

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-24-0042
LOCAL RULES OF MOHAVE COUNTY	)	
SUPERIOR COURT	)	
	)	
	)	
	)	FILED:05/08/2024
	)	

**ORDER APPROVING
AMENDMENTS TO SUPERIOR COURT
LOCAL RULES OF PRACTICE, MOHAVE COUNTY**

On January 30, 2024, the Honorable Steven C. Moss, presiding judge of the superior court in Mohave County, filed a request under Rule 28.1(e) of the Rules of the Supreme Court of Arizona seeking approval of: (a) a set of proposed amendments to the Local Rules of Practice for the superior court in Mohave County; and (b) a new form to be appended to those rules. The Court having considered the request and no comments having been submitted regarding the request,

IT IS ORDERED approving the amendments as modified in accordance with the Attachment A to this order, effective immediately.

IT IS FURTHER ORDERED approving the form appearing in Attachment B that will be appended to the rules, effective immediately.

DATED this 8th day of May, 2024.

/s/
ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution
Kip Anderson
Hon. Steven Moss

Attachment A

ATTACHMENT A¹

Local Rules of Practice—Mohave County

ADMINISTRATIVE RULES

~~Rule AD-1. 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.~~

~~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 Presiding Judge shall review the budget and revise it if deemed necessary in his or her discretion before final submission to the Board of Supervisors.~~

~~Rule AD-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 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 reside in Mohave County. The committee shall make bi annual recommendations to the Presiding Judge concerning the operation of the library and policy matters.~~

~~**C. Borrowed Materials.** No library material shall be removed from the library by any person with the exception of COJET materials for employees.~~

~~**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.~~

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

Rule AD-1. 4. Attire for Court Appearances

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

A. Attire. Court participants shall at all court appearances present themselves attired in a manner indicative of respect for the court. Attorneys shall advise their clients and witnesses concerning appropriate courtroom attire. At the discretion of the court, violations may result in removal from the court and/or a finding of civil contempt.

B. Remote Appearances. Court participants that attend court hearings remotely must make reasonable efforts to ensure they have a reliable internet or telephone connection. Court participants appearing remotely must be readily identifiable by video or, if video is not utilized, by name as opposed to a telephone number, email address, or nickname. A victim of a crime is not required to display his or her full name when appearing remotely and, if desired, may choose to only display his or her first name or his or her initial. Court participants that attend court hearings remotely by video must ensure that their backdrops or graphics are appropriate and indicative of respect for the court.

Rule AD-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-6. Change of Judge

~~Any “Notice of Change of Judge” shall be filed with the Clerk of the Court and copies served on all parties, the Court Administrator, the Presiding Judge, and the Presiding Judge of the Division of the Court (e.g., Civil, Criminal, Juvenile). Upon timely request for a change of judge, the case shall be transferred to the Presiding Judge or designee for reassignment if appropriate.~~

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

~~After filing originals with the Clerk, copies 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. No other papers or documents shall be provided unless directed by the judge. 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-2. ~~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 transmitted to each counsel of record or unrepresented party no later than two court days from the making of the minute entry by the court.~~

~~B. The Clerk shall transmit formal orders and judgments to each counsel of record or unrepresented party in the case who is not in default for failure to appear. 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 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.~~

Minute entries shall be filed by the Clerk and transmitted to each counsel of record or unrepresented party within two days of the hearing.

Rule AD-3. ~~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 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 release.~~

~~D. **Disposal of Exhibits.** Subject to the provisions of Arizona Rules of Court, all exhibits admitted in evidence or marked for identification will be disposed of at 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 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 twenty (20) days of 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.~~

A. Digital Evidence. Mohave County utilizes a digital evidence portal for the submission and presentation of evidence. When it is necessary to mark and/or admit a physical exhibit, the offeror of the physical exhibit must upload a digital placeholder into the portal (which may include words/pictures to describe or represent the physical exhibit).

B. Precluded Evidence. No evidence containing visual depictions of nudity, sexual acts, or pornography shall be uploaded to the digital evidence portal. Said evidence must be presented as a physical exhibit.

C. Physical Exhibits. Physical exhibits must be delivered to the Clerk's office at least three (3) days prior to the hearing or trial in which that exhibit will be used, and at the location where the evidentiary hearing will be conducted (i.e., for hearings to be held in Kingman, the exhibit must be presented to the Kingman office and for hearings to be held in a satellite office, the exhibit must be presented to the satellite office.)

1. A printed copy of the digital placeholder document shall accompany any physical exhibit submitted to the Clerk.

2. To the extent possible, physical exhibits delivered to the Clerk pursuant to this Rule, shall be released back to the offeror by order of the court at the conclusion of the

hearing. The digital version of a physical exhibit found in the portal shall be the official exhibit for appellate and post-hearing/trial purposes.

D. Not a Substitute for Discovery. The digital evidence portal shall be used by attorneys and self-represented party litigants for the submission of all exhibits and evidence to be used for evidentiary hearings or trials only and shall not be used as a substitute for the requirements of any applicable discovery rules.

E. Retention. The Clerk may purge all digital evidence from the portal at the times allowed by the appropriate appellate period or applicable records retention schedules.

F. Destruction of Physical Exhibits. The Clerk may destroy any physical exhibit that is not claimed by the offeror at the conclusion of the appellate period or applicable records retention schedules.

Rule AD-4. ~~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 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 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.

~~**C. Personal Storage of Notes.** All reporter's notes which have not been stored with the Court Administrator shall be kept by the reporter of the division in which the proceedings were reported.~~

~~**C.**~~ **D. Storage of Notes With Court Administrator.** All reporters shall provide the Court Administrator an electronic copy of their notes on a monthly basis. Additionally, all reporters shall provide the Administrator with a copy of their dictionary on an annual basis.

E. D. Facilities and Procedures. All court reporter's notes in the custody of the Court Administrator shall be kept in a secure location and/or format. The 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 Administrator, the Administrator shall make the notes available for such purposes during normal working hours.~~

~~**G. Destruction of Notes.** All reporter's notes for civil and probate proceedings in storage for more than ten (10) years shall be destroyed by the 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 juvenile and criminal proceedings shall be held in storage according to the applicable retention schedule.~~

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

Rule AD-11. Attorney's Responsibility to Court

~~A. 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 file a notice with the court with copies to the Presiding Judge 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-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, for the purpose of having a complete and accurate record on appeal.~~

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

~~All pleadings and other papers filed in any action with the Clerk of the Court shall comply with Arizona Rules of Civil Procedure, Rules 10 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.~~

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

~~A. In 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-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(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-16. 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. Objections to such sessions shall be heard by the judge to whom that matter proposed for hearing is assigned.~~

~~Rule AD-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-~~5~~. 18. Juries

A. Request for Panel. Not later than 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.

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.

C. Assessment of Jury Fees--Before/After Impanelment. In the event a case set for trial is settled before trial, and the Jury Commissioner is not notified in sufficient time by the court to excuse the jury from attendance, the jury fees and mileage incurred for the entire panel 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 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 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.

Rule AD-~~6~~. 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.

Rule AD-7. Proposed Orders Submitted to the Court

All proposed orders must include a list of all parties, counsel, or other persons or agencies that are entitled to receive conformed copies, along with the email or physical address to which the distribution is expected to occur.

CIVIL RULES

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

A. 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.

B. Motions to Compel or for Relief Under Ariz. R. Civ. P. 26(d). When a motion for an order compelling discovery is brought pursuant to Rule 37(a), Arizona Rules of Civil Procedure, or in connection with an expedited discovery dispute proceeding under Rule 26(d), Arizona Rules of Civil Procedure, the party requesting relief shall set forth, separately from any memoranda of law or Rule 26(d) joint statement, and in distinct, numbered paragraphs, the following:

- (1) the question propounded, the interrogatory submitted, the designation requested, or the inspection requested;
- (2) the answer, designation, or response received; and
- (3) the reason(s) why said answer, designation, or response is deficient.

The foregoing requirement shall not apply where there has been a complete and total failure to respond to a discovery request or set of discovery requests.

Counsel and/or the party seeking relief, in the separate statement of moving counsel, shall specify the particulars of the personal consultation, or efforts towards personal communication if such personal consultation did not occur, in support of any request for attorney's fees as a sanction.

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

A. ~~Any civil action shall be dismissed for failure to prosecute upon written motion and notice to opposing counsel.~~ In the discretion of the court a civil action may be dismissed, 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 Court of Appeals or Supreme Court. The parties have failed to file a timely Joint Report and Proposed Scheduling Order in accordance with Rule 16(c), Arizona Rules of Civil Procedure, and have failed to cure their noncompliance within sixty days after that Rule 16(c) filing deadline, or within the time specified in an order requiring compliance, whichever is earlier.~~

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. In any pending civil case where the parties announce settlement without submitting a final judgment or an order of dismissal, the court shall place it on the dismissal calendar for a period up to sixty (60) calendar days with notice to the parties that a final judgment or an order of dismissal is required. The court shall dismiss the case after the applicable timeframe unless a final judgment or an order of dismissal is entered.; ~~except that, upon a party's motion, the court shall set the matter 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 in different divisions of this court, 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.~~

Rule CV-4.5. Briefs, Instructions and Interrogatories to Juries

A. Jury Instructions. All requested instructions shall be numbered and cite the authorities relied on by counsel in support thereof.

B. 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 be but one interrogatory to a sheet. The interrogatory number will be left blank.

Rule CV-~~5.6~~. 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 \$50,000 except those specifically excluded by Rules 72 to 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 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-~~7~~. Completion of Discovery

~~In civil cases, except where the court has entered an order pursuant to Arizona Rules of Civil Procedure, Rule 16, 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.~~

Rule CV-~~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-~~6.9~~. 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;
5. Domestic Relations cases;
6. Contested Probate cases;
- ~~7. Short Cause Civil cases;~~
- ~~8. 7.~~Hardship Civil 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-7.10. 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 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-11. Attorney Fees

~~**A. Notice of Claim.** A claim for attorney fees pursuant to A.R.S. 12-341.01 shall be made in the time and manner provided in Rule 54(g)(1), Arizona Rules of Civil Procedure.~~

~~**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 and as~~

~~otherwise provided in Rule 54(g)(1), Arizona Rules of Civil Procedure. The time for the filing of affidavits and/or the hearing on the claim shall be as provided in Rule 54(g) or as otherwise ordered 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.~~

Rule CV-~~8.12~~. Mandatory Settlement Conferences

A. Mandatory Settlement Conferences; Mediation; Objectives. Except for lower court appeals and cases subject to compulsory arbitration, the parties, the attorneys for the parties and, if appropriate, representatives of the parties having authority to settle, shall participate in good faith in person or telephonically remotely with the permission of the court, in private mediation, or a settlement conference with the court prior to trial.

B. Discretion to Transfer. The court, upon its own motion, or upon the motion of a party, may transfer any settlement conference to another division of the court willing to conduct the settlement conference.

C. Sanctions. Upon good cause having been shown, the court may impose sanctions on any party, attorney, or party representative that fails to participate in good faith in any settlement conference or mediation.

~~Rule CV-13. Justice Court Judgments Filed as Superior Court Judgments~~

~~The Superior Court, pursuant to A.R.S. § 33-962(A), accepts for filing Justice Court judgments for the purpose of providing a recordable judgment to establish lien rights. The Court will not process collections remedies in such cases pursuant to the constitution, statutes, or rules, except in the case of writs for general or special execution. The Justice Court that entered the judgment shall process all collection remedies other than execution. The party filing the Affidavit of Renewal in the Superior Court shall file a copy of the Renewal with the Justice Court that entered the judgment.~~

Rule CV-~~9.14~~. Cases Subject to Dismissal or Transfer to the Justice Court

Civil matters filed in the Superior Court, where the principal sum sought, exclusive of interest in accordance with A.R.S. § 22-201(B), is \$10,000.00 or less, may be dismissed by the Court or transferred to the appropriate Justice Court precinct where the defendant(s) reside. The filing fee shall be retained by the Superior Court and Plaintiff shall pay any and all costs required by the Clerk of the Superior Court in copying and transferring the file to the Justice Court. Further, the plaintiff shall be responsible for any and all applicable Justice Court filing fees.

CRIMINAL RULES

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

A. The Court shall follow the Felony Case Management Plan and the Remote Appearances administrative order adopted by Mohave County. ~~Pre-trial hearings leading to the setting of a trial date shall consist of an Arraignment, a Pre Trial Conference and a Final Management Conference. The content of the hearings shall be as follows:~~

1. ~~B. Arraignment.~~ In addition to the requirements of Rule 14.4, 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 discussed 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 Pre Trial Conference three weeks after arraignment unless ordered otherwise.~~

~~2. Pre Trial Conference.~~ The Court shall determine whether any disclosure issue exists, whether any plea offer has been or will be made to resolve the matter and whether any known motions or pre-trial issues are to be addressed.

~~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.~~

~~3. 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, determine the number of jurors known to be required by the case, and determine the length of the trial. 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.

Rule CR-2. Release

~~A.~~ All motions seeking a reconsideration of the release conditions shall be heard at the Court's earliest convenience, especially when the defendant is in custody, consistent with victim notification requirements. If a hearing for the reconsideration of release conditions is set prior to the time normally allowed for response, the Court shall not consider the lack of written response as a waiver.

~~B.~~ If a Superior Court judge conducts a bail eligibility hearing pursuant to Rule 7.2(b)(4) of the Arizona Rules of Criminal Procedure and finds probable cause that an offense was committed by the defendant, the judge may proceed to an arraignment.

Rule CR-3. Substitution of Counsel

~~A.~~ Substitution of private 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 and state 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 shall be provided to 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-3.7. 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, and the original case was not dismissed, the case shall be assigned the original number. The State shall advise the court and clerk at the time of the return of the indictment on any case previously remanded. ~~Throughout this process the case shall be deemed as pending, and Rule 10, Rules of Criminal Procedure, Change of Judge, shall not apply because the case is still pending.~~

DOMESTIC RELATIONS RULES

Rule DR-1. Conciliation Court and Mediation Services

~~The 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.~~

Rule DR-1. Electronic Distribution, Communication, and Service

A. Service. All service must meet the requirements of the Arizona Rules of Family Law Procedure.

1. Consent to electronic service of documents filed after service of the summons and petition or order to appear may be made in writing through the Electronic Distribution Form appended to these rules.

B. Distribution. The clerk and court personnel will distribute minute entries, notices and other court-generated documents to a party or a party's attorney by electronic means, unless 1) the party has not provided an email address or 2) the party has filed a written request to opt out of electronic distribution. In such cases, the clerk and court personnel will complete distribution by U.S. mail.

1. Electronic distribution of a document is complete when the clerk transmits it to the email address that the party or attorney has provided to the clerk.

2. A party may opt in and out of electronic distribution by filing the Electronic Distribution Form appended to these rules.

C. Withdrawal of Attorney. Upon withdrawal, counsel shall provide the court with the client's current email address, U.S. mailing address and telephone number, and advise the client that the court will electronically distribute court generated documents by electronic means to the email address provided, unless a form is filed opting out of electronic distribution.

Rule DR-2. Simultaneous Proceedings Involving Children

A. When a pending family law proceeding and a pending dependency proceeding involve the same parties, the parties must comply with Rule 5.1(a), ARFLP and Rule 323, ARPJC.

1. Any party aware of the concurrent proceedings must file a notice to the courts regarding such concurrent matters.

2. The assigned judges must confer, and address what pending issues are to determine assignment.

B. Upon an adjudication of dependency, the Juvenile Court will be assigned to any pending guardianship or family law matter concerning the same child or children as the juvenile matter to prevent conflicting orders in the family and juvenile cases and to allow the Juvenile Court, if appropriate, to determine legal decision-making and parenting-time issues necessary to protect a child.

1. The assigned juvenile division may reassign the family law matter or certain proceedings thereof temporarily and return it to the appropriate family law division to allow that division to conduct proceedings unrelated to the child custody matters.

2. Upon the dismissal of the dependency matter, the Juvenile Court judge will enter temporary orders regarding child custody, as appropriate, and reassign the family law matter back to the appropriate Family Court judge.

3. All orders regarding child custody issued by the Juvenile Court must be filed in the family law case as well as juvenile case.

C. The assigned judges shall coordinate to ensure one judge will be assigned to handle any pending private severance or guardianship filed concerning the same child or children as a pending Family Court matter, if there is no pending dependency in Juvenile Court.

D. For purposes of this rule, "child custody" shall refer broadly to all aspects of parental rights, legal decision making, parenting time, nonparent rights, and guardianship.

Rule DR-3. Mediation in Family Court Cases

A. Matters Subject to Mediation. All family law cases which involve a controversy over legal decision making or parenting time of minor children shall be subject to mediation in accordance with Rule 68(c) of the Arizona Rules of Family Law Procedure. This rule does not apply to enforcement actions.

B. Waiver. A party may request a waiver of this provision by making a request to the court and, upon a finding of good cause, the court may waive the requirement for mediation.

C. Jurisdiction. A family law case filed in the superior court remains under the jurisdiction of this court in all phases of the proceedings, including mediation conducted pursuant to this rule.

1. Any agreement of the parties reached as a result of mediation must be presented to the court, and the court shall retain final authority to accept, modify, or reject the agreement.

2. In order to preserve and promote the integrity of mediation as a dispute-resolution technique, the court will endeavor to include all reasonable agreements reached by the parties in formulating its order in the case.

Rule DR-4. Conciliation Court

A. Established. A Family Conciliation Court is established in accordance with and Arizona Revised Statutes Title 25, Chapter 3, Article 7 the Arizona Rules of Family Law Procedure, for the purpose of effecting 1) a reconciliation of spouses or 2) an amicable adjustment or 3) settlement of issues.

B. Assignment of Judge. The presiding judge may designate a superior court judge to act as judge of the Family Conciliation Court pursuant to A.R.S. § 25-381.04. If no such designation is made, each judge assigned a matter that is before the conciliation court shall act as the judge of the conciliation court in the matter.

C. Actions Subject to Consideration. When it appears from a pleading or other paper filed with the court that legal decision making, parenting time, or visitation is an issue in a paternity, dissolution, legal separation, or annulment action, the case may be transferred to the conciliation court by the assigned judge.

D. Mandatory Attendance. Unless excused by the court for good cause shown, when the jurisdiction of the conciliation court is invoked, the parties shall attend at least one hearing or conference as set by the conciliation court judge and may be ordered to attend other hearings or conferences. An individual that fails to appear at such conference may be subject to a fine imposed by the court.

E. Mandatory Stay. Only a written petition for conciliation court invokes the stay in A.R.S. Title 25, Chapter 3, Article 7.

F. Pending Motions and Hearings. Whenever a petition invoking the jurisdiction of the conciliation court is filed, pending hearings or orders to show cause shall not be vacated, but shall be assigned to the assigned judge who may proceed to hear the matters and enter appropriate orders during the pendency of conciliation efforts.

G. Procedure. When jurisdiction is invoked by petition, the matter shall be transferred to the Family Conciliation Court, and a mandatory conference shall be set by the Office of Conciliation Services.

H. Appointment of Mediator. The Office of Conciliation Services may assign a mediator employed by the courts or an outside mediator to conduct the hearing/conference set forth in A.R.S. § 25-381.16. The parties may also contract with an outside mediator for services in which event they shall be directly responsible for any fee. Where the parties desire to employ an outside mediator but cannot agree on the selection, each party shall submit the names of two qualified persons and the court shall make the appointment.

I. Mediation of Legal Decision Making or Parenting Time. In actions concerning legal decision making, parenting time, or a or access to a child (including actions for dissolution, separation, annulment, paternity, legal decision making, private dependency, or guardianship), the assigned mediator may also address those issues while the case is in the jurisdiction of the conciliation court and prepare agreements resolving issues regarding legal decision making, parenting time, and visitation.

J. Agreements. Agreements reached between the parties as a result of counseling or mediation shall be in writing and approved by the parties; no such agreement is binding until approved by the court by separate order or minute entry.

K. Reports. After each hearing or conference held, the designated person conducting the hearing or conference shall submit a report regarding the results of the hearing to the assigned judge. The report shall indicate who attended and if further proceedings are requested and scheduled.

L. Duration. The jurisdiction of the conciliation court shall terminate after 60 days unless extended by the assigned judge or when a report is filed indicating no further sessions are scheduled within the conciliation court.

Rule DR-5. Appearance by Responsive Party

A moving party may file a settlement agreement, stipulation, or consent decree executed by all parties prior to a response by the other party or parties. This settlement filing shall not itself constitute an appearance by a responsive party and no fee will be charged for the filing.

If a responsive party appears after the filing of the settlement agreement, the party shall pay the full first appearance filing fee then in effect required by law, as well as any applicable post judgment filing fee for the new filing.

Rule DR-6. Reasonable Parenting Time

A. Pursuant to A.R.S. § 25-401(5), parenting time means the schedule of time during which each parent has access to a child at specific times. “Reasonable Parenting Time” is not defined by statute but is defined herein if used in Mohave County family court orders.

B. Where a court order awards “reasonable parenting time” without further orders regarding restrictions or conditions of parenting time, the term “reasonable parenting time” shall refer to the Mohave County Legal Decision Making and Parenting Time Guidelines in effect at the time of the order, and a copy of such must be attached to the order and is included by reference and this Rule.

C. Copies of the Mohave County Legal Decision Making and Parenting Time Guidelines may be obtained from the Mohave County Superior Court Clerk’s Office, Law Library, or on the court’s webpage.

D. The Court encourages parents to submit parenting plans specific to their needs, as the reliance on “Reasonable Parenting Time” may not fit all family needs. The State Bar of Arizona and the Arizona Supreme Court provide sample parenting plans which can be obtained from the Supreme Court of Arizona website, the Mohave County Superior Court Law Library, and the Mohave County Office of Conciliation Services.

Rule DR-7. Audio and Visual Evidence

A. Within family court cases, exhibits of audio and video evidence may be admitted in compliance with the disclosure deadlines, Arizona Rules of Family Law and Procedure, the evidence protocols of the Mohave County Superior Court, and are submitted in compliance with this rule.

B. Transcripts are required:

1. If exhibits containing audio or video that are of a cumulative length of ten minutes or more and those recordings will not be played during the presentation of evidence.

2. When exhibits containing audio or video are offered as evidence with a transcript:

a. the foundation must include that the transcript accurately details the statements made in the corresponding audio and/or video exhibits, and

b. the transcript and audio and/or video must have been disclosed within disclosure deadlines.

C. A transcript is not required for admission into evidence:

1. If exhibits of audio and/or video are played during that party’s presentation of evidence in court, or

2. If exhibits containing audio or video are less than a cumulative length of ten minutes.

D. This rule does not apply to video evidence without accompanying audio.

E. The Court may authorize deviation from this rule upon a showing of good cause.

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 (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.~~

~~Appendix B. Private Mediation Roster Application~~

[All Appendix B Text Deleted]

Attachment B

Name of Person Filing Document: _____ Mailing Address: _____
City, State, Zip Code: _____
Phone Number: _____
Email Address: _____
Attorney Bar Number (if applicable): _____ Representing: Self, Without a
Lawyer,
OR Attorney for _____

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE**

In re the Matter of:

Case No.

(Name of Petitioner)

ELECTRONIC DISTRIBUTION

AND

(Name of Respondent)

The Mohave County Superior Court will electronically distribute all documents in this case unless you opt out. PLEASE CHECK ONE:

- ☐ I consent to distribution of court documents by the clerk to this action.
- ☐ I opt out of electronic distribution, and ask that all documents be mailed by U.S. mail to:
_____.

Other parties may send your copy of documents electronically if you consent in this form. PLEASE CHECK ONE:

- ☐ I consent to electronically receive my copy of all court documents filed by the other party under Rule 43.
- ☐ I opt out of electronic distribution, and ask that all documents be mailed by U.S. mail to:
_____.

Each party is responsible for maintaining the provided email address, and for checking it on a regular basis.

This form is effective when it is filed with the clerk and remains in effect until a new form is filed with the clerk and notice is provided to the other party.

Date

Signature

The person filing this form is sending a copy to the
other party at this address:

on this date: _____