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

10 PETITION TO AMEND RULE 67,
11 ARIZONA RULES OF FAMILY LAW
12 PROCEDURE

Supreme Court No. R-

**Petition to Amend Rule 67, Arizona
Rules of Family Law Procedure**

13 Pursuant to Rule 28 of the Rules of the Arizona Supreme Court, the State Bar
14 of Arizona hereby petitions this Court to amend Rule 67, Arizona Rules of Family
15 Law Procedure.

16 Family Law Rule 67 governs the procedure for alternative dispute resolution
17 apart from Conciliation Services. Paragraph (A) currently has two typographical
18 errors. It provides that mediators shall not report to the judge except per Subsection
19 (B)(6), when it should actually refer the reader to Subsections (B)(7) and (9).¹ Later
20 in that same paragraph, a reader is reminded that a mediator shall have no *ex parte*
21 communication with the court except under Subsection (B)(7). But the prohibition
22 actually appears in Subsection (B)(9).

23 The proposed amendment would thus appear:

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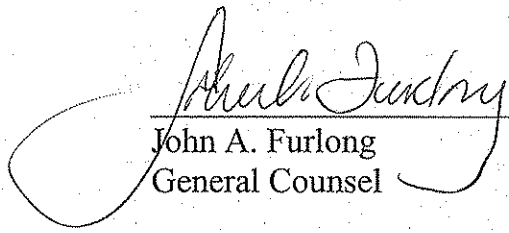
¹ Subsection (B)(6) describes pre-mediation statements.

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A. Confidentiality; *Ex parte Communications*. Mediation conferences shall be held in private, and all communications, verbal or written, shall be confidential. The mediator shall not file any written report or statement with the court, except as provided by subdivision B(6)(7) or (9). Unless specifically stated otherwise in these rules, the provisions of A.R.S. § 12-2238 shall apply to any mediation conference held in conformance with this rule. The mediator shall not have any *ex parte* communication with the judge or commissioner assigned to a case, except as provided in subdivision B(7)(9). The mediator may not conduct any other form of dispute resolution process in the same case, unless agreed to by the parties and approved by the court.

IN CONCLUSION, the State Bar of Arizona respectfully requests amendment of ARIZ. R. FAM. L. P. 67 as set forth above.

RESPECTFULLY SUBMITTED this 13th day of December, 2013.



John A. Furlong
General Counsel

Electronic copy filed with the Clerk of the Supreme Court of Arizona this 13th day of December, 2013.

By: Kathleen L. Ludwig