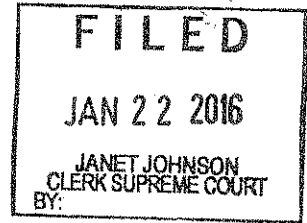


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CLERK SUPREME COURT

R- 16 - 0032



SUPERIOR COURT OF ARIZONA
COUNTY OF MARICOPA

Janet E. Barton
Presiding Judge

Old Courthouse
125 West Washington, 5th Floor
Phoenix, Arizona 85003
Office (602) 506-5340

January 14, 2016

Honorable Scott Bales
Chief Justice
Arizona Supreme Court
1501 W. Washington
Phoenix, AZ 85007

Re: Request to Amend Superior Court Local Rules – Maricopa County

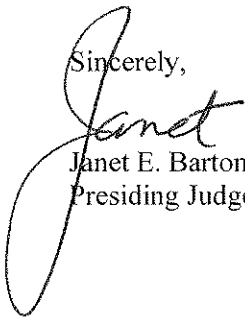
Dear Chief Justice Bales,

Pursuant to Rule 83 of the Arizona Rules of Civil Procedure, I request your approval to amend Rules 2.18, 3.1, 3.2, 3.4, and 3.11 of the Superior Court Local Rules – Maricopa County. The amended rules were presented to, and approved by, the judges of the Superior Court in Maricopa County on January 6, 2016.

The Task Force on the Arizona Rules of Civil Procedure filed a rule petition, R-16-0010, to revise the Rules of Civil Procedure. It is anticipated that these revised rules will go into effect in January of 2017. The Superior Court in Maricopa County reviewed its local rules and compared the cross references with the rule numbers in the proposed Civil Rules of Procedure. The attached amendments to the local rules revise cross references that will be out of date when the new Civil Rules of Procedure are adopted. Amending the cross references in the local rules when the new Civil Rules of Procedure go into effect will lessen potential confusion. As you can see from the proposed amendments, in Exhibit A, the only changes are the cross references. The judges of the Superior Court in Maricopa County support this amendment.

I appreciate your time in reviewing and approving these changes to the Superior Court Local Rules – Maricopa County.

Sincerely,


Janet E. Barton
Presiding Judge

cc: Michael Jeanes, Clerk of Court
Ellen Crowley, Chief Staff Attorney

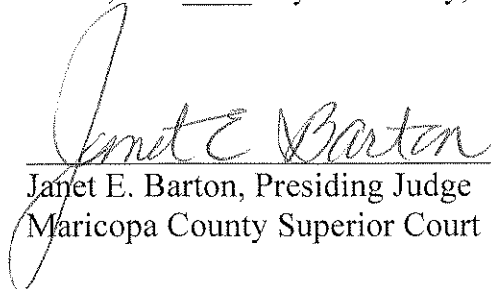
**IN THE SUPERIOR COURT
OF THE STATE OF ARIZONA,
MARICOPA COUNTY**

**ORDER AMENDING RULES 2.18, 3.1, 3.2, 3.4, AND 3.11
LOCAL RULES OF PRACTICE,
MARICOPA COUNTY SUPERIOR COURT**

A majority of the judges of the Maricopa County Superior Court having approved, pursuant to Rule 83, Ariz. R. Civ. Proc., the proposed amendment to the Maricopa County local court rules,

IT IS ORDERED amending Rules 2.18, 3.1, 3.2, 3.4, and 3.11, Local Rules of Practice for the Maricopa County Superior Court, in accordance with the attachment hereto as Exhibit A, effective January 1, 2017.

DATED in the City of Phoenix, Arizona, this 14th day of January, 2016.



Janet E. Barton, Presiding Judge
Maricopa County Superior Court

APPROVED this _____ day of _____, 2016.

Scott Bales, Chief Justice
Arizona Supreme Court

Exhibit A

Rule 2.18. Motions, Pleadings, and Other Documents

All original motions, pleadings and documents, except as indicated in Rule 5(~~g~~)(f), Arizona Rules of Civil Procedure, shall be filed with the Clerk of the Superior Court and shall not constitute part of the records of the court until so filed.

Rule 3.1. Filing, Assignment, Transfer, and Consolidation of Civil Cases

a. Filing of Cover Sheet. When filing a civil action, the plaintiff shall furnish the Clerk of the Superior Court, on a form provided by the Clerk of the Superior Court, the caption of the case including the correct name(s) and mailing address(es), if known, of all plaintiffs, defendants and their attorneys and such other information as the court may require.

b. Assignment. All cases filed with the Clerk of the Superior Court shall be assigned a case number and shall be assigned by the Clerk of the Superior Court or the Court Administrator to a civil trial calendar which will thereafter process the case to conclusion unless the case is otherwise assigned by the Presiding Judge, or unless the case is before a court commissioner pursuant to Rule 96, Rules of the Supreme Court. The assignment of cases may be done by automated means or by a formula approved by the Supreme Court, and shall be done in a random manner so as to be unpredictable and provide an equal distribution of cases among the trial divisions. Civil trial divisions shall be designated "Civil Division C-1, C-2, C-3," etc. Judges assigned to civil divisions shall retain their regular division numbers.

c. Transfer or Consolidation of Related Civil Cases; Assignment.

(1) *Related Cases.* Whenever two (2) or more cases are pending before different judges and any party believes that such cases: (A) arise from substantially the same transaction or event; (B) involve substantially the same parties or property; (C) call for determination of substantially the same questions of law; or (D) for any other reason would entail substantial duplication of labor if heard by different judges, any party may file a motion to transfer the case or cases involved to a single judge. The motion shall be filed in each affected case, but shall contain the caption of the earliest-filed case and shall be heard by the judge to whom that case is assigned.

(2) *Consolidation.* A motion to consolidate pursuant to Rule 42(~~a~~), Arizona Rules of Civil Procedure, shall contain the captions of all the cases sought to be consolidated, be filed in each case, and be heard by the judge assigned to the earliest-filed case. The case numbers of all the cases sought to be consolidated shall appear on the first page of the motion.

(3) *Assignment.* In determining to which judge the case or cases will be assigned pursuant to paragraph (1) or (2) above, the following factors may be considered: (A) whether

substantive matters have been considered in a case; (B) which judge has the most familiarity with the issues involved in the cases; (C) whether a case is reasonably viewed as the lead or principal case; or (D) any other factor serving the interest of judicial economy.

d. Refiling. Cases refiled after dismissal may upon motion of any party be reassigned to the judge to whom, or the division to which, the case was previously assigned. Motions for reassignment shall be heard by the Presiding Judge or a designee.

e. E-filing and Paper Filing.

(1) E-filing: All documents shall be electronically filed to the extent required by Supreme Court Rule or Administrative Order.

(2) Paper filing: Copies of all documents properly filed in paper form shall be provided to all parties (excepting proper ex parte filings) and, except case initiation documents in civil nonprobate matters, the assigned judge.

Rule 3.2. Civil Motions; Stipulations, Notices of Settlement, and Proposed Forms of Order

a. Copies to Trial Judge. [Rescinded].

b. Motions for Default Judgment. Parties seeking a civil default judgment by motion shall submit to the assigned civil commissioner's division a default judgment cover sheet and associated documents in the format required by Administrative Order.

c. Post-Trial Motions. All post-trial motions shall specify in the caption the name of the judge who tried the case, and shall, where possible, be heard by that judge.

d. Oral Argument; Submitted Motions. All motions shall be deemed submitted upon memoranda unless the motion, response or reply contains in the caption the words "Oral Argument Requested." The court may, in its discretion, order, allow, or deny oral argument on any motion consistent with the Arizona Rules of Civil Procedure.

e. Telephone Argument and Conferences. The court may, in its discretion, order or allow oral argument on any motion or other proceeding by speaker telephone conference call, or regular telephone conference call, provided that all conversations of all parties are audible to each participant and the judge. Upon request of any party, such oral argument may be recorded by court reporter or other lawful method under such conditions as the judge shall deem practicable. Counsel shall schedule such calls at a time convenient to all parties and the judge. The judge may direct which party shall pay the cost of the call.

f. Length of Motions and Memoranda. Unless otherwise permitted by the court, a motion including its supporting memorandum, and the response including its supporting memorandum, each shall not exceed fifteen (15) pages, exclusive of attachments and any

required statement of facts. Unless otherwise permitted by the court, a reply including its supporting memorandum shall not exceed ten (10) pages, exclusive of attachments.

g. Motions for Summary Judgment. [Rescinded].

h. Motions to Compel. When a motion for an order compelling discovery is brought pursuant to Rule 37~~(a)(2)~~ of the Arizona Rules of Civil Procedure or Rule 65(A)(2) of the Arizona Rules of Family Law Procedure, the moving party shall set forth, separately from a memorandum of law, the following in separate, distinct, numbered paragraphs:

- (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.

i. Stipulations and Notices of Settlement; Proposed Forms of Orders.

- (1) All stipulations shall be accompanied by a proposed form of order. If the order is signed, no minute entry shall issue.
- (2) All stipulations to dismiss or for the entry of judgment shall indicate whether the stipulation disposes of the entire case.
- (3) All notices of settlement shall indicate whether the settlement disposes of the entire case.
- (4) Unless the case is subject to e-filing, any motion or stipulation accompanied by a proposed form of order shall also include with it copies to be conformed, together with envelopes stamped and addressed to each party who has entered an appearance in the case. If the order is signed, no minute entry shall issue.

Rule 3.4. Setting Cases for Trial and Postponements

Any party desiring to have a civil case set for trial shall follow the procedures set forth in Rule 38.1, Arizona Rules of Civil Procedure. All Motions to Set and Certificates of Readiness shall certify, in accordance with the provisions of Rule 38.1~~(a)(3)(i)~~, Arizona Rules of Civil Procedure, that the parties have completed, or will have had a reasonable opportunity to complete, the procedures under Rules 26 to 37 of the Arizona Rules of Civil Procedure within sixty (60) days after the filing of the Motion to Set and Certificate of Readiness.

When an action has been set for trial, no trial continuance shall be granted except upon a finding of good cause.

Rule 3.11. Mandatory Settlement Conferences

a. Mandatory Settlement Conferences; Objectives. Except as to lower court appeals and cases subject to compulsory arbitration under A.R.S. § 12-133, in any action in which a motion to set and certificate of readiness is filed, the court, at the request of any party, shall, except for good cause shown, direct the parties, the attorneys for the parties and, if appropriate, representatives of the parties having authority to settle, to participate either in person or, with leave of court, by telephone, in a conference or conferences before trial for the purpose of facilitating settlement. Unless otherwise ordered by the court, all requests for settlement conferences shall be made not later than sixty (60) days prior to trial.

At any time, on motion of a party, or on its own motion, the court may schedule a settlement conference pursuant to Rule 16.1, Arizona Rules of Civil Procedure. The provisions of subparagraphs (b) and (c) of this rule shall apply to such pre-trial settlement conferences.

b. Scheduling and Planning. The court shall enter a scheduling order that sets the date for the conference, a deadline for furnishing memoranda, and other matters appropriate in the circumstances of the case. A schedule shall not be modified except by leave of court upon a showing of good cause.

c. Settlement Conference Memoranda. Each party shall furnish the court with a separate memorandum. The memorandum shall not be filed with the Clerk of the Superior Court. Parties shall exchange the memoranda with each other, or with the consent of all parties, furnish the memoranda sealed to the division assigned to the case. Each memoranda shall address the following:

- (1) a general description of the issues in the lawsuit, and the positions of each party with respect to each issue;
- (2) a general description of the evidence that will be presented by each side with respect to each issue;
- (3) a summary of the settlement negotiations that have previously occurred;
- (4) an assessment by each party of the anticipated result if the matter did proceed to trial; and
- (5) any other information each party believes will be helpful to the settlement process.

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

e. Sanctions. The provisions of Rule 16~~(f)~~(i), Arizona Rules of Civil Procedure, concerning sanctions shall apply to a conference provided for by this rule.