

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
LOCAL RULES OF PRACTICE ) No. R-20-0042  
YAVAPAI COUNTY SUPERIOR COURT ) **FILED 01/05/2021**  
\_\_\_\_\_) )  
\_\_\_\_\_ )

**ORDER APPROVING  
AMENDMENTS TO SUPERIOR COURT  
LOCAL RULES OF PRACTICE, YAVAPAI COUNTY**

On October 8, 2020, the Honorable John Napper, presiding judge of the superior court in Yavapai County, filed a request under Rule 28.1(e) of the Rules of the Arizona Supreme Court seeking approval of a set of proposed amendments to the Local Rules of Practice for the superior court in Yavapai County. Having considered the request and a comment submitted regarding the request,

**IT IS ORDERED** approving the amendments in accordance with the attachment to this order, effective on the date when this order is filed.

DATED this 5<sup>th</sup> day of January, 2021.

\_\_\_\_\_/s/\_\_\_\_\_  
ROBERT BRUTINEL  
Chief Justice

TO:

John David Napper  
Mayla Spencer

## ATTACHMENT<sup>1</sup>

### Local Rules of Practice—Yavapai County

#### Rule 1.1. Organization of the Court

**A. Hours of Court.** Court shall be open at all times except on nonjudicial days. Regular sessions of the Court shall be from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m. Monday through Friday, except as otherwise ordered by the Judge presiding.

**B. Divisions of Court.** The Court shall be divided into as many Superior Court divisions as there are Superior Court Judges and each division shall be assigned a numerical designation specified by supplemental order. Court Commissioners shall be assigned alphabetical designations by supplemental order.

**CB. Assignments.** The Presiding Judge shall assign all cases and matters filed with the Clerk by Administrative Order. All cases and matters filed with the Clerk shall be assigned by the Presiding Judge by supplemental order.

**DC. Assistant Presiding Judges.** The Presiding Judge may appoint a presiding judge for specialized divisions, ~~or~~ departments, and Districts of the court.

**ED. Departments and Offices.** The Court shall include the following departments and offices:

1. Adult Probation Department;
2. Department of Juvenile Court Services; ~~Juvenile Probation Department and Court Center;~~
3. Clerk of the Superior Ceourt;
4. Court Administration;
5. ~~Office of Law Library and Self Help Center;~~
6. Alternative Dispute Resolution and Conciliation Court.

**FE. Registrars.** Each of the several divisions and the Clerk of the Court are appointed Registrars within the provisions of Title 14, Arizona Revised Statutes.

#### Rule 1.2. ~~Verde Valley Judicial District~~

##### **A. Definitions.**

1. ~~Verde Valley Judicial District. Verde Valley Judicial District means that area encompassing the Verde Valley Justice Court Precinct.~~

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<sup>1</sup> Additions to the text of the local rules are shown by underscoring and deletions of text are shown by ~~strike-through~~.

~~2. *Civil Case.* Civil case means any case filed with the Clerk of the Superior Court and assigned a civil case number.~~

~~3. *Criminal Case.* Criminal case means any case filed with the Clerk of the Superior Court and assigned a criminal case number.~~

~~4. *Domestic Relations Case.* Domestic relations case means any case filed with the Clerk of the Superior Court and assigned a domestic relations case number.~~

~~5. *Probate Case.* Probate case means any case filed with the Clerk of the Superior Court and assigned a probate case number.~~

~~6. *Lower Court Appeals.* Lower court appeals means any case appealed from a lower court and filed with the Clerk of the Superior Court except misdemeanors and De Novo criminal traffic matters.~~

~~7. *Juvenile Case.* Juvenile cases means any case brought under the authority of Title 8 of the Arizona Revised Statutes.<sup>±</sup>~~

**~~B. Cases Eligible for the Verde Valley Judicial District.~~**

~~1. *Qualifying.* Subject to the removal provisions of Rule 1.2(C), all civil, criminal, domestic relations, juvenile, probate cases and lower court appeals satisfying any of the following criteria shall be assigned to the Verde Valley Judicial District.~~

~~(a) Events constituting a tort occurred within the Verde Valley Judicial District or when an action for personal injury, wrongful death or damage to property arises out of events occurring within the Verde Valley Judicial District.~~

~~(b) Criminal offenses committed within the Verde Valley Judicial District.~~

~~(c) All proceedings brought under the authority of Title 8 of the Arizona Revised Statutes when the act, event or grounds for a petition occurred within the Verde Valley Judicial District, except as otherwise assigned by the Presiding Juvenile Court Judge.~~

~~(d) The petitioner in a domestic relations case resided within the Verde Valley Judicial District at the time of the filing of the action.~~

~~(e) In a Decedent's Estate Proceeding, the decedent was domiciled in the Verde Valley Judicial District at the time of death, or creditors of the decedent are present in the Verde Valley Judicial District and the administration of the estate would be best accomplished in the Verde Valley Judicial District; or, if the decedent was not domiciled in this state at the time of his death, property of the decedent was located in the Verde Valley Judicial District at the time of his death.~~

~~(f) In a Guardianship Proceeding, the minor or incapacitated person resides or is present in the Verde Valley Judicial District.~~

~~(g) In a Protective Proceeding (Conservatorship), the person to be protected resides in or has a major portion of his property in the Verde Valley Judicial District.~~

~~(h) In a Trust Proceeding, the principal place of administration of the trust is in the Verde Valley Judicial District.~~

~~(i) The action involves real property all or part of which is located within the Verde Valley Judicial District.~~

~~(j) The action involves personal property located within the Verde Valley Judicial District or personal property which has been removed to or from a location within the Verde Valley Judicial District.~~

~~(k) A contract was executed or to be performed within the Verde Valley Judicial District.~~

~~(l) The Justice or Police Court from which an appeal is taken is located, all or partially, within the Verde Valley Judicial District.~~

~~2. Venue. Nothing in this local rule shall be construed as modifying or abrogating the provisions of the Arizona Revised Statutes pertaining to venue and changing of venue.~~

### ~~C. Procedures for Transfer To and Removal From the Verde Valley Judicial District.~~

~~1. Requests. A party desiring to transfer a case to or remove a case from the Verde Valley Judicial District shall file a motion requesting transfer, and specify the grounds for transfer. The motion shall be served upon the judge to whom the case is assigned.~~

~~2. Time. The motion may be filed not later than 20 days prior to any judicial proceedings in the case which concerns the merits of the action and involves the consideration of evidence or affidavits, or not later than the expiration of the time for filing a controverting certificate to a motion to set and certificate of readiness, whichever occurs first.~~

~~3. Objections. A party objecting to the transfer or removal of a case shall file written objections to the motion specifying the grounds for such objections, not later than 5 days after service of the motion. There shall be no reply to the response.~~

~~4. Rulings. The Court shall rule upon the motion without oral argument unless requested by the judge. The court may consider, in addition to the factors set forth in Rule 1.2(B), the following factors:~~

~~(a) Location of events or circumstances out of which the alleged cause of action arose;~~

~~(b) Location or residences of all parties involved;~~

~~(c) Location of the parties' respective legal counsel;~~

~~(d) The number and convenience of the parties' witnesses;~~

~~(e) The financial impact of the situs of the litigation on the parties and witnesses,~~

~~(f) Any other relevant factor indicating good cause for transferring the case to or removing the case from the Verde Valley Judicial District.~~

~~5. *Change of Judge.* A change of judge, whether as a matter of right or for cause, shall not cause the removal of a qualified case from the Verde Valley Judicial District. In the event of a change of judge, the Presiding Judge of the Superior Court shall, if administratively practical, reassign the case to another judge either regularly or specially assigned to the Verde Valley Judicial District.~~

~~6. *Other Methods of Transfer.* In addition to the transfer provisions in Rule 1.2(C), cases may be transferred to the Verde Valley Judicial District provided they qualify under Rule 1.2(B) or be removed from the Verde Valley Judicial District by any of the following methods:~~

~~(a) By Court Approval and Stipulation of All Parties. The stipulation shall set forth the grounds for such transfer and be approved by the judge to whom the case is assigned.~~

~~(b) By the Court. The Presiding Judge may transfer any pending case or hearing to or remove any pending case or hearing from the Verde Valley Judicial District subject to the right of any party to object to such order pursuant to Rule 1.2(C) within 10 days after notice of transfer.~~

#### ~~**D. Administration--Verde Valley Judicial District.**~~

~~1. *Days of Court.* The days that the Verde Valley Judicial District shall hold court shall be designated by the Presiding Judge of the Superior Court.~~

~~2. *Judicial Assignments.* Judges and Commissioners assigned to the Verde Valley Judicial District and their term shall be designated by the Presiding Judge of the Superior Court.~~

~~3. *Clerk's Office.* The Clerk of the Superior Court shall maintain an office in the Verde Valley Judicial District. The Clerk shall receive pleadings and documents for filing, fees, fines, forfeitures, bonds, payments and other funds in new and pending cases whether or not a case is assigned permanently to the Verde Valley Judicial District.~~

### **Rule 2. Case Number Assignment and Consolidation Administration**

**A. Case Number Assignment.** ~~The Clerk of the Court shall assign a chronological number to every case filed with the Court and indicate to which division of the Court the case has been assigned. Subsequent to preliminary assignment by the Clerk, the party filing any pleading, motion, memorandum or other paper in the case shall indicate below the case number the division of the Court to which the case has been assigned. **Hours of Court.** Court shall be open at all times except on nonjudicial days. Regular sessions of~~

~~Court shall be from 9:00 a.m. to 12:00 noon and from 1:30 p.m. to 5:00 p.m. Monday through Friday, except as otherwise ordered by the Judge presiding.~~

**B. Consolidation.** ~~Unless the Court shall otherwise order, when two (2) or more cases are consolidated, the Clerk shall regard the lowest case number as the controlling number of the consolidated cases and all further pleadings and papers shall be filed and docketed under that number only. Unless the Court shall otherwise specify, the consolidation is for all purposes and not merely for the purpose of trial. Motions to consolidate shall be heard by the judge to whom the case with the lowest number is assigned unless otherwise assigned by the Presiding Judge.~~ **Law and Motion Day.** ~~Every Monday shall be Law and Motion Day in each division of the Court, except when Monday falls on a nonjudicial day, in which event the following Tuesday shall be Law and Motion Day. The Judge presiding in each division may permit law and motion matters to be heard on other judicial days at the convenience of Court and counsel.~~

**C. Oral Argument.** ~~All requests for oral argument shall be made in writing by counsel at the time of filing such motion or answering memorandum and opposition memorandum by placing beneath the title of the document the following words: "Oral Argument Requested." When no request for oral argument is made, argument shall not be allowed and the Court shall decide the motion upon the points and authorities cited. Each side shall be allowed ten minutes for oral argument except when additional time is requested at the time of filing and when additional time is allowed by the Court.~~

**D. Telephone Conference Call.** ~~The Court may, in its discretion, hear oral argument on any motion by telephone conference call. Upon request of any party, such argument may be recorded by a court reporter under such conditions as the Judge shall deem practicable.~~

**E. Law and Motion Calendar.** ~~Every Thursday the Judicial Administrator shall prepare a Law and Motion calendar for each division for the next Law and Motion day. The Law and Motion calendar for each division shall be posted in the Clerk's office and in each respective division on or before the Thursday preceding Law and Motion day. All Law and Motion matters shall be heard as set forth on the Law and Motion calendar except as changed by the Judge presiding.~~

**F. Notation of Orders.** ~~The Clerk of the Court shall make a copy of every minute entry and order and such copy shall be placed in the individual case file.~~

### **Rule 3. Judicial Districts and Case Assignments** ~~**Judicial Administrator--Duties**~~

**A. Judicial Districts.** ~~Judicial Districts refer to branches of the Superior Court of Arizona in Yavapai County as shall be designated by the Presiding Judge through Administrative Order.~~ **Office.** ~~There is hereby created the office of Judicial Administrator. The Judicial Administrator shall be appointed by the Presiding Judge.~~

**B. Assignment of Cases to Districts.**

1. Criminal Cases. Criminal cases shall be assigned to the District where the crime occurred based on the jurisdiction of the corresponding Justice Court.

2. Juvenile Cases. Juvenile cases shall be assigned by the Presiding Judge pursuant to Administrative Order.

3. All Other Cases. All other cases shall be assigned by the filing coversheet or as selected by the Plaintiff/Petitioner. The Defendant shall have the right to seek a transfer of Judicial District as outlined below. ~~Duties. The Judicial Administrator shall perform the following duties:~~

- ~~1. Prepare and post the Law and Motion calendar as provided in Rule 2(E).~~
- ~~2. Maintain master trial calendars and master Law and Motion calendars for each division.~~
- ~~3. Schedule visiting judges and arrange for adequate staff and facilities.~~
- ~~4. Such other duties as the Presiding Judge shall prescribe.~~

**C. Transfer.**

1. Request by Motion Non-Criminal Case. A party desiring a transfer from one district to another shall file motion or stipulation requesting the transfer and specify the grounds for the transfer. The Motion or Stipulation shall be filed not later than 20 days prior to any judicial proceedings in the case which concerns the merits of the action and involves the consideration of evidence or affidavits, or not later than the deadline for the filing of the Rule 16 Joint Report and Proposed Scheduling Order. The Court shall rule upon the Motion or Stipulation without oral argument unless ordered by the Court.

The Court may consider the following factors when ruling on the Motion:

- (a) location of events or circumstances out of which the alleged cause of action arose;
- (b) location of the residences where the parties reside; and
- (c) the number and convenience of the parties' witnesses.

2. Request by Motion Criminal Case. A party desiring a transfer from one district to another shall file motion or stipulation requesting the transfer and specify the grounds for the transfer. The Motion for Transfer must be filed not later than 10 days after arraignment. The Court shall rule upon the Motion or Stipulation without oral argument unless ordered by the Court.

The Court may consider the following factors when ruling on the Motion:

- (a) the location of events or circumstances out of which the alleged crime arose; and

(b) the number and convenience of the parties, the parties' witnesses, and the victim.

3. *Change of Judge.* A change of judge, whether as a matter of right or for cause, may result in the transfer of a case to another Judicial District based on the availability of judges as determined by the Presiding Judge. A criminal case placed into case transfer may also result in the case being reassigned to a different District based on the availability of judges as determined by the Presiding Judge.

4. *By Order of Court.* The Presiding Judge may transfer any pending case or hearing to or remove any pending case or hearing from one District to another in the interests of judicial economy after considering the factors listed in Rule 3(C)(1) and (2). Any party my object to such order pursuant by filing a written Motion with the Presiding Judge within 10 days after notice of transfer.

#### **Rule 4. Conciliation Court, Mediation, and Arbitration**

##### **4.1. Conciliation Court.**

A. *Establishment.* A Conciliation Court is hereby established.

B. *Clerk's Procedure.* Petitions for Conciliation shall be filed with the Clerk of the Court. Upon the filing of a conciliation petition, the Clerk shall file the Petition in the Court file and make the following minute entry in such action:

“A Petition for Conciliation having been filed this date, this case is assigned to the Presiding Conciliation Court Judge for consideration of the Petition.”

##### **4.2. Mediation**

A. *Matters Subject to Mediation.* All family law cases which involve a controversy over legal decision making or parenting time of minor children shall be subject to mediation in accordance with Rule 68(c) of the Arizona Rules of Family Law Procedures.

B. *Jurisdiction.* A family law case filed in the Superior Court remains under the jurisdiction of this Court in all phases of the proceedings, including mediation conducted pursuant to this rule. Any agreement of the parties reached as a result of mediation must be presented to the Court, and the Court shall retain final authority to accept, modify, or reject the agreement. In order to preserve and promote the integrity of mediation as a dispute-resolution technique, the Court will endeavor to include all reasonable agreements reached by the parties in formulating its order in the case.

##### **4.3. Arbitration**

All civil cases filed with the clerk of the Court in which the court finds or the parties agree that the amount in controversy does not exceed \$50,000, except those specifically excluded by Rule 72(b), Rules of Civil Procedure, shall be submitted to and decided by an arbitrator or arbitrators in accordance with the provisions of A.R.S. § 12-133 and Rules 72 to 77, Rules of Civil Procedure.

An arbitrator assigned to serve in a case subject to the provisions of Rules 72 through 73, Rules of Civil Procedure, shall receive as compensation for services in each case a fee not to exceed the amount allowed by A.R.S. § 12-133(G) per day for each day, or part thereof, necessarily expended in the hearing of the case. In lieu of payment, the arbitrator may elect to apply for Continuing Legal Education credit not to exceed 2 hours with the State Bar of Arizona pursuant to MCLE Regulation 104(B)(5).

#### **~~Rule 4. Case Number Assignment--Consolidation~~**

~~**A. Number Assignment.** The Clerk of the Court shall assign a chronological number to every case filed with the Court and indicate to which division of the Court the case has been assigned. Subsequent to preliminary assignment by the Clerk, the party filing any pleading, motion, memorandum or other paper in the case shall indicate below the case number the division of the Court to which the case has been assigned.~~

~~**B. Consolidation.** Unless the Court shall otherwise order, when two (2) or more cases are consolidated, the Clerk shall regard the lowest case number as the controlling number of the consolidated cases and all further pleadings and papers shall be filed and docketed under that number only. Unless the Court shall otherwise specify, the consolidation is for all purposes and not merely for the purpose of trial. Motions to consolidate shall be heard by the judge to whom the case with the lowest number is assigned unless otherwise assigned by the Presiding Judge.~~

#### **Rule 5. Priority Rules**

~~**A. Cases Preferred for Trial.** The following cases shall be preferred for trial:~~

- ~~1. Any case granted a preference by statute or other rule of court;~~
- ~~2. Juvenile cases;~~
- ~~3. Criminal cases;~~
- ~~4. Domestic relations cases;~~
- ~~5. Contested probate cases;~~
- ~~6. Short cause civil cases;~~
- ~~7. Hardship civil cases;~~
- ~~8. Mental health cases.~~

~~**B. Trial Setting.** All cases entitled to a preference for trial by reason of statute, rule or order of Court shall be set for trial at the earliest practicable date.~~

~~**C. Hardship.** Preference by reason of hardship may be granted only upon motion supported by affidavit.~~

~~**D. Extraordinary Circumstances.** Upon motion to the Presiding Judge in extraordinary circumstances any case entitled to a preference may be assigned to another~~

~~judge on the court, to a visiting judge, retired judge or a judge pro tempore. In the absence of prior resolution by the assigned trial judge and lawyers involved, resolution of trial calendar conflicts among lawyers in different cases involving extraordinary circumstances may be determined by the Presiding Judge.~~

~~**E. Short Cause Civil.** A short cause is any civil case stipulated to by all parties to take less than one (1) hour to try to the Court. If the trial of any short cause is not completed within one hour of actual trial time, the trial judge shall make such orders as appropriate, including a continuance and may order that it take place on the regular trial calendar without preference.~~

### **Rule 6. Pretrial Statements and Conferences--Discovery**

~~**A. Pretrial Statements.** Thorough pretrial statements containing all the information required by Rule 16(d), Arizona Rules of Civil Procedure, shall be filed with the Court no later than thirty (30) days prior to the date of trial.~~

~~**B. Duty to Prepare.** Preparation of the pretrial statement shall be upon initiative of counsel for plaintiff, counterclaimant or cross claimant or as otherwise directed by the Judge presiding.~~

~~**C. Request for Pretrial Conference.** After the filing of the pretrial statement, either party may request a pretrial conference as provided in Rules 16(b) and (c), Arizona Rules of Civil Procedure, or the Court may set a pretrial conference on its own initiative.~~

~~**D. Criminal Pretrial Statement and Conference.** In accordance with this rule and the Rules of Criminal Procedure, the Court may require a pretrial statement and conference in criminal cases.~~

~~**E. Pretrial Conference.** In addition to the matters set forth in the pretrial statement, the Court will consider and counsel shall be prepared to discuss:~~

- ~~1. Motions deferred to the pretrial conference and legal issues expected to be encountered at trial.~~
- ~~2. Any matter by way of stipulation, pleading or proof that may simplify the issues or expedite the trial.~~
- ~~3. Requirements or necessity of filing trial briefs.~~
- ~~4. Number of jurors, alternates, peremptory strikes.~~
- ~~5. Exhibits.~~
- ~~6. Order of trial.~~
- ~~7. Length of trial.~~
- ~~8. Special rules of Court.~~
- ~~9. Requirements for proposed jury instructions or jury interrogatories.~~

~~10. Requirements with regard to voir dire questions.~~

~~11. The possibility of compromise, plea bargain or settlement; however, nothing with respect thereto shall be with prejudice to any party in accordance with Rule 408, Arizona Rules of Evidence.~~

~~**F. Discovery.** In civil cases all discovery shall be completed thirty (30) days prior to the date set for trial except when additional time for discovery is allowed by order of the Court.~~

### **Rule 7. Discovery Papers**

~~Unless ordered by the court, depositions, interrogatories and answers thereto, requests for production, inspection or admission and responses thereto, shall not be filed with the court. This Rule shall not preclude the use of discovery papers at a hearing or trial or as exhibits to motions.~~

~~**Rule 8. Repealed July 18, 2008, effective Aug. 1, 2008**~~

~~**Rule 8.1. Repealed July 18, 2008, effective Aug. 1, 2008**~~

### **Rule 9. Attorney of Record**

~~No attorney shall appear in any action or file anything in any action wherein he does not appear as counsel of record. In any matter, even if it has gone to judgment, there must be a formal substitution or association of counsel before any attorney who is not an attorney of record may appear. An attorney of record shall be deemed responsible as attorney of record in all matters before and after judgment until there has been a formal withdrawal or substitution in the case.~~

### **Rule 10. Conciliation and Mediation**

#### **10.1. Conciliation Court**

~~A. *Establishment.* A Conciliation Court is hereby established.~~

~~B. *Clerk's Procedure.* Petitions for Conciliation shall be filed with the Clerk of the Court. Upon the filing of a conciliation petition, the Clerk shall file the Petition in the Court file and make the following minute entry in such action:~~

~~“A Petition for Conciliation having been filed this date, this case is assigned to the Presiding Conciliation Court Judge for consideration of the Petition.~~

#### **10.2. Mediation**

~~A. *Matters Subject to Mediation.* All family law cases which involve a controversy over legal decision making or parenting time of minor children shall be subject to mediation in accordance with Rule 68(B) of the Arizona Rules of Family Law Procedures.~~

~~B. *Jurisdiction.* A family law case filed in the Superior Court remains under the jurisdiction of this Court in all phases of the proceedings, including mediation conducted pursuant to this rule. Any agreement of the parties reached as a result of mediation must be presented to the Court, and the Court shall retain final authority to accept, modify, or reject the agreement. In order to preserve and promote the integrity of mediation as a dispute resolution technique, the Court will endeavor to include all reasonable agreements reached by the parties in formulating its order in the case.~~

### **10.3. Arbitration**

~~All civil cases filed with the clerk of the Court in which the court finds or the parties agree that the amount in controversy does not exceed \$65,000, except those specifically excluded by Rules 72 to 77, Arizona Rules of Civil Procedure, shall be submitted to and decided by an arbitrator or arbitrators in accordance with the provisions of A.R.S. § 12-133 and Rules 72 to 77, Arizona Rules of Civil Procedure.~~

~~An arbitrator assigned to serve in a case subject to the provisions of Rules 72 through 77, Ariz. R. Civ. P., shall receive as compensation for services in each case a fee not to exceed the amount allowed by A.R.S. § 12-133(G) per day for each day, or part thereof, necessarily expended in the hearing of the case.~~

### **Rule 11. Assessment of Jury Fees on Settlement of Cases, Drawing and Summoning of Jurors, Qualification of Jurors**

~~A. **Jury Fees.** In the event a case scheduled for jury trial is settled, and the Judge or Clerk of the Court is not notified in sufficient time to excuse the jury from attendance, all jury fees incurred for the entire panel shall be assessed by the Court against one or more of the parties in such proportions as the Court deems appropriate.~~

~~B. **Jury Draw.** Unless otherwise ordered by the Court, the Clerk shall, not less than one nor more than ten days prior to the date any matter has been set for jury trial, draw the required number of jurors, who then shall be summoned for jury duty. The names of jurors engaged in the trial of another matter or otherwise excused by the Court shall not be included in the drawing of the jury for the particular matter.~~

~~C. **Jury Qualification.** The Clerk of the Court shall determine whether persons drawn for jury service are qualified for jury service pursuant to A.R.S. § 21-201 and whether any are entitled to be excused from jury service, pursuant to A.R.S. § 21-202.~~

### **Rule 12. Abrogated effective July 1, 2009**

### **Rule 13. Court Reporters, Court Reporters' Notes**

~~A. **Scope.** This rule shall apply to all Court Reporters' notes taken in trials or proceedings in any division of this court or before any commissioner, master or referee.~~

### **~~B. Responsibility of Court Reporters~~**

~~1. *All Reporters.* It shall be the responsibility of all reporters working in any capacity in this Court to be aware of and comply with all provisions of this rule.~~

~~2. *Official and Other Court Reporters.* All official Court Reporters of this Court shall be responsible for the safekeeping of their notes, the notes of their deputies and the notes of visiting Court Reporters.~~

~~**C. Storage of Notes by Official and Visiting Court Reporters.** All Reporters' notes shall be kept in the office of the Reporter of the division in which the proceedings were reported. Official Reporters who maintain offices in the court building shall keep their notes in their offices, whether those notes were taken in their own or some other division. At the conclusion of each working day, all Visiting Court Reporters shall present their notes for storage to the office of the Reporter of the division in which the proceedings were reported. The notes shall be identified by the name of the Reporter, proceeding and dates recorded so they may be indexed. When it becomes necessary for a Visiting Court Reporter to obtain any notes stored in the office of an Official Reporter, a receipt shall be given for any notes removed and they shall be returned for storage within ninety (90) days unless this Court grants an extension of time.~~

### **~~D. Storage and Destruction of Notes~~**

~~1. *Storage.* Not less than once each year, all Official Court Reporters shall store all notes which are more than two (2) years old. All Official Court Reporters shall place the notes in a suitable storage container. All notes shall be stored under the name of the Official Reporter taking the notes.~~

~~2. *Facilities and Procedures.* All Court Reporters' notes shall be kept in a separate secure storage area provided by the County. The notes shall be stored so that they may be readily obtained.~~

~~3. *Indexing.* All Court Reporters who store their official notes as required by these rules shall place the notes in a suitable storage container and shall index the same in such a manner as may be prescribed and approved by the Presiding Judge.~~

~~4. *Destruction of Notes.* All Reporters' notes for civil and probate proceedings except writs of habeas corpus in storage for more than seven (7) years may be destroyed by order of the Court after giving thirty (30) days written notice by certified or registered mail, directed to the Reporter at his last known business address and place of residence. Prior to such destruction, the reporter may reclaim his notes if he desires prior to the date set for their destruction. Notes of habeas corpus and criminal proceedings shall be stored indefinitely.~~

~~**E. Termination of Employment.** On termination of employment of any Official Court Reporter or deputy, the Reporter or deputy, as the case may be, shall immediately store his or her notes and shall, at all times, keep the Judicial Administrator advised of his or her address and telephone number.~~

~~**F. Certification of Compliance with Rule.** All Official Reporters who are employed at an annual salary and paid on a regular basis by the county, who intend to terminate their employment, shall give at least two (2) weeks notice of such intention to the Judge presiding who engaged their services. The Judge presiding shall notify the Judicial Administrator of the termination of employment. The Judicial Administrator shall require receipt of certification of compliance with this rule. Failure to comply with the requirements of this rule shall result in sanctions.~~

#### **Rule 14. Law Library**

~~**A. Hours.** The law library shall be open between the hours of 8:00 a.m. and 5:00 p.m. on all days except holidays and weekends.~~

~~**B. Borrowed Material.** Except as provided in local policy guidelines, no library material shall be taken from the library by any person, except with the permission of the librarian, and only then after the proper completion of a check out slip. Borrowed materials shall be charged to the person removing them from the library and to his principal, if any, who shall both be answerable for its return. Borrowed library material shall be subject to recall by the librarian at all times and no library material shall be retained longer than seventy-two (72) hours without the express permission of the librarian. No "Shepard's Citations" volumes or any digest or index volumes of any sort shall be removed from the library without the permission of the librarian.~~

~~**C. Sanctions.** The Presiding Judge shall adopt and publish such additional rules as he deems necessary for the orderly operation of the library. Failure to comply with any rule governing the use of the library may result in sanctions, including suspension of library privilege, fine or contempt of court.~~

#### **Rule 15. Suspension of Rules**

~~The Judge presiding may in any matter for good cause suspend any local rule by an order entered in the minutes.~~

#### **Rule 16. Title and Citation**

~~The foregoing rules are hereby promulgated as the Local Rules of Practice for the Superior Court of Arizona in and for Yavapai County and shall be cited as the Superior Court Local Rules—Yavapai County.~~

#### **Rule 17. Effective Date**

~~These rules shall take effect and be in force on and after the 1st day of May, 1984, on which date all other local rules adopted by this Court are repealed.~~

~~**Rule 18. Abrogated by R-96-0028  
dated June 17, 1999, eff. July 1, 1999**~~

### **Rule 19. Alternative Dispute Resolution**

~~A. This Rule authorizes, approves and establishes a program for the use of alternative procedures to resolve disputes (ADR) in Yavapai County. The ADR Program is an alternative to litigation. Alternative processes available include, but are not limited to, arbitration, mediation, independent case evaluation, negotiation, mini trial, summary jury trial, summary bench trial, and summary arbitration in all civil cases except for administrative appeals and lower court appeals which are not tried de novo. Domestic relations legal decision making and parenting time cases shall be processed through conciliation court.~~

~~B. The purpose of this Rule is to afford litigants substantive justice while minimizing the expense and delay inherent in litigation. The Rule shall be applied and interpreted consistently with this purpose.~~

~~C. The Yavapai County ADR program shall be administered by an ADR Program Manager appointed by the Presiding Judge.~~

~~D. The Rules of Civil Procedure and the Rules of Evidence shall apply only as provided in these Rules or to the extent deemed necessary by the ADR Provider, the hearing officer, or the Court after consultation with the parties.~~

~~E. The Court shall order the case to a specific ADR process, unless the Court makes an affirmative finding, on the record, that the case is inappropriate for an available ADR proceeding. All proceedings, with the exception of summary judgment motions made pursuant to ARCP 56, motions to dismiss pursuant to ARCP 12(b)(1), orders to show cause and motions made pursuant to these rules are stayed pending the conclusion of the ADR proceedings ordered by the Court. The Court may make whatever other orders may be appropriate to facilitate resolution of any case.~~

~~F. The ADR Provider shall be determined and compensated as follows:~~

~~1. The Court shall maintain a list of Court approved ADR providers.~~

~~2. The parties may agree to choose any person to conduct the ADR proceeding, whether or not they appear on the Court approved ADR provider list.~~

~~3. If the parties cannot agree, or upon request of any party, the Court shall order that a person or persons from the Court approved list of ADR providers conduct the ADR proceedings.~~

~~4. If a case is ordered to ADR under subsection F(3), the fees charged by the ADR Provider shall be determined according to a fee schedule established by the Court, unless deferred or waived in the discretion of the Court. The Court shall not regulate, control, or determine the fees of any ADR Provider who is not appointed pursuant to subsection F(3).~~

~~5. The parties shall be responsible for all costs and the fees, if any, of the ADR Provider. The fee charged for a Court connected ADR process shall be set as proposed by the Presiding Judge and approved by the Board of Supervisors.~~

~~6. The fees of the ADR Provider(s) shall be borne equally by all parties, unless the parties otherwise agree, or the Court, for good cause shown, upon its own motion or motion of a party, otherwise orders.~~

~~7. Failure of any party to pay an ADR Provider's fee may be punishable as contempt of Court and/or may subject the offending party to sanctions under ARCP 16(f).~~

~~G. The ADR Provider shall have powers reasonably necessary to fulfill his/her responsibilities, including but not limited to the power to administer oaths or affirmations to the parties and witnesses~~

~~H. The Clerk of the Superior Court shall issue subpoenas in matters assigned to ADR, and the subpoenas shall be served and enforceable as provided by law.~~

~~I. Within ten days of the conclusion of ADR proceedings, the ADR provider shall give notice of the result of the ADR proceeding to the Court and all parties and submit an affidavit of fees and costs.~~

~~J. The Court shall enter the result of the ADR proceeding(s) on the record. If ADR has resulted in final or partial resolution of the case, the Court may make whatever orders as may be appropriate, including an order dismissing all or part of a claim or claims.~~

~~K. The Court may, from time to time, appoint ADR Commissioners, to conduct the ADR case management conferences described in paragraph D. The term "the Court," in this Rule, includes Commissioners.~~

~~Parties are cautioned that Rule 19 must be read in light of *Martinez v. Binsfield*, 196 Ariz. 466 (2000), which held that Uniform Rule V(e) [now A.R.C.P. Rule 38.1(d)] applies to cases assigned to mandatory arbitration, and repeated continuances granted by the Arbitrator did not provide good cause for continuing the case on the Inactive Calendar.~~