

Dear Arbitrator:

Thank you for your service in the arbitration program. The following question-and-answer checklist and information may help you. If you have any questions, comments, or suggestions please call (602) 506-3850 or email us at civilarbitration@jbazmc.maricopa.gov.

QUESTIONS AND ANSWERS

Q. FIRST, WHAT SHOULD I DO?

A. Check the court website by logging on to: www.superiorcourt.maricopa.gov/docket/CivilCourtCases/caseSearch.asp for case information. (Procedures are included in the basic information section of this packet.) If you do not have a conflict, schedule an arbitration hearing. The hearing shall commence **no earlier than 60** and **no more than 120** days after the filed Notice of Appointment of Arbitrator.

Q. WHY SHOULD THE HEARING BE DONE SO SOON?

A. The Arbitrator must schedule the arbitration hearing to begin no sooner than 60 days and no later than 120 days from the date of this Notice of Appointment. See Rule 74(c), Arizona Rules of Civil Procedure.

Q. WHERE CAN THE HEARINGS BE HELD?

A. Arizona Bar Center - (602) 340-7239
Arbitrator's Private Office
Attorney's Office
Virtually (Zoom, Microsoft Teams, etc.)

Q. WHAT DO I DO IF I RECEIVE MOTIONS?

A. The Arbitrator is responsible for ruling on all pre-hearing motions, other than those listed in Rule 74(d)(1) of the Arizona Rules of Civil Procedure. This means that original motions, responses, and replies, should be filed, with copies provided to the Arbitrator and to the other parties.

B. Motions are sent to the arbitrator throughout the pendency of arbitration. You can and should rule on them except:

- Motions/Stipulations to Consolidate Cases under Rule 42;
- Motions/Stipulations to Continue on Dismissal calendar under Rule 38.1(d); Motions/Stipulations for a Judgment of Dismissal;
- Motions to withdraw as attorney of record under Rule 5.3;
- Motions for Summary Judgment that if granted, would dispose of the entire case as to any party;
- Motions for Sanctions under Rule 68(g); Motions to Dismiss

NOTE: Any of the above Motions/Stipulations should be forwarded to the assigned Judge. Your rulings on motions will be final unless the case is appealed. Complex and unusual cases can be handled under Rule 16 Arizona Rules of Civil Procedure. This rule is not designed for arbitration cases and should be used very rarely, if at all, in arbitration.

Discovery Motions: The arbitrator may hear discovery motions. Taking into account such motions, the arbitrator shall consider the purpose of arbitration to provide for the efficient and inexpensive handling of small claims. When an arbitrator makes a ruling that requires disclosure of matters that a party claims are privileged or confidential, a party may appeal within 10 days of the ruling to the assigned judge for a de novo review.

Q. WHAT DO I DO AFTER THE HEARING?

A. Within ten days after completing the hearing you must: (1) eFile the Notice of Decision (sample provided in this packet) with the Clerk of the Court and, (2) mail copies of the Notice of Decision to all parties who are representing themselves. Within ten days of filing the Notice of Decision, a party to the case **must** submit the following to you:

(1) A proposed form of Arbitration Award

(2) A verified statement of costs and an affidavit for attorneys' fees, if fees are recoverable. Parties and counsel have five days after receipt to file objections. Within ten days of receipt of objections, the arbitrator shall consider the objections, sign and eFile the Award with the Clerk of the Court, and mail copies to persons representing themselves. **NOTE:** The arbitration is not formally ended until an "Award" is filed. Please be sure the word "proposed" does not appear on the original Award. A proposed award is just a proposal and not the final Award. The clerk's office will not file a "proposed" Award even if you sign it.

Q. WHAT DO I DO WITH EXHIBITS?

A. Return exhibits to the parties at the end of the hearing or after the Award has been filed.

Q. HOW CAN AN ARBITRATOR SET A HEARING IF LESS THAN ALL OF THE DEFENDANTS HAVE ANSWERED?

A. If the assigned arbitrator determines that less than all parties have answered and wishes to set a hearing within 120 days, the arbitrator may set a telephonic scheduling conference with all parties served to date. The arbitrator may order the plaintiff or counsel to immediately notify all parties who have been served of the date and time of the scheduled conference.

Q. WHAT SHOULD AN ARBITRATOR DO IF A DEFAULT HAS BEEN ENTERED AGAINST A DEFENDANT?

A. If a default has been entered against a named defendant, the arbitrator loses jurisdiction over the defaulted defendant only and the case against that defendant should be referred to the assigned judge for all default proceedings.

BASIC INFORMATION FOR ARBITRATORS

1. When the Arbitrator has a conflict of interest or needs to be removed from the case or the list of arbitrators for a specific period of time as specified in Rule 73(g), Arizona Rules of Civil Procedure;

Submit a motion to be removed as the arbitrator through eFile at:

<https://efile.azcourts.gov> citing the rule and making a clear statement of the facts. Be sure to select the box that states you are the arbitrator so that you will not be charged the fee for filing a document. Please include the case number and caption in your motion and mail copies of the motion to all parties. A blank motion can be found at:

<https://superiorcourt.maricopa.gov/media/4492/gn10fz.pdf>

PLEASE REMEMBER you are still the arbitrator in the case until you have received a minute entry from the Superior Court saying that you are excused.

2. General Procedures

- 2.1 Review the Arizona Rules of Civil Procedure 72-77 for Compulsory Arbitration.

- 2.2 Once the hearing date is determined, prepare a Notice of Hearing (sample provided in this packet)

Then eFile at: <https://efile.azcourts.gov>

Note: When you are eFiling as the Arbitrator, please select the box that states “I have been appointed by the court as Special Master or Arbitrator” so the filing fee will not be charged to you.

- 2.3 As required by Title VI of the Civil Rights Act of 1964 and Maricopa County Superior Court Administrative Order No. 2012-031, the court must provide reasonable language assistance to persons with Limited English Proficiency (LEP). The court must also provide services to persons who are covered under the Americans with Disabilities Act and require a sign language interpreter.

Counsel or any self-represented party must notify the Arbitrator and Civil Court Administration of the need for any such services for hearings. The Arbitrator is responsible for notifying Civil Administration and the Court Interpreter Translation Services Department (CITS) of any hearings, rescheduled hearings, or cancellations:

Civil Court Administration

Email: civilarbitration@jbazmc.maricopa.gov Phone: 602-506-3850

Court Interpreter Translation Services Department (CITS) Email:

CITSScheduling@jbazmc.maricopa.gov Phone: 602-506-3494

No private interpreter retained by counsel, or any party will be permitted to participate in any hearings conducted by the Arbitrator.

3. Continuances

- 3.1 If necessary, you may extend the time for hearing for “good cause.” (Please refer to the “Extension of Time for Hearing” section for guidance).
- 3.2 If a bankruptcy is filed during the arbitration process, please have counsel or the party who filed the bankruptcy prepare and eFile a "Bankruptcy Notice" under the superior court case number indicating the bankruptcy case number, so you can issue an order referring the case back to the assigned judge.

4. To Access the Court File

- 4.1 Attorneys appointed as arbitrators may get remote access to court documents through the Electronic Court Record Online (ECR Online) by emailing a copy of the Appointment of Arbitrator to the eFile mail email address at: efilesupport@cosc.maricopa.gov.
In the email, request to add the case to the arbitrator’s “My Cases,” list on ECR Online. Include the case number and arbitrator’s name, as well as a preferred contact number in case the Clerk of Court’s staff needs to follow up.

5. To Receive Compensation.

Arizona Rules of Civil Procedure 76(f) authorizes compensation to arbitrators for time spent in an arbitration hearing and if an Award or final disposition is filed. File the ‘Requested Arbitrator Warrant Invoice’ that is found online at <https://superiorcourt.maricopa.gov/media/7881/arb warrant form final 22223.pdf>

A vendor number is **required** to receive compensation for arbitration. To obtain a vendor number, visit <https://azdom-vss-ext.hostams.com/PRDVSS2X1/Advantage4> Please email FIN.VSSAdmin@maricopa.gov with any inquiries regarding vendor registration or if you require assistance with the WARRANT INVOICE request sent through the portal.

The new process will give you full control over your organizational information. Please be advised however, that you are now directly responsible for the presence and accuracy of your company’s information. Vendors currently registered who have changes to their information or have not registered online, must establish a new account via web site link.

Procurement Vendors: Be sure to select **Managing Your Commodity Codes** that best represent the commodities and or service provided by your organization. No procurement registrants may ignore the commodity portion.

After the registration approval, the vendor will receive an automated email confirmation with the new registration. If an arbitrator chooses to donate their payment to someone else, such as their firm or the state bar, complete the ‘Requested Arbitrator Warrant Invoice’ and fill out the ‘Optional’ portion.

You have the choice to submit your Warrant Invoice to the Portal that you created your vendor number **OR** Mail the 'Requested Arbitrator Warrant Invoice' to the Arbitration Department 201 W. Jefferson, 4th floor, CCB, Phoenix, AZ 85003.

Please include the following information:

1. Day(s) spent in a hearing
2. Bar Number
3. Case Number
4. Vendor Number and Tax I.D. number (if needed for optional payee)
5. Amount due \$75 X day(s) in hearing
6. Original Signature

NOTE: If you have any questions regarding your mailed Warrant Invoice or your check has not been received, please email JudicialAPInvoices@jbazmc.maricopa.gov

EXTENSIONS OF TIME FOR HEARING

You may receive a request to extend time to hold the hearing. As arbitrator, for good cause, you may shorten or extend time for an arbitration hearing. See Rule 74(c) Arizona Rules of Civil Procedure. You are encouraged to grant a brief extension only if good cause is shown through a timely formal pleading. If you grant an extension, it must not conflict with Rule 38.1. A formal signed order should be eFiled and forwarded to the Arbitration Department. Remember, a Motion to Set and Appeal from Arbitration is required within **210** days of the date of filing. Please refer all motions to continue on the dismissal calendar and motions to consolidate cases to the assigned judge.

Some examples of what should be considered in determining good cause include:

- 1) Whether the underlying circumstances were foreseeable or due to lack of preparation.
- 2) Whether the parties are proceeding with due diligence.
- 3) The complexity of the case.
- 4) The novelty of the issues.
- 5) Prejudice to another party.
- 6) The need to dispose of actions or set them for trial in accordance with the arbitration time limits

Some examples of what do not amount to good cause include:

- 1) Stipulations that are not supported by factual bases.
- 2) Motions grounded on pending settlement negotiations.
- 3) Motions grounded on failure to serve a defendant where due diligence in trying to serve has not been shown.

As arbitrator, you are acting as a judicial officer for this case. Any continuance pursuant to Arizona Rule of Civil Procedure 74(d)(1)(A), should not unduly delay proper preparation for final disposition. If good cause has been shown to justify a continuance, you should continue a hearing only for the length of time necessary to prepare for the hearing.

Arizona Rule of Civil Procedure 74(b) requires parties to serve initial disclosure statements no later than the deadline in Rule 26.1(f).

OATHS AND AFFIRMATIONS

WITNESS

You (and each of you) do solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

AFFIRMATIONS

Occasionally a person prefers not to take an oath and will ask to be affirmed.

WITNESS AFFIRMATION (Do not raise hand)

YOU DO AFFIRM that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, **THIS YOU DO UNDER THE PAINS AND PENALTIES OF PERJURY?**

Helpful Links

Arizona Courts Efile	https://efile.azcourts.gov
Clerk of the Court:	http://www.clerkofcourt.maricopa.gov/
Attorney Address change:	http://www.clerkofcourt.maricopa.gov/AttyAddLanding.asp
Arizona State Bar:	www.azbar.org
Maricopa Bar:	www.maricopabar.org
Superior Court Law Library	https://superiorcourt.maricopa.gov//llrc
County Finance: (For vendor registration)	https://azdom-vss-ext.hostams.com/PRDVSS2X1/Advantage4
For Warrant: Invoice in Support of Request	https://superiorcourt.maricopa.gov/media/7881/arb WARRANT FORM FINAL 22223.pdf
Civil Court Administration	civilarbitration@jbazmc.maricopa.gov
Court Interpreter Translation Services Department (CITS)	CITSScheduling@jbazmc.maricopa.gov

Arbitrator: _____

Phone: _____ Bar # _____

Dear Counsel:

On _____, I was appointed by the court to serve as arbitrator in this case. To expedite matters, please do the following:

1. Provide me with a stipulated series of dates on which the arbitration hearing could be held. None of those dates should be later than allowed by the Arbitration Rules. Please remember that the action can be dismissed under Rule 38.1(d), Arizona Rules of Civil Procedure if the arbitration is not timely completed.
2. Please read the Arizona Rule of Civil Procedure 75(b) and 75(d) and pay special attention to the provision concerning witnesses and documentary evidence. Documentary evidence should be received on stipulation whenever possible. In addition, please try to stipulate on all undisputed facts, limitation of issues, and other matters as appropriate.
3. Please provide me with copies of all exhibits at least two business days before the hearing. I will try to read the exhibits before the hearing. Also, at least two business days before the hearing, please provide me with a brief memorandum (no more than five pages per side) outlining your positions in the arbitration.
4. Most arbitration hearings can be completed in two hours with each side taking no more than an hour. If you require more time than that, please let me know as quickly as possible.

Once the hearing has been scheduled, please let me know in writing if an interpreter is needed for any party or witness. If so, also notify in writing the Civil Court Administration Arbitration Department (602- 506-3850) and the Court Interpreter and Translation Services at (602-506-3494), at least 3 weeks prior to the hearing date to request an interpreter. **Please keep in mind, if you do not request an interpreter at least 3 weeks prior to the hearing, an interpreter may not be available for the hearing.** Interpreters cannot be provided for corporations, only for witnesses for the corporation. Thank you for your courtesy and cooperation.

Sincerely,

Original EFiled with Superior Court at:

<https://efile.azcourts.gov>

Copies mailed this date:

_____, 20__ to:

Plaintiff(s)

Defendant(s)

Revised November 2023

Arbitrator: _____

Phone: _____ Bar # _____

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

)	
)	
Plaintiff,)	CV
)	
vs.)	ARBITRATOR'S NOTICE
)	OF CASE STATUS
)	
)	
Defendant,)	

On _____ 20____, the arbitrator has been notified the parties have **settled** and will be filing the appropriate documents with the court.

As arbitrator in this case, I have taken the following actions to process this case:

I received the following results:

Dated this ____ day of _____ 20____.

Arbitrator

Original EFiled with Superior Court at:
<https://efile.azcourts.gov>
Copies mailed this ____ day
of _____, 20 ____ to:
Plaintiff(s)
Defendant(s)

Arbitrator: _____

Phone: _____ Bar # _____

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

Plaintiff) CV
vs.) NOTICE OF ARBITRATION HEARING

Defendant)

The arbitration hearing in this matter is set for the ____ day of __, 20 __ at ____ o'clock(a.m./p/m).

The hearing is expected to take ____ hours and will be held at the following location:

Dated this _____ day of __, 20 __.

Arbitrator

Original EFiled with Superior Court at:

<https://efile.azcourts.gov>

Copies mailed this ____ day

of _____, 20 __ to:

Plaintiff(s)

Defendant(s)

Revised November 2023

Arbitrator: _____

Phone: _____ Bar # _____

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

)	
)	
Plaintiff,)	CV
)	
vs.)	NOTICE OF DECISION
)	OF ARBITRATOR
)	
Defendant,)	
)	
_____)	

As Arbitrator for this cause, I find in favor of _____, in the amount of _____ . I find that _____ is the prevailing party. The prevailing party shall submit to me a proposed form of award, an affidavit in support of attorneys' fees, if attorney fees are recoverable, and a verified statement of costs. Copies shall be served by mail or delivered to all parties within 15 days from the date of this notice.

Dated this _____ day of _____ 20_____.

Arbitrator

Original EFiled with Superior Court at:
<https://efile.azcourts.gov>
Copies mailed this _____ day
of _____, 20__ to:
Plaintiff(s)
Defendant(s)

Arbitrator: _____

Phone: _____ Bar # _____

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

Plaintiff,)
vs.) CV
) WAIVER OF RIGHT TO
) APPEAL ARBITRATION AWARD
)
Defendant,)
)
)
_____)

Pursuant to Arizona Rule of Civil Procedure Rule 77(e), the parties stipulate that the award entered by the Arbitrator shall be binding upon the parties.

Dated this _____ day of _____, 20__.

(Signature)

(Typed Name)

(Signature)

(Typed Name)

Original EFiled with Superior Court at:

<https://efile.azcourts.gov>

Copies mailed this _____ day

of _____, 20__ to:

Plaintiff(s)

Defendant(s)

Revised November 2023

Arbitrator: _____

Phone: _____ Bar # _____

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

)	
)	
Plaintiff,)	CV
)	
vs.)	ARBITRATION AWARD
)	(For Plaintiff)
)	
Defendant,)	
)	
_____)	

Pursuant to Rule 76, Arizona Rules of Civil Procedure, an arbitration award is entered as follows:

- (a) Defendant shall pay Plaintiff the amount of \$_____ in damages.
- (b) Plaintiff is hereby awarded \$_____ in attorneys' fees if applicable and \$_____ in costs.
- (c) Payment of the foregoing is to be made by _____
- (d) Interest shall accrue at _____%, the rate provided pursuant to Arizona Revised Statutes, from _____ until paid in full.

Dated this ___ day of _____, 20__.

Arbitrator

Original EFiled with Superior Court at:

<https://efile.azcourts.gov>

Copies mailed this _____ day

of _____, 20__ to:

Plaintiff(s)

Defendant(s)

Revised November 2023

