

Arizona Supreme Court

Rule 28 Petition

R-20-0012

RULES FOR THE FAST TRIAL AND ALT RES PRGM (FASTAR)

Appellate Case Information

Case Filed: 9-Jan-2020

Case Closed:

Dept/Composition

Side 1. RULES FOR THE FAST TRIAL AND ALTERNATIVE RESOLUTION PROGRAM ("FASTAR"), Other

(Litigant Group) PETITIONER: HON. KYLE BRYSON

• Hon Kyle Bryson, Pima County Superior Court, Petitioner PRO SE

(Litigant Group) COMMENTOR: JEFFREY A. MARKS

• Jeffrey A Marks, Commentor
AZ Bar No. 5670
[Current Member]
SOLE PRACTITIONER
Admitted 12/19/78

(Litigant Group) COMMENTOR: MICHAEL FLEISHMAN

• Michael Fleischman, Commentor PRO SE

(Litigant Group) COMMENTOR: BRIAN MARCHETTI

• Brian Marchetti, Commentor PRO SE
AZ Bar No. brianmarchetti
[Current Member]

(Litigant Group) COMMENTOR: COMMITTEE ON SUPERIOR COURT

• Hon David L Mackey, Committee on Superior Courts, Commentor
• Committee on Superior Courts, Commentor

(Litigant Group) COMMENTOR: VICTORIA KATZ

• Victoria Katz, Commentor PRO SE

(Litigant Group) COMMENTOR: DAVID D. BUECHEL

• David DeWendt Buechel, Commentor PRO SE
AZ Bar No. 33388
[Current Member]
Admitted 11/18/16

(Litigant Group) COMMENTOR: STATE BAR OF ARIZONA

• State Bar of Arizona, Commentor Attorneys for: Commentor
Lisa M Panahi, Esq. (AZ Bar No. 23421)

(Litigant Group) COMMENTOR: LAWRENCE A. RUZOW

• Mr Lawrence A Ruzow, Commentor
AZ Bar No. 3240
[Current Member]
SOLE PRACTITIONER
Admitted 4/28/73

(Litigant Group) COMMENTOR: ROBERT A. BERNHEIM

• Robert A Bernheim, Commentor
AZ Bar No. 24664
[Current Member]

(Litigant Group) COMMENTOR: HON. JEFFREY T. BERGIN

• Hon. Jeffrey T Bergin, Commentor

CASE STATUS

Jan 9, 2020.....Pending

19 PROCEEDING ENTRIES

1. 9-Jan-2020 FILED: Petition to Permanently Adopt Rules for the Fast Trial and Alternative Resolution Program ("FASTAR"); Appendix (Petitioner Hon. Kyle Bryson, Presiding Judge, Superior Court of Arizona in Pima County)

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2. 16-Jan-2020 Petitions having been filed in the above captioned cases pursuant to Arizona Supreme Court Rule 28. Upon consideration,  
  
IT IS ORDERED that the petitions be opened for public comment pursuant to Arizona Supreme Court Rule 28. Comments must be submitted on or before May 1, 2020.  
Petitions may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules (for example, Rules of Criminal Procedure), which may be found by scrolling down the page.  
For instructions on how to post comments electronically, follow the steps listed above and click on <http://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"  
  
Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007, in an envelope marked "Rule Comment."  
  
Any person filing a comment must send a copy of the comment to the applicable petitioner electronically or by mail (Hon. Andrew W. Gould)
3. 27-Feb-2020 FILED: (Comment) (Jeffrey A. Marks)
4. 10-Apr-2020 FILED: (Comment) (Michael Fleishman)
5. 21-Apr-2020 FILED: (Comment) (Brian Marchetti)
6. 21-Apr-2020 FILED: (Comment) (Committee on Superior Court by Hon. David L. Mackey, Chair)
7. 28-Apr-2020 FILED: (Comment) (Victoria Katz)
8. 30-Apr-2020 FILED: (Comment) (David D. Buechel)
9. 1-May-2020 FILED: Comment of the State Bar of Arizona (State Bar of Arizona by Lisa M. Panahi, General Counsel)
10. 1-Jun-2020 FILED: Reply; Appendix (Petitioner Hon. Kyle Bryson, Presiding Judge, Superior Court of Arizona in Pima County)
11. 25-Aug-2020 WOULD PERMANENTLY ADOPT AND AMEND THE PIMA COUNTY RULES FOR THE FAST TRIAL AND ALTERNATIVE RESOLUTION PROGRAM  
  
ORDERED: Petition to Permanently Adopt Rules for the Fast Trial and Alternative Resolution Program ("FASTAR") = CONTINUED until further order of the Court.
12. 15-Dec-2020 ORDERED: Petition to Permanently Adopt Rules for the Fast Trial and Alternative Resolution Program ("FASTAR") = CONTINUED until the August 2021 Rules Agenda.
13. 24-Aug-2021 WOULD PERMANENTLY ADOPT AND AMEND THE PIMA COUNTY RULES FOR THE FAST TRIAL AND ALTERNATIVE RESOLUTION PROGRAM.  
  
ORDERED: Petition to Permanently Adopt Rules for the Fast Trial and Alternative Resolution Program ("FASTAR") = CONTINUED.  
  
FURTHER ORDERED: Proposed amendments to the FASTAR rules are opened for additional public comment. Comments are due October 15, 2021, and any reply is due no later than October 29, 2021.
14. 13-Oct-2021 FILED: (Comment) (Lawrence A. Ruzow)
15. 15-Oct-2021 FILED: Comment in Response to August 25, 2021 Order Circulating for Comment Amendments to the Pima County Rules for the Fast Trial and Alternative Resolution; Appendix 1 ("FASTAR") Pilot Program (Robert A. Bernheim)
16. 29-Oct-2021 FILED: Supplemental Reply (Superior Court of Arizona in Pima County by Hon. Jeffrey T. Bergin, Presiding Judge)

**Arizona Supreme Court**

**Rule 28 Petition**

**R-20-0012**

**RULES FOR THE FAST TRIAL AND ALT RES PRGM (FASTAR)**

**19 PROCEEDING ENTRIES**

17. 8-Dec-2021 In 2016, the Committee on Civil Justice Reform recommended an experimental program called the Fast Trial and Alternative Resolution Program ("FASTAR") as a means of improving access to justice in civil cases. A pilot project, governed by the Pima County Rules for the Fast Trial and Alternative Resolution ("FASTAR") Pilot Program, was established in Pima County under Administrative Order 2017-116. On January 9, 2020, Judge Kyle Bryson, Presiding Judge of the Superior Court in Pima County, proposed amendments to those rules. His petition was circulated for comment, and Judge Bryson filed a Reply to those comments. This Court, at its August 2020 Rules agenda, continued the petition until further order.
- On October 29, 2020, Chief Justice Brutinel signed Administrative Order 2020-158 extending the FASTAR pilot project in Pima County until December 31, 2021 under the existing rules.
- At its December 15, 2020 Rules Agenda, this Court ordered Judge Bryson's petition continued to the August 2021 Rules Agenda.
- At its August 2021 Rules Agenda, the Court determined that it should extend the FASTAR pilot project in Pima County for an additional two years, but only after an additional period of public comment on amendments proposed in Judge Bryson's petition and reply. Two comments and a Reply having been submitted, and after consideration,
- IT IS ORDERED adopting the attached amendments to the Pima County Rules for the Fast Trial and Alternative Resolution ("FASTAR") Pilot Program, effective December 31, 2021;
- IT IS FURTHER ORDERED extending the FASTAR Pilot Program in Pima County until December 31, 2023;
- IT IS FURTHER ORDERED that the Superior Court in Pima County and the Administrative Office of the Courts monitor the pilot program during its extended term and that they submit a progress report to the Arizona Judicial Council prior to the program's December 31, 2023 expiration date. (Hon. Robert Brutinel)
18. 5-Dec-2023 WOULD PERMANENTLY ADOPT AND AMEND THE PIMA COUNTY RULES FOR THE FAST TRIAL AND ALTERNATIVE RESOLUTION PROGRAM.
- ORDERED: Sua sponte Extension of Fast Trial and Alternative Resolution Program = APPROVED extending the FASTAR Program in Pima County and the FASTAR Rules until further order from the Court.
19. 6-Dec-2023 In 2016, the Committee on Civil Justice Reform recommended an experimental program called the Fast Trial and Alternative Resolution Program ("FASTAR Program") as a means of improving access to justice in civil cases. A project governed by the Pima County Rules for the Fast Trial and Alternative Resolution ("FASTAR") Pilot Program ("FASTAR Rules") was established in the Superior Court in Pima County under Administrative Order 2017-116.
- On January 9, 2020, Judge Kyle Bryson, then the Presiding Judge of the Superior Court in Pima County, proposed amendments to the FASTAR Rules in rule petition R-20-0012. The COVID pandemic ensued shortly thereafter, and this Court at its August 2020 Rules Agenda continued the petition until further order. At its December 2021 Rules Agenda, and after additional public comment periods, this Court by its December 8, 2021 order in R-20-0012 adopted amendments to the FASTAR Rules effective December 31, 2021. That order also extended the FASTAR Pilot Program in Pima County until December 31, 2023, and further ordered the submission of a progress report to the Arizona Judicial Council before that date.
- The progress report has been prepared for submission to the Arizona Judicial Council at its December 14, 2023 meeting. The report requests that the Court elevate FASTAR from a pilot program to a permanent program. The report also advises that Judge Jeffrey Bergin, who is now the Presiding Judge of the Superior Court in Pima County, will be filing a rule petition in the 2024 rules cycle seeking permanent adoption of the FASTAR rules. This Court would like to maintain the active status of the FASTAR Program and the FASTAR Rules pending consideration of Judge Bergin's rule petition. Doing so requires this Court to extend the expiration date of the FASTAR Program and the FASTAR Rules that were established in its December 8, 2021 Order. Accordingly, and after consideration,
- IT IS ORDERED extending the FASTAR Program in Pima County and the FASTAR Rules until further order of this Court. (Hon Robert Brutinel)