

ARBITRATOR'S INFORMATION PACKET

Thank you for your service in the arbitration program. The following information may help you. If you have any questions, comments, or suggestions please call 602-506-1497 or email the Arbitration Department at civilarbitration@jbazmc.maricopa.gov.

BASIC INFORMATION FOR ARBITRATORS

Request to be Removed as Arbitrator

If you find yourself facing a conflict of interest or need to be removed from the case, or from the list of Arbitrators for a designated period as outlined in Rule 73(g) of the Arizona Rules of Civil Procedure, please follow the procedure outlined below:

1. Electronically file a motion for your removal from the case at the following website:
<https://efile.azcourts.gov>.
2. In your motion, cite Rule 73(g) and provide a clear and concise statement of the facts supporting your request, referencing the specific provisions of the rule. Ensure that the **case number and caption** are included in the motion.
3. Mail copies of the filed motion to all parties involved in the case.
4. When filing, be sure to check the box indicating that you are the Arbitrator to avoid being charged a document filing fee.

Important Information: You remain the Arbitrator in the case until you receive a minute entry from the Superior Court confirming your excusal or until the case is dismissed.

General Procedures

1. The Superior Court of Arizona in Maricopa County has created a new Arbitrator training series available on YouTube at https://www.youtube.com/playlist?list=PLh-xFB5ObJz5EF-M_pqipJSA2mKLpH7u8.
2. Register for your electronic case file access through the Clerk of Court electronic court record link at <https://ecr.clerkofcourt.maricopa.gov/login.aspx>. This will give you access to the case docket and party contact information.
3. Contact all parties to arrange the hearing date, time, and location. The hearing must be held between 60 and 120 days from the time of your appointment. The Notice of Arbitration Hearing must be electronically filed with the Clerk of Court. If the hearing is rescheduled or vacated, you must file an Amended Notice of Arbitration Hearing.
4. Frequently used arbitration forms may be found at <https://superiorcourt.maricopa.gov/departments/superior-court/civil/arbitration/>.

5. The electronic filing link can be found at <https://efile.azcourts.gov>. To avoid paying filing fees as Arbitrator, be sure to check the box that states “I have been appointed by the court as Special Master or Arbitrator” so you will not be required to pay the document filing fee.
6. If a Court Interpreter is required for your Arbitration Hearing, a Certified Court Interpreter will be provided. Only a Certified Court Interpreter may provide interpretation for the Arbitration Hearing. To request a Court Interpreter, please follow these steps:
 - a. The Notice of Arbitration Hearing must be filed with the Court.
 - b. If an interpreter is needed for any party or witness, contact the Arbitration Department at civilarbitration@jbazmc.maricopa.gov at least 3 weeks prior to the hearing date to request an interpreter.
 - c. If you reschedule or vacate a previously set Arbitration Hearing, please advise the Court Interpreter’s Office at citsscheduling@jbazmc.maricopa.gov or at 602-506-3494 along with your filed Amended Notice of Arbitration Hearing with the new date, time, and location.
7. Following the Arbitration Hearing, the Arbitrator has ten days to reach a Decision and file the Notice of Arbitration Decision. Fifteen days after the Notice of Decision is filed, either party may submit a proposed form of award to the Arbitrator. The Arbitrator will then file the Arbitration Award.
8. For more information, please refer to the Arizona Rules of Civil Procedure, Rules 72-77. For all other questions, contact Civil Administration at 602-506-1497.

Continuances and Extensions of Time for Arbitration Hearings

As an Arbitrator, you have the discretion to shorten or extend the time for holding an arbitration hearing, as permitted under Arizona Rule of Civil Procedure 74(c), provided there is good cause. Any continuance granted under Arizona Rule of Civil Procedure 74(d)(1)(A) should not unnecessarily delay preparation for final disposition. Extensions should be granted only when good cause is demonstrated through a timely, formal pleading. If good cause is shown, limit the extension to the amount of time necessary for adequate preparation. Any extension must also comply with Arizona Rule of Civil Procedure 38.1.

In evaluating whether good cause exists for a continuance, consider the following:

- Whether the circumstances were foreseeable or resulted from a lack of preparation.
- Whether the parties are proceeding with due diligence.
- The complexity and novelty of the case.
- Potential prejudice to any party involved.
- The need to adhere to arbitration time limits, particularly the 210-day deadline for filing a Motion to Set or Appeal from Arbitration according to Arizona Rule of Civil Procedure 38.1.

Certain reasons will not be considered good cause for a continuance, including:

- Stipulations unsupported by factual evidence.
- Motions based on pending settlement negotiations.

- Motions based on failure to serve a defendant without demonstrating due diligence in service efforts.

Bankruptcy Notice: If a bankruptcy is filed during the arbitration process, the party who filed the bankruptcy must prepare and electronically file a "Bankruptcy Notice" under the superior court case number, including the bankruptcy case number. This will allow you to issue an order referring the case back to the Case Management Judge.

Filing Orders: If you grant an extension, ensure that a formal signed order is electronically filed and forwarded to the Arbitration Department. Motions to Continue on the Dismissal Calendar and Motions to Consolidate Cases should be directed to the Case Management Judge.

OATHS AND AFFIRMATIONS

Oath:

- “Please raise your right hand. 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?”

Affirmation: Occasionally a person prefers not to take an oath and will ask to be affirmed. Witnesses do not raise their hand for affirmations.

- “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?”

OTHER HELPFUL LINKS

Clerk of the Court: <http://www.clerkofcourt.maricopa.gov/>

Attorney Address change: <https://www.clerkofcourt.maricopa.gov/services/address-changes/attorney-address-changes>

Arizona State Bar: www.azbar.org

Maricopa Bar: www.maricopabar.org

Superior Court Law Library: <https://superiorcourt.maricopa.gov/llrc>

County Finance: (To register as a vendor, required to receive payment as Arbitrator): <https://azdom-vss-ext.hostams.com/PRDVSS2X1/Advantage4>

Requested Arbitrator Warrant Invoice: <https://superiorcourt.maricopa.gov/media/2ibijazu/arbitration-invoice.pdf>

Arbitrator Training: https://www.youtube.com/playlist?list=PLh-xFB5ObJz5EF-M_pqipJSA2mKLpH7u8

Arbitration Webpage: <https://superiorcourt.maricopa.gov/departments/superior-court/civil/arbitration/>

QUESTIONS AND ANSWERS

Q. How can I access the case/parties' contact information?

For case information, please check the court website by searching:

www.superiorcourt.maricopa.gov/docket/CivilCourtCases/caseSearch.asp

- Procedures are included in the basic information section of this packet. If you do not have a conflict, schedule an arbitration hearing to be held no earlier than 60 days and no more than 120 days after the Notice of Appointment of Arbitrator. The Notice of Arbitration Hearing must be e-filed with the Clerk of Court.

Q. Why should the hearing be done so soon?

To minimize delays in litigation:

- Rule 38.1(b) of the Arizona Rules of Civil Procedure requires a Notice of Decision (see Rule 76 of the Arizona Rules of Civil Procedure) to be electronically filed within 210 days after the date the complaint or amended complaint was filed with the Court, whichever is later.
 - After the arbitration hearing, if a party wishes to appeal, there may be discovery that needs to be completed before the appeal can be set for trial. Everything must be completed before the 210-day period expires.
-

Q. Where can the hearings be held?

- 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?

Motions may be submitted to the arbitrator throughout the arbitration process. You can and should rule on them, except for the following:

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

Revised 2/5/2025

You may hear discovery motions. In considering such motions, keep in mind that the purpose of arbitration is to provide an efficient and inexpensive means of handling small claims. If you make a ruling requiring the disclosure of a matter that a party claims is privileged or confidential, that party may appeal within 10 days of the ruling to the assigned judge for a de novo review.

Q. What must I do after the hearing?

Within 10 days after completing the hearing, you must:

1. Electronically file the Notice of Decision (sample on page 14 of this packet) with the Clerk of the Court.
2. Mail copies of the Notice of Decision to all parties representing themselves.

Within ten days of filing the Notice of Decision, the prevailing party 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 15 days after receipt to file objections. Within ten days of receiving objections, you shall consider them, sign, and electronically file the award with the Clerk of the Court, and mail copies to parties representing themselves.

NOTE: The arbitration is not formally concluded until an "Award" is filed. Ensure that the word "proposed" does not appear on the original award, as a proposed award is merely a proposal and not the final Award. The Clerk's office will not accept a "proposed" award, even if you sign it.

Q. What do I do with exhibits?

Return exhibits to the parties at the end of the hearing or after the award has been filed, exhibits are not submitted to the Court.

Q. How can an Arbitrator set a hearing if not all defendants have answered?

If not all parties have answered and you determine to set a hearing within 120 days, you may schedule a telephonic scheduling conference with all parties served to date. You may order the plaintiff or counsel to immediately notify all served parties of the date and time of the scheduling conference.

Q. What should an Arbitrator do if a default has been entered against a defendant?

If a default has been entered against a named defendant, you lose jurisdiction over that defaulted defendant only, and the case against that defendant should be referred to the assigned judge for all default proceedings. You will remain assigned as Arbitrator to the case for all defendants not in default, until the case is completed, or you are removed as Arbitrator of the case by the Case Management Judge.