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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of	)	Arizona Supreme Court No. R-24-0060
	)	
<u>AMENDED</u> PETITION TO	)	
AMEND RULES 22 & 77,	)	
ARIZONA RULES OF FAMILY	)	
LAW PROCEDURE	)	
_____	)	

The Committee on Family Court (“COFC”), f.k.a. Family Court Improvement Committee, respectfully requests that the Court grant leave to the COFC to file this Amended Petition and make additional orders expediting its review so that the Court may consider this Amended Petition regarding the conduct of trials and evidentiary hearings involving a self-represented party at its August 2025 Rules Agenda.

Another related petition regarding this issue and specifically informal family law trials (“IFLT”)—R-22-0007—is pending before the Court. In 2022, the COFC voted unanimously in favor of that Petition. By Administrative Order 2022-159, the Chief Justice established a pilot program in Graham,

Maricopa, and Pima counties. The pilot was framed as an opt-in model wherein both parties would have to consent to proceed with an IFLT.

A final report on the IFLT program was presented at the June 2024 Arizona Judicial Council.

In December 2024, the COFC filed the pending Petition proposing a hybrid model where each county's superior court would elect either an opt-in, or out-opt IFLT model. The Petition noted the disagreement amongst COFC members regarding whether a rule was necessary and if so, which model was preferable.

Having received additional feedback from the bench, bar, and Court leadership, the COFC met on March 6, 2025, had further discussions, and reached consensus on the proposed rule change which would provide greater statewide direction for those cases in which there is a self-represented party. This Amended Petition's proposal is included as Attachment A and is different than the IFLT process described in R-22-0007, tested in the pilot program, and described in the pending Petition.

This current proposal combines existing Rules 22 and 77, Ariz. R. Fam. L. Pro. The COFC believes that it is better to have a combined rule that addresses issues involving the conduct of proceedings, rather than two separate rules. The proposal merely moves the existing language from Rule 22 to Rule 77.

In those cases where there is a self-represented litigant, the proposal provides that judicial officers will take the lead in examining the self-represented party, all the while ensuring every party's due process rights. The proposal specifically requires that each party have an opportunity to testify, present evidence, conduct direct and cross examinations.

For reasons set forth previously, the COFC believes that especially in those cases involving a self-represented litigant, the trial court should provide leadership to ensure that it has relevant information before making a final decision. Unlike other benches, cases before the family court often involve one or more self-represented litigants. By means of example, as of early March 2025, in Pima County Superior Court, approximately 81% of pre-decree, family law cases involve at least one self-represented litigant.

If the proposed amendments were to be adopted, the COFC will ensure that additional, relevant training be provided to judicial officers on a family law assignment, and that the Family Law and Domestic Relations Benchbook will be updated with relevant best practices.

The COFC further requests that the Court expedite responses and any

reply to this Amended Petition such that the Court may be able to take final action on the Amended Petition at its August 2025 Rules Agenda.

DATED this 7th day of March, 2025.

/s/ Greg Sakall

Greg Sakall
Chair, Committee on Family Court

Attachment A

Rules 22 and 77 of the Arizona Rules of Family Law Procedure are amended as noted below (deletions indicated by strikethrough and additions by underscoring):

Rule 22. Conduct of Proceedings

~~(a) **Time Limits.** The court may impose reasonable time limits appropriate to the proceedings. A party may request additional time.~~

~~(b) **Decorum.** All participants must conduct themselves in an orderly, courteous, and dignified manner. Parties must address their arguments and remarks to the court and not to the other parties or their counsel.~~

~~(c) **Examining a Witness.** Unless allowed by the court, only one attorney for each party may examine a witness.~~

Rule 77. Trials Setting; Conduct of Proceedings; Procedures for Evidentiary Hearings and Trials

(a) Setting Cases for Trial. Unless the court has already set a trial on its own or at a resolution management conference or a scheduling conference, any party may file a motion to set a case for trial. The motion must state:

- (1) the date by which the case will be ready for trial;
- (2) the names, addresses, and telephone numbers of the parties or their attorneys who are responsible for the conduct of the litigation;
- (3) whether the case is entitled to a preference for trial because legal decision-making or parenting time is at issue; and
- (4) the estimated time for trial.

(b) Continuances and Scheduling Conflicts. Rule 34 addresses trial continuances and scheduling conflicts.

(c) Conduct of Proceedings. In all court proceedings,

(1) *Time Limits.* The court may impose reasonable time limits appropriate to the proceedings. A party may request additional time.

(2) *Decorum.* All participants must conduct themselves in an orderly, courteous, and dignified manner. Parties must address their arguments and remarks to the court and not to the other parties or their counsel.

(3) *Examining a Witness.* Unless allowed by the court, only one attorney for each party may examine a witness.

(d) Procedures for Trials and Evidentiary Hearings.

(1) *Procedures Applicable to All Trials and Evidentiary Hearings.* The court should adopt procedures for trials and evidentiary hearings as necessary or

appropriate to facilitate a just, speedy, and efficient resolution of the action, including but not limited to imposing reasonable time limits and allocating trial time between the parties. In all trials and evidentiary hearings, the court must ensure that all parties and counsel, if any, have an opportunity to be heard; to present evidence; and to call, examine, and cross-examine witnesses.

(2) *Additional Procedures Applicable to Trials and Evidentiary Hearings with a Self-Represented Party.* In addition to the procedures of 77(d)(1) and absent a request otherwise, the court will conduct the direct examination of a self-represented party on the issues raised by the parties' pleadings, pretrial statements, and notices of issues. The court must allow a self-represented party to, within that party's allotted trial time, (1) testify about relevant information not addressed by the court's direct examination; (2) conduct their own direct examination upon request; and (3) cross-examine any other parties and their witnesses.

(3) *Additional Procedures Applicable to IV-D Child Support Hearings.* In addition to the procedures of 77(d)(1), the court may examine a witness.