

**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

} ADMINISTRATIVE ORDER NO. 2020-071

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona declared a statewide emergency pursuant to A.R.S. § 26-303 and in accordance with A.R.S. § 26-301(15). Subsequently, the Chief Justice of the Arizona Supreme Court has issued Administrative Orders No. 2020-48, 2020-60, 2020-70, 2020-75, and 2020-79 addressing measures to be taken by the Judicial Branch, including by presiding judges and authorizing “the presiding superior court judge of each county ... to adopt ... any local rules and orders needed to address the current public health emergency.” As a result, the Arizona Superior Court in Maricopa County has formed various Task Forces to study measures across all departments to make court operations and procedures more efficient and responsive to litigants during this unique time. This Administrative Order hereby adopts one such measure to better serve civil litigants during the exceptional conditions of the public health emergency and the ensuing period of transition to normal court operations. Based on the foregoing:

IT IS HEREBY ORDERED that from the date of this order until July 15, 2021, the Court establishes a Certified Arbitrator program, 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. To do so, they must file a Written Agreement to Certified Arbitration with the Court within 30 days after service of the complaint. 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 13th day of July, 2020

/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
Shawn Friend, Deputy Court Administrator
Keith Kaplan, Civil Department Administrator