**APPOINTED AS AN ARBITRATOR?**

**Have Questions? Here are some FAQs.**

1. Why have I been appointed as an arbitrator?

* Rule 73, Ariz.R.Civ.P. sets out the procedure for appointment of arbitrators. If the parties do not stipulate to the assignment of an arbitrator, the clerk of court or court administrator appoints an arbitrator.
* The arbitrator is appointed from a list of lawyers eligible to serve.

1. Who is on the list of “eligible” arbitrators?

* The clerk of court or court administrator prepares a list of arbitrators. The list includes lawyers who live in the county, who have been active members of the State Bar of Arizona for at least four years, plus any lawyers who have agreed to serve as arbitrators.

1. What if I do not think I am competent to arbitrate the case?

* Lawyers may think that they are not competent to serve as an arbitrator if they do not practice in the substantive practice area in which the case is based. But the Supreme Court has deemed otherwise. If you have been practicing for four years or more, the Court believes you are able to serve in this role.
* Not only is this apparent in the Rule, but also in the Rules of Professional Conduct. Remember, ER 1.1 says that you, as a lawyer, do not have be specially trained in any particular are of law to deal with a legal problem; and you can gain competence in most practice areas “on the job,” so to speak.
* There are many legal skills you have developed during your years of practice that will enable you to manage the arbitration to which you have been assigned – like evaluation of evidence, legal writing, etc.

1. Can I be disqualified after receiving my notice of appointment?

* The Court may consider a motion to disqualify you and appoint a different arbitrator if the parties submit the motion. But the motion has to set out good cause, or an ethical conflict of interest. If you are aware of a conflict of interest, you should make both parties aware of it.

1. What might be the basis for my removal for “good cause?”

* Generally, good cause for your removal as an arbitrator is the same as good cause for a motion for change of judge. Those reasons may include:
  + that you have been previously involved as counsel in the matter to which you have been assigned; or
  + that you have some other interest in the case;
  + or that you are related to either party;
  + or that you have some other conflict of interest, professional or personal, that would make it difficult for you to be fair.

1. Are there any other reasons I might be excused as an arbitrator?

* If you have served as an arbitrator and had contested hearings in two or more actions during the current calendar year, you may ask to be excused.

1. Okay, I guess I will be serving as an arbitrator, now what do I do?

* The Clerk of Court in Maricopa County has a helpful packet of information for arbitrators. You may find and download it [here](https://superiorcourt.maricopa.gov/media/6532/arbitration-packet.pdf).

**Basics to get you started:**

* + You will need to contact both parties (or their lawyers) to establish a hearing date within 120 days of the date of your appointment.
  + Then, the arbitrator will notify the court, the parties and/or their lawyers, of the hearing date.
  + Following the hearing, the arbitrator reaches a decision and files a notice of decision with the Clerk of the Court.
  + The arbitrator will then eFile the award with the Clerk of the Court through the Arizona Supreme Court's eFiling website.
  + The arbitrator may obtain the case file from the Clerk of Court’s Electronic Court Record Online (ECR Online) by emailing a copy of the Notice to efilesupport@cosc.maricopa.gov or faxing a request to (602) 372-8751.
  + An arbitrator who is not registered for the Electronic Court Record (ECR) should do so at: <https://clerkofcourt.maricopa.gov> and click on the Records tab.

1. Do I get paid to be an arbitrator?

* An arbitrator is entitled to $75 per hearing day if an award or final disposition is actually filed. Many arbitrators forego this payment and consider their service as an arbitrator as *pro bono* in support of the legal system.
* To request payment, an arbitrator must submit to the Arbitration Department an "Invoice in Support of Request for Warrant" and register with Materials Management in order to be assigned a W-9 Taxpayer Identification Number and Certification.
* For more information, click [here](https://superiorcourt.maricopa.gov/civil/arbitration/).

1. Pertinent Rules, Statutes, and Ethical Rules of Professional Conduct:

* Rule 73, Ariz.R.Civ.P. contains the parameters and procedures for appointment of arbitrators including how to request being excused. To read the full text of the Rule, click [here](https://public.fastcase.com/J%2FJP6pdidelsXxEE4k%2BLMldANdoZ%2BTQUrJjWfITUiTVJVij500fqeQZCUcDyo8SzFkn63oCxGq%2FdXeVox2SpOQ%3D%3D).
* A.R.S. §12-409 contains reasons for removal for “good cause.” To read the full text, click [here](https://public.fastcase.com/J%2FJP6pdidelsXxEE4k%2BLMlD192PjLpeaz%2FocoqfJZ4N2xGrexPkyzIlz6fGp60smERx%2F2AOsE6DPzI6SwuylEQ%3D%3D).
* ER 1.1 covers a lawyer’s affirmative duty to be competent in their representation of a client. To read the full text of the Rule, including the comments, click [here](https://www.azbar.org/for-lawyers/ethics/rules-of-professional-conduct/).

1. For more help:

* Call the State Bar’s P2.0 helpline at (602) 340-7332 if you have any additional questions.