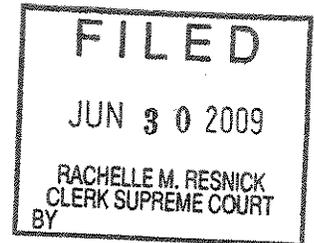


IN THE SUPERIOR COURT
OF THE STATE OF ARIZONA,
MOHAVE COUNTY



LOCAL RULES OF PRACTICE,
MOHAVE COUNTY SUPERIOR COURT

A majority of the judges of the Mohave County Superior Court having approved, pursuant to Rule 83, Ariz. R. Civ. Proc., the proposed amendments to the Mohave County local court rules,

IT IS ORDERED amending the Local Rules of Practice for the Mohave County Superior Court, in accordance with the attachment hereto,* effective January 1, 2010.

DATED in the City of Kingman, Arizona, this 24th day of June, 2009.

A handwritten signature in cursive script, reading "R.A. Bartlett".

Randolph A. Bartlett, Presiding Judge
Mohave County Superior Court

APPROVED this 30th day of June, 2009.

A handwritten signature in cursive script, reading "Ruth V. McGregor".

Ruth V. McGregor, Chief Justice
Arizona Supreme Court

* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

ATTACHMENT TO ORDER
LOCAL RULES OF PRACTICE
MOHAVE COUNTY SUPERIOR COURT

PREAMBLE

These rules are intended to supplement the applicable rules of procedure for the Superior Court and other provisions of law regulating the Superior Court and its procedures. Nothing herein contained may be interpreted as authorizing a change, modification, or deletion of such other rules or laws to which these local rules are subordinate. These rules are to be interpreted so as to promote justice, fairness, and the timely disposition of actions.

ADMINISTRATIVE RULES

Rule AD-1. ~~Hours of Court~~ Designation of Trial Divisions

The individual courtrooms within the Court shall be designated as "Courtroom A, B, C," etc. Judges assigned to each courtroom shall retain their regular division number.

~~**A. Clerk's Office.** The office of the Clerk of Superior Court will be open from 8:00 a.m. to 5:00 p.m. except Saturdays, Sundays and legal holidays. Filings at other times shall be arranged by the parties and the Clerk of the Court.~~

~~**B. Trial Divisions.** The court shall be open at all times, except on non-judicial days, for the transaction of business. Regular sessions of court shall be from 8:00 a.m. to 12:00 noon and from 1:30 p.m. to 5:00 p.m., unless otherwise directed by the trial judge. Trials shall be held between the hours of 9:30 a.m. and 12:00 noon and 1:30 p.m. and 5:00 p.m.~~

Rule AD-2. Budget

Before the date of submission of the budget to the Board of Supervisors, each department of the Mohave County Court system shall prepare and submit to the Court Administrator a budget request for the following fiscal period. The Court Administrator shall prepare the requested budget for the court system and shall submit it to the Presiding Judge with any recommendations before the date for submission of the budget to the Board of Supervisors. Except as set forth in the applicable statutes, the The Presiding Judge shall review the budget, and revise it if deemed necessary in his or her discretion and before final submission it to the Board of Supervisors.

Rule AD-3. Court Administrator

~~The Presiding Judge may appoint a Court Administrator to serve as the executive officer of the court. The Court Administrator shall have oversight responsibility of the non-judicial operations of the court and its ancillary departments.~~

Rule AD-4.3. Law Library

A. Administration. The Presiding Judge shall be responsible for the administration of the county law library. Daily operation of the library shall be delegated to a law librarian who shall be selected and serve at the pleasure of the Presiding Judge. The law library shall be open on all judicial days between the hours of 8:00 a.m. and 5:00 p.m. and the hours of operation shall be posted in the courthouse and on the court website.

B. County Law Library Committee. A county law library committee shall be appointed by the Presiding Judge consisting of any number of members who of the State Bar of Arizona residing in Mohave County. The Presiding Judge shall ~~designate one of the attorneys as chairperson.~~ The committee shall make bi-annual recommendations to the Presiding Judge concerning the operation of the library, and budget and policy matters ~~after consultation with the librarian.~~

C. Borrowed Materials. No library material shall be ~~taken removed~~ from the library by any person with the exception of COJET materials for employees, except with the permission of the librarian and only then after the proper completion of a checkout slip. ~~Borrowed materials shall be charged to the person removing them from the library and to its principal, if any, who shall be answerable for its return. Borrowed library material shall be subject to recall by the librarian at all times and no library materials shall be retained longer than one week without the express permission of the librarian. Shepherd's Citations, digests such as the Decennial Digest system and encyclopedias such as Corpus Juris Secundum, American Jurisprudence, American Law Reports and the like, shall not be removed from the library.~~

D. Additional Rules; Sanctions. The Presiding Judge shall adopt and publish such additional rules as he or she deems necessary for the orderly operation of the library. Failure to comply with any rule governing the use of the library may result in sanctions, including suspension of library privileges, fine or contempt of court. ~~Further, no books shall be taken from the library without advising the librarian and any violation may be punished as a contempt.~~

Rule AD-5. Visiting Judges

~~The Presiding Judge shall arrange for and schedule visiting judges and provide for adequate staff and facilities. He or she may delegate this responsibility to another judge of this court or to an employee of the judicial department of this court.~~

Rule AD-6-4. Attire for Court Appearances

Counsel shall at all court appearances present themselves attired in a manner befitting their profession and indicative of their respect for the court, and shall admonish advise their clients and witnesses concerning inappropriate courtroom attire. At the discretion of the court, violation hereof may result in removal from the court and/or a finding of civil contempt.

Rule AD-7-5. Ex Parte Presentations; Duty to Court

In the event that any ex parte matter or default proceeding has been presented to any judge or judicial officer and the requested relief denied for any reason, such matter shall not be presented to any other judge or judicial officer without making a full disclosure of the prior presentation. Counsel should be governed by the provisions of ER 3.3(d) of the Rules of Professional Conduct, Rule 42, Rules of the Supreme Court. For a failure to comply with the provisions of this rule, the order or judgment made on the application may be vacated at any time as a fraud upon the Court.

Rule AD-8-6. Change of Judge

~~Counsel shall file a~~Any "Notice of Change of Judge" shall be filed with the Clerk of the Court and serve copies served on all parties, and the Presiding Judge ~~(the Presiding Criminal Judge in criminal cases)~~ and the noticed judge. Upon timely request for a change of judge, the case shall be transferred to the Presiding Judge ~~(the Presiding Criminal Judge in criminal cases)~~ for reassignment if appropriate.

Rule AD-9-7. Papers and Documents to be Provided to Judge

After filing originals with the Clerk, cCopies of the following papers and documents shall be provided to the assigned judge, and indicated as a **COPY**: excluding initial petitions, any motion or initial case petitions, opposition thereto, reply to the opposition, and all supporting memoranda of points and authorities. ~~upon filing the originals with the Clerk, and n~~No others papers or documents shall be provided unless directed by the judge: any civil or criminal motion, opposition thereto, reply to the opposition, and all supporting memoranda of points and authorities. The copy may be provided by fax or email to the assigned judicial division if arrangements are made in advance. Violations hereof may result in the imposition of sanctions at the discretion of the assigned judge.

Rule AD-10-8. Minute Entries

A. The original of every minute entry containing an order, judgment or direction of the court shall be filed by the Clerk in the individual case file and a copy mailed transmitted to each counsel of record or unrepresented party not represented by

counsel no later than two court days from the making of the minute entry by the court.

B. ~~All~~ The Clerk shall transmit formal orders and judgments for money or costs or that all relief be denied signed by a judge shall be evidenced by a minute entry as to the date of signing, and a copy shall be delivered to every each counsel of record or unrepresented party in the case who is not in default for failure to appear, by mailing to each counsel of record or party not represented by counsel and the Clerk shall further attach a complete copy of such judgment to the notice of entry of judgment. The necessary copies of the order or judgment for this purpose, together with the proper number of pre-addressed envelopes with sufficient postage, shall be provided to the Clerk by the attorney or unrepresented party not represented by counsel who submits or lodges the order or judgment. The original shall be placed in the court file.

C. ~~The courtroom clerk shall make minute entry notes of all courtroom events such as motions, stipulations of counsel, rulings and orders, names of witnesses and jurors, the date and time of the start of proceedings, the time of recesses and adjournments, directions of the court, future dates of hearings, and other significant court matters, but shall not include the substance of testimony, discussions between the court and counsel and arguments of counsel, unless otherwise directed by the court.~~

Rule AD-11-9. Exhibits

A. Entry Into File. Exhibits attached to a pleading or other filed paper shall be so mounted, folded and affixed that after the pleading or paper is fastened into the court file, they can be clearly, freely and easily read and examined without their having to be removed from the file or loosened from their fasteners.

B. Control by Courtroom Clerk. Exhibits marked for identification or introduced as evidence shall be under the control of the courtroom clerk and shall be secured in a manner prescribed by the Clerk of this court ~~during the trial period throughout the case's pendency,~~ unless otherwise ordered by the court.

C. Return of Exhibits. Exhibits in any case may be withdrawn by written stipulation or order of the court. After a judgment has become final and nonappealable, a person who files an affidavit setting forth that he or she is the owner of or lawfully entitled to the possession of an exhibit may obtain an ex parte order permitting its withdrawal release. ~~A receipt shall be filed for each exhibit withdrawn. No order shall be required when it is stipulated in open court during the progress of trial that an exhibit may be withdrawn on the filing of a certified or photostatic copy thereof.~~

D. Disposal of Exhibits. Subject to the provisions of Rule 28, ~~Rules of Criminal Procedure~~ Arizona Rules of Court, all exhibits admitted in evidence or marked for identification ~~may will~~ be disposed of at the ~~after~~ ninety (90) days from the

conclusion of a case by judgment, order or other final disposition which is not appealed, or by mandate on appeal, as follows:

1. The Clerk shall mail a notice to counsel of record or if none, to parties acting in pro se at their last known address advising them to present themselves at the office of the Clerk of the Court to accept delivery of those exhibits introduced by them. It shall be the responsibility of the attorney or the party pro se who introduced the exhibit to notify the owner of the exhibit of its availability within ~~ten (10)~~ twenty (20) days of the date of the notice.

2. Any attorney, party or owner desiring the Clerk to retain any exhibit in the pending action shall notify the Clerk of such desire in writing within ~~ten (10)~~ twenty (20) days of receiving the date of the notice, and request the clerk to retain designated exhibits for stated reasons. Upon receipt of a request to retain exhibits, such exhibits shall be retained by the Clerk unless ordered to be disposed of by the court after hearing upon notice to all parties.

3. If counsel or the parties do not present themselves to the Clerk to accept delivery of exhibits, or if the notice is returned undeliverable, and if no order of retention is made, the Clerk shall retain the exhibits for an additional sixty (60) days from the date the notice was sent for the purpose of releasing them to the attorney or party introducing them.

4. If the Clerk is not notified to retain the exhibits or if the exhibits are not released to an attorney or party pursuant to this rule, the Clerk may dispose of the exhibits.

5. If the notice is returned to the Clerk undelivered, the Clerk may, after sixty (60) days from the date of the return of the notice, dispose of the exhibits.

6. Large exhibits made or created for purposes of trial to illustrate testimony may, by court order, be returned to counsel offering same during the pendency of the trial or hearing or any time thereafter, and counsel shall preserve same during the periods of time hereinabove provided.

~~7. The Clerk shall maintain a record of the procedure employed under this rule in the case file.~~

~~E. Temporary Custody of Court Records.~~ ~~Attorneys admitted to the State Bar of Arizona may obtain temporary custody of official court files, transcripts and exhibits for no longer than seven (7) days upon:~~

~~1. Stipulation of all parties and order of the court, or;~~

~~2. Motion, notice to all parties, a hearing and order of the court.~~

~~The motion or stipulation shall be presented to the judge to whom the case is assigned. Upon execution of a receipt therefore, the attorney shall be responsible for the safety, security and integrity of the file, transcript or exhibits in his or her~~

~~custody. Neither the Clerk of the Court nor any of his/her deputies shall be responsible for any file, transcript or exhibit released to the temporary custody of any attorney pursuant to this rule and shall not be required to accompany any files, transcripts or exhibits in the possession of attorneys for duplicating purposes.~~

Rule AD-12-10. Court Reporters; Court Reporters' Notes

A. Scope. This rule shall apply to all court reporters' notes (both paper and electronic) taken in sessions of this court.

B. Responsibility of Court Reporters. It shall be the responsibility of all reporters employed in any capacity by this court to be aware of and comply with all provisions of this rule, as well as all applicable statutes and rules of court. All court reporters including per diem or contract reporters shall keep the Clerk of this court Court Administrator's office advised of their current address and telephone number. All official court reporters of this court shall be responsible for the safekeeping of their notes until the notes have been delivered and accepted for storage by the Clerk of this court Court Administrator's office pursuant to this rule. All court reporters employed by the court on a per diem or other contract basis shall retain physical possession of their notes while also ensuring their accessibility by the court. ~~The notes shall be presented to the Clerk of this court for storage when the notes for a given case category completely fill a prescribed storage container or upon the reporter's permanently leaving the state of Arizona.~~

C. Personal Storage of Notes. All reporter's notes which have not been stored with the Clerk Court Administrator shall be kept by the reporter of the division in which the proceedings were reported. ~~Official reporters who maintain offices in the court building shall keep their notes in their offices, whether those notes were taken in their own or some other division.~~

D. Storage of Notes With Clerk-Court Administrator. ~~Not less than once a year each year, a~~ All reporters shall provide the Court Administrator an electronic copy of their notes on a monthly basis ~~store with the Clerk of the Court all notes which are more than two years old. All reporters who store their notes with the Clerk of this court as required by this rule shall place the notes in a carton prescribed by the clerk. All reporters shall store civil, juvenile, habeas corpus and criminal proceeding notes in containers and shall identify the carton and its contents on a label affixed to the front of the storage container. All notes shall be stored under the name of the reporter taking the notes. Additionally, all reporters shall provide the Administrator with a copy of their dictionary on an annual basis.~~

E. Facilities and Procedures. All court reporter's notes in the custody of the Clerk Court Administrator shall be kept in a secure location and/or format ~~separate room which shall be locked. No one shall have the key to the room except the superintendent of buildings and the Clerk of this court and/or his or her deputies. The Clerk Administrator shall store the notes so that they may be readily obtained.~~

F. Retrieval of Notes. When it becomes necessary for a reporter to obtain any of his or her notes stored with the Clerk Administrator, the Clerk Administrator shall make the notes available ~~admit the reporter to the storage room~~ for such purposes during normal working hours. ~~A receipt shall be given for any notes removed and they shall be returned for storage within ninety (90) days unless this court grants an extension.~~

G. Destruction of Notes. All reporter's notes for civil and probate proceedings ~~except writs of habeas corpus~~ in storage for more than ten (10) years shall be destroyed by the Clerk ~~of this court~~ Court Administrator after giving thirty (30) days written notice by certified mail directed to the reporter at his or her last known business address and place of residence. Prior to such destruction, the reporter may reclaim his or her notes if he or she desires prior to the date set for their destruction. Notes of ~~habeas corpus~~, juvenile and criminal proceedings shall be ~~stored indefinitely~~ held in storage according to the applicable retention schedule.

H. Termination of Employment. ~~On~~ Upon termination of employment any court reporter shall immediately deliver his or her notes to be stored with the Clerk Administrator and shall at all times keep the Clerk Administrator advised of his or her address and telephone number.

Rule AD-~~13~~-11. Attorney's Responsibility to Court

A. ~~Pursuant to Rule 5.1(b), Arizona Rules of Civil Procedure,~~ Each attorney shall promptly advise the Clerk of the Court in writing of his or her office address, telephone number, email address, facsimile number or law firm affiliation if it is different from that listed in the current Directory of the State Bar of Arizona or is omitted from the directory.

B. In any case where more than sixty (60) days have elapsed after a matter has been finally submitted to the court for decision, and no such decision has been rendered, counsel shall ~~notify~~ file a notice with the court with copies to the Presiding Judge or and the Clerk of the Court to ascertain whether such matter is presently under advisement or has been inadvertently overlooked by the court.

Rule AD-~~14~~-12. Discovery Read Into Evidence

When discovery is read into evidence, the party proffering same shall submit to the court the original or a photocopy of the portion read, ~~which shall be marked and admitted in evidence as the court's exhibit~~ for the purpose of having a complete and accurate record on appeal. ~~The court's exhibit shall not be used by the jury during deliberations or any other time except upon stipulation of counsel or upon motion of any party where otherwise permitted by law or the rules of evidence.~~

Rule AD-~~15~~-13. Form of Pleadings and Other Papers Filed

A. ~~The following information shall be stated upon the first page of every document single spaced: The name, address, telephone number and State Bar of Arizona~~

~~attorney identification number of the attorney causing the document to be filed. There shall also be included an identification of the party being represented by the attorney, e.g., plaintiff, defendant, third party plaintiff, etc. This information shall be typewritten or printed in the space to the left of the center of the page.~~

~~**B.** If the document is being presented by a litigant representing himself or herself, the information required in paragraph A shall be included with the exception of the State Bar of Arizona identification number.~~

~~**C.** All pleadings and other papers filed in any action, civil, criminal or other, filed with the Clerk of the Court, shall comply with Arizona Rules of Civil Procedure, Rules 10(d) and 11. The space above the title of the court to the right of the center of the page shall be reserved for the filing marks of the Clerk. No print shall extend into the margins.~~

~~**D.** All pleadings, civil, criminal or other, shall be signed as provided in Rule 11, Arizona Rules of Civil Procedure.~~

~~**E.** All typewritten pleadings, motions and other original papers filed with the Clerk shall be in a type size no smaller than 10 pitch, in **BLACK INK.**~~

~~**F.** All handwritten pleadings, motions and other original paper filed with the Clerk shall be in legible handwriting, in **BLACK INK.**~~

~~**Rule AD-16. Preliminary Orders and Writs to Show Cause**~~

~~**A. Injunctions, Restraining Orders and Orders to Show Cause.** No injunction, restraining order, order to show cause or other writ shall be signed by a judge before the petition or complaint requesting such relief has been regularly filed in the office of the Clerk or filed with a judge of the Superior Court outside of regular court hours. On filing, the Clerk shall cause the file to be delivered to the judge of the division to which the case has been assigned for consideration of the preliminary order or writ.~~

~~**B. Habeas Corpus and Special Actions.** Habeas corpus and special action cases pertaining to the custody or detention of individuals shall be assigned as follows:~~

~~1. To a criminal division if the case pertains to the custody or detention of a person pursuant to a criminal charge;~~

~~2. To a juvenile division if the case pertains to the custody or detention of a person under the jurisdiction of the juvenile court;~~

~~3. To a civil division if the case pertains to the custody and detention of a juvenile not under the jurisdiction of the juvenile court or if the case pertains to the custody and detention of an adult not pursuant to a criminal charge.~~

Rule AD-17-14. Audio, Video and Other Sound Reproduction Exhibits

A. In the interest of order to ensure a complete and accurate record in the event of an appeal, when audiotapes, videotapes, or other exhibits that reproduce sound are intended to be offered in evidence to demonstrate the substance of conversation, a transcription of that portion intended to be played for the trier of fact shall be made and concurrently offered in evidence as the court's exhibit. The proponent of the exhibit shall cause that portion to be transcribed and shall present it to opposing counsel for comparison against the audio exhibit sufficiently in advance of the trial or hearing so that a good faith stipulation may be entered into by counsel as to its accuracy. A stipulation as to the accuracy of such a transcript shall not affect the admissibility, or non-admissibility of the recording itself. Absent a stipulation as to the admissibility of such a recording, admissibility shall be determined in accordance with the rules of evidence. The proponent may nevertheless establish the accuracy of the transcription sufficient for its admission into evidence by appropriate testimony. When the recording is played for the trier of fact, the transcription shall be incorporated in the record of the trial by the court reporter's reference to its exhibit number.

B. Copies of a transcription admitted in evidence may be provided to the jurors during the playing of the recording to assist them in following the recording, but the transcription shall be immediately collected thereafter from the jury. The transcription shall not be used by the jury during deliberations or any other time except upon stipulation of counsel or upon motion by any party where otherwise permitted by law or the rules of evidence.

~~Rule AD-18. Failure to Pay Filing Fee on Civil appeal from Justice Court~~

~~When an appeal is taken in a civil case from the justice court to this court and the appellee fails to pay to the Clerk of the Superior Court the required fee within the time set forth in A.R.S. 22-283 and Rule 12(d), Superior Court Rules of Procedure—Civil, the Clerk shall, upon application, enter the default against the appellee if the appellee was the defendant in the action before the limited jurisdiction court; and, if the appellee was the plaintiff in the action before the limited jurisdiction court the Court, upon application, shall order the complaint dismissed. The Court also may award costs against the appellee in either case.~~

Rule AD-19-15. Civil Case Forwarded from Justice Court on Basis of Counterclaim

In cases forwarded to this court from the justice court by reason of a counterclaim, cross claim or third party complaint stating a claim which exceeds the Justice Court Jurisdiction pursuant to A.R.S. 22-201(F-G), upon receipt of the case the Clerk of this court shall give notice in writing to the defendant filing said pleading that he or she shall have twenty-five (25) days from the date of receipt of said case in the Superior Court to pay the required filing fee of a defendant in the Superior Court and failure to do so will result in a dismissal of the counterclaim, cross claim or third party complaint and a remand of the case to the justice court. In such case

the court may order the defendant to pay costs and, where appropriate, attorney fees pursuant to A.R.S. 12-349.

Rule AD-20-16. Temporary Assignment of Sessions Outside of County Seat

Pursuant to A.R.S. 12-130, sessions of the court may be held at places other than the county seat when in the opinion of the Presiding Judge the public interest so requires, provided facilities are available for such sessions. ~~Such temporary sessions shall involve only short causes and civil or criminal non-jury trials or hearings of no longer than one day duration. The court shall seek the concurrence of all parties for the holding of such temporary sessions but concurrence or the lack of concurrence, although persuasive, shall not be controlling.~~ Objections to such sessions shall be heard by the judge to whom that matter proposed for hearing is assigned.

Rule AD-21-17. Telephonic Conference Calls

A. Telephonic conference calling in lieu of personal appearances by counsel shall be acceptable and accommodated by the court on matters of motions, pretrial arguments, and all other issues not requiring evidentiary hearings. The Court may direct which party shall initiate and/or pay the cost of the call.

B. The Court may, in its discretion, order or allow oral argument on any motion or other proceeding by telephone conference call, provided that all conversations of all parties are audible to each participant and the Court. Upon request of any party, such oral argument may be recorded by court reporter or other lawful method under such conditions as the Court shall deem practicable. Counsel shall request scheduling of such calls at a time convenient to all parties and the Court. The Court may direct which party shall pay the cost of the call.

Rule AD-22-18. Juries

A. Request for Panel. Not later than 10:00 a.m. of the ten (10) judicial days before a trial panel is required to be in attendance, the Court shall order the jury commissioner or commissioner's agent to draw the names of qualified jurors and shall specify the number of names to be drawn, the case number, name(s) of plaintiff(s) and defendant(s), courtroom location, and date and time to appear. The jury commissioner or commissioner's agent shall also be informed by the court if there has been a previous jury called for the defendant in a criminal matter preceding the day for which a case is set for trial, each judge shall cause the Jury Commissioner to be advised of the number of jurors required for the following judicial day. The Jury Commissioner will be provided the case number, names of the plaintiff and defendant, courtroom location, and time to appear. In the case of a criminal jury, the Jury Commissioner will also be advised if there has been a previous jury called for the defendant, either in the current case or another criminal matter.

B. Jury Lists and Questionnaires. Jury lists shall be provided to each party to the action on the day on which jury selection is to begin, or upon further order of the court. The jury commissioner or commissioner's agent will make the juror lists as complete as possible. Jury questionnaires are destroyed not less than ninety (90) days from receipt of said questionnaire in accordance with current rules, statutes, and/or adopted records retention schedules. ~~Juror questionnaires given to all prospective jurors or any jury pool shall be available to any party to any action at any time before the trial. The Clerk of the Superior Court shall make the questionnaires available to the parties to an action by written request. Copies of the questionnaires will suffice to meet the requirements of this rule.~~

~~The Clerk of the Superior Court will endeavor to make the juror lists and juror questionnaires as complete as possible with such data as full legal name, address, age, birth date, occupation, spouse's name and occupation, family members and ages and prior jury service.~~

C. Assessment of Jury Fees--Before/After Impanelment. In the event a civil case set for trial is settled before trial, and the Jury Commissioner is not notified in sufficient time by counsel or the parties, if not represented by counsel, the court to excuse the jury from attendance, the jury fees and mileage incurred for the entire panel ~~shall~~ may be assessed against one or more of the parties in such proportions as the trial judge deems reasonable. Dismissal will not be entered by the court until a sum sufficient to defray such jury fees has been deposited with the Clerk of the Superior Court.

If a jury has been impaneled for a trial but the case is settled or for any other reason the panel is not used for that trial, an assessment of jury fees shall may be made for each juror and alternate juror impaneled for each day on which the jury was present for trial.

D. Parties Against Whom Fees Assessed. Except as otherwise provided by law, the parties may by agreement, subject to approval by the court, designate the party or parties against whom jury fees are to be assessed. If the parties fail to so designate, the court shall may assess the jury fees equally against each side unless the court determines that the interests of justice require assessment of jury fees in some other manner.

E. Mistrials. Jury fees for mistrials shall be fixed by the court at the time of the mistrial, and may be assessed at the time judgment is given or disposition made.

~~**F. Meals.** Maximum dollar amounts for juror meals shall be established by supplemental order.~~

~~**G. Alcoholic Beverages.** No alcoholic beverages shall be consumed by jurors during court hours or jury deliberations.~~

Rule AD-23-19. Suspension of Rules

The parties to any proceeding, with the consent of the court, may waive any local rule, and the court, in specific instances, may suspend the operation of any local rule when harm or injustice would otherwise result.

CIVIL RULES

Rule CV-1. Motions and Special Matters--Non-Criminal Matters

A. Motion Calendar. ~~Default cases, probates, adoptions, orders to show cause, short causes and motions with oral argument will be heard on Mondays except if that day is a holiday in which case these matters will be heard on the following day. A division may establish a specific day in which it will hear all oral arguments concerning motions; pretrial conferences; and, other short causes or other designated matters that may or may not require the presentation of evidence or testimony. Should this day be a legal holiday these matters will be heard on the following day.~~

B. Submission Upon Memorandum. All motions shall be in accordance with Rule 7.1(a), Arizona Rules of Civil Procedure, and shall be deemed submitted upon memoranda unless the motion or response contains in the caption the words "oral argument requested". Oral argument on all motions shall be limited to ten (10) minutes for each side, unless additional time is requested by any party and granted by the court. Motions for which oral argument has not been requested will be considered for decision upon expiration of the time prescribed for filing of a reply. The fact that either party has requested oral argument upon the motion, or that the motion has been set down for oral argument by the court shall not in any way relieve the parties from the filing of written memoranda required by Rule 7.1(a), Arizona Rules of Civil Procedure.

C. Telephone Argument and Conference. ~~When permitted by this rule, oral argument may, in the discretion of the court, be presented by telephonic conference call. The party filing the motion shall initiate the telephonic conference call unless otherwise ordered by the court. The call shall be scheduled as indicated in the order setting the time for oral argument. Counsel requesting any change or continuation of the oral argument shall schedule such calls at a time mutually agreeable to all parties and the court. The court may direct which party shall initiate and/or pay the cost of the call.~~

Rule CV-2. Trial Calendar and Dismissals for Failure to Prosecute

A. The Clerk of this court shall maintain an Active Calendar and an Inactive Calendar and cases shall be placed thereon, respectively, by the Clerk as provided by Rule 38.1(c) and (d), Arizona Rules of Civil Procedure.

Any civil action shall be dismissed for failure to prosecute upon written motion and notice to opposing counsel, in the discretion of the court, upon the following grounds and conditions:

1. Failure to comply with Rule 38.1, Rules of Civil Procedure, within sixty (60) days after the date of the order for a new trial, or the date of the filing of the mandate of the Supreme Court.

2. For other appropriate reasons.

~~B. Cases in which the trial has been continued by counsel and which have remained inactive for six months, shall be placed on the inactive calendar and all counsel shall be notified, and such cases shall be dismissed without further notice sixty (60) days thereafter, unless the court, on motion of any party, resets said case for trial. No dismissal shall be ordered during any period that the court finds that a necessary party to the action is in the military service of the United States and is unable during such period to be present at the trial by virtue of such service.~~

C. When a civil case is set for trial and the parties announce settlement without submitting a final judgment, the court shall place it on the inactive calendar with notice to the parties that a final judgment is required. The court shall dismiss the case after sixty (60) days unless a final judgment is entered, except that, upon a party's motion, the court shall reset it for trial.

Rule CV-3. Trial Settings, Attorney Conflicts

A. All trial settings shall be in accordance with Rule 38.1, Arizona Rules of Civil Procedure.

B. In the event any counsel or party shall have a conflict in trial settings, that party shall promptly notify all counsel and the Court in each case wherein the conflict exists of the existence of the conflict. The conflict shall be resolved by the judge to whom the case with the lowest case number is assigned. Except for good cause, the court should determine priority of cases according to applicable statutes and rules and, between cases of the same type, the court should give priority to the case with the Clerk's lowest assigned number.

Rule CV-4. Stipulations

No agreement, stipulation or consent between parties, or their attorneys, in respect to the proceedings in a cause before the court shall be considered by the court unless it be in writing filed with the Clerk or dictated in open court, except that counsel may orally consent out of court as to the continuance of a matter provided proper notification to the Clerk is given.

Rule CV-5. Briefs, Instructions and Interrogatories to Juries

A. Briefs. Any party may file a trial brief. When any matter is submitted to a trial judge for decision, and the filing of briefs is requested by the judge, the original of each brief shall be filed with the Clerk of the Court and a duplicate thereof shall be provided to the trial judge.

B. Instructions. All requested instructions shall be numbered and shall cite the authorities relied on by counsel in support thereof. To the extent possible under the circumstances of each case, all instructions shall be submitted to the court ~~on the morning of the first day of trial~~ 30 days prior to trial.

C. Interrogatories. In those matters wherein interrogatories are to be submitted to the jury they shall be submitted on plain 8.5 by 11 inch paper, each such paper being without any indication as to the party or the attorney submitting the same, and there shall be but one interrogatory to a sheet. The interrogatory number will be left blank. To the extent possible under the circumstances of each case, all interrogatories shall be submitted to the court on the morning of the first day of trial.

~~Rule CV-6. Dismissals for Failure of Prosecution~~

~~**A.** In accordance with Rule 38.1(d), Arizona Rules of Civil Procedure, the court shall dismiss without prejudice for lack of prosecution all cases remaining on the Inactive Calendar for two (2) months. In addition, any civil action may be dismissed for failure to prosecute upon written Motion and Notice to opposing counsel, in the discretion of the court, upon the following grounds and conditions:~~

~~1. Failure to comply with Rule 38.1, Arizona Rules of Civil Procedure, within two (2) months after the date of the order for a new trial, or the date of the filing of the mandate of the Appellate Court;~~

~~2. Where good cause and/or other circumstances warrant dismissal of the case.~~

~~**B.** No dismissal shall be ordered during any period that the court finds that a necessary party to the action is in the military service of the United States and is unable during such period to be present at the trial by virtue of such service.~~

~~**C.** After a case has been set for trial and the parties have announced settlement without presenting a final judgment to the court, the case shall be placed on the Inactive Calendar, all counsel notified and shall be dismissed without further notice sixty (60) days thereafter, unless in the meantime, a final judgment shall have been filed and entered of record, or unless the court shall, on motion of any party, either reset said case for trial or extend same on the Inactive Calendar for additional periods of time as circumstances warrant.~~

Rule CV-7-6. Arbitration

All civil cases, which are filed with the Clerk of Superior Court in which the court finds or the parties agree that the amount in controversy does not exceed ~~\$25,000.00~~, \$50,000 except those specifically excluded by Rules 72 to ~~76-77~~, Arizona Rules of Civil Procedure, shall be submitted to and decided by an arbitrator or arbitrators in accordance with the provisions of A.R.S. § 12- 133 and Rules 72 to ~~76-77~~, Arizona Rules of Civil Procedure. Upon request arbitrators shall be paid \$140.00 per day in accordance with the provisions of A.R.S. 12-133(G).

Rule CV-8-7. Completion of Discovery; Pretrial Statements; Pretrial Conferences

A. Completion of Discovery. In civil cases, except where the court has entered an order pursuant to Arizona Rules of Civil Procedure 16(b) or (c), all discovery shall be completed ten (10) days prior to the date set for trial except when additional time for discovery is allowed by order of the court.

B. Pretrial Statements. Thorough pretrial statements, containing all the information required by Rule 16(d), Arizona Rules of Civil Procedure, shall be filed with the court no later than five (5) days prior to the date of the jury trial management conference.

C. Request for Pretrial Conference. After the filing of the Pretrial Statement, the court may require the parties to participate in a pretrial conference as provided in Arizona Rules of Civil Procedure 16(a). This provision does not alter any party's right to request a Comprehensive Pretrial Conference as contemplated by Rule 16(b) or (c) of the Arizona Rules of Civil Procedure.

D. Pretrial Conference. In addition to the matters set forth in the pretrial statement the court will consider and counsel shall be prepared to discuss:

1. Motions deferred to the pretrial conference and legal issues expected to be encountered at trial.
2. Any matter by way of stipulation, pleading or proof that may simplify the issues or expedite the trial.
3. Requirements or necessity of filing trial briefs.
4. Number of jurors, alternates, peremptory strikes.
5. Exhibits.
6. Order of trial.
7. Length of trial and whether any special accommodations or equipment will be required.

8. Special Rules of Court.
9. Requirements for proposed jury instructions or jury interrogatories.
10. Requirements with regard to voir dire questions.
11. The possibility of compromise or settlement; however, nothing with respect thereto shall be with prejudice to any party in accordance with Rule 408, Arizona Rules of Evidence.

Rule CV-9-8. Findings and Conclusions

In all actions in which findings are requested and required, the prevailing party shall prepare proposed findings of fact and conclusions of law within ten (10) days after the court has announced its decision or within such further time as the court may direct. The proposed findings and conclusions shall be filed with the Clerk of the Court and a copy served upon the adverse party who shall have ten (10) days thereafter to file and serve written objections to the proposed findings and conclusions.

Rule CV-~~10~~-9. Cases Preferred for Trial

A. Priority. The following cases shall be preferred for trial:

1. Any case granted a preference by statute or other rule of court;
2. Juvenile cases;
3. Criminal cases;
4. Mental Health cases;
- 4-5. Domestic Relations cases;
- 5-6. Contested Probate cases;
- 6-7. Short Cause Civil cases;
- 7-8. Hardship Civil cases; and
8. ~~Mental Health cases.~~

B. Statutory, Rule or Court Ordered Preference. All cases entitled to a preference for trial by reason of statute, rule or order of court shall be set for trial at the earliest practicable date.

C. Hardship. Preference by reason of hardship may be granted only upon motion supported by affidavit.

D. Extraordinary Circumstances. Upon motion to the Presiding Judge in extraordinary circumstances any case entitled to a preference may be assigned to another judge on the court, to a visiting judge, retired judge or judge pro tempore. In the absence of prior resolution by the assigned trial judge and lawyers involved, resolution of trial calendar conflicts among lawyers in different cases involving extraordinary circumstances may be determined by the Presiding Judge.

E. Short Cause (Civil). A short cause (Civil) is any civil case stipulated by all parties to take less than one hour to try to the court. If the trial of any short cause is not completed within one hour of actual trial time, the trial judge shall make such orders as are appropriate, including a continuance and may order that it take place on the regular trial calendar without preference.

Rule CV-~~11~~10. Case Number Assignment and Consolidation

A. Number Assignment. The Clerk of the Court shall assign a chronological number to every case filed with the court and indicate to which division of the court the case has been assigned. After the preliminary assignment by the Clerk, the party filing any pleading, motion, memorandum or other paper in the case shall indicate below the case number the division of the court to which the case has been assigned.

B. Consolidation. Unless the court shall otherwise order, when two or more cases are consolidated, the Clerk shall regard the lowest case number as the controlling number of the consolidated cases and all further pleadings and papers shall be filed and docketed under that number only. Unless the court shall otherwise specify, the consolidation is for all purposes, and not merely for the purpose of trial. A motion to consolidate shall be heard by the judge to whom the case with the lowest number is assigned, unless otherwise assigned by the Presiding Judge. A motion to consolidate shall be filed simultaneously in all cases proposed to be consolidated with copies served on all parties and their counsel.

Rule CV-~~12~~11. Settlement Conferences and Statements

The purpose of the settlement conference is to permit an informal discussion of every aspect of the lawsuit bearing on its settlement value and to consider, and in appropriate instances to enter into settlement agreements. Settlement conferences shall be held and conducted in all respects as set forth in Rule 16.1 of the Arizona Rules of Civil Procedure. ~~For these purposes, it is essential that in addition to trial counsel, the individual parties be present and in the case of corporate parties and insurance carriers a representative executive with unrestricted authority to consider and approve or disapprove any settlement proposal.~~

~~**A. Settlement Conference Statements.** The parties are directed to submit ex parte and under seal settlement conference statements setting forth, among other~~

~~things, each party's position concerning factual issues, issues of law, damages or relief requested and the party's settlement position and grounds therefore. Neither the settlement statement nor the contents thereof shall be disclosed to any other party and the same shall remain under seal to be opened only by the court. Pertinent evidence, documents or otherwise, to be offered at trial, should be brought to the settlement conference for presentation to the settlement judge if deemed relevant.~~

~~**B. Trial Use of Settlement Conference Statements and Communications Prohibited.** Neither the settlement conference statements nor communications with the settlement judge during the settlement conference may be used by either party in the trial of the case.~~

~~**C. Pre Settlement Conference Preparation.** Before the settlement conference, the parties should discuss settlement with their respective clients, and opposing parties should discuss settlement with each other, so that the parameters of settlement have been explored in advance of the settlement conference.~~

~~**D. Discretion to Transfer.** Upon motion, either party may request that a judge other than the trial judge to whom the case is assigned preside over the settlement conference and the court may transfer the settlement conference to another division of the court willing to conduct the conference. Upon agreement of all parties and approval by the court, settlement negotiations may be conducted by a non-judge as appointed by the court.~~

~~**Rule CV-13. Hearing or Trial on Default**~~

~~In accordance with Rule 55(a), Arizona Rules of Civil Procedure, no hearing or trial on default shall be heard until ten (10) judicial days after the formal default has been entered in the Clerk's office, unless the court shall waive the time requirement for good cause shown.~~

~~**Rule CV-14-12. Attorney Fees**~~

~~**A. Notice of Claim.** A claim for attorney fees pursuant to A.R.S. 12-341.01 shall be made in the pleadings, in the joint pretrial statement, or by written notice filed and served before trial or other determination on the merits of the cause.~~

~~**B. Time of Determination.** When attorney fees are recoverable pursuant to A.R.S. 12-341.01 and are claimed by one or more parties, the determination as to the claimed attorney fees shall be made following a decision on the merits of the cause. The time for the filing of affidavits and/or the hearing on the claim shall be set by the court.~~

~~**C. Method of Establishing Claims.** The claim for attorney fees may be supported by affidavit or testimony and appropriate exhibits. If the claim is contested, a hearing shall be granted if requested by any party.~~

D. Entry of Formal Judgment. Formal judgment on the merits of an action shall be delayed until determination of the issue of the attorney fees as set forth above.

CRIMINAL RULES

Rule CR-1. Pre-trial Procedures, Presence of Defendant

A. Pre-trial hearings leading to the setting of a trial date shall consist of an Arraignment, Case Management Conference, Omnibus Hearing and a Final Management Conference. The content of the hearings shall be as follows:

1. Arraignment. In addition to the requirements of Rule 14.3. Arizona Rules of Criminal Procedure, the Court shall inquire whether any victim has invoked his or her rights, whether the defendant is subject to any then-known sentencing enhancements, whether counsel has or will discuss sentencing options with the defendant, and whether the defendant has any other pending cases in Mohave County Superior Court. The Court may inform the defendant of the range of sentence. A motion for release filed in the lower Court at least ten days prior to arraignment shall be considered at the arraignment hearing. The Court shall set a Case Management Conference three weeks after arraignment unless ordered otherwise.

2. Case Management Conference. The Court shall determine whether any disclosure issue exists, whether any plea offer has or will be made to resolve the matter and whether any known motions or pre-trial issues are to be addressed. The Court shall set an Omnibus Hearing three weeks after the Case Management Conference unless ordered otherwise.

3. Omnibus Hearing. Counsel shall provide the Court with a completed Omnibus Hearing Form prior to the Omnibus Hearing. The Court shall discuss all issues raised by the parties as set out in the Omnibus Hearing Form. The Court may then set motion deadlines, schedule evidentiary hearings or oral arguments as necessary or set the matter for trial. If the matter is set for trial, the Court shall schedule a Final Management Conference no less than five court days prior to the trial.

4. Final Management Conference. The Court shall determine that the parties are ready for trial. At this hearing, inter alia, the Court and counsel shall resolve as many evidentiary issues as possible to determine appropriate voir dire areas, discuss jury instructions known to be required by the case and the parties'. Further, counsel shall inform the court whether any special accommodations or equipment will be required at the trial.

B. The defendant and counsel shall appear at all scheduled hearings. The failure of the defendant to appear as ordered shall result in the issuance of a bench warrant and possible bond forfeiture. Counsel or defendant may appear telephonically at procedural hearings upon request, at the discretion of the Court.

C. The Court may conduct a change of plea at any hearing. The Court may also specifically set a change of plea at the request of the parties.

D. The Court may set Status Hearings as necessary to effect efficient case processing of any matter. Upon prior request of counsel, the defendant may waive his or her presence in the discretion of the court.

E. Counsel for any party shall be responsible to secure the attendance of all witnesses at any hearing.

Rule CR-2. Release

A. All motions seeking a reconsideration of the conditions of release shall be heard by the assigned trial division and will be heard at the earliest possible time, especially when the defendant is in custody.

B. Hearings will be scheduled consistent with giving notice to any victim and in conformance with the Rules of Criminal Procedure.

C. If the defendant has been previously released on bond or on some other release conditions before Grand Jury Indictment, these same release conditions shall continue after a Grand Jury Indictment on the same charges or any charges arising out of the same events, unless ordered differently by the assigned trial division after a duly noticed and contested hearing.

D. This rule shall apply equally to motions filed by the defendant as well as motions filed by the State pursuant to Rule 7.2, Arizona Rules of Criminal Procedure, alleging a violation of the defendant's conditions of release or pursuant to A.R.S. § 13-3961(B) alleging the defendant is a substantial danger to another person or the community.

Rule CR-3. Substitution of Counsel

A. Substitution of counsel in criminal cases shall be governed by Rule 6.3 of the Arizona Rules of Criminal Procedure. In the case of a stipulation of privately retained counsel the stipulation shall:

1. Bear the signed statement by the substituting attorney which consents to the substitution and states that the substituting attorney is advised of the next scheduled court date, to include the nature of the scheduled proceedings, and will be prepared for all scheduled court dates; and

2. Be accompanied by a proposed written order, which may be presented ex parte. Copies of said order will be provided for the State and prior counsel.

B. In the case of a change of assigned indigent defense counsel, a Notice of Change of Assigned Counsel shall be sufficient. Such Notice of Change of Assigned Counsel shall:

1. Bear the signed statement of either the new counsel, the department head, or the contracting authority that the case has been reassigned to a new department, or under a conflict/overflow contract; and
2. Bear a certificate of service, indicating that the client has been informed of the reassignment of the case, and has been provided contact information for the new attorney.

Rule CR-4. Mental Health Examinations

Unless otherwise ordered, the Court shall schedule all mental health examinations and enter all appropriate orders.

Rule CR-5. Restoration of Civil Rights

A. Any defendant seeking an order restoring any civil rights or other relief under applicable statutes shall file an application on a form provided by the Clerk of the Court or adult probation department. The defendant shall identify all the defendant's felony convictions, to include the offense for which relief is sought, including the name of the offense, the date of the conviction and the county.

B. The defendant shall, at the time of the filing of the application and attachments, deliver a copy of such documents to the State. The State shall have 30 days thereafter to file any response.

Rule CR-6. Criminal Appeals from Limited Jurisdiction Courts

A. Notice of Completion of Record. The Clerk of the Superior Court will docket all appeals from limited jurisdiction courts and shall immediately notify the parties of the date the completed record is received. The appellant's memorandum shall be filed within 20 days thereafter.

B. Dismissal of Appeal -- Failure to Timely File Appellant's Memorandum. In the event that the appellant's memorandum is not filed by the date provided in the Superior Court Rules of Appellate Procedure--Criminal, or as designated in the Superior Court's order, whichever is later, the presiding judge or a designee shall dismiss the appeal and remand the case to the limited jurisdiction court for appropriate action.

The State shall not be required to file an answering memorandum unless ordered by the presiding judge.

Rule CR-7. Grand Jury Indictment--Remanded Cases

Where an indictment is returned by the grand jury on a matter previously filed with the Clerk of the Court which was remanded to the Grand Jury by court order for a new finding of probable cause, the case shall be assigned the original number. The

County Attorney or other prosecuting attorney shall advise the court and clerk at the time of the return of the indictment on any case previously remanded. Such presentment of the remanded charges must take place within fifteen (15) days or the remanded charges will be dismissed without prejudice. Throughout this process the case shall be deemed as pending, and Rule 10, Rules of Criminal Procedure, Change of Judge, shall not apply.

Rule CR-8. Motions to Compel or for Sanctions

Any party seeking a pretrial order compelling the production of material or seeking sanctions for failure to comply with the rules of disclosure, or other court order, shall first certify to the Court that the party has personally made a good faith effort to resolve any outstanding discovery issue.

Rule TR-1. Notice of Right to Appeal and Appeal Procedure

Immediately following judgment and sentence in a criminal matter or the imposition of a civil sanction after a hearing in a civil traffic matter the limited jurisdiction court shall deliver to the defendant a written notice of right to appeal. The notice shall state that a right to appeal exists, the applicable time limit, and the location and manner of filing the notice of appeal and shall refer the defendant to the rules governing the appeal process.

DOMESTIC RELATIONS RULES

Rule DR-1. Conciliation Court and Mediation Services

~~**A.** A Conciliation Court with mediation services is hereby established by authority of A.R.S. 25-381.01, et seq., to provide a means for the reconciliation of spouses, the amicable settlement of domestic and family controversies, and to protect the rights of children.~~

~~**B.** The Presiding Judge shall assign a Superior Court Judge to act as judge of the Conciliation Court pursuant to A.R.S. 25-381.04.~~

~~**C.** Jurisdiction over the controversies and issues described in A.R.S. 25-381.08, 25-381.09, 25-381.20 and 25-381.22 is invoked automatically by the filing of any action for annulment, dissolution of marriage or legal separation or by petition filed by either or both spouses prior to or after filing any action for annulment, dissolution of marriage or legal separation when there is a minor child of the parties whose welfare may be affected by said action. Jurisdiction of controversies and issues described in A.R.S. 25-381.20 will be invoked only upon entry of an order by the conciliation court that includes as a finding that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that the work of the conciliation court in cases involving children will not be seriously impeded by acceptance of the case.~~

~~**D.** Upon assignment of an action to Conciliation Court, the judicial administrator shall schedule a conference or conferences with a family counselor. The parties shall be required to attend scheduled conferences. Exemption from mandatory hearings or conferences may be granted by the Conciliation Court Judge only on grounds of undue hardship. The counselor shall report to the court the identity of a party failing to attend and the court may take such action as it deems necessary or appropriate. The counselor shall notify the court when counseling has concluded. Agreements reached between the parties as a result of the counseling shall be in writing and approved by the parties and the counselor. An agreement is not binding until approved by written order of the court.~~

~~**E.** When jurisdiction is invoked, the Clerk of the Court shall cause a minute entry to be made and filed in the case file in such form approved by the Presiding Judge, recording the fact and date of the filing of the petition and transferring the matter to the Conciliation Court. The Clerk shall thereafter deliver the case file to the Conciliation Court Judge for further proceedings pursuant to A.R.S. 25-381.14.~~

~~**F.** When it appears from a pleading or other paper filed with the Clerk of the Court that custody or visitation of a child or children is an issue in a dissolution, legal separation or annulment action, the case shall be transferred to the Conciliation Court. The Conciliation Court shall, as soon as possible, set a conference for the litigants with a person competent to do family counseling designated by the judge of the Conciliation Court. The person designated thereafter shall recommend action to the court, including additional counseling conferences (with the children if the person deems this advisable) and orders for temporary relief under A.R.S. 25-381.17, and the judge of the Conciliation Court may make such orders as are deemed just and proper in regard thereto.~~

~~**G.** The Conciliation Superior Court Judge may appoint a mediator from the Conciliation Court system or an outside mediator. The parties may contract with an outside mediator for his or her services in which event they shall be directly responsible for his or her fee. Where the parties desire to employ an outside mediator but cannot agree on the selection, each party shall submit the name of one qualified person and the court shall make the appointment using the persons selected by the parties or any other qualified individual.~~

(1) The Alternative Dispute Resolution (ADR) Administrator shall maintain a roster of interested persons qualified to act as private mediators in accordance with Arizona Rules of Family Law Procedure 67(B)(1). The ADR Administrator shall update the roster annually. The roster shall be made available to parties and the public at the Office of Conciliation Court Services.

(2) The qualifications for appointment as a private mediator shall be as set forth in Appendix DR-1(A); or as otherwise determined necessary and appropriate in the sole discretion of the Presiding Judge.

(3) Persons interested in qualifying for appointment as a private mediator shall complete the initial application set forth in Appendix DR-1(B); submit same to the

ADR Administrator at the Office of Conciliation Courts; and annually submit written verification of their continued qualification to be appointed a private mediator, as described in Appendix DR-1(A), referenced in G.2 above, to the ADR Administrator at the Office of Conciliation Courts by December 15 of each year. Qualified candidates will be determined by the ADR Administrator; as approved by the Presiding Judge.

~~H. To further the aims and service of the Conciliation Court, every attorney who represents a litigant in an action for dissolution of marriage, legal separation or annulment shall furnish to the client as early in the case as conveniently possible a notice about the Conciliation Court. This notice will be a form furnished to the attorneys free of charge by the Conciliation Court. The Clerk will likewise furnish said notice to parties acting pro per. The printed notice shall inform the parties of the availability of blank conciliation petition forms provided at the expense of the county and assistance in their preparation by employees of the Conciliation Court or a social service agency employed to provide conciliation and mediation services.~~

~~I. The attorney for the respondent or a respondent acting pro per shall, at the time of filing the response, notify the Clerk of the Superior Court that custody is contested, and designate on the caption that it is a "contested custody matter".~~

~~J. In all contested custody cases, all orders to show cause concerning temporary child custody, visitation or support shall be set and heard before the judge of the Conciliation Court.~~

~~K. Upon a matter being transferred to the Conciliation Court the judge shall set a time and place for hearing to be held within thirty (30) days of the date of filing the conciliation petition or otherwise in accordance with A.R.S. 25-381.14. An order, in a form approved by the judge of Conciliation Court, shall be issued to both parties directing them to be present. The order shall be signed by the judge of the Conciliation Court or another designated judge and shall give notice of the time, place and nature of such hearing. Such order shall be mailed or served not less than five (5) days prior to the hearing and failure to respond to same without adequate excuse may be deemed a contempt of court. The hearing shall be conducted before a Conciliation Court counselor or the Conciliation Court Judge, as specified in the citation at the discretion of the Conciliation Court Judge. The hearing shall be held in private. Within five (5) days of completion of the conciliation hearings a brief report, in a form approved by the judge of Conciliation Court, shall be filed with the court by the counselor.~~

PRIVATE MEDIATOR ROSTER REQUIREMENTS

Appendix A. Private Mediator Roster Requirements

FOR INITIAL ROSTER PARTICIPATION:

I. The candidate must be able to demonstrate:

(A) a minimum two (2) years experience as a family mediator, Family Court Judicial Officer, Family Court Judge Pro Tempore, with a minimum of 20 family cases mediated or trials held, or;

(B) a minimum of one (1) year of experience as a family mediator, Family Court Judicial Officer, Family Court Judge Pro Tempore, or family law attorney, with a minimum of 10 family cases mediated or trials held and be willing to participate in two mediations under the supervision and direction of the ADR Administrator or other roster member approved by the ADR Administrator before accepting Family Court case referrals as sole mediator.

II. The candidate must present training verification from:

(A) an approved basic 40-hour family mediation training course, or;

(B) an approved 40-hour basic mediation training and an approved 20-hour advanced family mediation training; and

(C) 12 hours of domestic violence and 12 hours of child abuse training.

Note: Training programs accredited by the Association for Conflict Resolution (ACR), Association of Family and Conciliation Courts Services (AFCC), and the Dispute Resolution Section of the American Bar Association (ABA) generally meet this roster requirement.

III. The candidate must submit proof of mediator liability insurance to the Superior Court ADR Administrator and annually provide proof of continuing coverage on or before the policy renewal date, but no later than December 15th of each year.

IV. The candidate must present verification that they possess at least a graduate level degree in a social science or related field, such as social work, mental health, behavioral sciences, or law or equivalent knowledge and experience. Upon a showing of good cause, a written waiver of this requirement may be given by the Presiding Judge.

V. The candidate must agree to adhere to the Model Standards of Practice for Mediators promulgated by the Association for Family and Conciliation Courts (AFCC).

VI. The candidate must be willing to adhere to all ethical standards set by the Court.

VII. The candidate must submit information on case screening method(s) to be used in determining case for mediation which must be approved by the ADR Administrator.

VIII. The candidate must be willing to participate in grievance and feedback procedures adopted by the Court.

IX. The candidate must attend a Family Court Mediator Roster orientation prior to acceptance of any case referred by the court.

X. The candidate must pay an application processing fee of \$50.00 to the Clerk of the Superior Court of Mohave County payable to the Conciliation Court Fund.

Note: Acceptance and verification of the qualifications of an individual mediator rests with the Superior Court ADR Administrator, subject to final review and approval by the Presiding Judge of the Superior Court.

FOR CONTINUING ROSTER PARTICIPATION:

I. Each calendar year, the candidate must complete a minimum of five (5) credit hours of continuing education in alternative dispute resolution (ADR) topics, including at least (2) hours every other year on domestic violence and child abuse issues. The candidate must present proof of credit completion to the Superior Court ADR Administrator prior to December 15th of each year.

II. The candidate must maintain separate mediator liability insurance on a continuous basis. The candidate must submit proof of mediator liability insurance to the Superior Court ADR Administrator upon application to the roster and annually provide proof of continuing coverage on or before the policy renewal date, but no later than December 15th of each year.

III. The candidate must annually complete one (1) pro bono mediation case session of not more than two hours in length selected and referred by the ADR Administrator of the Superior Court for each three (3) cases referred for compensation.

IV. The candidate must be willing to participate in grievance and feedback procedures adopted by the Court.

V. The candidate must comply with all case reporting requirements established by the ADR Administrator, including case outcome and client feedback information.

VI. The candidate must pay a roster participation renewal processing fee of \$25.00 to the Clerk of the Superior Court of Mohave County payable to the Conciliation Court Fund.

PRIVATE MEDIATION ROSTER APPLICATION

Appendix B. Private Mediation Roster Application

NOTE: Information disclosed on this Registration Form might be considered public record.

PART I--General Information

1. BUSINESS LOCATION AND HOURS:

A. Name: _____

B. Address: _____

C. Telephone: _____ Pager/Mobile: _____ Fax: _____

D. Office Days and Hours: _____

E. Other Office Location(s): _____

F. Address: _____

G. Telephone: _____ Fax: _____

H. Office Days and Hours: _____

2. FEES FOR SERVICES:

A. What do you charge for an Initial Consultation? ½ Hour \$ ____; Hour \$ ____

B. What is your hourly charge for services? \$ _____

C. How do you require payment to be made? Cash Personal Check Credit Card (list which ones):

D. When do you require payment for services to be made? At time service is performed At end of all services to be performed Other (Please explain):

E. Do you require a retainer? If so, please describe _____

3. LANGUAGE FLUENCY: Please list all languages in which you are fluent:

English Spanish Other (please list): _____

Please indicate if staff in your office are is fluent in other languages.

Please list: _____

4. EDUCATION AND TRAINING:

A. EDUCATION: Please attach a transcript or a copy of your diploma for each degree listed.

DEGREE AWARDED:	DATE RECEIVED:	INSTITUTION:
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. MEDIATION AND OTHER REQUIRED TRAINING

(Must include a 40 hour basic mediation training for the general roster; an additional 40 hour domestic relations mediation training for the family mediation roster; 12 hours of child abuse training and 12 hours of domestic violence training for the family mediation roster.)

List (1) the name of training attended, (2) the dates of attendance, and (3) the institution conducting training.

- 1. _____

- 2. _____

- 3. _____

C. APPLICABLE MEMBERSHIPS, LICENSURE, CREDENTIALS

- 1. _____

- 2. _____

- 3. _____

5. MEDIATION EXPERIENCE:

- 1. _____

- 2. _____

- 3. _____

6. PROFESSIONAL LIABILITY INSURANCE:

Do you have Professional Mediator Liability Insurance? YES NO

Provider: _____

Policy Number: _____

Coverage Limits: _____

7. OTHER MATTERS:

A. Have you been arrested, charged or convicted of a felony, or have you been arrested, charged or convicted of any matter relating to sexual misconduct, regardless of when such arrest, charge or conviction occurred?

NO YES (If yes, please attach explanation.)

B. In the past three years before submitting the Registration Form, have you had an adverse decision rendered against you by any regulating agency or court pertaining to the service or conduct which is related to the services that are the subject of the Court Roster?

NO YES (If yes, please attach explanation.)

C. Are you under any current limitations by any regulating agency or court pertaining to the service or conduct which is related to the services that are the subject of the Court Roster?

NO YES (If yes, please attach explanation.)

D. Do you know of any present or past conduct that might or may affect your ability to provide the service or conduct which is related to the services that are the subject of the Court Roster for which you are applying?

NO YES (If yes, please attach explanation.)

PART II. Family Mediation Information

EXPERIENCE

Please check the following option that best describes your experience as a family mediator:

I have a minimum of two (2) years experience as a family mediator, with a minimum of 20 cases mediated,

OR

I have one (1) year of experience as a family mediator with a minimum of 10 cases mediated or two (2) years experience as a general mediator. I understand that if I qualify under this option, I must be willing to conduct two family mediations under supervision and direction of the Mohave County Superior Court, Conciliation Court Services, Alternative Dispute Resolution (ADR) Administrator or an approved Family Mediation Roster Member and provide a written recommendation from said member to the ADR Administrator before accepting referrals from the Court to act as a mediator in family cases.

Please explain your experience as a family/general mediator below, including number of years you've been mediating and the approximate number of FAMILY cases you have mediated.

Number of family cases mediated: _____

EDUCATION/ TRAINING

1. YES NO

I have completed an approved 40 HOUR COURSE in family, domestic relations, or divorce mediation.

OR

YES NO

I have completed an approved 40-hour basic mediation training PLUS an approved 20-hour advanced family mediation training that includes training in family violence?

Date of course: _____

Institute or Agency: _____

(Attach copy of certificate of attendance to this Registration Form.)

2. YES NO

I have provided proof of twelve (12) hours training in family violence issues and twelve (12) hours of training in child abuse issues.

3. YES NO

I will complete a minimum of five (5) hours of continuing education credits each calendar year in alternative dispute resolution (ADR) topics, including at least one (1) hour every two years on domestic violence issues and one (1) hour every two years on child abuse issues. (You must submit proof of completion to the Superior Court ADR Office prior to December 15th of each year.)

4. YES NO

I maintain separate mediator liability insurance on a continuous basis. (You must submit proof of mediator liability insurance to the Superior Court ADR Office and annually provide proof of coverage on or before the policy renewal date, but no later than December 15th of each year).

5. YES NO

Do you have at least a master's level of graduate degree in a social science, a juris doctorate degree or related degree in a related field?

MEDIATION EXPERIENCE

1. How many years have you been mediating cases as a third party neutral?

2. Estimate the number of cases you have mediated as a third party neutral.

4-3. How many years have you been active in practice as a FAMILY mediator?

54. How many years of experience do you have in FAMILY cases or practice, other than in mediation? _____

PREFERRED MEDIATION AREAS

1. What types of cases in FAMILY mediation are you willing to mediate:

- _____ Divorce, Legal Separation, Annulment
- _____ Grandparent Rights
- _____ Paternity
- _____ Post-Decree Matters
- _____ Adoption, Juvenile Dependency

2. YES NO Are there any kinds of cases you prefer NOT to handle as a FAMILY MEDIATOR? If YES, please describe: _____

ROSTER CERTIFICATION REQUIREMENTS

If I am included in the Mohave County Superior Court Family Court Mediator Roster, I WILL:

- YES NO Submit proof of all mediation experience, education and training requirements as established by the Superior Court?
- YES NO Submit initial and continuing proof of compliance with continuing education or special training requirements as established by the Superior Court?
- YES NO Submit initial and continuing proof of mediator liability insurance in accordance with Superior Court procedures?
- YES NO Attend a Family Court Mediator Roster orientation prior to acceptance of any cases from the Superior Court?
- YES NO Conduct pre-mediation screening as to appropriateness of mediation services for the case, including domestic violence screening? (A sample screening form is available.)
- YES NO Submit copies of case screening methods, including domestic violence, to be used in determining appropriateness for mediation?

- YES NO Adhere to Models and Standards of Practice for Mediators established by the Association of Family and Conciliation Courts?
- YES NO Adhere to all ethical standards set by the Superior Court?
- YES NO Annually complete one pro bono mediation for every two cases referred to me by the Superior Court for which I am compensated?
- YES NO Comply with all reporting requirements, including grievance and feedback procedures, adopted by the Superior Court.

I swear that all of the information on this registration form, and any attached sub-parts, is true and accurate to the best of my knowledge, information, and belief. I have read and I understand the requirements and agree to abide by them. I will advise the Court in writing of any material changes to the information contained in this Registration. I understand that failure to be truthful about matters related to this application or to abide by these Policies and Procedures may result in the removal of my name from the applicable Court Roster.

Signature: _____

Subscribed and sworn to before me this _____ day of _____, _____
by _____.

Signature _____
Notary Public

My commission expires: _____

Rule DR-2. Orders to Show Cause

~~**A.** In all orders to show cause in dissolution or legal separation actions, where child or spousal support are sought, the petitioner shall file with the order to show cause an "AFFIDAVIT OF SPOUSE (INCOME)" and "AFFIDAVIT OF SPOUSE (EXPENSES)", a copy of which affidavits shall be served with a copy of the order to show cause. These affidavits shall correctly show the financial status of the parties including assets, liabilities, income and expenses.~~

~~**B.** The respondent in such cases shall serve on the petitioner or his or her attorney, not less than one day prior to the hearing on the order to show cause, an "AFFIDAVIT OF SPOUSE (INCOME)" and "AFFIDAVIT OF SPOUSE (EXPENSES)".~~

~~C.~~ At the hearing for an original order or for an order for modification, the petitioner may rest upon the financial data so presented, subject to the right of cross-examination by the opposing party.

~~D.~~ In an action for contempt for failure to pay support or maintenance, the order to show cause, in addition to the requirements set forth in paragraph A of this rule, shall direct the other party to bring to the hearing: 1) His or her Federal and State Income Tax Return for the preceding two calendar years; 2) The records of all employment and income for at least the last six months; and, 3) Any other documents which may be relevant to prove the information set forth in the "AFFIDAVIT OF SPOUSE" or the issues before the court.

~~Rule DR-3. Trials to the Court~~

~~A.~~ Prior to any trial, the parties shall complete a Pretrial Statement pursuant to Local Rule CV-8 and Rule 16(d), Arizona Rules of Civil Procedure.

~~B.~~ When the division of property is a contested issue, the Pretrial Statement shall contain a detailed, itemized inventory of the community, joint and common property of the parties and the separate property of each party shall be filed with the court and served on the other party. The inventory shall set forth the nature of the ownership, the date the property was acquired, by what title the property is held, amount of any encumbrance thereon, each party's evaluation of the fair market value of the property and the proposed disposition.

~~C.~~ Either party may request a Comprehensive Pretrial Conference pursuant to Rule 16, Arizona Rules of Civil Procedure. If a Comprehensive Pretrial is scheduled, the parties shall exchange a Comprehensive Pretrial Conference Memorandum at least five days prior to the conference. In the alternative, the parties may prepare and file a Joint Pretrial Statement.

~~Rule DR-4. Child Support and Spousal Maintenance Payments~~

All child support and spousal maintenance payment shall be made through the Clerk of the Superior Court. The party ordered to make child support and/or spousal maintenance payments through the Clerk shall also be ordered to pay annually, in advance, the Clerk's statutory fee for the handling of child support or spousal maintenance payments as set forth in A.R.S. 12-284(A).

~~Rule DR-5. Appointment of Special Masters in Dissolution or Paternity Cases~~

~~A.~~ At the request of either party, or upon its own motion, the Court may, prior to, simultaneously with, or after entry of a decree of dissolution in a proceeding involving children, or in a paternity case, order the services of a Special Master for further proceedings.

~~B. A Special Master shall be a mental health professional, mediator, family law attorney, or other qualified third person.~~

~~C. There shall be no delegation to the Special Master of the Court's authority respecting the modification of child custody, any extended visitation schedule, any child support order, or any child support arrearage collection proceeding.~~

~~D. The Special Master shall act to resolve parental disagreements involving children, and for that purpose may employ the help of psychiatrists, psychologists, marital and family counselors, or other persons whom the Court deems qualified.~~

~~E. This Rule DR-5 may be supplemented by Implementing Guidelines to be issued by the Presiding Judge.~~

CRIMINAL RULES

Rule CR-1. Pre-trial Procedures, Presence of Defendant

~~A. Pre-trial hearings leading to the setting of a trial date shall consist of an Arraignment, Case Management Conference, Omnibus Hearing and a Jury Trial Management Conference. The content of the hearings shall be as follows:~~

~~**Arraignment.** In addition to the requirements of Rule 14.3. Arizona Rules of Criminal Procedure, the Court shall inquire whether any victim has invoked his or her rights, whether the defendant is subject to any then-known sentencing enhancements, whether counsel has or will discuss sentencing options with the defendant, and whether the defendant has any other pending cases in Mohave County Superior Court. The Court may inform the defendant of the range of sentence. A motion for release filed in the lower Court at least ten days prior to arraignment shall be considered at the arraignment hearing. The Court shall set a Case Management Conference three weeks after Arraignment unless ordered otherwise.~~

~~**Case Management Conference.** The Court shall determine whether any disclosure issue exists, whether any plea offer has or will be made to resolve the matter and whether any known motions or pre-trial issues are to be addressed. The Court shall set an Omnibus Hearing three weeks after the Case Management Conference unless ordered otherwise.~~

~~**Omnibus Hearing.** Counsel shall provide the Court with a completed Omnibus Hearing Form prior to the Omnibus Hearing. The Court shall discuss all issues raised by the parties as set out in the Omnibus Hearing Form. The Court may then set motion deadlines, schedule evidentiary hearings or oral arguments as necessary or set the matter for trial. If the matter is set for trial, the Court shall schedule a Jury Trial Management Conference no less than five court days prior to the trial.~~

~~**Jury Trial Management Conference.** The Court shall determine that the parties~~

are ready for trial. In addition at this hearing, inter alia, the Court and counsel shall resolve as many evidentiary issues as possible, determine appropriate voir dire areas, discuss jury instructions known to be required by the case, and provide the Court with the parties' witness lists. Further, counsel shall inform the court whether any special accommodations/equipment will be required at the trial.

~~**B.** The defendant and counsel shall appear at all scheduled hearings. The failure of the defendant to appear as ordered shall result in the issuance of a bench warrant and possible bond forfeiture. Counsel or defendant may appear telephonically at procedural hearings upon request, at the discretion of the Court.~~

~~**C.** The Court may conduct a change of plea at any hearings prior to and including the Jury Trial Management Hearing. The Court may also specifically set a change of plea at the request of the parties prior to the Jury Trial Management Hearing.~~

~~**D.** The Court may set Status Hearings as necessary to effect efficient case processing of any matter. Upon prior request of counsel, the defendant may waive his or her presence in the discretion of the court.~~

~~**Rule CR-2. Release**~~

~~**A.** All motions seeking a reconsideration of the conditions of release shall be heard by the assigned trial division and will be heard at the earliest possible time, especially when the defendant is in custody.~~

~~**B.** Hearings will be scheduled consistent with giving notice to any victim and in conformance with the Rules of Criminal Procedure.~~

~~**C.** If the defendant has been previously released on bond or on some other release conditions before Grand Jury Indictment, these same release conditions shall continue after a Grand Jury Indictment on the same charges or any charges arising out of the same events, unless ordered differently by the assigned trial division after a duly noticed and contested hearing.~~

~~**D.** This rule shall apply equally to motions filed by the defendant as well as motions filed by the State pursuant to Rule 7.2, Arizona Rules of Criminal Procedure, alleging a violation of the defendant's conditions of release or pursuant to A.R.S. § 13-3961(B) alleging the defendant is a substantial danger to another person or the community.~~

~~**Rule CR-3. Substitution of Counsel**~~

~~**A.** Substitution of counsel in criminal cases shall be governed by Rule 6.3 of the Arizona Rules of Criminal Procedure. In the case of a stipulation of privately retained counsel the stipulation shall:~~

~~1. Bear the signed statement by the substituting attorney which consents to the substitution and states that the substituting attorney is advised of the next~~

~~scheduled court date, to include the nature of the scheduled proceedings, and will be prepared for all scheduled court dates; and~~

~~2. Be accompanied by a proposed written order, which may be presented ex parte. Copies of said order will be provided for the State and prior counsel.~~

~~**B.** In the case of a change of assigned indigent defense counsel, a Notice of Change of Assigned Counsel shall be sufficient. Such Notice of Change of Assigned Counsel shall:~~

~~1. Bear the signed statement of either the new counsel, or the department head, that the case has been reassigned either within the department, or under a conflict contract; and~~

~~2. Bear a certificate of service, indicating that the client has been informed of the reassignment of the case, and has been provided contact information for the new attorney.~~

~~**Rule CR-4. Mental Health Examinations**~~

~~The Court shall schedule all mental health examinations and enter all appropriate orders. Counsel for any party shall be responsible to secure the attendance of all witnesses at any contested hearing.~~

~~**Rule CR-5. Restoration of Civil Rights**~~

~~**A.** Any defendant seeking an order restoring any civil rights or other relief under A.R.S. § 13-905 through A.R.S. § 13-912.01 shall file an application on a form provided by the Clerk of the Court or adult probation department. The defendant shall identify all the defendant's felony convictions, to include the offense for which relief is sought, including the name of the offense, the date of the conviction and the county.~~

~~**B.** The defendant shall, at the time of the filing of the application and attachments, deliver a copy of such documents to the State. The State shall have 30 days thereafter to file any response.~~

~~**Rule CR-6. Criminal Appeals from Limited Jurisdiction Courts**~~

~~**A. Notice of Completion of Record.** The Clerk of the Superior Court will docket all appeals from limited jurisdiction courts and shall immediately notify the parties of the date the completed record is received. The appellant's memorandum shall be filed within 20 days thereafter.~~

~~**B. Dismissal of Appeal — Failure to Timely File Appellant's Memorandum.** In the event that the appellant's memorandum is not filed by the date provided in the Superior Court Rules of Appellate Procedure—Criminal, or as designated in the Superior Court's order, whichever is later, the presiding judge or a designee shall~~

~~dismiss the appeal and remand the case to the limited jurisdiction court for appropriate action.~~

~~The State shall not be required to file an answering memorandum unless ordered by the presiding judge.~~

~~Rule CR 7. Grand Jury Indictment—Remanded Cases~~

~~Where an indictment is returned by the grand jury on a matter previously filed with the Clerk of the Court which was remanded to the grand jury by court order for a new finding of probable cause, the case shall be assigned the original number. The county attorney or other prosecuting attorney shall advise the court and clerk at the time of the return of the indictment on any case previously remanded. Such presentment of the remanded charges must take place within fifteen (15) days or the remanded charges will be dismissed without prejudice. Throughout this process the case shall be deemed as pending, and Rule 10, Rules of Criminal Procedure, Change of Judge, shall not apply.~~

~~Rule CR 8. Motions to Compel or for Sanctions~~

~~Any party seeking a pretrial order compelling the production of material or seeking sanctions for failure to comply with the rules of disclosure, or other court order, shall first certify to the Court that the party has personally made a good faith effort to resolve any outstanding discovery issue.~~

~~Rule CR 9. Renumbered as CR 6~~

~~Rule CR 10. Repealed May 31, 2002, effective June 1, 2002.~~

~~Rule CR 11. Renumbered as CR 7~~

**~~CRIMINAL AND CIVIL TRAFFIC APPEALS FROM LIMITED JURISDICTION
COURTS
ON THE RECORD OR BY TRIAL DE NOVO~~**

~~Rule TR 1. Notice of Right to Appeal and Appeal Procedure~~

~~Immediately following judgment and sentence in a criminal matter or the imposition of a civil sanction after a hearing in a civil traffic matter the limited jurisdiction court shall deliver to the defendant a written notice of right to appeal. The notice shall state that a right to appeal exists, the applicable time limit, and the location and manner of filing the notice of appeal and shall refer the defendant to the rules governing the appeal process.~~