Superior Court Arbitration Timeline (ARCP Rules 72-77, 2011)

Claim filed

- Monetary judgment & award not in excess of jurisdictional limit ($50,000.00 including punitive damages but excluding interest, attorney's fees or costs). (ARCPRule 72(b))
- Superior Court Coversheet
- Certificate on Compulsory Arbitration
- Service of Complaint upon defendant(s) within **120** days

Answer within 20 days (30 Days for out of State) ARCP Rule 12(a))

- Controverting Certificate on Compulsory Arb.
- Counterclaim
- Disclosure due within **40** days after filing a responsive pleading (ARCP Rule 26.1)
- Default possible within **20** days (30 Days for out of State) after service of complaint (*excluding* **10** day grace period before default is active (ARCP Rule 55(a))

Arbitrator selection (ARCP Rule 73)

- ASAP but not later than **120** days after answer/controverting certificate

Peremptory strikes (ARCP Rule 73)

- Within **10** days after mailing or
- Within **10** days after the appearance of a party either side may strike one arbitrator from list
- A motion for recusal or motion to strike shall toll the time to exercise a peremptory strike

Notice of appointment of arbitrator (ARCP Rule 73)

- Mail notice of appointment
- Advise parties of time periods for placing case on inactive calendar (9 mos.)
- Recusal by arbitrator, disqualification, or excused, restarts the selection process.

Arbitrator schedules hearing (ARCP Rule 74(b)

- Not less than **60** days nor more than **120** days after appointment
- Minimum **30** days written notice to the parties of the time/place of hearing (may be shortened or extended for goodcause subject to ARCP Rule 38.1).

Time for filing Summary Judgment Motion

- Not less than **20** days prior to the date of hearing (ARCP Rule 74(d)) and served upon the arbitrator and trial judge.
- The time for conducting an arbitration shall be tolled during the pendency of such motion.

Pre-hearing statement

- Initial disclosure due within **40** days of service of answer (ARCP Rule 26.1)
- Pre-Hearing Statement not less than **10** days before (ARCP Rule 75(c))
- Only witnesses and exhibits included in the pre-hearing statement shall be used
- Dispositive motions shall be set for hearing (arbitration shall be vacated or continued)

Receipt of court file

- Within **4** days prior to the date of the hearing (ARCP Rule 74(e))
  - Internally the file is availabe upon appointment
- Arbitrator may order parties to provide pleadings and documents.
- Access to electronic records
  - Via AJACS, OnBase, and the ADR website

Notice of Decision (ARCP Rule 76(a))

- Arbitrator renders decision in writing within **10** days of hearing
- Return Court file (if hard copy)
- Notify parties that their exhibits are available
- Notify the parties of the decision in writing
- File *original* Notice of Decision with the court; provide copies to ADR & the parties via their attorneys, unless parties are unrepresented

Either party may submit proposed form of Order to the arbitrator (ARCP Rule 76(a))

- Within **10** days of Notice of Decision to include attorneys' fees and costs and affidavit supporting fees and verified costs
- Unless formal award or stipulation is filed within **50** days from the date of filing Notice, the Notice of Decision shall constitute the Award of Arbitrator (ARCP Rule 76(b))

Opposing party may file an objection (ARCP Rule 76(a))

- Within **5** days of receipt of the foregoing
- Arbitrator shall pass upon the objections and file one signed original award within **10** days of receipt of objections
- Arbitrator will also mail or deliver copies to all parties & counsel
- Terminates arbitration phase

Dismissal upon failure to apply for entry of judgment (ARCP Rule 76(d))

- If no application for entry of judgment has been filed within **120** days from the date of filing the Notice of Decision, and no appeal is pending the case shall be dismissed

Time for appeal

- Within **20** days of fliing of the arbitrator's award or **20** days from the date the notice of decision becomes an award under ARCP Rule 77(a)
- Appeals *De Novo* - legal rulings by the arbitrator are not binding on the court or the parties

Referral of case to judge

- If arbitrator does not file an award or other final disposition within **145** days after first appointment of an arbitrator, the case shall be referred to the assigned judge for appropriate action (ARCP 76(e))
- **Compensation:**
- Not to exceed amount allowed in 12-133(G)
- ARSC 45(a)(4) 2 hours CLE for service

Revised 06/11/2013