

Judge Ronda R. Fisk
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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of Petition to Amend
Rule 50, Arizona Rules of Family
Law Procedure

Supreme Court No. R-24-

Pursuant to Rule 28 of the Rules of the Supreme Court, Judge Ronda R. Fisk files this petition on behalf of herself and the undersigned judges to respectfully petition this Court to amend Rule 50 of the Arizona Rules of Family Law Procedure (ARFLP) to allow the trial court discretion to adjust the trial time provided for complex cases based on the complexity of the issues that will be decided at the trial.

In 2017, the Task Force on the Arizona Rules of Family Law Procedure recommended—and the Supreme Court ultimately adopted—amendments to Rule 50. The amended rule requires a party to file a motion to designate a case complex, grants the court discretion to decide whether a case was complex based on enumerated factors, and states that the trial court “must

provide a minimum of 12 hours for trial” when a case is designated complex.
See Rule 50(d), ARFLP.

Numerous family law practitioners have expressed concern that trial judges have been very conservative about designating Family cases as complex. Without a complex case designation, the standard disclosure and discovery rules apply, which can be difficult to comply with in a complex case. Family court judges have expressed concern about guaranteeing a trial length (*i.e.*, a minimum 12 hours) at the beginning of a case, when it is unknown how many issues will be left for the court to decide by the time of trial, or how complex those issues will be.

The proposed amendment aims to balance the concerns of both the bench and the bar. It maintains the presumption that a complex case will receive a minimum of 12 hours of trial time, but then requires the trial court to address the appropriate length of trial at each scheduling conference and gives the trial court the discretion to adjust the length of the trial based on the complexity of the issues identified in the parties’ scheduling conference statements.

This approach allows the trial court—with input from lawyers—to determine whether the factors that warranted designating the case complex at

the beginning of the case still exist at the time of trial: the issues will be time-consuming to resolve at trial; management of a large number of witnesses or a substantial amount of documentary evidence warrants additional time; there is a need for significant expert testimony; and any other factor that in the interests of justice warrants additional trial time. *See* Rule 50(c)(1-4), ARFLP. If not, the trial court can adjust the trial length accordingly.

The undersigned judges respectfully request that this Court open this petition for public comment, consider the petition and comments in the regular course provided by Supreme Court Rule 28, and adopt the proposed amendments set forth in the Appendix.

Respectfully submitted this 10th day of January 2025.

s/ Ronda R. Fisk

Judge Ronda R. Fisk

s/ James Knapp

Judge James Knapp

s/David McDowell

Judge David McDowell

s/ Ronee Korbin Steiner

Judge Ronee Korbin Steiner

s/ Patricia Starr

Judge Patricia Starr

APPENDIX

*For ease of review, additions are indicated by **bold underline**.*

Rule 50. Complex Case Designation

[No changes to sections a – c]

(d) Effect of Designation. After designating a case complex, the court must conduct **an initial** scheduling conference at which it may enter orders concerning the scope and timing of disclosure and discovery. The court also may extend the time for parties to complete discovery under Rule 51. **The court must address the appropriate length of trial at each scheduling conference** and must provide a **presumptive** minimum of 12 hours for trial **but retains discretion to adjust the length of the trial based on the complexity of the issues identified in the parties' scheduling conference statements.**