

## TIER 2 ARBITRATION PILOT PROGRAM

In a further effort to assist civil litigants obtain access to justice during the pandemic, the Arizona State Superior Court in Maricopa County launched a new pilot program, that allows parties in Tier 2 cases to participate in a specialized arbitration program using Certified Arbitrators. This arbitration program is not mandatory and participation requires the agreement of all parties.

If the parties agree to participate in Certified Arbitration, they must file a “Written Agreement to Certified Arbitration” with the Court within 30 days after service of the Complaint. If more than 30 days have passed since service of the Complaint, the parties may jointly file a “Motion for Appointment of a Certified Arbitrator.” If the parties cannot agree on the appointment of a particular Certified Arbitrator from the list, one will be appointed by the Court. To find the list of available Certified Arbitrators, visit: <https://superiorcourt.maricopa.gov/civil>. The list of Certified Arbitrators includes qualified judges pro tem, individuals recruited for inclusion in the program, and individuals who apply and are accepted into the program.

The Tier 2 arbitration program utilizes the procedures of Rules 72-76 of the Arizona Rules of Civil Procedure, but the Certified Arbitrator will serve pursuant to Rule 53 as a Special Master. Any appeal from the ruling will be governed by standards in Ariz. R. Civ. P. 53(f)(3)-(5).

The parties may agree that the arbitration is binding or non-binding. If the parties agree to binding arbitration, they will incur no costs. If the parties agree that the Certified Arbitration process is non-binding, the parties will be responsible for compensating the Certified Arbitrator, as follows:

- \$2,000 for cases with the amount in controversy of \$100,000 and less;
- \$3,000 for cases with the amount in controversy between \$101,000 and \$200,000; and
- \$4,000 for cases with the amount in controversy in excess of \$200,000.

If you are interested in becoming a Certified Arbitrator, you may apply through the application on the court’s website:

<https://superiorcourt.maricopa.gov/civil>. The Administrative Order 2020-71 setting forth the requirements for the program can be accessed at <http://www.superiorcourt.maricopa.gov/SuperiorCourt/AdministrativeOrders>.