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**ALTERNATIVE DISPUTE RESOLUTION FUND**  
**FY 95 ANNUAL REPORT**



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Court Services Division  
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**ALTERNATIVE DISPUTE RESOLUTION FUND**  
**FY 95 ANNUAL REPORT**

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## EXECUTIVE SUMMARY

During FY 95, the Alternative Dispute Resolution (ADR) Fund assisted courts in providing ADR services by funding nine projects. Some of the accomplishments of these projects are highlighted below. Individual project descriptions are provided in Appendix A.

- In Cochise County, approximately 25% of the civil and small claims case filings in the Justice of the Peace Courts are referred to the ADR program. Approximately 82% of these cases are resolved without further court action. The justice court clerks save approximately 35 minutes of case processing time for each case resolved through ADR. Cochise County has 71 certified civil case mediators, 41 certified arbitrators, 35 juvenile delinquency and truancy mediators, and 32 certified family/dependency mediators.
- The Superior Court in Coconino County has 50 available mediators; they mediate in teams consisting of one attorney and one non-attorney.
- The Superior Court in Gila County coordinated a five-county regional program; mediation services were provided for 286 Superior Court cases and for 130 Justice Court cases.
- The Superior Court in Maricopa County finalized the ADR component of its Self-Service Center.
- Nine *pro tem* judges for the Superior Court in Pima County conducted 74 settlement conferences over a six-month period. The 51 cases that settled avoided an estimated 165 days of trial and saved litigants a minimum of \$563,400 in litigation expenses.
- Pinal County Justice Courts referred 97 cases to mediation; agreements were reached in 85% of the 88 mediations held.
- Staff in the Prescott Justice Court have assumed administrative responsibility for their ADR program, which was originally established pursuant to a contract with the Office of the Attorney General. Agreements were reached in 74% of the 61 cases assigned to mediation.
- The Justice Courts in Yuma County referred 212 cases to mediation and agreements were reached in 60% of the cases.

# ALTERNATIVE DISPUTE RESOLUTION FUND

## FY 95 ANNUAL REPORT

### BACKGROUND

The Alternative Dispute Resolution (ADR) Fund was created in 1991 to fund local, regional, or statewide projects that establish, maintain, improve, or enhance ADR programs in the Superior Court and Justice of the Peace Courts (A.R.S. § 12-135). Since October 1991, a portion of the civil filing fees collected in the Superior Court and Justice Courts has been designated for deposit in the ADR Fund. Under the provisions of A.R.S. § 22-281, fees collected at the Superior Court level must be used to fund ADR programs in the Superior Court, and fees collected at the Justice Court level must be used to fund programs in the Justice Courts.

In October 1991, an ADR Advisory Committee was established. The purpose of this Committee is to advise the Chief Justice of the Arizona Supreme Court on ADR program administration and to assist in the development of priorities for funding of ADR projects. Careful consideration is given to the membership of this Committee to ensure representation from rural and urban counties, Superior Court and Justice of the Peace Courts, the business and legal communities, and ADR practitioners.

### FINANCIAL INFORMATION

REVENUE -- During FY 95, a total of \$51,121 was deposited in the ADR Fund by the Superior Court and \$121,117 was deposited by Justice of the Peace Courts.

REVENUE	SUPERIOR COURT	JUSTICE COURTS
FY 93 TOTAL	\$51,960	\$121,125
FY 94 TOTAL	\$62,405	\$106,530
FY 95 TOTAL	\$51,121	\$121,117

FUND ACTIVITY -- As of July 1, 1994, the Superior Court Fund had \$21,657 and the Justice Court Fund had \$90,212. These balances were supplemented by FY 95 revenue, funds reverted from FY 94 grant projects, and interest earned on the unexpended balance. During the year, funds were expended for program administration expenses and disbursements under the grants awarded. Specific figures for those activities are shown in the table that follows. The second table reflects these same categories as known or projected on October 31, 1995 for the FY 96 Fund year.

### FY 95 FUND STATEMENT

	Superior Court	Justice Courts
Balance 7/1/94	\$ 21,657	\$ 90,212
Revenue FY 95	51,121	121,117
FY 94 Revertments	5,408	33,380
Interest Earned	1,178	2,792
Administrative Costs	<6,146>	<14,774>
Grant Disbursements	<49,521>	<113,246>
Balance 6/30/95	\$ 23,697	\$119,481

### FY 96 FUND STATEMENT

as of 10/31/95

	Superior Court	Justice Court
Balance 7/1/95	\$ 23,697	\$ 119,480
Projected FY 96 Revenue	53,233	110,602
FY 95 Revertments	241	5,706
Projected FY 96 Interest	1,337	2,778
Projected FY 96 Admin. Costs	<7,443>	15,463
FY 96 Grant Disbursements	<64,107>	<98,355*>
Projected Balance 6/30/96	\$ 6,958	\$124,748

\* Includes special, one-time public information grant to the Pinal County Justice Courts.

## FUNDED PROJECTS

During FY 95, nine projects were awarded grant funds. These projects provided services in the Superior Court in four counties and justice courts in six counties. A description of the funded projects and their accomplishments is attached as Appendix A.

### FY 95 ADR FUND GRANT AWARDS

GRANTEE	Superior Court	Justice Courts
Superior Court in Cochise County		\$29,095
Superior Court in Coconino County	\$10,000	
Superior Court in Gila County (Regional Project)	14,521	14,522
Superior Court in Maricopa County	20,000	
Superior Court in Mohave County		8,206
Superior Court in Pima County	5,000	
Pinal County Justice Courts		22,110
Prescott Justice Court		15,400
Superior Court in Yuma County		23,913
<b>FY 95 TOTAL</b>	<b>\$49,521</b>	<b>\$113,246</b>

The chart below shows the total grant funding awarded over a four-year period.

### GRANT AWARDS

Year	Superior Court	Justice Courts
FY 93	\$55,233	\$ 73,283
FY 94	\$81,128	\$133,990
FY 95	\$49,521	\$113,246
FY 96	\$64,107	\$ 98,355*

\* Includes one-time public information grants.

## EVALUATION

The FY 95 ADR Grant projects were evaluated using narrative reports and statistical reporting forms designed specifically for these ADR projects. In addition, individual program participants were asked to complete an exit survey related to their mediation experience. Summaries of the results at each court level follow.

Superior Court - Three types of programs were operated at the Superior Court level. In Coconino County, 133 civil cases were mediated and 75% of those were resolved. In Pima County, settlement conferences were held for 74 cases and 69% were settled. The five-county regional program operated by the Superior Court in Gila County held mediation sessions in 286 domestic relations cases and agreements were reached in 92% of those cases.

Exit surveys were completed by 211 participants in the Gila County program. Of those responding, 92.4% thought the mediator was fair to both parties and 79.6% believed the mediation process was worth their time and effort. When asked if they would use mediation again if involved in another legal dispute, 84% said they would, and 82% believe mediation should be required prior to going to trial.

Justice Courts - Statewide statistical responses show that 830 cases were mediated in ADR funded programs and that the average agreement rate for the various programs was 75%.

Exit survey responses were tabulated for 487 participants at the Justice Court level. Results indicate that 92% of the respondents thought the mediator was fair to both parties involved in the dispute. The mediation process was considered to be "worth my time and effort" to 79.2% of the respondents.

A total of 84% of the respondents said they would use mediation again, and 82.5% believe mediation should be required prior to going to trial.

Highlights from the surveys are illustrated graphically in Appendix B.

## LOOKING AHEAD

The FY 96 grantees were awarded funding for a three-year period with phase-in funding provided by local funding resources. Although the second and third year grants are contingent upon program performance and funding availability, it is anticipated that these programs will be refunded.

# **APPENDIX A**

**Projects Awarded ADR Grant Funds  
FY 95**

## FY 95 ADR GRANT PROJECT

**COUNTY:** Cochise **AMOUNT:** \$29,095  
**COURT:** Superior Court in Cochise County  
**TITLE:** Multi-Court ADR Program  
**DESCRIPTION:** Funding was provided to continue and to enhance the Justice Court services provided through the Multi-Court ADR Program, which was initiated through previous ADR funding. Costs for operating the Superior Court portion of the program are now funded locally.

### Accomplishments

- A total of 355 civil and small claims cases were diverted to ADR programs at the justice court level; 82% of these were settled or dismissed.
- The ADR program handled about 25% of the civil and small claims filings.
- The justice courts and juvenile court referred 44 truancy cases to mediation.
- The civil and small claims cases referred to the ADR program were completed in an average of 23 days. Trials for these types of cases are set approximately 42 days out.
- A total of 710 disputants used the court-connected ADR procedures during FY 95. Evaluation forms were received from 194 disputants. Of those, 83% of those who reached an agreement stated that they were satisfied with the agreement, and 84% said they would consider using mediation again.
- Justice court clerks spend an average of 50 minutes on a case. If that case is referred to ADR, the average time spent drops to 15 minutes per case. Thus, the clerk saves 35 minutes of case processing time for cases that are resolved.
- Arbitration was added to supplement the mediation program at the justice court level.
- A new policy on standards of professional conduct for court-appointed mediators was introduced.
- The use of mediation was approved for juvenile offenses where the amount of restitution to the victim was disputed.
- At year-end, there were 71 certified civil mediators, 41 certified arbitrators, 35 juvenile delinquency and truancy mediators, and 32 certified family / dependency mediators.

## FY 95 ADR GRANT PROJECT

**COUNTY:** Coconino **AMOUNT:** \$10,000  
**COURT:** Superior Court in Coconino County  
**TITLE:** Mediation Project  
**DESCRIPTION:** Funding was provided for a portion of the salary of an ADR Coordinator to coordinate, promote, and implement ADR for the Superior Court.

### Accomplishments

- A total of 69 cases were referred to mediation. Agreements were reached in 51 of those, 74%.
- A local rule was prepared to permit collection of an ADR fee.
- Twenty-three new mediators received training. The court now has 50 mediators available. They serve in teams of two, one attorney and one non-attorney.

## FY 95 ADR GRANT PROJECT

**COUNTY:** Gila **AMOUNT:** \$29,043  
**COURT:** Superior Court in Gila County  
**TITLE:** Five-County Regional Alternative Dispute Resolution Program  
**DESCRIPTION:** Funding was provided to develop and begin implementation of a multi-county ADR program for the Superior Court and Justice of the Peace Courts located in Apache, Gila, Graham, Greenlee, and Navajo Counties.

### Accomplishments

- Mediation services were provided for domestic relations cases in the Superior Court in each of the region's five counties: Apache, Gila, Graham, Greenlee, and Navajo.
- Mediation services were provided to 11 justice court precincts in four of the counties in the region.
- Efforts continued to ensure that judges and court staff were familiar with the ADR program.
- Another mediator was recruited. Three mediators provide ADR services as part of this regional program.
- A total of 286 domestic relations cases were mediated at the Superior Court level with a 92% agreement rate.
- A total of 130 cases were mediated at the justice court level with an 87% agreement rate.

## FY 95 ADR GRANT PROJECT

**COUNTY:** Maricopa **AMOUNT:** \$20,000  
**COURT:** Superior Court in Maricopa County  
**TITLE:** Multi-Component Alternative Dispute Resolution Project  
**DESCRIPTION:** Funding was provided for a portion of the ADR Coordinator's salary. The Coordinator oversees a wide variety of ADR programs and activities being undertaken by the court.

### Accomplishments

- There was extensive activity related to implementation of the ADR portion of the Self-Service Center, including preparation of a list of service providers.
- The court experienced an increase in the number of litigant requests for ADR services.
- Work began to support the court's participation in a research project involving development of a culturally appropriate ADR Model for Hispanic parties.
- The court has had great success with a pilot ADR screening project. It appears that they have developed a very effective screening process.
- A new local rule regarding ADR was prepared for review and consideration.

## FY 95 ADR GRANT PROJECT

**COUNTY:** Mohave **AMOUNT:** \$8,206  
**COURT:** Superior Court in Mohave County  
**TITLE:** A Rural Multi-Door Initiative  
**DESCRIPTION:** Funding was provided for the first step towards implementation of a multi-door courthouse concept that will provide a comprehensive, coordinated set of dispute resolution programs. This first step involves hiring an ADR Coordinator for one justice court. Eventually there will be ADR coordinators for each of the county's three justice courts and for the Superior Court.

### Accomplishments

- A Justice Court ADR Coordinator was hired.
- The Justice Court Mediation Program was formally designed; development included forms, procedures, case selection criteria, etc.
- Efforts began to recruit and train volunteer mediators. Seven mediators successfully completed the training program and are available for cases in the Kingman Justice Court.
- The Superior Court Committee on Dispute Resolution was established.

## FY 95 ADR GRANT PROJECT

**COUNTY:** Pima **AMOUNT:** \$5,000\*  
**COURT:** Superior Court in Pima County  
**TITLE:** Settlement Master Project  
**DESCRIPTION:** Funding was provided to allow the court to continue a pilot project wherein pro tempore judges are hired to sit as settlement masters. This project demonstrates the effectiveness of using settlement officers and will support a future request for a full-time settlement commissioner.

\* This amount was matched with \$5,000 from the Judicial Assistance Program.

### Accomplishments

- Project funding for pro tem judges was expended by 12/31/94. Many pro tems agreed to continue holding settlement conferences on a pro bono basis.
- Nine pro tem judges conducted 74 settlement conferences over a six-month period; 69% of the cases settled.
- A total of 165 trial days were saved for the 51 cases that settled.
- A minimum of \$563,400 in litigation expenses was avoided for litigants.

## FY 95 ADR GRANT PROJECT

**COUNTY:** Pinal **AMOUNT:** \$22,110  
**COURT:** Eloy Justice of the Peace Court  
**TITLE:** Pinal County Justice Courts Mediation Program  
**DESCRIPTION:** Funds were provided to continue mediation services in civil, truancy, domestic violence, and harassment cases. This program is operated pursuant to a contract with the Office of the Attorney General.

### Accomplishments

- Six of the county's eight justice courts participate in the program.
- A total of 97 cases were referred to mediation. Mediation sessions were held in 88 cases, and an agreement was reached in 85% of these cases.
- Truancy cases continue to be a focal point for this program and represent 45% of the caseload.
- Activities continue to be undertaken to inform businesses, schools, and civic organizations regarding the ADR services that are available.
- Thirteen new mediators completed training in May.

## FY 95 ADR GRANT PROJECT

**COUNTY:** Yavapai **AMOUNT:** \$15,400  
**COURT:** Prescott Justice Court  
**TITLE:** Prescott Justice Court Mediation Program  
**DESCRIPTION:** Funding was provided to continue, nurture, improve and expand the existing programs for mediation of interpersonal and intergroup disputes, and certain landlord/tenant issues. Selected victim/offender restitution cases were also mediated after careful screening. In addition, the court is continuing to expand the availability of services to other justice courts in the county. Portions of the program are operated under a contract with the Office of the Attorney General.

### Accomplishments

- Court staff now perform all program administration. (Initially the court contracted with the Attorney General's office to administer the program.)
- The court involved the community in discussions regarding design and implementation of a Victim-Offender Restitution Program (VORP). Mediators have received special training and the program is in the initial stages of implementation.
- The mediation program has been successful in reducing the number of criminal complaints filed following domestic violence and neighborhood disputes.
- The program achieved a 74% settlement rate for the 61 cases assigned to mediation.
- The program maintains a group of 20 volunteer mediators.
- The court recognizes that their locally administered program does not really save staff time, but it saves judicial time and enhances the service courts provide and increases litigant satisfaction with that service.

## FY 95 ADR GRANT PROJECT

**COUNTY:** Yuma **AMOUNT:** \$23,913  
**COURT:** Superior Court in Yuma County  
**TITLE:** Yuma County Justice Court Mediation Project  
**DESCRIPTION:** Funding was provided to continue the ADR Coordinator's position and to fully implement and evaluate the use of mediation to resolve small claims, landlord/tenant, neighborhood dispute, and civil cases. The Attorney General's Office provides some services and others are handled locally.

### Accomplishments

- The three Justice Courts in Yuma County referred 212 cases to the mediation program.
- About 60% of the referred cases were resolved without going back to court.
- The mediation sessions were held about 18 days after the referral to the program.

# **APPENDIX B**

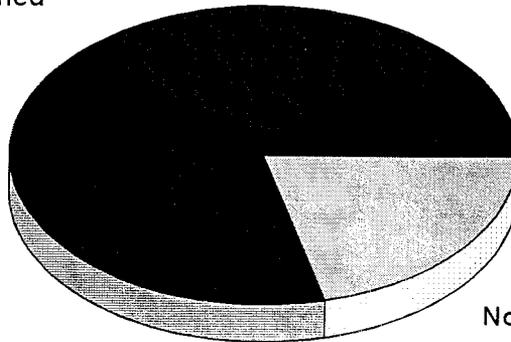
Evaluation Highlights

# FY 95 ADR Grants

## Superior Court Project Evaluation Highlights

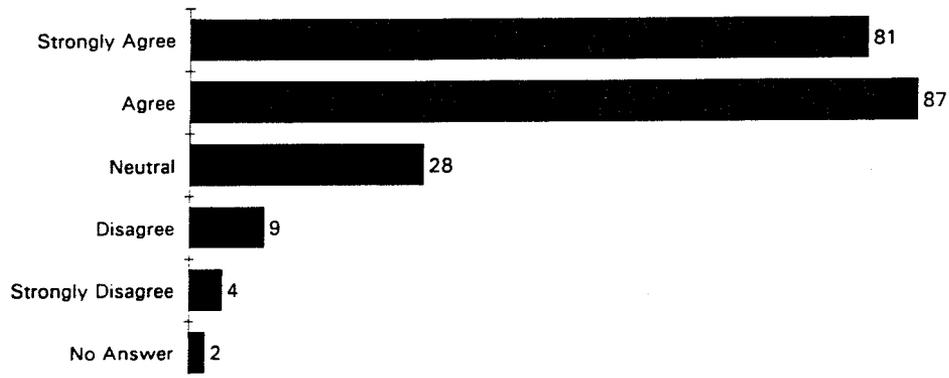
### Case Results:

Agreement Reached  
79%

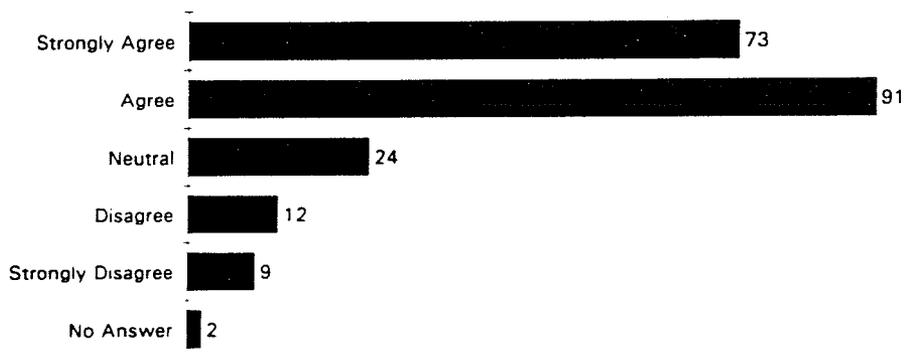


No Agreement Reached  
21%

### 1. Overall, the mediation process was worth my time and effort.



### 2. Overall, I am satisfied with the results of the mediation process.

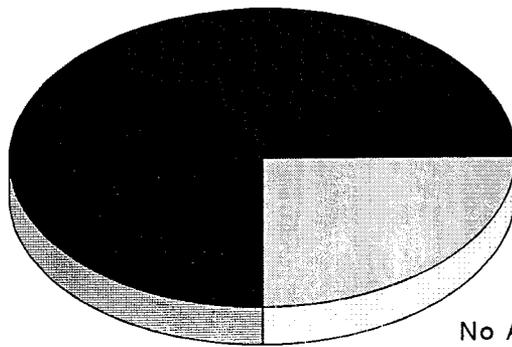


# FY 95 ADR Grants

## Justice Court Project Evaluation Highlights

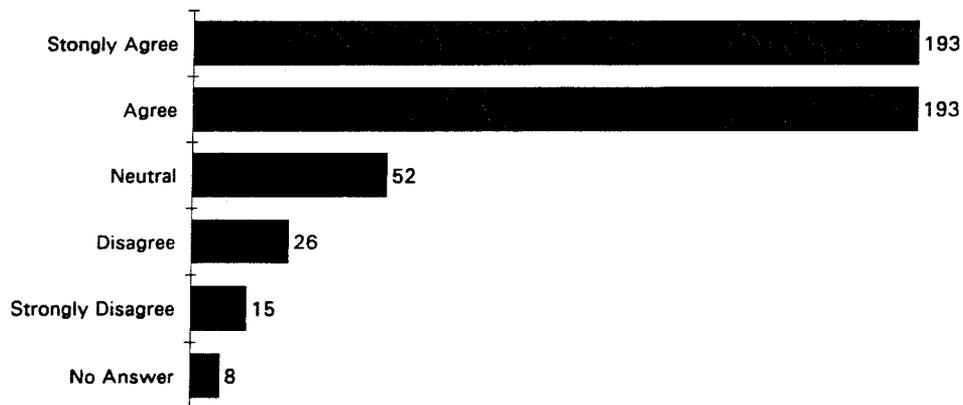
### Case Results:

Agreement Reached  
75%

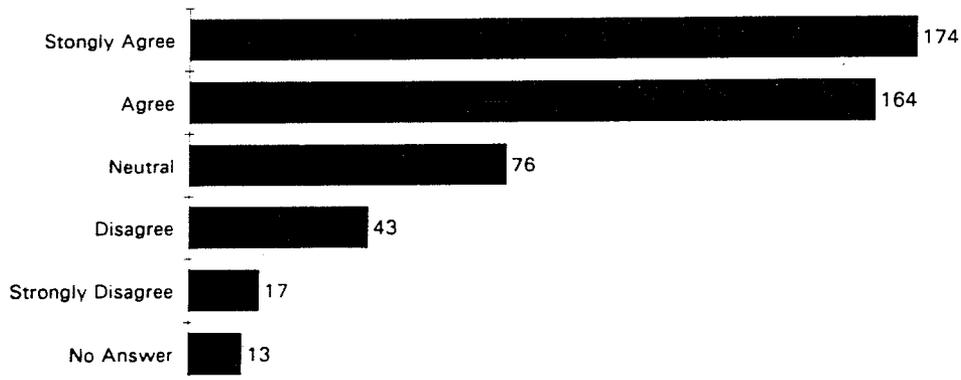


No Agreement Reached  
25%

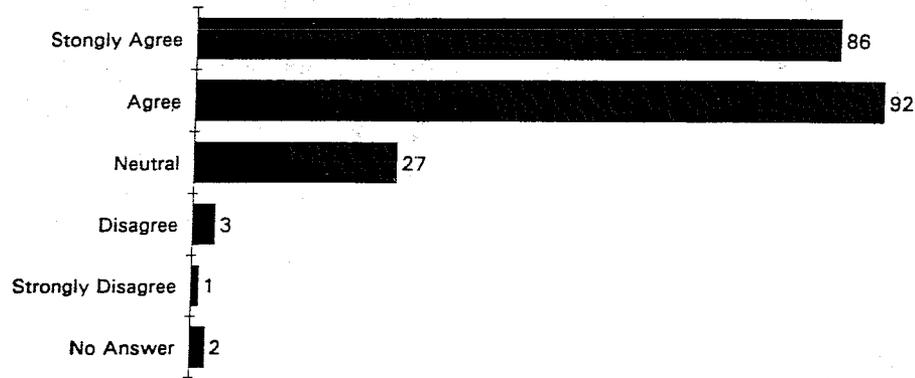
### 1. Overall, the mediation process was worth my time and effort.



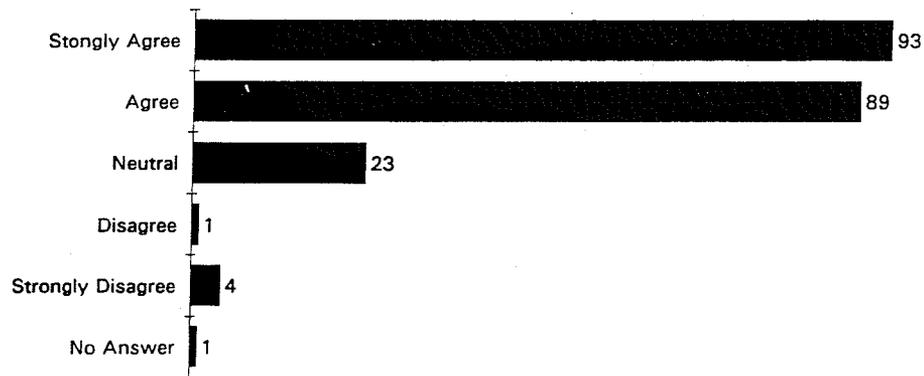
### 2. Overall, I am satisfied with the results of the mediation process.



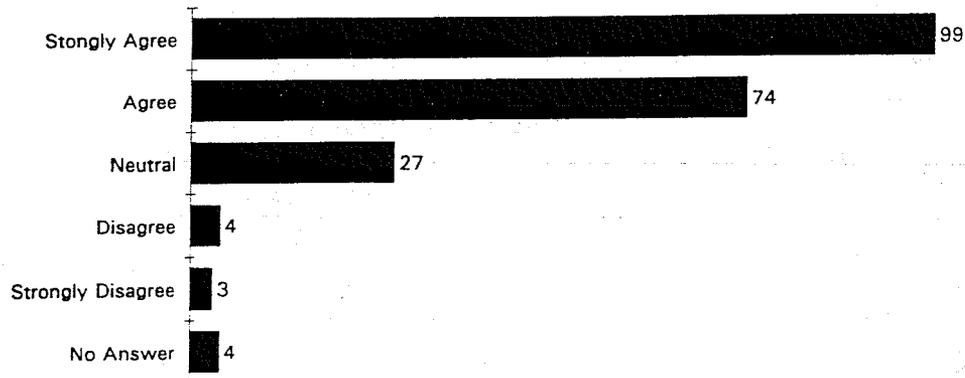
3. If involved in another legal dispute, I would use mediation services again.



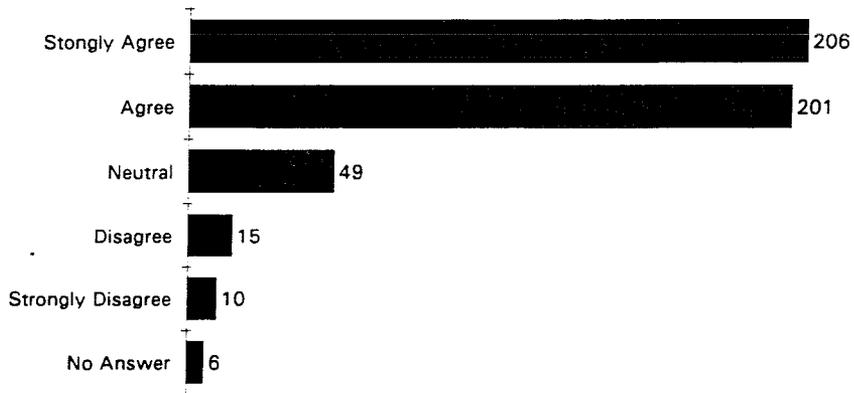
4. I will recommend mediation to others who have a dispute.



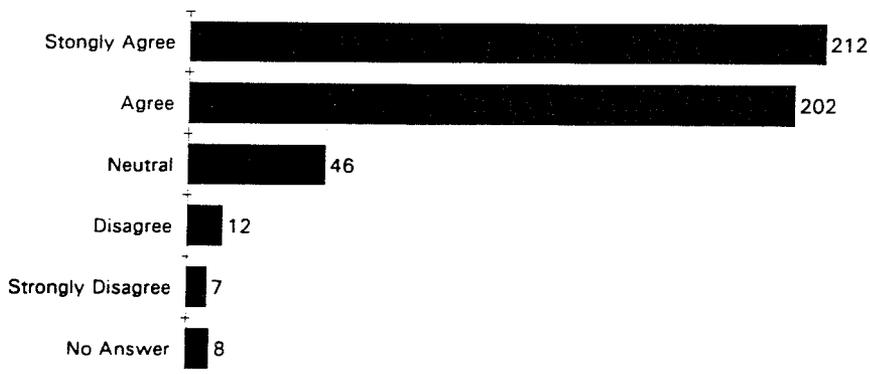
5. I believe mediation should be required prior to going to trial.



3. If involved in another legal dispute, I would use mediation services again.



4. I will recommend mediation to others who have a dispute.



5. I believe mediation should be required prior to going to trial.

