

## WHO ARE THE MEDIATORS AND ARBITRATORS?

They are your neighbors. Cochise County's volunteer Mediators and Arbitrators are trained, certified and appointed by the Presiding Judge.

In all cases, the appointed Arbitrator or Mediator is impartial, and has no stake in the outcome of the conflict or dispute.

## WHY MEDIATE OR ARBITRATE?

Mediation is successful because people tend to be happier with solutions that they have had a voice in making, rather than the decisions imposed upon them by a judge.

Even arbitration frequently proves to be a more satisfactory experience because the parties have a greater opportunity to be heard.

Either method will provide an alternative to court room litigation. Both can greatly reduce the time and expense involved in settling many disputes. And, because both mediation and arbitration are less formal than court, parties in an already difficult situation may suffer less anxiety about the process while effectively resolving their conflicts.

### SUPERIOR COURT JUDGES

*The Honorable Wallace R. Hoggatt,*  
Presiding Judge

*The Honorable James L. Conlogue,*  
Associate Presiding Judge

*The Honorable Ann R. Littrell,*  
Judge

*The Honorable Charles A. Irwin,*  
Judge

*The Honorable John F. Kelliher Jr.,*  
Judge

*The Honorable Donna Beumler,*  
Judge Pro-Tempore

### JUSTICES OF THE PEACE

*The Honorable David C. Morales,*  
Precinct 1, Bisbee

*The Honorable Alma Vildosola,*  
Precinct 2, Douglas

*The Honorable Joseph P. Knoblock,*  
Precinct 3, Benson

*The Honorable Trevor Ward,*  
Precinct 4, Willcox

*The Honorable Timothy Dickerson,*  
Precinct 5, Sierra Vista

*The Honorable Michael Skiles,*  
Precinct 6, Bowie

**For more information, call or write:**  
Alternative Dispute Resolution Program  
P. O. Box 204 Bisbee, AZ 85603  
(520) 432-8483

## ALTERNATIVE DISPUTE RESOLUTION PROGRAM

## JUSTICE COURT ARBITRATION AND MEDIATION

*Resolving Conflicts Quickly,  
Fairly, and Effectively*

SUPERIOR COURT OF ARIZONA  
COCHISE COUNTY  
PO BOX 204  
BISBEE, ARIZONA 85603  
PHONE: 520-432-8483  
FAX: 520-432-8487

## **WHAT IS ALTERNATIVE DISPUTE RESOLUTION (ADR)?**

ADR is a term that includes a variety of methods used to resolve conflicts and disputes between people *without* going to trial. *Arbitration* and *Mediation* are two such techniques that can be helpful, yet they are not the same.

## **WHAT DOES AN ARBITRATOR DO?**

Arbitrators are not, strictly speaking, judges, but they act more like judges than do Mediators. Arbitrators hear the parties' claims, review the parties' evidence, and issue decisions much as a judge would.

Just as in a trial, an Arbitrator's decision is subject to appeal. However, if no appeal is taken, the Arbitrator's decision becomes the final judgment of the court and is enforceable after review by the Justice of the Peace in the court in which the case was originally filed.

## **WHAT DOES A MEDIATOR DO?**

A Mediator's function is more collaborative than an Arbitrator's. They empower people to resolve their own conflicts and reach mutually acceptable settlements in a non-adversarial setting, and then they work to assist the parties draft more enforceable agreements that become part of the court paperwork.

Mediators do not decide who is right or wrong and do not place blame. They are not judges and will not determine the outcome of a dispute. No one is forced to make an agreement.

When an agreement is reached it is endorsed by all parties. Signed copies are then given to the parties and filed with the original court. This final agreement is enforceable and *not* subject to appeal.

If the disputing parties cannot reach an agreement, the matter may be returned to the judge for a trial.

## **WHAT KINDS OF CONFLICTS CAN BE SETTLED THROUGH ARBITRATION OR MEDIATION?**

Mediators may help you resolve issues involving property disputes, landlord-tenant concerns, or neighborhood problems.

On the other hand, while almost any issue can be mediated, only a judge may legally make an order granting non-monetary relief. Therefore, arbitration cases involve *only* dollars and cents. Arbitration may be helpful in contract disputes, car accidents, or other civil actions involving monetary damages.

## **WHAT DOES IT COST?**

There are no additional fees when a case is referred to ADR for arbitration or mediation.

## **HOW DOES ADR WORK?**

Cases filed in the six Justice Courts are often referred to ADR by the Justice of the Peace. However, anyone may request ADR as an option. Litigants in Superior Court must specifically request that a case be referred to ADR.

Once a case is referred to us, the ADR Office will assign a Mediator or Arbitrator.

You will be notified of the hearing date, time and location in writing, and you will receive a copy of rules that must be followed during the hearing. The Arbitrator or Mediator will explain those rules in more detail at that time.

The plaintiff and defendant will each have an opportunity to present their cases. In mediation, the outcome will be known by the end of the conference. Arbitrated decisions take longer, and will be mailed to you within five (5) days of the hearing.

## **HOW WELL DOES ADR WORK?**

Statistics indicate that most people who participate in an ADR program are glad they did. Only about 10% of arbitrated cases are appealed, and more than 85% of mediations result in mutually acceptable agreements signed by all parties.