

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2013-008617

01/15/2014

HONORABLE GERALD PORTER

CLERK OF THE COURT
T. Ross
Deputy

IN RE THE MATTER OF
CASEY M STRAUSS

CASEY M STRAUSS
1124 E ROSE LN #7
PHOENIX AZ 85014

AND

KRISTOFER N JONSON

LINDA L LORY

ALTERNATIVE DISPUTE
RESOLUTION - CCC

SETTLEMENT CONFERENCE SET

Judge Gerald J. Porter is appointed to conduct a Settlement Conference and to enter stipulated orders in this matter, pursuant to Rules 66 and 67, A.R.F.L.P.

A Settlement Conference shall be held in Courtroom 110, Maricopa County Superior Court, Northeast Regional Court Center, 18380 N. 40th St., Phoenix, Arizona on February 4, 2014 at 1:30 p.m.

IT IS FURTHER ORDERED that all parties and counsel who will try the case (if parties are represented) shall appear **IN PERSON** at the Settlement Conference. **COUNSEL SHALL AVOW IN THE SCF MEMORANDUM THAT 1) ALL MANDATORY DISCLOSURE HAS BEEN EXCHANGED; 2) THAT ALL DISCOVERY HAS BEEN COMPLETED WITH NO OUTSTANDING DISCOVERY DISPUTES; AND, 3) THAT COUNSEL HAS MET OR OTHERWISE CONFERRED WITH THE CLIENT PRIOR TO THE CONFERENCE REGARDING THE SCF PROCESS.** All Settlement Conference participants should be prepared to attend the Settlement Conference for at least two hours.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2013-008617

01/15/2014

IT IS FURTHER ORDERED that each party shall furnish the Settlement Judge with a separate Settlement Conference Memorandum at least seven days prior to the scheduled Settlement Conference. A sample Memorandum is available at <http://www.superiorcourt.maricopa.gov/SuperiorCourt/AlternativeDisputeResolution/> along with the link to prepare a Child Support Worksheet <https://www.superiorcourt.maricopa.gov/ezcourtforms/index.asp> The Settlement Conference memorandum shall include the following information:

1. A general description of the issues in the lawsuit, and each party's position with respect to each issue;
2. A description of the evidence each party intends to present, with respect to each issue;
3. A summary of any and all settlement negotiations that have previously occurred;
4. A current and complete Affidavit of Financial Information, including tax returns and pay stubs;
5. An inventory of major community or joint assets, including dates of acquisition, amounts of encumbrance, and present value;
6. A list of outstanding debts and the party responsible for each debt; and,
7. Any other information the party believes would be helpful to the settlement process.

This memorandum SHALL NOT be filed with the Clerk of the Court. The parties shall not exchange this memorandum with each other. If Joint or Separate Pretrial or Resolution Management Statements have been filed with the court, THESE WILL NOT SATISFY THE REQUIREMENT FOR this Settlement Conference Memorandum.

IT IS FURTHER ORDERED that all motions to continue the scheduled Settlement Conference shall be brought before the assigned Settlement Judge. Any other pre-trial motions shall be brought before the judge permanently assigned to the case.

IT IS FURTHER ORDERED that the Settlement Judge may notify the court whether the parties were or were not prepared for the SCF pursuant to the requirements set forth in this order for the purpose of considering sanctions under A.R.S. § 25-415.

IT IS FURTHER ORDERED that any agreement the parties enter into, which is memorialized by the Settlement Judge, shall be considered a binding agreement, in accordance with Rule 69, *Arizona Rules of Family Law Procedure*.

Pursuant to Rules 76(D) & 71, *Arizona Rules of Family Law Procedure*, failure to comply with this Court Order may result in the imposition of court sanctions, including, but not limited to:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2013-008617

01/15/2014

- 1) The Settlement Judge vacating or continuing the conference;
- 2) An Order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence;
- 3) An Order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;
- 4) Treating as contempt of court the failure to obey any orders except an order to submit to a physical or mental examination; and,
- 5) Proceeding by default or dismissing the case should one or both parties fail to appear for the Settlement Conference.

Source: Rules 71, 76(D), *Arizona Rules of Family Law Procedure*;
Rule 3.11, *Superior Court Local Rules—Maricopa County*.

ATTACHMENT 1

PLEASE E-MAIL YOUR SETTLEMENT CONFERENCE MEMORANDUM TO THE SETTLEMENT JUDGE (JPT) LISTED ON ATTACHED NOTICE; IF JPT DOES NOT HAVE AN E-MAIL ADDRESS LISTED, PLEASE E-MAIL TO adroffice@superiorcourt.maricopa.gov. PLEASE GO TO <http://www.azbar.org/> TO OBTAIN JPT'S ADDRESS & PHONE/FAX NUMBERS.

What is a settlement conference?

A pre-trial meeting between parties and their attorneys (if parties are represented) and a judicial officer (Settlement Judge) acting as a neutral facilitator, who evaluates the strengths and weaknesses of their case and assists them in reaching an agreement.

What types of cases are eligible for a family settlement conference?

All pre- and post-decree dissolution cases, paternity and maternity matters, as well as grandparent visitation cases.

What are the advantages of a settlement conference?

Decreased cost: By settling the case and avoiding trial, parties can save the expenses associated with a traditional trial.

Quicker solution: The traditional trial process is often time-consuming. By settling a dispute before trial, parties avoid the possibility of a long trial and can move on with their lives.

Increased satisfaction: Court clients participating in a settlement conference generally experience a higher level of satisfaction with the process than those who go through the traditional trial process.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2013-008617

01/15/2014

Where are settlement conferences held and how long do they last?

Most settlement conferences are held in Downtown Phoenix: Alternative Dispute Resolution, Downtown Justice Center OR 5th Floor, Central Court Building, 201 W. Jefferson St., Phoenix, Arizona. In some cases, settlement conferences are held at the Southeast Court Facility, the Northwest Court Facility, Northeast Court Facility, and at judges *pro tempore's* offices. How long do they last? Approximately 2-3 hours.

Who presides over a settlement conference?

A judicial officer acting as a neutral facilitator (Settlement Judge) presides over a settlement conference. A Settlement Judge is a neutral attorney who is court-appointed to perform specific duties for the courts based on their experience and qualifications.

What do I need to do to prepare for a settlement conference?

Be prepared for the following: give a general description of the issues in the suit, including your views; explain all previous negotiations and results; discuss the possible consequences if your case proceeds to trial; bring any relevant financial, property, debt, and income information; bring any other relevant information for discussion; and communicate your needs fully, honestly, and respectfully with the Settlement Judge and with the other party.

ATTACHMENT 1

Who can attend the settlement conference?

Typically, the Settlement Judge, petitioner, respondent, and counsel (if represented) are the only people included in the settlement conference; however, there are exceptions under certain circumstances.

What happens if we reach an agreement prior to a settlement conference?

Pursuant to Rule 5.1(c), Arizona Rules of Civil Procedure, notify Alternative Dispute Resolution immediately (602-506-7884). Upon notification: The parties may present to the Court a Stipulation resolving any issues or a stipulated agreement, with accompanying documents (e.g., decree, parenting plan, etc.). Such documents are subject to the Court's review for sufficiency and will be immediately entered once approved. All parties representing themselves should go to the Self-Service Center to obtain the appropriate forms for submission to the Court.

What happens if we reach an agreement in a settlement conference?

If you reach a full or partial agreement in a settlement conference, ADR will alert the judge that you participated in a settlement conference and a full or partial agreement was reached. The trial date may be vacated for full agreements.

What happens if we don't reach an agreement in a settlement conference?

If you do not reach an agreement, ADR will alert the judge that you participated in a settlement conference but did not reach an agreement.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2013-008617

01/15/2014

Is the settlement conference recorded?

Only if the parties reach a full or partial settlement, then the settlement agreement is digitally recorded or recorded on the FTR (For the Record) (when a settlement conference is held in a courtroom) or a written settlement agreement may be prepared by the settlement judge for parties' signatures.

How do I obtain a copy of the settlement recording*?

Digital recording: E-mail adroffice@superiorcourt.maricopa.gov

Recording on the FTR: Call Electronic Record Service @ 602-506-7100

*If unsure on the type of settlement recording, please call ADR @ 602-506-7884

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.