

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
EXPERIMENTAL SUSPENSION OF) Administrative Order
MANDATORY ARBITRATION) No. 2004 - 32
IN SELECTED CASES)
)
)

This court has recognized the need to assess the effectiveness of mandatory arbitration. The results of this assessment will provide significant new information to the court about the contribution of mandatory arbitration in its present form to the efficient resolution of civil disputes.

An accurate assessment of the effectiveness of mandatory arbitration requires the use of the scientific method. This court's consultant has advised that a control group of 500 cases out of a total of 1500 must be randomly identified. Cases to be included in the assessment can be identified in Maricopa County over a period of about four months. Cases in the control group must be eligible for arbitration but assigned to proceed directly to litigation. The control group cases can then be compared with cases that proceed through arbitration under the rules in order to determine the effects of arbitration. In order to achieve valid results, no exception may be made allowing cases randomly selected for the control group to proceed through mandatory arbitration. However, the parties in control group cases need not be restricted from undertaking voluntary arbitration or any other method of alternative dispute resolution.

Now, therefore, pursuant to Article VI, Section 3 of the Arizona Constitution,

IT IS ORDERED that the presiding judge of the Superior Court in Maricopa County, with the advice of this court's consultant, establish a method to randomly select 500 cases that would be subject to arbitration under Arizona Rules of Civil Procedure, Rule 72 to comprise a "control group" of cases for which mandatory arbitration shall not be available and to which Rules 72 through 76 of the Arizona Rules of Civil Procedure shall not apply. For the purposes of A.R.S. § 12-133 the jurisdictional threshold for these cases shall be \$1,000.

IT IS FURTHER ORDERED that this court's consultant be afforded complete and ongoing access to all records concerning the 1500 cases selected for this assessment for a period of two years from the date of this order.

Dated this _____ day of _____, 2004.

FOR THE COURT:

CHARLES E. JONES
Chief Justice