

The lack of grant funding for FY04 had minimal impact in Greenlee County. The provision of a service provider list is the extent of their program. While an in-house ADR program with a part-time mediator on contract was the vision for this program, adequate funding was never realized to bring it to fruition.

Maricopa County

Maricopa County has ADR programs available in both justice of the peace and superior courts. ADR funding was previously used for personnel costs to calendar, schedule and

conduct ADR conferences. To continue to operate and manage the Family Court Mediation and Settlement Conference, Probate Mediation, Justice Court Mediation, Civil Mediation, Settlement Conference and Short Trial Programs in FY04, the Maricopa County Board of Supervisors moved previous ADR grant-funded positions to Maricopa County Caseflow Fund budgets.

Navajo County

Navajo County has not established an ADR program and therefore remains unaffected by the FY04 decision to not award funds.

Pima County

In FY04, Pima County discontinued the training programs for judicial officers, settlement masters and pro bono hearing officers which these ADR Grant funds once supported.

Pinal County

Pinal County had a unique program that utilized the potential sanction of transferring cases involving justice court truancy and gang disputes to a youth mediation program. The court contracted with the Attorney General's Office to provide services through the county school system. Cases were either resolved to the satisfaction of the court or were referred to the juvenile section of the Superior Court in Pinal County. The Youth Mediation Program is no longer available for justice court truancy and gang disputes due to the change in focus for the ADR Fund in FY 2004.

Yavapai

Yavapai County has an established ADR program in the Superior Court. Justice of the peace court and superior court mediators are beginning to function as a single group, attending the same training sessions and peer review meetings. Yavapai County continued their ADR program in FY04. Not receiving ADR Grant Funds had no immediate impact on the program due to Conciliation Court savings from the previous year. However, as volume and costs rise, there is the potential for substantial impact as the need for services increases and they are not able to provide those services without state ADR funds.

Attorney General Trainings

In Fiscal Year 2004, the Interagency Service Agreement with the Office of the Attorney General continued, with the ADR Fund providing financial backing to provide up to six 32-hour and five 8-hour training seminars on basic and specialized mediation techniques for court staff, advocates and volunteers.

Maricopa County has established the requirement that trained volunteers provide a minimum of 16 mediation sessions in exchange for the basic mediation 40-hour training. The attendee's certificate of completion is held until the requirement is met. For volunteers who are committed to the process, this requirement works well. Maricopa is currently discussing ways to improve accountability and keeping the volunteers in the program for a longer period of time.

Date	County	Class	Number of Attendees
November 10, 12, 13, 14, 17, 2003	Maricopa	Basic Mediation Training 32-hour session, plus 8 hour seminar	17
January 26, 27, 28, 29 2004	Pinal	Basic Mediation Training 32-hour session	10
February 9, 10, 11, 12, 13, 2004	Maricopa	Basic Mediation Training 32-hour session, plus 8 hour seminar	23
March 15, 16, 17, 18, 19, 2004	Pima	Basic Mediation Training 32-hour session, plus 8 hour seminar	25
June 7, 8, 9, 10, 11, 2004	Yuma	Basic Mediation Training 32-hour session, plus 8 hour seminar	16
May 17, 18, 19, 20, 21, 2004	Maricopa	Basic Mediation Training 32-hour session, plus 8-hour seminar	14
Total Number of Volunteers receiving training			105

Alternative Dispute Resolution Fund FY2006

Caseflow Management Unit
Court Services Division
Administrative Office of the Courts
Arizona Supreme Court
January 2007

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Alternative Dispute Resolution Fund FY2006

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.

ADR revenues totaled \$158,852.17 including interest accrued in the justice courts and \$ 65,004.77 in the superior courts. During FY06, 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 288 hours of training were provided in this area and a total of 122 new volunteer mediators exist in the state due to these efforts.

Date	County	Class	Number of Attendees Completing Course
December 1, 2, 7, 8, and 9	Maricopa	Basic Mediation Training-40 Hours	13
January 12, 13, 19, 20, and 26	Cochise	Basic Mediation Training-40 Hours	10
February 22, 23, 24, March 2, and 3	Mohave	Basic Mediation Training-40 Hours	11
March 16, 17, 22, 23 and 24	Maricopa	Basic Mediation Training-40 Hours	16
April 3, 4, 5, 10, and 11	Pinal		15
April 26 th	Pima	Victim Offender Mediation Training-8 hours	22
May 10, 11, 12, 18, and 19	Coconino	Basic Mediation Training-40 Hours	15
June 7, 8, 9, 19, and 26	Maricopa	Basic Mediation Training-40 Hours	13
Total Number Trained			122

Statewide Arbitration Studies

The 2006 Fiscal Year has been a period of investigation into arbitration. Analysis of what is working and what can be improved has been done through a number of different mechanisms.

In July of 2005, the Arizona State University College of Law delivered a report on the study of court-connected arbitration in the superior courts of Arizona. This report can be found at

<http://www.supreme.state.az.us/ajc/PDF%20Files/Executive%20Summary.pdf> .

The report investigated how arbitration programs are administered, how they are performing, the views of attorneys involved in the arbitration process and how Arizona's arbitration program results compare to those of other states.

In November of 2005, the Chief Justice created an ad hoc committee on compulsory arbitration. This committee was charged with reviewing the report from the ASU College of Law as well as other materials. Based on that review the committee was to make recommendations for any changes that could improve the arbitration program in terms of training, rules, statutes, or any other ways in which ADR could be used to accomplish more efficient case processing, reduce litigant costs, and make more effective use of judicial resources.

The Committee provided a final report to the Arizona Judicial Council on October 12, 2006, with 13 recommendations including those for changes to the rules governing compulsory arbitration in the superior court. The recommendations were as follows:

- Maintain the requirement that all attorneys with four years active membership in the State Bar of Arizona serve as arbitrators, without regard to their legal specialty or area of expertise.
- Increase from \$75 to \$150 the compensation paid to arbitrators for each matter heard and disposed. This change will require legislative enactment.
- Limit motions that the arbitrator rules on by sending all motions for summary judgment and motions to dismiss to the assigned judge.
- Raise the statutory limit on cases subject to arbitration from \$50,000 to \$75,000.
- Appoint the arbitrator as early as possible in each case.
- Maintain the requirement that the arbitration hearing be held no later than 120 days after appointment of the arbitrator.
- Require disclosure earlier in the case, including HIPPA releases in personal injury cases.
- Relax the application of the Rules of Evidence in arbitration cases.
- Develop measures to track the efficacy of the arbitration rules as amended.
- Develop a comprehensive training program for arbitrators, available in multiple formats including in-person, web based, and computer based training.
- Require dismissal of the case if no award, stipulation to dismiss, or judgment is filed within 120 days of the filing of the notice of decision.
- Provide for an interlocutory appeal if the arbitrator orders disclosure on matters a party asserts are privileged or otherwise protected from discovery.
- Require the court to enter sanctions if a motion for summary judgment or a motion appealing a ruling by the arbitrator on a claim of privilege is found to be frivolous or was filed for the purposes of delay or harassment.

The complete final report of this committee can be found on the Supreme Court website at:

http://www.supreme.state.az.us/ajc/MeetingMaterials/06Oct/Committee_on_Compulsory_Arbitration_Final_Report.pdf .

Alternative Dispute Resolution Fund FY2007

Caseflow Management Unit
Court Services Division
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Arizona Supreme Court
January 2008

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Alternative Dispute Resolution Fund FY2007

Introduction

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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.

Alternative Dispute Resolution Fund FY2008

Caseflow Management Unit
Court Services Division
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Alternative Dispute Resolution Fund FY2008

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 2008, ADR revenues collected in justice courts totaled \$230,048 including accrued interest. This is a 31.6 percent increase over the \$174,860 ADR revenue collected in FY2007. The superior courts collected another \$68,032 in ADR revenue, a 5.3% increase from the \$64,598 collected in FY2007. During FY2008, 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 instruction were provided in basic and advanced mediation training, and a total of 255 volunteer mediators exist in the state due to these efforts.

Date	County	Class	Number of Attendees Completing the Course
August 20, 21, 22, 27, 28, 2007	Maricopa	Basic Mediation Training-40 Hours	11
September 17, 18, 19, 27, 28, 2007	Yavapai	Basic Mediation Training-40 Hours	15
October 4, 5, 10, 11, 12, 2007	Maricopa	Basic Mediation Training-40 Hours	5
October 29, 30 November 5-7, 2007	Pinal	Basic Mediation Training-40 Hours	7
December 3-5, 10, 11, 2007	Maricopa	Basic Mediation Training-40 Hours	15
February 15, 2008	Pima	Victim Offender Mediation Training-8 Hours	15
February 29, 2008	Maricopa	Advanced Mediation Training-4 Hours	12
March 21, 2008	Maricopa	Advanced Mediation Training Seminar-4 Hours	12
April 11, 2008	Maricopa	Advanced Mediation Training Seminar-4 Hours	8
April 28-30, May 5, 6, 2008	Maricopa	Basic Mediation Training-40 Hours	17
May 9, 2008	Coconino	Advanced Mediation Training Seminar-4 Hours	12
May 15, 2008	Pima	Victim Offender Training Seminar-8 Hours	8
May 19-21, 27, 28, 2008	Pima	Basic Mediation Training-40 Hours	14
May 20, 2008	Yavapai	Advanced Mediation Training Seminar-4 Hours	13
May 30, 2008	Maricopa	Advanced Mediation Training Seminar-4 Hours	19
June 2-4, 9, 10, 2008	Yavapai	Basic Mediation Training-40 Hours	12
June 11, 2008	Pima	Victim Offender Training Seminar-8 Hours	11

June 20, 2008	Pima	Advanced Mediation Training Seminar-8 Hours	26
June 28, 2008	Pima	Advanced Mediation Training Seminar-8 Hours	23
Total Number Trained			255

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.

Arizona Judicial Automated Case System (AJACS) 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 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 three counties (Yuma, La Paz and Cochise) and is scheduled to go live in Coconino County on February 9, 2009.

Alternative Dispute Resolution Fund FY2009

Administrative Office of the Courts
Court Services Division
Arizona Supreme Court

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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.