

Local Rules of Practice—Mohave County

ADMINISTRATIVE RULES

Rule AD-1. Court Appearances

A. Attire. Court participants shall at all court appearances present themselves attired in a manner indicative of respect for the court. Attorneys shall advise their clients and witnesses concerning appropriate courtroom attire. At the discretion of the court, violations may result in removal from the court and/or a finding of civil contempt.

B. Remote Appearances. Court participants that attend court hearings remotely must make reasonable efforts to ensure they have a reliable internet or telephone connection. Court participants appearing remotely must be readily identifiable by video or, if video is not utilized, by name as opposed to a telephone number, email address, or nickname. A victim of a crime is not required to display their full name when appearing remotely and, if desired, may choose to only display their first name or their initial. Court participants that attend court hearings remotely by video must ensure that their backdrops or graphics are appropriate and indicative of respect for the court.

Rule AD-2. Minute Entries

Minute entries shall be filed by the Clerk and transmitted to each counsel of record or unrepresented party within two days of the hearing.

Rule AD-3. Exhibits

A. Digital Evidence. Mohave County utilizes a digital evidence portal for the submission and presentation of evidence. When it is necessary to mark and/or admit a physical exhibit, the offeror of the physical exhibit must upload a digital placeholder into the portal (which may include words/pictures to describe or represent the physical exhibit).

B. Precluded Evidence. No evidence containing visual depictions of nudity, sexual acts, or pornography shall be uploaded to the digital evidence portal. Said evidence must be presented as a physical exhibit.

C. Physical Exhibits. Physical exhibits must be delivered to the Clerk's office at least three (3) days prior to the hearing or trial in which that exhibit will be used, and at the location where the evidentiary hearing will be conducted (i.e., for hearings to be held in Kingman, the exhibit must be presented to the Kingman office and for hearings to be held in a satellite office, the exhibit must be presented to the satellite office.)

1. A printed copy of the digital placeholder document shall accompany any physical exhibit submitted to the Clerk.

2. To the extent possible, physical exhibits delivered to the Clerk pursuant to this Rule, shall be released back to the offeror by order of the court at the conclusion of the

hearing. The digital version of a physical exhibit found in the portal shall be the official exhibit for appellate and post-hearing/trial purposes.

D. Not a Substitute for Discovery. The digital evidence portal shall be used by attorneys and self-represented party litigants for the submission of all exhibits and evidence to be used for evidentiary hearings or trials only and shall not be used as a substitute for the requirements of any applicable discovery rules.

E. Retention. The Clerk may purge all digital evidence from the portal at the times allowed by the appropriate appellate period or applicable records retention schedules.

F. Destruction of Physical Exhibits. The Clerk may destroy any physical exhibit that is not claimed by the offeror at the conclusion of the appellate period or applicable records retention schedules.

Rule AD-4. Court Reporters; Court Reporters' Notes

A. Scope. This rule shall apply to all court reporters' notes (both paper and electronic) taken in sessions of this court.

B. Responsibility of Court Reporters. It shall be the responsibility of all reporters employed in any capacity by this court to be aware of and comply with all provisions of this rule, as well as all applicable statutes and rules of court. All court reporters including per diem or contract reporters shall keep the Court Administrator's office advised of their current address and telephone number. All official court reporters of this court shall be responsible for the safekeeping of their notes until the notes have been delivered and accepted for storage by the Court Administrator's office pursuant to this rule. All court reporters employed by the court on a per diem or other contract basis shall retain physical possession of their notes while also ensuring their accessibility by the court.

C. Storage of Notes With Court Administrator. All reporters shall provide the Court Administrator an electronic copy of their notes on a monthly basis. Additionally, all reporters shall provide the Administrator with a copy of their dictionary on an annual basis.

D. Facilities and Procedures. All court reporter's notes in the custody of the Court Administrator shall be kept in a secure location and/or format. The Administrator shall store the notes so that they may be readily obtained.

E. Termination of Employment. Upon termination of employment any court reporter shall immediately deliver his or her notes to be stored with the Administrator and shall at all times keep the Administrator advised of his or her address and telephone number.

Rule AD-5. Juries

A. Request for Panel. Not later than ten (10) judicial days before a trial panel is required to be in attendance, the Court shall order the jury commissioner or commissioner's agent to draw the names of qualified jurors and shall specify the number of names to be drawn, the case number, name(s) of plaintiff(s) and defendant(s), courtroom location, and

date and time to appear. The jury commissioner or commissioner's agent shall also be informed by the court if there has been a previous jury called for the defendant in a criminal matter.

B. Jury Lists and Questionnaires. Jury lists shall be provided to each party to the action on the day on which jury selection is to begin, or upon further order of the court. The jury commissioner or commissioner's agent will make the juror lists as complete as possible. Jury questionnaires are destroyed not less than ninety (90) days from receipt of said questionnaire in accordance with current rules, statutes, and/or adopted records retention schedules.

C. Assessment of Jury Fees--Before/After Impanelment. In the event a case set for trial is settled before trial, and the Jury Commissioner is not notified in sufficient time by the court to excuse the jury from attendance, the jury fees and mileage incurred for the entire panel may be assessed against one or more of the parties in such proportions as the trial judge deems reasonable. Dismissal will not be entered by the court until a sum sufficient to defray such jury fees has been deposited with the Clerk of the Superior Court.

If a jury has been impaneled for a trial but the case is settled or for any other reason the panel is not used for that trial, an assessment of jury fees may be made for each juror and alternate juror impaneled for each day on which the jury was present for trial.

D. Parties Against Whom Fees Assessed. Except as otherwise provided by law, the parties may by agreement, subject to approval by the court, designate the party or parties against whom jury fees are to be assessed. If the parties fail to so designate, the court may assess the jury fees equally against each side unless the court determines that the interests of justice require assessment of jury fees in some other manner.

E. Mistrials. Jury fees for mistrials shall be fixed by the court at the time of the mistrial, and may be assessed at the time judgment is given or disposition made.

Rule AD-6. Suspension of Rules

The parties to any proceeding, with the consent of the court, may waive any local rule, and the court, in specific instances, may suspend the operation of any local rule when harm or injustice would otherwise result.

Rule AD-7. Proposed Orders Submitted to the Court

All proposed orders must include a list of all parties, counsel, or other persons or agencies that are entitled to receive conformed copies, along with the email or physical address to which the distribution is expected to occur.

CIVIL RULES

Rule CV-1. Motions and Special Matters--Non-Criminal Matters

A. Submission upon Memorandum. All motions shall be in accordance with Rule 7.1(a), Arizona Rules of Civil Procedure, and shall be deemed submitted upon memoranda unless the motion or response contains in the caption the words “oral argument requested”. Oral argument on all motions shall be limited to ten (10) minutes for each side, unless additional time is requested by any party and granted by the court. Motions for which oral argument has not been requested will be considered for decision upon expiration of the time prescribed for filing of a reply. The fact that either party has requested oral argument upon the motion, or that the motion has been set for oral argument by the court shall not in any way relieve the parties from the filing of written memoranda required by Rule 7.1(a), Arizona Rules of Civil Procedure.

B. Motions to Compel or for Relief Under Ariz. R. Civ. P. 26(d). When a motion for an order compelling discovery is brought pursuant to Rule 37(a), Arizona Rules of Civil Procedure, or in connection with an expedited discovery dispute proceeding under Rule 26(d), Arizona Rules of Civil Procedure, the party requesting relief shall set forth, separately from any memoranda of law or Rule 26(d) joint statement, and in distinct, numbered paragraphs, the following:

- (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.

Counsel and/or the party seeking relief, in the separate statement of moving counsel, shall specify the particulars of the personal consultation, or efforts towards personal communication if such personal consultation did not occur, in support of any request for attorney's fees as a sanction.

Rule CV-2. Trial Calendar and Dismissals for Failure to Prosecute

A. In the discretion of the court a civil action may be dismissed, upon the following grounds and conditions:

1. The parties have failed to file a timely Joint Report and Proposed Scheduling Order in accordance with Rule 16(c), Arizona Rules of Civil Procedure, and have failed to cure their noncompliance within sixty days, or within the time specified in an order requiring compliance, whichever is earlier.
2. For other appropriate reasons.

B. No dismissal shall be ordered during any period that the court finds that a necessary party to the action is in the military service of the United States and is unable during such period to be present at the trial by virtue of such service.

C. In any pending civil case where the parties announce settlement without submitting a final judgment or an order of dismissal, the court shall place it on the dismissal calendar for a period up to sixty (60) calendar days with notice to the parties that a final judgment or an order of dismissal is required. The court shall dismiss the case after the applicable timeframe unless a final judgment or an order of dismissal is entered.

Rule CV-3. Trial Settings, Attorney Conflicts

In the event any counsel or party shall have a conflict in trial settings in different divisions of this court, that party shall promptly notify all counsel and the Court in each case wherein the conflict exists of the existence of the conflict. The conflict shall be resolved by the judge to whom the case with the lowest case number is assigned. Except for good cause, the court should determine priority of cases according to applicable statutes and rules and, between cases of the same type, the court should give priority to the case with the Clerk's lowest assigned number.

Rule CV-4. Briefs, Instructions and Interrogatories to Juries

A. Jury Instructions. All requested instructions shall be numbered and cite the authorities relied on by counsel in support thereof.

B. Interrogatories. In those matters wherein interrogatories are to be submitted to the jury they shall be submitted on plain 8.5 by 11 inch paper, each such paper being without any indication as to the party or the attorney submitting the same, and there be but one interrogatory to a sheet. The interrogatory number will be left blank.

Rule CV-5. Arbitration

All civil cases, which are filed with the Clerk of Superior 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 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. Upon request arbitrators shall be paid \$140.00 per day in accordance with the provisions of A.R.S. 12-133(G).

Rule CV-6. Cases Preferred for Trial

A. Priority. 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. Mental Health cases;
5. Domestic Relations cases;
6. Contested Probate cases;
7. Hardship Civil cases

B. Statutory, Rule or Court Ordered Preference. 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 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.

Rule CV-7. Case Number Assignment and 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. After the 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 to which the case has been assigned.

B. Consolidation. Unless the court shall otherwise order, when two 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. A motion 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. A motion to consolidate shall be filed simultaneously in all cases proposed to be consolidated with copies served on all parties and their counsel.

Rule CV-8. Mandatory Settlement Conferences

A. Mandatory Settlement Conferences; Mediation; Objectives. Except for lower court appeals and cases subject to compulsory arbitration, the parties, the attorneys for the parties and, if appropriate, representatives of the parties having authority to settle, shall participate in good faith in person or remotely with the permission of the court, in private mediation, or a settlement conference with the court prior to trial.

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

C. Sanctions. Upon good cause having been shown, the court may impose sanctions on any party, attorney, or party representative that fails to participate in good faith in any settlement conference or mediation.

Rule CV-9. Cases Subject to Dismissal or Transfer to the Justice Court

Civil matters filed in the Superior Court, where the principal sum sought, exclusive of interest in accordance with A.R.S. § 22-201(B), is \$10,000.00 or less, may be dismissed by the Court or transferred to the appropriate Justice Court precinct where the defendant(s) reside. The filing fee shall be retained by the Superior Court and Plaintiff shall pay all applicable Justice Court filing fees.

CRIMINAL RULES

Rule CR-1. Pre-trial Procedures, Presence of Defendant

A. The Court shall follow the Felony Case Management Plan and the Remote Appearances administrative order adopted by Mohave County.

B. In addition to the requirements of Rule 14.4, Arizona Rules of Criminal Procedure, the Court shall inquire whether any victim has invoked his or her rights, whether the defendant is subject to any then-known sentencing enhancements, whether counsel has discussed or will discuss sentencing options with the defendant, and whether the defendant has any other pending cases in Mohave County Superior Court. The Court may inform the defendant of the range of sentence. A motion for release filed in the lower Court at least ten days prior to arraignment shall be considered at the arraignment hearing.

C. The Court may conduct a change of plea at any hearing. The Court may also specifically set a change of plea at the request of the parties.

Rule CR-2. Release

All motions seeking a reconsideration of the release conditions shall be heard at the Court's earliest convenience, especially when the defendant is in custody, consistent with victim notification requirements. If a hearing for the reconsideration of release conditions is set prior to the time normally allowed for response, the Court shall not consider the lack of written response as a waiver.

Rule CR-3. Grand Jury Indictment--Remanded Cases

Where an indictment is returned by the grand jury on a matter previously filed with the Clerk of the Court which was remanded to the Grand Jury by court order for a new finding of probable cause, and the original case was not dismissed, the case shall be assigned the original number. The State shall advise the court and clerk at the time of the return of the indictment on any case previously remanded. Rule 10, Rules of Criminal Procedure, Change of Judge, shall not apply because the case is still pending.

DOMESTIC RELATIONS RULES

Rule DR-1. Electronic Distribution, Communication, and Service

A. Service. All service must meet the requirements of the Arizona Rules of Family Law Procedure.

1. Consent to electronic service of documents filed after service of the summons and petition or order to appear may be made in writing through the Electronic Distribution Form appended to these rules.

B. Distribution. The clerk and court personnel will distribute minute entries, notices and other court-generated documents to a party or a party's attorney by electronic means, unless 1) the party has not provided an email address or 2) the party has filed a written request to opt out of electronic distribution. In such cases, the clerk and court personnel will complete distribution by U.S. mail.

1. Electronic distribution of a document is complete when the clerk transmits it to the email address that the party or attorney has provided to the clerk.

2. A party may opt in and out of electronic distribution by filing the Electronic Distribution Form appended to these rules.

C. Withdrawal of attorney. Upon withdrawal, counsel shall provide the court with the client's current email address, U.S. mailing address and telephone number, and advise the client that the court will electronically distribute court generated documents by electronic means to the email address provided, unless a form is filed opting out of electronic distribution.

Rule DR-2. Simultaneous Proceedings Involving Children

A. When a pending family law proceeding and a pending dependency proceeding involve the same parties, the parties must comply with Rule 5.1(a), ARFLP and Rule 323, ARPJC.

1. Any party aware of the concurrent proceedings must file a notice to the courts regarding such concurrent matters.

2. The assigned judges must confer, and address what pending issues are to determine assignment.

B. Upon an adjudication of dependency, the Juvenile Court will be assigned to any pending guardianship or family law matter concerning the same child or children as the juvenile matter to prevent conflicting orders in the family and juvenile cases and to allow the Juvenile Court, if appropriate, to determine legal decision-making and parenting-time issues necessary to protect a child.

1. The assigned juvenile division may reassign the family law matter or certain proceedings thereof temporarily and return it to the appropriate family law division to allow that division to conduct proceedings unrelated to the child custody matters.

2. Upon the dismissal of the dependency matter, the Juvenile Court judge will enter temporary orders regarding child custody, as appropriate, and reassign the family law matter back to the appropriate Family Court judge.

3. All orders regarding child custody issued by the Juvenile Court must be filed in the family law case as well as juvenile case.

C. The assigned judges shall coordinate to ensure one judge will be assigned to handle any pending private severance or guardianship filed concerning the same child or children as a pending Family Court matter, if there is no pending dependency in Juvenile Court.

D. For purposes of this rule, “child custody” shall refer broadly to all aspects of parental rights, legal decision making, parenting time, nonparent rights, and guardianship.

Rule DR-3. Mediation in Family Court Cases

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. This rule does not apply to enforcement actions.

B. Waiver. A party may request a waiver of this provision by making a request to the court and, upon a finding of good cause, the court may waive the requirement for mediation.

C. 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.

1. 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.

2. 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.

Rule DR-4. Conciliation Court

A. Established. A Family Conciliation Court is established in accordance with and Arizona Revised Statutes Title 25, Chapter 3, Article 7 the Arizona Rules of Family Law Procedure, for the purpose of effecting 1) a reconciliation of spouses or 2) an amicable adjustment or 3) settlement of issues.

B. Assignment of Judge. The presiding judge may designate a superior court judge to act as judge of the Family Conciliation Court pursuant to A.R.S. § 25-381.04. If no such designation is made, each judge assigned a matter that is before the conciliation court shall act as the judge of the conciliation court in the matter.

C. Actions Subject to Consideration. When it appears from a pleading or other paper filed with the court that legal decision making, parenting time, or visitation is an issue in a paternity, dissolution, legal separation, or annulment action, the case may be transferred to the conciliation court by the assigned judge.

D. Mandatory Attendance. Unless excused by the court for good cause shown, when the jurisdiction of the conciliation court is invoked, the parties shall attend at least one hearing or conference as set by the conciliation court judge and may be ordered to attend other hearings or conferences. An individual that fails to appear at such conference may be subject to a fine imposed by the court.

E. Mandatory Stay. Only a written petition for conciliation court invokes the stay in A.R.S. Title 25, Article 7.

F. Pending Motions and Hearings. Whenever a petition invoking the jurisdiction of the conciliation court is filed, pending hearings or orders to show cause shall not be vacated, but shall be assigned to the assigned judge who may proceed to hear the matters and enter appropriate orders during the pendency of conciliation efforts.

G. Procedure. When jurisdiction is invoked by petition, the matter shall be transferred to the Family Conciliation Court, and a mandatory conference shall be set by the Office of Conciliation Services.

H. Appointment of Mediator. The Office of Conciliation services may assign a mediator employed by the courts or an outside mediator to conduct the hearing/conference set forth in A.R.S. § 25-381.16. The parties may also contract with an outside mediator for services in which event they shall be directly responsible for any fee. Where the parties desire to employ an outside mediator but cannot agree on the selection, each party shall submit the names of two qualified persons and the court shall make the appointment.

I. Mediation of Legal Decision Making or Parenting Time. In actions concerning legal decision making, parenting time or access to a child (including actions for dissolution, separation, annulment, paternity, legal decision making, private dependency, or guardianship), the assigned mediator may also address those issues while the case is in the jurisdiction of the conciliation court and prepare agreements resolving issues regarding legal decision making, parenting time, and visitation.

J. Agreements. Agreements reached between the parties as a result of counseling or mediation shall be in writing and approved by the parties; no such agreement is binding until approved by the court by separate order or minute entry.

K. Reports. After each hearing or conference held, the designated person conducting the hearing or conference shall submit a report regarding the results of the hearing to the assigned judge. The report shall indicate who attended and if further proceedings are requested and scheduled.

L. Duration. The jurisdiction of the conciliation court shall terminate after 60 days unless extended by the assigned judge or when a report is filed indicating no further sessions are scheduled within the conciliation court.

Rule DR-5. Appearance by Responsive Party

A moving party may file a settlement agreement, stipulation, or consent decree executed by all parties prior to a response by the other party or parties. This settlement filing shall not itself constitute an appearance by a responsive party and no fee will be charged for the filing.

If a responsive party appears after the filing of the settlement agreement, the party shall pay the full first appearance filing fee then in effect required by law, as well as any applicable post judgment filing fee for the new filing.

Rule DR-6. Reasonable Parenting Time

A. Pursuant to A.R.S. § 25-401(5), parenting time means the schedule of time during which each parent has access to a child at specific times. “Reasonable Parenting Time” is not defined by statute but is defined herein if used in Mohave County family court orders.

B. Where a court order awards “reasonable parenting time” without further orders regarding restrictions or conditions of parenting time, the term “reasonable parenting time” shall refer to the Mohave County Legal Decision Making and Parenting Time Guidelines in effect at the time of the order, and a copy of such must be attached to the order and is included by reference and this Rule.

C. Copies of the Mohave County Legal Decision Making and Parenting Time Guidelines may be obtained from the Mohave County Superior Court Clerk’s Office, Law Library, or on the court’s webpage.

D. The Court encourages parents to submit parenting plans specific to their needs, as the reliance on “Reasonable Parenting Time” may not fit all family needs. The State Bar of Arizona and the Arizona Supreme Court provide sample parenting plans which can be obtained from the Supreme Court of Arizona website, the Mohave County Superior Court Law Library, and the Mohave County Office of Conciliation Services.

Rule DR-7. Audio and Visual Evidence

A. Within family court cases, exhibits of audio and video evidence may be admitted in compliance with the disclosure deadlines, Arizona Rules of Family Law and Procedure, the evidence protocols of the Mohave County Superior Court, and are submitted in compliance with this rule.

B. Transcripts are required:

1. If exhibits containing audio or video that are of a cumulative length of ten minutes or more and those recordings will not be played during the presentation of evidence.

2. When exhibits containing audio or video are offered as evidence with a transcript:

a. the foundation must include that the transcript accurately details the statements made in the corresponding audio and/or video exhibits, and

b. the transcript and audio and/or video must have been disclosed within disclosure deadlines.

C. A transcript is not required for admission into evidence:

1. If exhibits of audio and/or video are played during that party's presentation of evidence in court, or

2. If exhibits containing audio or video are less than a cumulative length of ten minutes.

D. This rule does not apply to video evidence without accompanying audio.

E. The Court may authorize deviation from this rule upon a showing of good cause.