

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHMENT OF THE) Administrative Order
COMMITTEE ON COMPULSORY) No. 2005- 79
ARBITRATION IN THE SUPERIOR)
COURT OF ARIZONA)
)

Arizona has had mandatory, non-binding arbitration as a component of its civil court system for over three decades. The purpose of this alternative dispute resolution process is to provide for the efficient and inexpensive handling of claims under \$50,000. Using an alternative process for disposing of these smaller claims also is intended to reduce the number of cases on court calendars providing more judicial time for civil cases that remain on the traditional litigation path.

In early 2004, the Supreme Court, through the Administrative Office of the Courts (AOC), commissioned a study through the Lodestar Dispute Resolution Program of the Arizona State University College of Law. The study focused on examining the current compulsory arbitration system to determine its efficiency and effectiveness in achieving its purpose and ascertaining user satisfaction with the process and its outcomes.

In June 2005, the project consultants presented their findings to the Arizona Judicial Council (AJC). The AJC approved the creation of a committee to review the project report and to prepare recommendations on ways in which Arizona's arbitration system could be improved.

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

IT IS ORDERED that the Ad Hoc Committee on Compulsory Arbitration in the Superior Court in Arizona is established as follows:

1. PURPOSE: The Committee shall review the report, *A Study of Court-Connected Arbitration in the Superior Court of Arizona*, prepared by the Lodestar Dispute Resolution Program and any other materials it deems relevant and make recommendations on ways in which the compulsory arbitration system in Arizona could be made more effective and efficient in the handling of claims filed in the Superior Court. In developing its recommendations, the Committee should consider:
 - a) Changes to Supreme Court rules and statutes;
 - b) Changes to local court program policies and operations;
 - c) Advantages and disadvantages of mandatory service of lawyers as arbitrators;

- d) Need for arbitrator training;
 - e) Arbitrator compensation;
 - f) Advantages and disadvantages of matching an arbitrator's area of practice with legal issues presented in the claim filed;
 - g) Advisability of assigning contract cases with narrow or simple legal issues where the claim exceeds \$50,000 to arbitration; and
 - h) Any other ways in which use of alternative dispute resolution may accomplish more efficient case processing, reduced litigant cost, and more effective use of judicial resources.
2. ORGANIZATION: The Chief Justice shall appoint the chairperson of the Committee and other members as needed to accomplish the Committee's purpose.
 3. MEMBERSHIP: The membership of the Committee is attached to this Order as Appendix A. The Chief Justice may appoint additional members as may be necessary.
 4. MEETINGS: Meetings shall be scheduled at the discretion of the Committee Chair. All meetings shall be noticed and open to the public.
 5. REPORTS: The Committee shall submit a progress report to the AJC at the Council's December 2005 meeting and a final report of its finding and recommendations for the Council's consideration at the Council's March 2006 meeting.
 6. STAFF: Under the general direction of the administrative director, the AOC shall provide staff to assist the Committee and, as feasible, to conduct or coordinate research as required by the Committee.

IT IS FURTHER ORDERED that the individuals designated in the Appendix to this Order are appointed to serve as members of the Committee until completion of the Committee's work.

Dated this 2nd day of November, 2005.

RUTH V. MCGREGOR
Chief Justice

**Committee on Compulsory Arbitration
In the Superior Court of Arizona**

Membership

Mr. Mike Baumstark, Chairperson
Deputy Director
Administrative Office of the Courts

The Honorable Fred Newton
Presiding Judge
Superior Court in Coconino County

Mr. Marc Kalish
Attorney
Phoenix

The Honorable Carmine Cornelio
Presiding Judge in Arbitration
Superior Court in Pima County

The Honorable Janet Barton
Associate Presiding Civil Judge
Superior Court in Maricopa County

Ms. Kathy McCormick
ADR Coordinator
Yavapai County

Mr. Stan Marks
Attorney
Phoenix

Ms. Dorothy Paine
Attorney
Phoenix

Dr. Mitch Michkowski
Civil Court Administrator/Senior Researcher
Superior Court in Maricopa County

Kent Batty
Court Administrator
Superior Court in Pima County

William R. (Bill) Jones, Jr.
Attorney
State Bar of Arizona

Mr. Kenneth W. Reeves
Northern Trust Bank
Phoenix

Alan P. Bayham, Jr.
Attorney
State Bar of Arizona

Appendix A