

## Coconino County Local Court Rules

### Proposed Changes to Amend Local Rules

#### Changes Key:

#### Additions

¶ = \*insert paragraph\* (not insert the symbol)

#### ~~Deletions~~

#### **Rule 1. Hours of Court**

The court shall be opened 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 5:00 pm., unless otherwise directed by the trial judge.

#### **Rule 2. Criminal Law and Motion Day**

- (A) Law and Motion starts at 8:00 a.m. each Monday. When Monday falls on a legal holiday, Law and Motion starts at 8:00 a.m. on Tuesday. Each court division holds Law and Motion for two hours in turn until all divisions have held Law and Motion.
- (B) Oral argument of motions shall be limited to ten minutes for each side unless the court grants special permission in advance for additional time.

#### **Rule 3. Dismissal Trial Calendar and Dismissal of Civil Actions**

- (A) The Clerk of this court shall maintain ~~an Active Calendar and an Inactive Calendar a~~ Dismissal Calendar and cases shall be placed thereon, ~~respectively,~~ by the Clerk as provided by Rule 38.1 ~~(c) and (d)(1), Arizona~~ Rules of Civil Procedure, ~~or Rule 46(B), Rules of Family Law Procedure.~~
- (B) When a case remains ~~inactive for six months after a trial is continued, the court shall place it on the inactive calendar with notice to the parties and dismiss it after 60 days, except that upon a party's motion before dismissal, the court may reset it for trial on~~ the Dismissal Calendar for 60 days it shall be dismissed as provided in Rule 38.1(d)(2), Arizona Rules of Civil Procedure.

#### **Rule 4. Procedure: Civil Motions, Trial Settings, Early Meetings and Pretrial Conferences**

- (A) All civil motions, trial settings and conferences shall be in accordance with Arizona Rules of Civil Procedure 7.1, 16, 38.1, and 56, as applicable. ¶ Paragraph (a)(2) of ~~said~~ Rule 7.1, ~~of the Arizona Rules of Civil Procedure~~ is hereby interpreted as requiring that all specific portions of statutes and authorities relied on be set out in haec verba and in quotation marks; otherwise they will not be considered by the court.
- (B) In accordance with Rule 5.1(d), Arizona Rules of Civil Procedure, a proposed form of order must accompany all civil motions (except Motions for Summary Judgment), oppositions and stipulations. The original proposed order must be lodged with the assigned division at the time of filing, but, in any event, not fewer than 2 court days before any scheduled hearing. For motions or other requests for a ruling without a hearing, the original proposed order must be lodged with the assigned division at the time of filing the motion, opposition, or stipulation.

- (C) ~~¶(C)~~ The fact that either party has requested oral argument upon the motion, or that the motion has been ~~set down~~ scheduled 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.
- (D) ~~¶(D)~~ Rule 16(c), Arizona Rules of Civil Procedure, requiring a timely filing of a Joint Report and Proposed Scheduling Order ~~Pretrial Statement~~ shall be scrupulously adhered to. ~~Unless otherwise specified by the court, such statements are due not later than five court days prior to commencement of trial.~~
- (E) ~~¶(E)~~ All requests for oral argument with respect to motions shall be made in writing by counsel at the time of filing such motion, or answering memorandum in opposition thereto, with the Clerk of the court, by placing beneath the title of the motion, or answering memorandum, the following words: “(Oral Argument Requested).” Where no request is made for oral argument, the court will decide the motion upon the points and authorities cited by counsel in the motion, answering memorandum and reply.
- (F) ~~¶(F)~~ The Court, ~~and~~ may dispose of an improper motion or reply summarily pursuant to Rule 7.1(b), Arizona Rules of Civil Procedure.
- (G) ~~¶(G)~~ Except as provided, when a party files a motion, notice, objection, exception, or memorandum, the party will deliver a copy to the assigned division and state on the original that a copy was delivered to the assigned division.
- (H) ~~¶(H)~~ No continuance of a trial or pretrial conference will be granted unless a written order for such is presented to the Judge for signature at the time such continuance is requested, and provided further that the provisions of Rule 38.1(h), Arizona Rules of Civil Procedure, have been complied with.

## **Rule 5. 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 an interlocutory matter provide proper notification to the Clerk is given.

## **Rule 6. Temporary Orders and Child Support Modifications in Family Law Cases**

The following requirements apply in addition to the requirements in the Rules of Family Law Procedure and Title 25 of the Arizona Revised Statutes.

- (A) When a child support modification is sought through the Standard Procedure, the petitioner shall file a completed Parent’s Worksheet for Child Support Amount with the petition to modify. If the respondent disputes the petitioner’s Worksheet, the respondent shall serve on the petitioner or his or her attorney, by three judicial days before the hearing, a completed Parent’s Worksheet for Child Support Amount, unless another time frame for disclosure is Ordered by the Court.
- (B) When a temporary order for payment of spousal maintenance, attorney’s fees or community debts is sought, the petitioner shall file a completed Affidavit of Financial Information with the petitioner for temporary orders and serve a blank copy of the Affidavit of Financial Information on the respondent or his or her attorney by ten judicial days before the hearing. The respondent shall serve on the petitioner or his or her attorney, by three judicial days before the hearing, a completed Affidavit of

Financial Information, unless another time frame for disclosure is Ordered by the Court.

- (C) At the hearing, either party may rest upon the information and financial data in the Parent's Worksheet and/or Affidavit filed, subject to the other party's right of cross-examination.
- (D) All hearings shall be limited to the time allotted ~~30 minutes unless a request for additional time is made before the hearing and allowed~~ by the eCourt for the evidentiary hearing .

#### **Rule 7. Briefs, Orders, and Jury Instructions**

- (A) **Briefs.** When any matter is submitted to a trial judge for decision, and the filing of briefs is allowed by the Judge, the original of each brief shall be filed with the Clerk of the court and a duplicate thereof shall be delivered to the trial judge.
- (B) **Orders.** All matters, motions or pleadings submitted to the trial judge shall contain a proposed order with each motion or pleading. Proposed orders submitted for signature of the Court must be prepared as a separate document containing the case title and number at the top of each page thereof, and must not be included as an integral part of stipulations, motions or other pleadings.
- (C) **Jury Instructions.** All requested jury instructions shall comply with Rule 51, of the Arizona Rules of Civil Procedure. Requested jury 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 jury instructions shall be submitted to the court as the court orders, but no later than the morning of the first day of trial.

#### **Rule 8. Dismissals for Failure of Prosecution**

- (A) Any civil action shall be dismissed for failure to prosecute upon written motion and notice to opposing counsel, ~~in~~at 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 months after the date of the order for a new trial, or the date of filing of the mandate of the Supreme Court.
  - 2. For other appropriate reasons.
- (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) 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 Dismissal ~~inactive calendar~~ Calendar with notice to the parties that a final judgment is required. The court shall dismiss the case after 60 days unless a final judgment is entered, except that, upon a party's motion, the court shall reset it for trial.

#### **Rule 9. Notice of Settlement—Assessment of Jury Fees**

In the event a civil case set for trial is settled before trial, the court may assess jury fees to the party who made the original demand for a jury, or to any other party, or both, as the court deems equitable, unless the Clerk of the court is given notice of settlement at least one judicial day prior to trial date.

**Rule 10. Law Library**

- (A) The library shall be open to the public at all times during regular court hours.
- (B) No books or other court or county property shall be removed from the library.
- (C) Failure to comply with these rules concerning the use of the library may result in the suspicion of library privileges, contempt of court, or applicable criminal charges.

**Rule 11. Suspension of Rules**

~~In~~At the discretion of the court, the operation of any of these rules may be suspended when it is clearly shown to the court that harm or injustice would otherwise result.

**Rule 12. Conciliation Court**

- (A) Conciliation Court shall be established in accordance with A.R.S. § 25-381.23 and the Arizona Rules of Family Law Procedure.
- (B) Only a written petition for conciliation court invokes the stay in A.R.S. Title 25, Article 7.

**Rule 13. Discovery Papers**

Unless ordered by the court, Depositions, Interrogatories and answers thereto, Request for Production, Inspection or Admission and responses thereto, shall not be filed with the court; ~~except that a “Notice of Service” of the foregoing papers on opposing counsel shall be filed with the court. Filing the Notice of Taking Deposition required by Rule 30(b)(1), of the Arizona Rules of Civil Procedure will satisfy the requirement of filing “Notice of Service” with respect to depositions.~~ This rule shall not preclude the use of discovery papers at a hearing or trial or as exhibits to motions.

**Rule 14. Forms of Papers**

The required format of proposed orders shall be as provided in Rule 5.1(d) and Rule 5.2 ~~listed in Rule 5(j)(1),~~ Arizona Rules of Civil Procedure, shall apply to every document presented for filing. The space on the first page to the right of center and between lines one and six shall be left blank for the Clerk’s filing stamp.

**Rule 15. Attachments to Pleadings and Memoranda**

- (A) If a paper listed in Rule 5.1(gc)(2), Arizona Rules of Civil Procedure, has been filed or an exhibit submitted, a party shall not attach it to a subsequent filing, except that a party may attach it to the judge’s copy.
- (B) Violation of this rule is punishable by the sanctions listed in Rule 5.1(gc)(4), Arizona Rules of Civil Procedure.

**Rule 16. Arbitration**

All civil cases in which the court finds or the parties agree that the amount in controversy does not exceed the limit set in A.R.S. § 12-133, except those specifically excluded by Rules ~~72 through 77,~~ Arizona Rules of Civil Procedure, may be submitted to and decided by an arbitrator

or arbitrators in accordance with A.R.S. § 12-133 and Rules 72-~~through 77~~, Arizona Rules of Civil Procedure.

**Rule 17. Alternative Dispute Resolution**

- (A) This rule authorizes and establishes an Alternative Dispute Resolution (ADR) program in Coconino County. The ADR program shall operate in accordance with the rules set forth in Arizona Rules of Civil Procedure and the Arizona Rules of Family Law Procedure. ADR is available in all cases, including those subject to compulsory arbitration, upon a party's or the court's motion.
- (B) The ADR program is an alternative to litigation. The purpose of this rule to afford litigants substantive justice while minimizing the expense and delay inherent in litigation. This rule will be applied and interpreted consistently with this purpose.
- (C) When a case is ordered to ADR, the fees charged by the ADR program will be determined according to a fee schedule established by the Board of Supervisors unless deferred or waived ~~in~~at the discretion of the court.
- (D) The parties will be responsible for all costs and fees required for the specific ADR process assigned, and those fees and costs shall be borne equally by all parties, unless the parties otherwise agree or the court for good cause shown, upon its own motion or the motion of a party, otherwise orders.
- (E) Failure of any party to pay an ADR fee or cost may be punishable as contempt of court, and/or may subject the offending party to sanctions under Rule 16(~~f~~h), Arizona Rules of Civil Procedure.

**Rule 18. Renumbered as Rule 17 Nov. 1, 2007, effective Oct. 22, 2007**

**Rule 19. Repealed Nov. 1, 2007, effective Oct. 22, 2007**

**Rule 20. Repealed Nov. 1, 2007, effective Oct. 22, 2007**