

Rule 67. Mediation, Arbitration, Settlement Conferences, and Other Dispute Resolution Processes Outside of Conciliation Court Services

A. [No change in text.]

B. Mediation. Any issues in dispute may be subject to mediation. Mediation may be conducted by a private mediator agreed upon by the parties, a mediator assigned by the court from a roster of mediators maintained by the court, or a mediator participating in an ADR process overseen, administered, or approved by the court.

1. *Private Mediation; Roster of Mediator; Authority of Judges ProTempore Acting as Private Mediators.*

a. The parties may select a private mediator by agreement. The parties or counsel, if any, shall sign and file with the court a written notice that private mediation will take place, stating the name of the mediator and the date set for the initial mediation conference. The parties may request the court to choose an independent mediator from a list of mediators supplied by them or from a roster of mediators maintained by the court. The parties shall contract directly with the private mediator and be responsible for payment of the fees for such mediation. Unless the court orders or the parties agree otherwise, the cost of mediation shall be equally shared by the parties. The mediator may not conduct any subsequent family assessment or evaluation in the same case. Any binding agreement that is reached by the parties shall comply with Rule 69. As part of any agreement reached, the parties shall acknowledge that the agreement was entered into by them voluntarily and without threat or undue influence, after full disclosure of all relevant facts and information, that it is intended to be a binding agreement, and that it is fair and equitable, and, where there are minor children common to the parties, that it is in the best interests of the children.

b. Upon request of the parties, the court may appoint an active judge pro tempore in good standing to conduct a private mediation with the parties. Any such request shall be accompanied by an affidavit signed by the judge pro tempore swearing under oath that he or she is an active judge pro tempore in good standing appointed by the Supreme Court at the request of the Presiding Judge of the Superior Court of the County. The Order appointing the judge pro tempore to conduct such a private mediation may authorize him or her to approve binding agreements made by the parties in conformance with Rule 69, to make any findings necessary to approve the agreements of the parties pursuant to A.R.S. § 25-317, to make the jurisdictional findings pursuant to A.R.S. § 25-312 or A.R.S. § 25-313 and

to sign any Decree of Dissolution presented that conforms to the agreements reached by the parties. Any Decree of Dissolution signed by a judge pro tempore pursuant to such authority shall have the same force and effect as a Decree of Dissolution signed by a judge or commissioner of the court and the Decree shall be immediately delivered to the judge appointing the judge pro tempore for filing and entry into the minutes of the court. A judge pro tempore acting as a private mediator may be paid for his or her services as a private mediator, but shall not seek remuneration nor shall be paid anything of value by the parties for his or her service as a judge pro tempore for approving such agreements or for signing and entering a Decree of Dissolution.

2. – 9. [No change in text.]

C. – E. [No change in text.]