



**SUPERIOR COURT OF ARIZONA, COCONINO COUNTY**

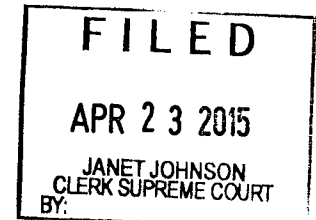
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APR 23 2015

CLERK SUPREME COURT



Gary L. Krcmarik  
*Court Administrator*



April 20, 2015

**R-15-0018**

Committee on the Review of Supreme Court Rules  
Governing Professional Conduct and the Practice of Law  
State Courts Building  
1501 West Washington  
Phoenix, AZ 85007

Re: Petition to Amend Rule 31, Rules of the Supreme Court

Dear Members of the Committee:

As the Court Administrator in Coconino County, I am submitting the following comment regarding the petition to amend Rule 31 of the Rules of the Supreme Court. The petition proposes many changes to the Rules Governing Professional Conduct and the Practice of Law, including the provision to require mediators who are not members of the state bar and who prepare mediation agreements to be certified legal document preparers.

Under the current version of Rule 31, non-attorney mediators are allowed to draft a mediated agreement and file it with the court, as long as the mediator is employed, appointed, or referred by the Court or a government entity and is serving as a mediator at the direction of the Court or government entity. The current practice under Rule 31 has successfully served Court customers in Coconino County. The rule petition provides no reason as to why a change to the current practices is proposed and I am not aware of any issues or concerns that currently exist with Courts utilizing non-attorney mediators to serve in the mediator capacity at the direction of the Court or a government entity.

The mediators employed and appointed for the Courts in Coconino have extensive professional and educational backgrounds. Some mediators are licensed attorneys, paralegals or members of the legal or judicial community, while others hold Bachelors or Advanced Degrees in social work, counseling, psychology or business. In addition, these staff members have considerable training in mediation practices, domestic violence and children's issues. Further, each mediator either is a Court employee or appointed by the Court to mediate. These mediators receive direct oversight from Court Administration and oversight by a judge who must review the documents prior to the documents becoming a court order. A certified legal document preparer is only required to have a high school diploma or GED and is not required to have mediation training.

Court budgets and Conciliation Court programs in each county will feel the detrimental impact should this change to Rule 31 be implemented. This change would also adversely affect all court and government mediation programs. Rural counties with limited human and financial resources may have to eliminate mediation programs altogether thereby affecting their citizens' access to justice.

Without a demonstrated need for the rule change regarding court-employed mediators and government mediators, I respectfully request the Supreme Court continue the current exemption.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary L. Krcmarik', with a long horizontal flourish extending to the right.

Gary L. Krcmarik  
Court Administrator