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7 **IN THE SUPREME COURT**
8 **STATE OF ARIZONA**

9 In the Matter of:

Supreme Court No. R-22-

10 **PETITION TO AMEND RULE**
11 **76(b)(1)(B) OF THE ARIZONA**
12 **RULES OF FAMILY LAW**
13 **PROCEDURE**

PETITION

14 Pursuant to Rule 28, Ariz. R. Sup. Ct., the State Bar of Arizona (“State Bar”) petitions the Court to amend Rule 76(b)(1)(B), Ariz. R. Fam. L. P. This proposed amendment is necessary to make the requirements for the content of a resolution statement under the Arizona Rules of Family Law Procedure consistent.

18 **Background and Purpose of the Proposed Rule Amendments**

19 Rule 49(c), Ariz. R. Fam. L. P., addresses the procedure and content of a resolution statement, a required disclosure. Rule 76(b)(1)(B), Ariz. R. Fam. L. P. also addresses the procedure and content of a resolution statement prior to a resolution management conference but omits the language requiring that the statement be submitted “without argument in support of the position,” as set forth in

1 Rule 49(c). Family law practitioners have shared experiences in which parties and
2 counsel submit resolution statements to the court that contain argument meant to
3 support a party's position regarding a disputed issue. This likely results from
4 inconsistency between the two rules.
5

6 This Petition proposes to amend Rule 76(b)(1)(B), Ariz. R. Fam. L. P. to make
7 the content of the resolution statement consistent with Rule 49(c). Below is the
8 proposed amended rule.
9

10 **Contents of the Proposed Rule Amendment**

11 *(Please note: deletions are reflected by ~~strikethrough~~ and additions are reflected*
12 *by underline.)*

13 **Rule 76. Resolution Management Conference**

14 **(a) Purpose and Setting.** [No changes]

15 **(b) Meet-and-Confer and Other Party Duties.**

16 (1) *Generally.* Not less than 5 days before the RMC, the parties must:

17 (A) confer to resolve as many issues as possible. This requirement does
18 not apply if a court order prohibits contact between the parties, or they
19 have a history of domestic violence. However, in such situations
20 counsel still must take all reasonable steps to resolve as many issues as
21 possible; and
22

23 (B) prepare and file a written resolution statement setting forth any
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