

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF ESTABLISHING A  
CERTIFIED ARBITRATOR PROGRAM

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} ADMINISTRATIVE ORDER  
No. 2021-106

} (Replacing A.O. No. 2020-071)

At the recommendation of a Superior Court Task Force that studied measures to make court operations and procedures more efficient and responsive to litigants during the public health emergency, on July 15, 2020 the Court issued Administration Order No. 2020-071 establishing a Certified Arbitrator program for civil litigants. The program was set to expire on July 15, 2021.

Due to the continued impacts of the Covid-19 pandemic, **IT IS HEREBY ORDERED** continuing the Certified Arbitrator program from July 15, 2021 to January 15, 2022, as follows:

**Establishing a Certified Arbitrator Program**

- A. Who May Be a Certified Arbitrator.** An attorney otherwise qualified to serve as an arbitrator pursuant to A.R.S. § 12-133 and Ariz. R. Civ. P. 73(c) may additionally apply to be designated as a Certified Maricopa County Superior Court Arbitrator (“Certified Arbitrator”). To do so, such an individual must provide to the Court their qualifications, including evidence they are in good standing with the State Bar of Arizona, their areas of concentration in practice, any certified specialties and experience, expertise, and training in serving as an arbitrator, and two letters of recommendation.
  
- B. List of Certified Arbitrators.** The Court shall maintain the list of Certified Arbitrators selected by the Court from applicants, which will be publicly available, including at <https://superiorcourt.maricopa.gov/civil/>. Upon request, the Court shall remove Certified Arbitrators from the general list for assignment of compulsory arbitration cases.
  
- C. Electing to Use a Certified Arbitrator.** The parties to any case where the amount in controversy is between \$50,001 and \$300,000 may elect to have their case determined by a Certified Arbitrator. Parties may elect to use Certified Arbitration by filing a pleading

captioned "Stipulation to Participate in Certified Arbitration." If the parties want to use a particular Certified Arbitrator on the list maintained by the Court, their Written Agreement to Certified Arbitration must name that agreed-to Certified Arbitrator.

- D. Procedure for Appointing Certified Arbitrator.** If the parties' chosen Certified Arbitrator is available to serve, the Court will appoint that Certified Arbitrator. If the parties do not agree on an arbitrator in their Written Agreement to Certified Arbitration, or if the one they selected is not available for any reason, the Court will select one for the parties. The parties retain their right to peremptorily challenge an assigned arbitrator.
- E. Procedures for Arbitration.** The Certified Arbitrator will utilize the procedures of Ariz. R. Civ. P. 72-76, but shall serve pursuant to Ariz. R. Civ. P. 53 as a Special Master, performing those duties by the parties' agreement pursuant to Ariz. R. Civ. P. 53(a)(1)(A). Any appeal from the ruling of the Certified Arbitrator will thus be governed by the standards set forth in Ariz. R. Civ. P. 53(f)(3) - (5).
- F. Agreement to Binding Arbitration.** At any time before a hearing is held under Rule 75 before a Certified Arbitrator, the parties may stipulate that the results of the arbitration will be binding, meaning no party may appeal or collaterally attack the binding award except as allowed by A.R.S. § 12-1501 *et seq.*

**Compensation for the Certified Arbitrator.** If the arbitration is not made binding by agreement of the parties, the Certified Arbitrator must be paid \$2,000 for cases where the amount in controversy is \$100,000 and below, \$3,000 for cases between \$100,001 and \$200,000, and \$4,000 for cases above \$200,000. The parties must each pay their pro rata share of the total compensation. Before the Certified Arbitrator performs any duties, the parties must all either pay their share or consent to judgment in favor of the arbitrator in the amount of their share. However, if the parties agree to binding arbitration, they are not required to pay the Certified Arbitrator.

Dated this 21<sup>st</sup> day of July, 2021

/s/ Joseph C. Welty  
Hon. Joseph C. Welty  
Presiding Judge

Original: Clerk of the Superior Court

Copies: All Superior Court Civil Department Judges and Commissioners  
Dave Byers, Administrative Office of the Courts  
Raymond Billotte, Judicial Branch Administrator  
Bob James, Deputy Court Administrator  
Keith Kaplan, Civil Department Administrator