

Appendix B

Attorney Survey

1. E-mail correspondence inviting participation in survey
2. Survey form
3. Lawyers' comments on survey
 - a. Question 10 - Comments from counsel on the pre-hearing process
 - b. Question 19 - Comments from counsel on the hearing process
 - c. Question 27 - Comments from counsel on the post-hearing process and on the arbitration process in general
 - d. Question 39 - Comments from arbitrators
 - e. Question 54 - Comments from all respondents on "general views" section
 - f. Question 61 - Comments from all respondents on any aspect of arbitration

From: "Chas Wirken" <President@azbar.org>
To:
Subject: AZBAR: Arbitration Survey Coming
Date: Wednesday, June 23, 2004 12:34 PM

Dear Colleagues,

Below is a message from Arizona Supreme Court Chief Justice Charles E. Jones encouraging you to participate in a survey that will be e-mailed tomorrow to State Bar members. The survey is about the court's statewide arbitration system. We know that feedback is very important and encourage you to participate.

Sincerely,
Chas Wirken
State Bar President

Dear State Bar Members:

Tomorrow you should receive an e-mail from The Institute for Social Science Research at A.S.U., inviting you to participate in a web-based survey concerning Arizona's court-connected arbitration program. This survey is part of a study commissioned by The Supreme Court of Arizona to assess court-connected arbitration statewide.

The Court is very interested in learning about attorneys' experiences with and attitudes toward mandatory arbitration. On behalf of the Court, I encourage you to respond to the survey once you receive it. For questions about the survey, you may contact Professor Bob Dauber at (480) 965-7359 or at bob.dauber@asu.edu.

Sincerely,

Hon. Charles E. Jones
Chief Justice, Arizona Supreme Court

From: "Bill Edwards" <Bill.Edwards@asu.edu>

To:

Subject: Court-connected Arbitration

Date: Thursday, June 24, 2004 8:18 AM

Dear _____ :

On behalf of the Supreme Court of Arizona, we are requesting your participation in a survey concerning mandatory court-connected arbitration. The survey is part of a comprehensive study of the state's arbitration system, commissioned by the Court.

The Supreme Court is interested in learning what attorneys think about their county's arbitration program. This request for participation is being sent to all members of the State Bar of Arizona for whom e-mail addresses are available. The validity of the survey results depends on receiving responses from a large number of attorneys. Accordingly, your response is very important. Information from this survey will inform the Arizona Supreme Court and policy makers about the bar's views regarding mandatory court-connected arbitration.

The survey was created by the Lodestar Dispute Resolution Program of the Arizona State University College of Law, which also is responsible for analyzing the information collected.

Please click on the following link, which will take you to a website to access the questionnaire: xxxxxxxx

If you have had recent experience with court-connected arbitration, either as counsel for a party or as an arbitrator, it should take you less than 15 minutes to fill out the questionnaire. If you have had no recent experience, you will be invited to provide comments about the program.

If you have any questions, please contact Bob Dauber at the Lodestar Dispute Resolution Program at: <mailto:bob.dauber@asu.edu>.

If you have any questions about your rights as a participant in this research, or feel you have been placed at risk, you can contact the Chair of the Human Subjects Institutional Review Board at Arizona State University, through Karol Householder, at 480-965-6788.

Court-Connected Arbitration

On behalf of the Supreme Court of Arizona, we are requesting your participation in a survey concerning mandatory court-connected arbitration. The survey is part of a comprehensive study of the state's arbitration system, commissioned by the Court. Your participation in this survey is voluntary and confidential. Individual responses will be analyzed only as part of the composite picture of attorneys' experience with and views of court-connected arbitration in Arizona.

Your consent to participate will be indicated by answering questions on the survey form. You can decline to answer any questions that you do not want to answer, and you can end your participation in the survey at any point. Your responses will be confidential, and the results will be reported in such a way that your responses cannot be identified. Your candid answers are very important. Information from this survey will inform the Arizona Supreme Court about the bar's views of court-connected arbitration.

Instructions: This survey has been divided into four sections for your convenience: 1) attorneys representing clients in arbitration; 2) attorneys as arbitrators; 3) general views of court-connection arbitration; and, finally, 4) some information about you. Please use your mouse to select the appropriate response to each question. When finished with a section, click the "Next" button at the bottom of the page to continue. Some sections, or portions of section, may be skipped depending upon your answers.

1. In the last two years, did you represent a client in a case assigned to arbitration under Arizona's mandatory court-connected arbitration?

- no (*Automatically Skip to Section 2*)
- yes

This portion of the survey is directed at your experience representing a client in arbitration. Please answer the following set of questions with regard to the most recent completed case assigned to arbitration under Arizona's mandatory, court-connected arbitration in which you represented one of the parties.

2. What was the type of case?

- tort motor vehicle
- tort non-motor vehicle
- contract
- other (*Please specify*)

3. Which party did you represent?

- the plaintiff
- the defendant
- other (*Please specify*)

4. At the outset of litigation, what was the dollar amount of the claim or the plaintiff's demand?

Attorney Survey: Pre-Hearing Process

5. If you struck any of the arbitrators, what was the primary reason?

- concern of potential bias
- arbitrator's lack of subject matter expertise
- lack of any information about the arbitrator
- other (*Please specify*)
- I did not strike an arbitrator

6. If you sought or stipulated to a continuance of the initial date set for the arbitration hearing, what was the primary reason?

- lawyer, party, or witness scheduling conflicts
- needed additional information to adequately prepare for the hearing
- needed more time for settlement negotiations
- needed a ruling on a motion
- other (*Please specify*)
- I did not seek a continuance

7. How many continuances were granted in this case?

8. When did you first receive or make a serious settlement offer in this case?

- before or at the time the pleadings were filed
- after the pleadings, but more than one month before the hearing
- within one month of the hearing
- during or after the hearing, but before an appeal was filed
- after an appeal was filed
- never received or made a serious settlement offer

9. Was the case settled or otherwise resolved before the hearing?

- no
- yes, settled before a hearing date was set (*Automatically skips to Section 2 – Arbitrator Section*)
- yes, settled after hearing date set but more than one month before the hearing (*Automatically skips to Section 2 – Arbitrator Section*)
- yes, settled within one month of the hearing (*Automatically skips to Section 2 – Arbitrator Section*)
- yes, case was otherwise resolved without a hearing (*Automatically skips to Section 2 – Arbitrator Section*)

10. If you would like to elaborate on any of the answers in this section, or if you have comments on other aspects of the pre-hearing process, please enter them here:

Attorney Survey: The Hearing

11. Were you given sufficient opportunity to fully present your client's case during the hearing?

- no
- yes

12. How prepared was the arbitrator for the hearing?

- not at all
- somewhat
- very prepared

13. How well did the arbitrator understand the issues involved in the case?

- not at all
- somewhat
- very well

14. How knowledgeable was the arbitrator about arbitration procedures?

- not at all
- somewhat
- very knowledgeable

15. How fair did you think the hearing process was?

- very unfair
- somewhat unfair
- somewhat fair
- very fair

16. Was the arbitrator biased?

- not at all
- somewhat
- very biased

17. Did the other side participate in good faith?

- no
- yes

18. Did the case settle either during the hearing or before receiving the notice of the arbitrator's award?

- no
- yes

19. If you would like to elaborate on any of the answers in this section, or if you have comments on other aspects of the hearing process, please enter them here:

Attorney Survey: Post-hearing

20. Approximately how many days after the hearing did you receive notice of the arbitrator's award?

21. In your opinion, how fair was the arbitrator's award in light of the facts and the law?

- very unfair
- somewhat unfair
- somewhat fair
- very fair

22. How satisfied was your client with the award?

- very dissatisfied
- somewhat dissatisfied
- somewhat satisfied
- very satisfied

23. Was the arbitrator's award better or worse than the outcome you would have expected if the case went to trial?

- award was worse than expected trial judgment
- about the same
- award was better than expected trial judgment

24. To what extent did the arbitrator's award contribute to settlement negotiations?

- not at all
- somewhat
- a great deal

25. Was an appeal filed after notice of the arbitration award was received?

- no, both sides accepted the award
- no, we settled after notice of the award but before an appeal was filed
- yes, the other side filed an appeal
- yes, my client filed an appeal

26. If an appeal was filed, how was the case resolved?

- settled after the appeal
- resolved by trial judgment
- resolved by dispositive motion
- other (*Please specify*)
- no appeal was filed

27. If you would like to elaborate on any of the answers in this section, or if you have comments on other aspects of the post-hearing process, please enter them here:

28. In the last two years, were you appointed to serve as an arbitrator under Arizona's mandatory court-connected arbitration?

- no (*Automatically skip to Section 3*)
- yes

This portion of the survey is directed at your experience as an arbitrator. Your responses will be confidential, and the results will be reported in such a way that your responses cannot be identified. Your candid responses are very important. Information from this survey will inform the Arizona Supreme Court about the bar's views of court-connected arbitration.

Please answer the following set of questions with regard to the most recent case in which you served as an arbitrator under Arizona's mandatory, court-connected arbitration.

29. What type of case was it?

- tort motor vehicle
- tort non-motor vehicle
- contract
- other (*Please specify*)

30. How difficult was it to schedule the arbitration hearing?

- not at all
- somewhat
- very difficult
- I did not schedule an arbitration hearing

31. Were you asked to rule on any pre-trial motions other than continuances?

- no
- yes

32. Please approximate, to the best of your recollection, the number of hours spent by your support staff on this case?

33. Next, please approximate, to the best of your recollection, the number of hours you spent on this case:

a) prior to the hearing

b) at the hearing (if there was no hearing, skip to Section 3)

c) after the hearing

34. Did the parties participate in good faith?

- only plaintiff participated in good faith
- only defendant participated in good faith
- both parties participated in good faith
- could not discern

35. Did you feel you had sufficient information about the facts and the law to reach an informed decision in this case?

- no
- somewhat; I would have felt more comfortable with my decision if I had more information about the facts
- somewhat; I would have felt more comfortable with my decision if I had more information about the law
- yes, I had sufficient information

36. How familiar were you with the area of law involved in this case?

- not at all
- somewhat
- very familiar

37. Did you feel you had sufficient information about arbitration procedures to conduct an adequate hearing?

- no
- somewhat; I would have felt more comfortable if I had more information
- yes, I had sufficient information

38. How much were you paid for your service as an arbitrator?

- \$75
- more than \$75
- I assigned the payment to a bar foundation or charity
- I did not submit an invoice for payment

39. If you would like to elaborate on any of the answers in this section, or if you have comments on other aspects of arbitrator service, please enter them here:

General Views of Court-connected Arbitration (Section 3 of 4)

Please give your opinion to the following set of questions with regard to your overall experience with Arizona's mandatory, court-connected arbitration.

I have had no direct experience with court-connected arbitration (*Automatically Skip to Section 4*).

40. Court-connected arbitration has a number of goals. Please indicate how effective you think the program in your county is in achieving each of the following goals, from 1, extremely ineffective to 5, extremely effective.

	1 (Extremely ineffective)	2	3	4	5 (extremely effective)
Resolving the dispute more quickly than traditional litigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ensuring that both parties receive a fair hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Keeping litigants' costs down	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Getting an evaluation from a neutral party to help settle the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allowing the court to devote more resources to cases not subject to arbitration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reducing the time to disposition for cases not subject to arbitration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

41. In what way, if any, should your county's jurisdictional limit for arbitration cases be changed?

- lowered
- remained unchanged
- raised

42. Should court-connected arbitration for cases under the current jurisdictional limit remain mandatory?

- no
- yes

43. If participation in court-connected arbitration were made voluntary, but the program remained the same in all other respects, how often would you recommend its use to clients in cases under the current jurisdictional limit?

- never
- seldom
- sometimes
- frequently
- almost always
- I do not represent clients in cases subject to arbitration

44. Instead of arbitration, should the court make mandatory an ADR process such as mediation or early neutral case evaluation for cases under the current jurisdictional limit?

- no
- yes

45. The current rule requires the initial arbitration hearing to take place between 60 and 120 days after the appointment of the arbitrator. Considering the competing objectives of facilitating the early resolution of cases while still permitting sufficient time to prepare a case for hearing, what is your opinion of this prescribed time frame?

- too short
- about right
- too long

46. How often do you think parties in your county appeal arbitration decisions for the primary purpose of securing an advantage in settlement negotiations?

- never
- seldom
- sometimes
- often

47. In what way, if any, should the disincentive to appeal arbitration decisions be changed? (i.e., the provision that an appealing party may be required to pay costs and fees of the opposing side if the trial result is not at least 25% better than the arbitration award)

- the disincentive should be abolished
- the percentage should be lowered
- it should remain unchanged
- the percentage should be increased

48. Should arbitrators be assigned only to cases in which they have subject matter expertise?

- no
- yes

49. Should lawyers receive training in arbitration procedures before serving as an arbitrator?

- no
- yes

50. Should arbitrator service be mandatory or voluntary?

- mandatory
- voluntary

51. If arbitrator service were voluntary, how likely would you be to serve as an arbitrator at the current rate of \$75 per hearing day?

- very unlikely
- unlikely
- somewhat likely
- very likely

52. How should arbitrators' fees be paid in your county?

- from the court's budget
- split equally between the parties
- assessed as a taxable cost against the losing party
- through a surcharge on all civil cases
- other

53. Which one of the following methods of arbitrator compensation would you most like to see your county adopt?

- no pay
- no pay, but non-monetary benefits, such as CLE credit or designation as a judge pro tem
- \$75 per hearing day
- nominal hourly pay (e.g., \$20/hr) for all time spent on the case
- a reasonable hourly rate for all time spent on the case
- other (*Please specify*)

54. If you would like to elaborate on any of the answers in this section, or if you have comments on other aspects of the arbitration program, please enter them here:

55. What percentage of your practice involves cases subject to court-connected arbitration?

56. Over the past two years, in how many cases, if any, have you served as an arbitrator in court-connected arbitration?

57. Please check which one of the following areas constitutes the majority of your practice.

- tort/personal injury, primarily plaintiffs
- tort/personal injury, primarily defense
- business/commercial litigation
- transactional
- family
- criminal
- Workers' Compensation
- tax
- real estate
- probate, estate and trust
- labor and employment
- general civil litigation
- bankruptcy
- other (*Please specify*)

58. Please check which one of the following best describes your practice.

- solo practitioner
- small firm practice
- medium firm practice
- large firm practice
- corporate/in-house counsel
- government/public/tribal/agency
- other (*Please specify*)

59. Please check in which one Arizona county you practice most frequently.

- Apache
- Cochise
- Coconino
- Gila
- Graham
- Greenlee
- La Paz
- Maricopa
- Mohave
- Navajo
- Pima
- Pinal
- Santa Cruz
- Yavapai
- Yuma

60. If you would like to provide any comments on the arbitration program, please enter them here:

Thank you for your time.

Question 10 - Comments from Counsel **on the Pre-Hearing Process**

0004 I had no appreciation for the arbitrator. He was not flexible in the amount of time given for the hearing. Also he ruled against us on an issue where I felt he was incorrect. In any event we settled after the arbitration was over and we filed an appeal.

0006 I guess I misunderstood the purpose of the survey. I have acted as arbitrator, not as a litigant. All of your questions are geared to litigants, not arbitrators.

0008 Although neither side struck the arbitrator, it was concerning to each that the appointed arbitrator had no knowledge of the rules of civil procedure (tax attorney). This resulted in a fairly lengthy arbitration in a relatively straight-forward case.

0016 None

0037 Farmers, Geico ,Allstate, American Family do not make serious offers until after we are forced to file suit

0090 Striking for lack of info about arbitrator is a close second. But arbitrators' lack of familiarity with PROCEDURE is huge. Continuance for scheduling is a close second. Many cases settled to avoid an appeal.

0134 There was a motion to continue the arb hearing to allow additional time for a Rule 35 exam. The motion was later withdrawn and defense counsel submitted a records review instead. On many other cases we have had to extend the time for the arb hearing due to time and scheduling constraints.

0137 I believe that most attorneys assigned to act as arbitrators are unhappy with their appointment, resent the inconvenience & are motivated to resolve the matter as quickly as possible regardless of the law or facts. As a regular participant in civil litigation, I have found the process to be very unsatisfactory. Appeals are common as arbitrators do a bad job (usually splitting the baby in an attempt to make everyone happy) & all the mandatory rules have done is make small cases even more expensive to resolve.

0175 In the majority of the arbitrations in which I have been involved I obtain the insurance company's best offer before I file the complaint.

0176 There was no arbitration hearing in this case. The arbitrator granted plaintiff's motion to strike the answer and entered default judgment against defendants.

0195 The defense attorney acted appropriately. However, discovery should be much more limited. Uniform and Non-Uniform Interrogatories, Requests for Admission and for Production, and 2 plus hour depositions are common. Most of the discovery is covered by the 26.1. Depos should be limited to clarification questions. This could be done by limiting the depo to 30 - 45 minutes unless permission for a longer deposition is granted after motion.

0205 I have represented many plaintiffs in arbitration proceedings. Your questionnaire asking for one case is meaningless to me.

0241 Regarding the stipulated continuance, it was a combination of multiparty litigation requiring more time to conduct discovery, as well as awaiting rulings on motions to dismiss before answers were filed.

0300 Made a settlement offer prior to arbitration, never even got an answer back. I was not happy that the other side failed to disclose evidence prior to arbitration and the arbitrator still looked at it.

0304 No continuances were sought in this matter, however the arbitrator set the matter for hearing on five days notice, in violation of the Rules of Civil Procedure, sent the hearing notice to counsel's old address, refused to respond to communications from counsel for the parties, held a hearing even after being informed that the court had instructed him to give the notice required by the rules, and then issued an arbitration award without ever issuing a notice of decision.

0305 Generally, I believe insufficient time is permitted to conduct discovery, comply with Rule 26.1 and to adequately prepare for hearings. Most of my cases proceeding to arbitration are business dispute matters which require additional time. In most instances, the arbitrators will allow additional time; however, the rules move the parties to a hearing, in many instances, prematurely.

0308 The delays were because plaintiff moved out of state but defendant wanted in-state IMEs, and then plaintiff became pregnant and could not undergo some of the testing until after the pregnancy.

0350 We have just begun the arbitration, it will be concluded if not settled in October, 2004.

0351 Arbitrator was non-responsive. I had to ask the court to issue an order to show cause to get the arbitration scheduled. Not surprisingly, the arbitrator was hostile at the arbitration.

0365 Your promise that this survey would take only 15 minutes is not correct, because the forms take an inordinate amount of time to download. I have a high speed internet connection and each page of your forms are taking 5 minutes or so to get downloaded.

0393 The arbitrator failed to ever set the case for hearing as required.

0396 Arbitration is a complete waste of time. It is illegal, contrary to the plain mandate of the statute and violates the US Constitutional limits on the courts' ability to appoint counsel in civil cases. Mr. Scheehle is correct and the court is wrong, both legally and morally. Moreover, for four members of the court, also defendants, to fail to recuse themselves in his action is just simply outrageous. You call this rule of law? You should be shot.

0404 The Defendant did not respond to settlement proposals.

0409 This was a case of admitted negligence (rear-end collision) but disputed causation of claimed injuries.

0458 The arbitrator spends too much time getting agreement for hearing dates because the arbitrator has no real power. the weak side will always delay.

0465 I do not feel like these questions relate to my case. My case was court-connected mediation involving more than \$1 million.

0477 I just substituted for the actual arbitration hearing. I was not involved in the case otherwise.

0543 Part of the problem is that certain insurers will NOT settle prior to trial, so the arbitration is pretty much a big waste of time and efforts.

0578 My general experience is that the arbitrator had no experience with the issues, and was ill-equipped to make a reasoned determination of the issues.

0589 The arbitration process was not helpful in settlement. The plaintiffs refused to agree to have the arbitration be binding, and tried to use the fact that the attorneys fees in the case would significantly exceed the amount at issue as a lever to extract an unreasonable settlement. Plaintiff's initial settlement demand significantly exceeded the sum sought in the complaint.

0590 Our case was sent to a court appointed arbitrator. We were not given a choice of arbitrator and did not have the opportunity to strike the arbitrator or opt for someone else.

0595 The Arbitrator entered a default judgment for the client's failure to respond to discovery prior to our retention. Defaults are beyond an arbitrator's authority and an appeal was necessary.

The matter was remanded back to the arbitrator and settled after the hearing was set, but before it started.

0619 This was a neighborhood squabble over adverse possession of a 2 1/2 foot strip plus long-term personal animosities. There was a suit filed and counterclaim so the case did not lend itself to meaningful answers to the questions.

0622 When you are dealing with one of the major insurance companies, they seldom make an offer or make an extremely low offer. If you get an arbitration award that is anywhere even near reasonable, they will always appeal. It's a major problem because the entire process is now prolonged and defendant carriers are in a position to force you to settle for less than the original award. This is because the plaintiff is now forced to spend lots of money for expert witness testimony which is not a recoverable cost.

0671 One of the main problems I have experienced with Arbitration is there is no incentive for a party to participate in disclosure or discovery prior to Arbitration as once an appeal is made to the trial court the Court hears the Case de novo. So, if the arbitrator sanctioned a party for failing to respond to discovery or provide a disclosure statement, those sanctions are washed away once the party appeals.

0709 Case still ongoing, hearing next month

0713 I have handled in excess of 100 arbitrations. In most cases settlement negotiations have reached a standstill with the insurance company, either because the client wants more, or the insurance company does not believe the case is worthy. The arbitration resolves those issues frequently. Often the client understands that the case is not worth what they believe, or the insurance company realizes that it is worth more. The plaintiff rarely appeals the jury award less. Most cases are settled thereafter.

0718 In my experience, many insurers do not truly negotiate prior to the mandatory hearing. The system is set up so that the insurance company can do minimal work to resolve the case and hope for a windfall at the mandatory hearing. Where soft-tissue cases are concerned, the insurer will always contest the "reasonableness of treatment." Meanwhile, the Plaintiff's reasonable damages compensation is being 'floated' for the interest income that will be made by the insurer.

0772 I answered the questions based on the most recent case that was actually HEARD by an arbitrator. I have many cases that are set for arbitration but are settled well in advance of the hearing.

0812 This case probably would have settled had there not been a hotly contested liability dispute between the two defendants as to who was at fault for the motor vehicle accident that injured my client.

0821 I see mostly JP arbitrations in Cochise County. I am unaware if any other counties use the system. I am currently appointed as arbitrator in two, Pima County Superior Court cases, neither of which has yet come for hearing. The Cochise County system seems unique, but I have come to respect it.

0833 We agreed to select a paid mediator prior to the hearing. A settlement was reached and no hearing was held.

0840 On fast track simple contract disputes which are resolvable by summary judgment the arbitration process typically conflicts with pending motions before the court. The SJ is filed; no response; ruling is due then matter is assigned to arbitrator and process starts over

0932 ARBITRATION WAS TREATED AS AN EXPENSIVE DISCOVERY PROCESS BY THE DEFENDANT. HE SAW HOW WEAK HIS WITNESS WAS AND WAS MUCH BETTER PREPARED ON APPEAL.

0933 Arbitrator entered ruling on motion for summary judgment that was clearly designed to force a settlement rather than the result of any type of legal analysis

0941 Often there is not enough time to complete discovery prior to the date required for a hearing. With a \$50,000 threshold, many cases require reasonably detailed discovery

0948 It is difficult to get a hearing scheduled in such a short period of time and in most instances there are valid reasons for a continuance. Many of the arbitrators are not too familiar with accident cases and should not be appointed if they are not practicing in the area.

0951 Many times, defense attorneys and their insurers use the arbitration process as a free opportunity to take a chance at obtaining a low result, knowing they can appeal de novo if there is a bad result. I do not think the system works.

0970 In the last two years I have had at least 10 mandatory arbitration cases and acted as an arbitrator twice. I would like to see the required improvement change to 50% because there are too many appeals. Also evidence is offered at trial that was not offered at the arbitration such as the Defendants obtaining an "IME" or hiring other experts after arbitration; there should be no more discovery or witnesses added after arbitration.

0986 I make several offers to settle at all stages pre and post suit and at the hearing. Defendants are mostly pro se. Sums involved range from 10k to 25k

0988 I am answering for 2 similar cases. We made offers before, and after the pleadings and within a month before the hearing, but the other side stuck their head in the sand each time. No appeal was filed.

0997 The Defendant was representing himself so he rejected all settlement offers out of hand.

1040 150 days is not enough time. Most arbitrators do not care about the case. It is a terrible system and is unfair and wasteful

1085 Quiet title action. Not appropriate for arbitration, but assigned by clerk. Removed from arbitration after much effort.

1115 This particular arbitration was in Scottsdale City Court. I have not recently handled a court-ordered arbitration through the Superior Court. I have served as an arbitrator on 2 or 3 occasions however.

1118 I do so many arbitrations I want to make it clear I am referring Amber Higgs v. Mayle. It was admitted liability and it was a \$25,000 State Farm Policy.

1123 The lead time before the arbitration hearing is often inadequate to properly prepare a defense of the case, especially if there are any problems with medical records or discovery leads to additional information that is relevant to either liability or damages

1132 It is very important for the arbitrator to have experience in the area of controversy. Strikes have been made on this basis. It would be worth while in judicial time saved to have compensated experienced arbitrators.

1138 Defendants would not pay attention to the case. It should have settled much earlier. Only a pending hearing date got their attention.

1151 My firm has a large volume creditor and collection practice. The worst part about the arbitration process is Arbitrators who know nothing about the litigation process, and who refuse to even consider a motion for summary judgment and insist on holding a hearing, which happens frequently. This only causes delay and unnecessary attorneys' fees.

1160 Plaintiff (pro per) did not show up at the hearing.

1165 The case was continued as the arbitrator was in a trial that extended beyond the expected date and conflicted with the first arbitration date.

1169 As usual, my client was successful at arbitration, and then the other party appealed to try

and leverage a settlement because of the de novo standard of review. My client settled for less than it should have because of the cost to get to that point. The ability of a party to appeal as if no evidentiary hearing has occurred and correct the mistakes/alter the strategy is harmful to the process.

1236 Plaintiff's counsel sought continuance. Did no discovery. After defense's discovery, we sought voluntary dismissal or threatened motion w/ request for sanctions. Case voluntarily dismissed.

1250 Settled at a mediation

1251 Defendant answered the complaint, but then never appeared for a deposition or the arbitration.

1256 We went to mediation and reached a settlement but the def failed to perform the agreement.

1260 Settlement negotiations ought to be good enough cause for a continuance, especially if both parties stipulate to the continuance. Pre-hearing motion practice seems to be held in low regard by arbitrators. By this I mean that arbitrators hate to see a lot of motion practice because it means that they will be spending a lot of time reading and ruling on these motions ALL WITHOUT PAY! Additionally, because arbitrators are not paid for their work pre-hearing, they have no reason to facilitate settlement.

1285 The defendants in the matter had insurance defense, so the offers for settlement were not countered before filing. After filing there was no meaningful settlement discussion.

1331 Arbitrators are ill-prepared and lack time to rule on significant motions that might decide the case and eliminate the need for significant discovery. The time frame for completing arbitration is unrealistic where the 120 days for service of process or time for discovery or where an arbitrator is struck so that the deadline cannot be met.

1335 The arbitration process time limits are NOT reasonable--too short. Most hearings have to be continued at least once.

1364 There was no hearing (yet); the day before the hearing was to be held, my client (an insurance carrier) went into receivership and a stay was imposed for 6 months pursuant to statute.

1400 Penalties for unsuccessful appeals of awards should be strengthened

1402 In the current arb. system, there is too much onus on plaintiff's counsel to push and nudge the process along to comply with deadlines when the app't'd arbitrator is less than cooperative. P's counsel risks alienating the arbitrator by having to do so.

1454 I have only had two cases assigned to arbitration, and neither has actually been arbitrated at this time. Consequently, I have only answered the relevant questions.

1455 Allstate's typical tactic as required by their policy manuals requires that they refuse to negotiate fairly, force the case to arbitration, appeal arbitration, and only then do they make a fair resolution offer.

1460 Arbitrators generally are not attuned to pre-Hearing procedures; unaware of scheduling (& other pre-Hearing) rules. An informed and involved arbitrator is very helpful to the progress of a case in arbitration. Most attorney arbitrators simply don't do it enough to be informed, plus they do not have an incentive to expend the energy that good arbitrating requires.

1473 This was an unusual case. A counterclaim was filed, and the amount in controversy then exceeded \$50,000. Trial has now been set in the Superior Court.

1482 Problems encountered during a deposition (taken before the arbitration) were referred by the assigned judge to the arbitrator. The arbitrator was unavailable to resolve the problem. The assigned judge would have been better able to resolve the problem.

1499 Arbitrator refused to grant a motion to amend the complaint that was timely filed, requesting to add a claim for damages for unjust enrichment. Arbitrator's bizarre ruling was that he did not have "equity jurisdiction".

1524 I think it's an abridgement of citizens' First Amendment and other rights to force arbitration upon them. Ridiculous.

1542 At start of hearing, before opening statements, arbitrator suggested that parties talk settlement, and she left the room. Defendant then agreed to pay plaintiff.

1543 The claim was completely without merit and also very important to our client from a business point of view, so we had no intention of settling.

1554 Insurance companies look on arbitration as a free shot at trying to get a low value for the case. Rarely is it taken seriously by insurers and rarely is it the resolution of the case from the insurer's side.

1561 I have represented Plaintiffs in at least 10 arbitrations within the last year. All contract actions. Arbitration did not assist in the settlement of any of these cases.

1563 Arbitrator was a relatively new attorney who did not know what he was doing

1585 Defense attorneys horribly abuse the process. They are not penalized for failing to abide by the rules. Judges are too busy to be concerned with deciding issues they must decide (motions to dismiss, parties, etc.) When an Arbitrator acts to resolve, the defense exercises its right to have the matter decided by the judge, and even more delays.... The system does not work as envisioned.

1613 We need to be using experienced lawyers with expertise in the area at issue in arbitrations to make them work successfully. It is not fair to clients or lawyers to ask a transactional real estate lawyer to handle a commercial litigation breach of contract case. The bar should allow lawyers to sign up to arbitrate cases in areas in which they have practice skills and experience. Pay some small stipend for the service or turn it into pro bono work, experience for those who want to serve on the bench.

1615 We filed a motion for summary judgment on the promissory note which was granted by the arbitrator and ended the proceedings.

1617 No serious offer tendered by Defendant until after they got tagged for \$17.5k at arbitration.

1634 There have been many cases in which I have represented Plaintiffs in cases that have been assigned to compulsory arbitration. Most have been for amounts between \$3,000 and \$15,000. Most settle by stipulations to judgment. One went to arbitration hearing.

1660 I did about 50 arbs in the last two years as a claims counsel for an insurer so any one case does not stand out in my memory.

1672 I handle many cases assigned to arbitration. This survey only allows me to identify one case in particular. Each one has different reasons for striking arbitrators, continuances, etc. Arbitrators are stricken either because of perceived bias, because I know nothing about them or because they are lay persons hired by the Court who have no legal background. There is no incentive to settle a case before non-binding arbitration because whoever loses can appeal and receive a trial de novo. Also, the arbitrator

1758 Some of these work fine but the idiotic inflexibility of the rules of procedure tend to make it difficult to have a meaningful arbitration. I.e. leaving postponement decisions to the assigned judge not to the arbitrator. I assert this from the standpoint of the arbitrator as well as the litigants

1791 The most recent case (used as the basis of answers per instructions) is not representative.

None of the other (at least 5) contract cases in which I have represented a party in recent years have settled before the arbitration hearing. The arbitration hearing has been a waste of time and money for all parties in each of these other cases: at least one party has always refused to seriously discuss settlement because the process is non-binding, and there is usually no confidence in the arbitrator's decision.

1807 Arbitrators need to be more flexible in the scheduling of hearing dates and the granting of extension for good cause

1829 This firm conducts over 250 arbitrations yearly. Some questions require multiple answers. Your survey is not tailored for that.

1845 The arbitrator failed to set a timely hearing and we sought court intervention

1902 A continuance is often necessary in arbitration cases. I believe that it is almost impossible to arbitrate a case within 120 days. Often, an Independent Medical Examination is necessary, which takes time. I believe the Rule should state that the hearing shall be held with 180 days. I request an extension on almost every case, without exception. Having to do that is a waste of my time and my client's money.

1915 We had difficulties with the fact that the Court had not ruled on a motion to consolidate yet the arbitrator was unwilling to continue the arbitration hearing to allow the Court to rule on the motion.

1922 We were set for arbitration and the arbitrator continued the hearing because of a conflict in their schedule, the defense lawyer through in the cost to arbitrate the case and a few dollars more to end it.

1928 I don't recall if the hearing date was continued in this case, but continuances seem to be the rule, not the exception, in my experience.

1933 The arbitration process is an efficient and effective means of resolving smaller disputes.

1948 My experience with compulsory arbitrations has been excellent. However, I am concerned that in Tucson, non-personal injury lawyers are starting to get assigned to personal injury cases. Generally, these arbitrations proceed without any continuance. However, in my most recent case, defense counsel did request a brief continuance and the arbitrator granted the request, with the permission of Judge Cornelio.

1987 I manage litigation for the a large city. Consequently, there is no "last" case to which this answer applies. Instead, I have answered these generally for the majority of cases.

1998 Plaintiffs lawyers are too quick to abuse this system. They know that the purpose of it is for the arbitrator to serve as a quasi-mediator and give some arbitrary award that makes no one happy but not unhappy enough to appeal. This leads to inflated and unjust judgments against defendants in tort motor vehicle cases. Many defense attorneys including myself treat it as a necessary evil and simply try to get through it in order to present the case to a jury.

2132 This was a case of disputed liability and therefore settlement negotiations were not entertained.

3005 Most of my cases have settled before going to arbitration -- one settled within a week of the scheduled arbitration and the others some time before that. However, I have one case currently that is not going to settle and that has an arbitration hearing set for next week, thus my answer ""no"" as part of number 9.

3014 A motion to extend the time for filing a motion to set needed to be filed four or five times because the assigned arbitrator failed to make timely rulings or timely set the case for hearing. A year later we still have not had motions ruled on or a hearing date set.

3073 The issue was resolved on summary judgment by the arbitrator, after two separate oral

arguments on various issues. Defendant appealed and Plaintiff filed a motion to dismiss the appeal because Defendant failed to participate in good faith in the arbitration process. The Superior Court agreed, and dismissed the appeal. Some of these questions are relevant to the hearing on the motion for summary judgment, so I will answer them. The case was not, however, arbitrated.

3148 I adopted the case from a senior Partner and therefore only prepared for the Arbitration, I did not work up the entire file.

3323 My wife and I were the Defendants. I checked ""yes"" because I provided most legal explanations to my wife, and because our attorney mishandled so many things, including his refusal to specify a dollar figure which lead to our wasted time in arbitration.

3414 Damages were worse than anticipated and so I filed a motion saying case was not subject to mandatory arbitration and asking court to set it for trial. We had a mediation and then settled without arbitration or trial.

4101 I cannot answer this survey because I participate in a large number. Some answers apply to some arbitrators while not to others.

4210 Generally it takes so long to get an actual arbitrator and a date that hearing proved unnecessary.

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4272 The case was settled after the arbitrator's notice of ruling and before an appeal was taken.

4369 FOR MANY INSURANCE COMPANIES, ARB IS A PRE-REQ TO AND CEILING FOR A SETTLEMENT OFFER, FOR NON-CAR ACCIDENT CASES, IT IS USUALLY ALL THE CLIENT NEEDS

4383 I don't understand a lot of these questions. I have made what I thought were reasonable settlement demands before even filing the lawsuit, but the responses prompted the filing of the lawsuit. I have also settled a number of cases before setting them for arbitration, and I have settled cases in lieu of appeal. Your questions therefore are misleading because I don't know what you mean by ""the"" case. I have had probably 10-12 cases in arbitration in the last two years. They have been resolved in different ways.

4403 The case had three different arbitrators assigned to the matter. The first two asked to be removed. The third finally heard a motion for judgment on the pleadings. So my experience was not typical.

4448 Since the rules of evidence are lax so should the rules of procedure where new information is admissible the day of the arbitration.

4450 This case involved difficult privilege questions, the resolution of which required additional discovery.

5050 I have represented many plaintiffs in injury cases. Insurance companies regularly force them to arbitration then automatically appeal, knowing there is little risk to this delay.

5360 The case did not settle because the carrier refused to accept the evaluation of its own in-house counsel and insisted on low-balling the case, as it did with every case during that time.

5376 This arbitrator did not practice actively in litigation, but he took a serious and deliberate role in the proceeding, and was very attentive to the issues and the law. It was a positive experience.

5376 I have done twenty arbitrations in the last ten years under this system, so the survey doesn't really fit my situation, and I have supervised young lawyers in fifty others. I will respond based upon the last arbitration I did, which was an atypical contract case. (The bulk of our

practice is the defense of tort cases, both motor vehicle and non-motor vehicle, although I regularly try Plaintiffs' PI cases. This arbitrator did not practice actively in litigation, but he took a serious and deliberate role in the proceeding, and was very attentive to the issues and the law. It was a positive experience.

5382 The assigned arbitrator had was not familiar with the procedure or issues involved in our matter.

5382 The assigned arbitrator had was not familiar with the procedure or issues involved in our matter.

5457 This was my first and only experience thus far.

5482 The case is still pending.

5538 This survey is flawed because many attorneys including myself have had more than one arbitration and each arbitration requires different answers to the questions which makes the survey piecemeal not comprehensive. I have answered your survey about my most recent arbitration. Answers would be substantially different about previous arbitrations.

7038 In Tort MVA MIST (minor injury soft tissue) cases, the insurance companies rarely settle and use the arbitration as a dilatory tactic. If the Plaintiff wins the arbitration, (which usually happens) the defense appeals the arbitration as a matter of course.

8128 The amount of time set before the deadline of when a hearing has to take place is unrealistically short. It should be based on when the last defendant answers, not the date of the complaint. The order should say the hearing must take place no later than 180 days of the last answer.

8137 The hearing are supposed to take place too quickly--often not enough time for discovery--arbitrators should only hear cases in their areas of expertise--insurance defense attorney are abusing the appellate system destroying the efforts of some arbitrators who do good jobs + render fair decisions--they then offer less w/the threat of a jury trial w/ a lot of unnecessary expense...

8155 On more than one occasion, I receive notice of the Arbitrator and a requirement that the Arbitrator set the Arbitration date BEFORE THE RULE 26.1 DISCLOSURE STATEMENTS ARE DUE! The current time line of demanding the Arbitration take place so soon penalizes the defense, and makes the process inherently unfair. IF the Arbitrator is a non-litigator, they feel bound to uphold the ""requirement"" from the Court to hold the Arbitration by a certain date, even if that date is just too soon for the defense. As a defense attorney, I do not schedule the Plaintiff's deposition until I have received their Disclosure Statement and signed medical authorizations - On more than one occasion, I barely had deposed the plaintiff when the Arbitrator ""had to comply with the Court"" to schedule the arbitration about 2 weeks after the plaintiff's deposition - The defense was precluded from presenting any expert defense, because the defense had not ""disclosed"" the expert and his/her opinions 30 days prior to the Arbitration - Of course, the defense cannot disclose the defense expert's opinions when the deposition transcript of the Plaintiff is still being typed by the court reporter - The Court needs to have a new system for setting Arbitration deadline dates - Perhaps you should USE THE DATE THE DEFENDANT FILES AN ANSWER to the Complaint for setting the Arbitration date - Currently, it seems the Court uses the Complaint filing date - However, if the Plaintiff waits the permitted 120 DAYS to serve the Complaint, then the defense has lost 4 months of time to conduct discovery and find an expert - Currently, in such a circumstance, the system is unfair - Of course, the defense can go to the Court (not the Arbitrator) and get a time extension, but this means the purpose of reducing costs in arbitration has just been defeated. of the more than 12 times I have been in Arbitration in

the past year or two, I have had to get continuances in probably more than half of those cases - At times, the Arbitrator refused to grant the continuance because of the ""requirement"" that the Arbitration be held by a certain date - In those cases, I had to go to the judge, spending attorneys' fees, to get a continuance See my comments, supra, about the timing of the Arbitration and imposing unrealistic deadlines which preclude the defense from preparing their case.

8228 I have participated in at least 75 arbitrations in Arizona State Courts. With the exception of 3 fraud complaints all have involved lemon law cases/breach of warranty against large, well-funded, highly litigious manufacturers. During 2002 no manufacturer defendant would settle before taking a bite of the apple at arbitration regardless of the individual case merits. In only 3 cases out of the over 200 Arbitrations my firm has participated in the last three years has there been a settlement during or shortly after the Arbitration. The standard practice for large manufacturers is to use the Arbitration process as a delay tactic and to obtain a third bite at the apple. One large defense firm represents the majority of automotive manufacturer defendants. It is their standard practice to force every case into Arbitration, and then automatically appeal when they loose. This practice is rewarded by the fact that the Arbitration fee-shifting penalty is meaningless where the statutes involved call for the manufacturer's to pay the consumer's attorney fees anyway. [it should also be noted that the arbitration fee-shifting penalty also crates a conflict of laws with the statute's fees-to-the-prevailing-consumer language - this issue has not arisen yet.]

Thus, since most consumers need the use of their vehicles and cannot afford alternatives, the additional delay often forces the consumers to trade the vehicles in - absorbing the loss; driving a defective product on AZ roads because they have no real alternative, and/or buy a replacement vehicle if they can afford it. As part of the standard practice of manufacturers, where a consumer is forced to drive a vehicle - that fact is used to argue Defendant's affirmative defenses. It also means that defective products are driven on Arizona roads longer than if there was a direct trial tract. The speed with which manufacturers file motions for summary judgment where a consumer gives up and trades in the defective product is amazing. Further, under the statutes involved, manufacturers are allowed to force consumers to go through informal dispute resolution programs as long as the program is in full compliance with the federal rules. Most manufacturers have dispute programs, but as recently held by the district court in AZ, they are not complaint or legitimate. Thus, manufacturers use Arizona's Arbitration process to generate more delay, obtain 3 bites at the apple, add a burden in the path of the consumer and discourage consumers from litigating their lemon law complaints. The end result is, on average, about 30% of consumers giving up and either driving the defective products, trading them in at a loss for some unsuspecting person to purchase or giving up because of the frustration. Most cases settle just before trial. Further, most manufacturers play discovery games before arbitration. This tactic forces the consumer to annoy the Arbitrators with discovery issues in virtually every case. Also, because this area of law is not practiced by the vast majority of Arbitrators (none so far), manufacturers slam them with every one-of, BS argument they can think of, causing the Arbitrations to take much longer and be much more complex then necessary (the spagatti technique, throw it all up and see what sticks). The vast majority of the arguments they raise have been resolved, but the Arbitrators usually don't know it. Thus, the real-world result of AZ mandatory arbitration in the type of cases I participate in is: it adds cost and delay with insubstantial results; it causes consumers to give up legitimate claims; it benefits manufacturers unfairly with no corresponding benefit to consumers; it is being abused as a tool by manufacturers against consumers; and, it increases the number of defective and often dangerous vehicle on the road. I say this with an 87% win rate at Arbitration so far

8258 I AM ANSWERING THESE AS AVERAGES AS I HAVE HAD MANY ARBITRATIONS.

8287 I USUALLY ARBITRATE 10 PREMISES LIABILITY CASES A YEAR ON THE DEFENSE SIDE FOR A GROCERY STORE, ALL OVER THE STATE. MOST ARBITRATORS TRY TO REACH COMPROMISE AWARDS REGARDLESS OF THE EVIDENCE OR LAW. ITS NOT SURPRISING THAT WHEN THESE VERDICT ARE APPREALED DE NOVO THE JURY'S SLASH THE AWARD OR GIVE DEFENSE VERDICTS 85% OF THE TIME.

8291 As the result of on arbitrator being excused and another objected to by the defendants, a motion for summary judgment was on file when the third arbitrator was appointed. I represented the plaintiff on a suit to enforce a promissory note. The only dispute was when the default interest rate kicked in. Unfortunately, the arbitrator did nothing for months. the Summary judgment motion was filed in June, 2003. After several calls to the arbitrator's assistant accomplished nothing, a written request for the arbitrator to rule was filed in early November, 2003. On November 21, 2003 (more than 145 days after appointment of arbitrator) I filed a motion with the court to excuse the arbitrator, take the case back and rule on the pending motion. The judge declined to do so and simply ordered the arbitrator to promptly rule on the motion and set a hearing if needed. The arbitrator did finally deal with the case and an award was entered in Arpil, 2004 granting my client all the relief sought. When he finally turned his attention to the matter, the arbitrator did a fine and conscientous job. My complaint here is the lack of assistance I received from the court. The arbitration clerk refused to get involved. I was told all that they would do is send out a notice after the deadline for hearing (120 days after appointment) expired. This notice was never sent out in my case, however. The only suggestion offered was to file an order to show cause with the assigned judge. Not a good option, obvously. I was also told that the arbitration clerk would not immediately take the steps contemplated by Rule 75(b) after the expiration of 145 days from appointment. Left with no option and at the risk of offending (and thereby creating a bias against my client) the arbitrator, I brought the matter to the attention of the assigned judge. The judge declined to discharge the arbitrator as appears to me to be required by Rule 75(b). While the case ulitimately get resolved, it took another 3 1/2 months. The defendants, of course, thought all this delay was great. The success of the compulsory arbitration process depends in large part on how seriously the lawyer selected takes his or her appointment. In situations like mine the court and the clerk's office must take a proactive role to assist the parties.

8310 Most arbitration cases I've handled go to hearing i.e. 75% or more.

8485 The parties underwent full mediation with an outside mediator prior to the plaintiff certifying the case as subject to arbitration. The matter was thought to be settled until the plaintiff backed out of the tentative settlement agreement reached at the mediation.

8540 I've represented more than one client in arbitrations, this was the most recent.

8623 The case is still in progress,

9003 I have handled multiple arbitrations of varying kinds.

9015 I have participated in several complusory arbitration proceedings and believe them to be extremely beneficial.

9032 Assigned Arbitrator not interested in the case, ignored deadlines, ignored motions, and court repeatedly deferred to arbitrator who continues to this date to take no action on the case whatsoever.

9047 I have done many arbitrations, so I have responded with multiple answers to some of

these questions. The most common reason to continue the arbitration has been difficulty completing appropriate discovery before the arbitration date is set. While each case is different, settlement offers usually only occur following the hearings.

9071 I am the process of my first arbitration, and have not had the hearing yet.

9113 Have had numerous arbitration cases. Some have settled, some have proceeded to hearing.

9264 In most cases, the arbitration process is used merely as a settlement tool by defendants. Oftentimes, the goal as a plaintiff's attorney is to underplay the case, not achieve too favorable a result, and not provoke an appeal. A highly favorable result in arbitration simply provokes an appeal and places little risk of sanctions for defendants.

9631 Before a case is sent to arbitration, the parties should have a rule 16 conf with the trial judge who is in a better position to set deadlines and control the process.

Question 19 - Comments from Counsel on the Hearing Process

0003 The other side submitted sloppy and incomplete disclosure and discovery responses which kept a great deal of their evidence out. The other side did not seem to care that they were going to lose because they knew they would appeal.

0004 The arbitrator was a defense attorney and strong willed. He just said the hearing was going to end at a certain time no matter what. This made us hurry up the process more than I would have liked. An issue was involved which was not the usual and he ruled against us entirely on that. I cannot really blame him for that but I just did not agree with him at all. When we settled this issue was paid for.

0008 The arbitrator had reviewed the file and pre-arbitration statement, and made a good effort to understand the legal issues involved, notwithstanding their inexperience in civil matters generally. However, as stated previously, the arbitration lasted much longer as a result of the inexperience.

0016 The arbitrator conducted an "informal" meeting without allowing my clients to attend and then issued an arbitration award before having a formal hearing.

0090 Some direction regarding whether a plaintiff can request more than \$50k.

0116 This case involved neighbors taking financial advantage of an incapacitated individual who was a client of the public fiduciary to the tune of 12,000.00. They claimed they were repaying the "loan" with "in-kind" services and they "proved" that with "receipts" that they wrote out and signed themselves to themselves. The arbitrator wanted to split the baby, but that really wasn't acceptable to the public fiduciary who has a responsibility to maintain the victim's estate.

0134 This arbitrator was more knowledgeable than many arbitrators we have had in the past.

0136 On motor vehicle claims the carriers all want to complete the arb to a decision. I've never had an appeal filed nor have I found it necessary to appeal.

0151 The full case needed several days to try about a year later and the arbitration was about a day so much of the case was not presented to the arbitrator or had to be presented in summary fashion.

0175 I arbitrate personal injury cases and many times the arbitrator has little or no experience in this area of law which can require additional time to educate the arbitrator.

0205 Many cases settle before the arbitration hearing. Arbitration is a quick streamlined procedure to resolve cases and I am very happy with it.

0207 Insurance carriers simply use arbitration to increase the cost to process small cases. The process is a joke.

0241 As far as arbitrator's knowledge of the issues, he knew what the case was about, but he did not understand the law. Despite being provided the law by both parties, it was apparent from the ruling that the arbitrator either did not read the cases or ignored them.

0255 Lawyers--as arbitrators--don't give awards commensurate with actual case value. In other words, an arbitration award typically is higher than what a jury would award on appeal. Also, we(myself included)are too inclined to "split the baby" when a full verdict ought to be rendered for or against a litigant.

0288 Having done no less than 2-3 arbitrations a month, it suffices to say that the hearing process varies enormously from arbitrator to arbitrator. There needs to be a comprehensive guide to conducting arbitrations that is available to BOTH the arbitrators and the attorneys (similar to

the Short Trial Procedure book) so that everyone is playing by the same set of known rules.

0300 Arbitrator caught up quickly, but did not even look at pleadings prior to the hearing.

0304 The arbitrator in this case had attempted to be removed from serving as an arbitrator and apparently approached the setting and holding of a hearing as a way to get out from serving as an arbitrator in this case. See the response the previous section for more information.

0305 In many instances, arbitrators do not have sufficient expertise in a particular area of the to serve as an arbitrator. For example, I have had criminal attorneys assigned to hear a civil matter. There ought to be a requirement that arbitrators have expertise in areas related to the subject-matter of the case at hand.

0326 The defendant was pro per. He did not know nor comply disclosure requirements.

0350 Hearing has not been held yet.

0351 The arbitrator was not prepared and completely misunderstood Arizona law on a significant point (a point which really was not debatable).

0365 I don't know whether the other side participated in good faith. I felt the lawyer did a good job presenting his case, but I also believe that the insurance carrier for the defendant intended to appeal before the hearing - unless the award was so low that it fell within the arbitrary values established by the carrier through the use of the COBRA or MIST computer programs used by the large carriers to assess value- which is very low and almost insures appeal from arbitration.

0393 The arbitrator failed to schedule the case for hearing as required. However, discussions with attorneys who have been arbitrators suggest that the rules for arbitration (i.e., evidence, procedure, etc.) are at best loosely followed and as such no result could be deemed as fair when the system is a substitute for an otherwise fair trial.

0404 The defendant did not show up for the arbitration hearing.

0409 The plaintiff was an attorney. It seemed that the arbitrator favored this party due to his profession.

0424 The arbitrator was not familiar with Arizona Rules of civil Procedure, particularly Rule 26.1 rules, and this jeopardized my clients case. I would never again use an attorney that practices in the area of administrative law, but would strike such an assigned arbitrator in the future

0431 The case involved a significant legal issue. The arbitrator did not fully understand the issue.

0465 None of these answers apply. I do not do cases involving less than \$50,000, so I do not really get involved as a lawyer representing a party in arbitration cases.

0469 At the close of the arbitration, the other attorney turned to the arbitrator in front of my clients and I and said: "Make sure you tell your mother hi from me."

0477 Other party did not appear at hearing

0558 Clear written integrated terms of the contract were ignored. Defense attorney and arbitrator talked at length together about when they used to work together. They were still talking when we left. "Those were the good ole' days" type conversation.

0572 When you pay peanuts to the arbitrator, you don't get much in return.

0590 Since we were ordered to participate with no choice of arbitrator and without any information as to the arbitrator's background, I do not believe either party had much confidence in the proceeding. However, my client was advised to participate in good faith and to try and settle the matter, if possible.

0622 The defense actually brought their expert accident reconstructionist to testify at the arbitration which I did not anticipate. I thought the arbitrator would only consider his report.

0642 It is not really possible to assess the level of good faith of the opposing party. Few attorneys are going to announce that they or their client(s) do not intend to participate in good faith.

0698 The other side failed to follow procedural rules and the arbitrator seemed reluctant to impose sanctions or even force the defendant to live with the procedural consequences of his omissions

0709 No hearing yet

0713 The process is working. I have only had a bad arbitration experience once, and many good ones.

0738 The arbitrator was a city criminal prosecutor who was completely unfamiliar with civil litigation and his responsibilities and authority as the arbitrator.

0772 Other side did not appear for hearing

0782 The arbitrator's decision was non-sensical and contrary to the evidence (e.g., finding an injury, accepting medical bills in full and lost wages due to the injury, but awarding nothing for pain and suffering.

0819 The whole thing was pointless - the defendant had already stated that if they lost the arbitration, they would appeal

0907 I have not participated in the Court's arbitration program

0932 THE NON-BINDING NATURE AND THE RIGHT TO A TRIAL DE NOVO, WITH VERY LITTLE DOWN SIDE MAKES ARBITRATION INTO DISCOVERY. THE COURT NEEDS TO BE ABLE TO REVIEW THE DECISION AND USE THE INFORMATION FOR ARBITRATION TO BE ANY GOOD.

0935 The arbitrator practiced only criminal law and had no knowledge of tort law; but, he told us that at the outset, and tried very hard to understand the arguments we were making

0937 The arbitrator violated the rules of procedure by taking an inexcusably long time to rule on the matter after the hearing was over. This leads me to believe that she simply forgot many of the detailed damages issues that were critical to my defense of the case, by the time she ruled.

0941 Arbitrators hearing cases within their field of expertise are more biased than those unfamiliar with the subject matter of the case. Jurors generally have no expertise and are therefore less biased.

0970 Again the arbitration process is a very good concept for small cases but needs improvement such as a greater limit as to trials de novo, and when a case is certified for arbitration after the initial complaint is filed and a notice that the case is not subject to arbitration the judges should be required to refer the matter to arbitration. On occasion a case is re-evaluated as it progresses and it is determined that the value less than the arbitration limits some judges have refused to refer such cases.

0974 This arbitrator was knowledgeable about case & procedure. Others do not have a clue.

0986 Arbitrators have not been obviously biased BUT too often they meddle with the adversary process. They create issues not raised by the pro se defendant... two in five do this. They take on a role not appropriate to the proceedings (counsel for the defense). More work is thereby required of us than should be the case. In virtually every case, however, the ultimate findings and award were fair.

0988 In one case, the arbitrator was just too generous to a bad faith defendant.

0997 The arbitrator was great, but he seemed biased towards the defendant representing himself. My client was upset that he thought that the Defendant was getting all the breaks. We ended up winning and despite all the breaks the Defendant received, he still appealed.

1021 Although the arbitrator tried to be prepared, he had no experience or knowledge as to personal injury law as he practiced wills and trusts. That is one disadvantage of the arbitration process - the court does not match up the substance of the litigation with the arbitrator's experience and background.

1052 The Arbitrator viewed the arbitration as an inconvenience to his regular practice. He hurried the arbitration hearing and refused to allow me to call three different witnesses. Accordingly, I was not surprised with the result.

1112 I have arbitrated 20+ cases in the past year, and my most common experience is that arbitrators are either completely unfamiliar with the litigation process (and thus vulnerable to ploys by parties to use this ignorance to their advantage) or are so personally entrenched in either plaintiff or defense work that they are incapable of hearing a case openly and fairly. The latter was the case in my most recent hearing. I find this frustrating and counterproductive.

1115 The arbitrator in my case was a volunteer.

1118 State Farm brings court reporters to all arbitration hearings. They appeal the vast majority of them. I was told this one would be appealed. It was.

1123 The arbitrators tend err on the side of a recovery for the filing party regardless of the merits of the case, especially in cases of disputed liability

1184 The arbitrator did not demonstrate any bias.

1285 The defendants were represented by counsel hired by their insurers and no meaningful discussion regarding the merits of the case presented were ever discussed among the lawyers.

1292 This was an arbitration in the justice court which should probably have been filed in the Superior Court. Two cars were involved and the request was for the return of the cars. The arbitrator was not an attorney.

1312 The opposition didn't show up at my last arbitration

1326 Some insurance companies abuse the arbitration process. The carriers have no intention of settling or accepting the arbitrator's award. They simply use the process as an unprepared practice run before trial, and hope they get lucky. Carriers present tenuous arguments and waste the plaintiff's valuable time and expense. It is typically the same carriers over and over.

1331 In my experience, I've found that arbitration is simply one more delay tool for an opposing side. The party with the stronger position in the case is forced to litigate to a hearing, conduct limited discovery, all the while knowing that the other side will do little, go through the "motions" and an appeal before any serious settlement is offered. The arbitrator has limited time and little preparation so the hearing is abbreviated and often whoever goes second or last ends up with little hearing time.

1335 This particular hearing went ok with no arbitrator bias. But I have had many cases where the arbitrator was biased and/or rushed the hearing, to make the whole process a waste of time and a set up for sanctions after a jury trial.

1364 No hearing yet.

1402 The relative competence of arbitrators in the case and the process varies greatly. Bias seems to run the gamut as well. The hearings are usually abbreviated and somewhat perfunctory. Few arbitrators are prepared to help in any way to mediate the dispute either at the hearing or prior thereto.

1427 The arbitrator, like most arbitrators, did not apply the rules of evidence. Generally, objections are useless since they think that as an attorney, they can filter what they hear.

1455 Arbitrator awarded \$15,000. We filed OJ for \$15,000 after Allstate appealed. Allstate feared the possibility of Rule 76 sanctions and eventually settled for \$15,000.

1473 Did not go to hearing

1480 The case has not gone to a hearing yet.

1482 The arbitration was a "dress rehearsal." The otherside saw our case and then changed their strategy and legal theories at trial.

1499 I think the compulsory arbitration process is largely a waste of time. With an appeal, one gets a new trial and there is very little penalty for same. By and large, unless you know the nature and extent of the arbitrator's practice, you run the risk of getting a wholly incompetent arbitrator. In this case, apparently the arbitrator's entire practice is criminal public defense assignments. In my opinion, the arbitrator should have declined the case.

1506 My last arbitration case was the rare case where the arbitrator took a lot of initiative and devoted a good amount of time to the matter.

1573 The arbitrator, who was a defense attorney, allowed the defense to offer evidence on causation but barred the plaintiff from providing rebuttal evidence on the same issue. the arbitrator clearly thought the case was a waste of his time, yet demanded that the parties submit post-arbitration briefs! he also miscalculated the time for submission of the form of award and prematurely entered the award (in favor of the plaintiff)

1578 Technically there was no settlement, but both sides accepted the arbitrator's award and did not appeal it, even though the award was lower than what we were asking for and higher than the other side was previously willing to pay.

1585 Again, there are no penalties for failing to play nicely or abide by the rules. When a carrier elects to do nothing, the courts and the rules do nothing to make things happen. If a judge becomes angry at the shrugged shoulders, lies, and deception of the carrier/its lawyer, the judge is then biased, and challenged for cause. The process is patently unfair to claimants.

1613 Some of the cases I have had would have been settled or dismissed early if the arbitrator or judge had experience in the area at issue. Instead, you get an arbitrator who does not know the area of law and they award something to the other side because they feel bad, don't know, etc. and then companies become very frustrated with the legal process.

1623 Settled after the notice of arbitrator's award

1672 Further to my last comments: The arbitration is a "fee look" at the other side's case and allows the opponent to "sandpaper" witnesses or plug holes in his case before the real trial. In my opinion, it is a complete waste of time.

1698 I am a plaintiff's attorney, practicing in personal injury and products liability. I believe that only lawyers with a similar practice focus should arbitrate personal injury cases. Frequently, an arbitrator with such knowledge (either plaintiff's attorney or defense attorney) is stricken by one side or the other and the case winds up in the hands of someone who does not know the applicable law. I have had PI cases arbitrated by attorneys whose practice was in water law, patents, bankruptcy, divorce, etc.

1746 The arbitrator took several months to provide an arbitration award despite counsel having provided a draft arbitration award to him within a few days of the arbitrator rendering a notice of decision.

1749 This was a low speed rear end impact case that my client aggressively defends. We had affidavits from an accident reconstructionist, biomechanist and doctor. The arbitrator at the outset told me that he thought biomechanics was junk science, and then asked for my comments about the case. I guess it was better to know than not know his feelings, but at that point I certainly felt that I was wasting my and the client's time and money.

1757 We have appealed the arbitrator's decision and have entered into settlement

negotiations.

1758 The foregoing answers were based on only the most recent arbitration and may be somewhat inapplicable as the matter was settled while the arbitrator waited to commence the hearing

1770 Neither my clients nor I expect much from the local arbs, especially on the issues of causation or damages. It is a system to pass around money among the plaintiffs, and the wanta be plaintiffs. Sometimes we get a fair shot, but usually not. Of it is not too outrageous, we will pay it. If it is too high, we will appeal, and usually make money with the sanctions, and our offer of judgment. The last two resulted in plaintiff's awards, but with sanctions, we made thousands.

1807 At some point, arbitrators have to enforce the Rules of Civil Procedure regarding disclosure and refuse to allow a party to use documents and theories that have not been disclosed.

1810 There is nothing wrong with the process, but it is largely a waste of time if it is not binding. 25 years ago, we did jury trials in 1-2 days. Today we spend the same amount of time in pre-trial wing flapping and don't get a final result.

1845 The arbitrator was ill-prepared and could not understand basic issues. The arbitrator gave an award in favor of a previously defaulted party with whom we had already entered a judgment for fraud and was not a party to the arbitration. The arbitrator was incompetent

1857 Everyone needs to focus on the purpose for arbitration being an expedited resolution feature; not an ego opportunity and not a discovery mechanism.

1875 Insurance carriers are routinely appealing arbitration awards in order to get the matter in front of a jury; thus, the attorneys for the carrier summarily participate in the hearing (knowing the real hearing will be held in front of a jury)

1928 The arbitrator may have been biased in our favor, or else he may have "split the baby." Either way, we received a better award than I expected, and the defense appealed.

1948 As stated, my experience with MANY compulsory arbitrations has been very positive in Tucson. Up until recently, the arbitrators were always personal injury lawyers, so they were well-prepared and understood all of the legal issues.

1969 Case has not yet gone to conclusion

1998 Arbitrators have too much leeway to admit and consider evidence which should not be admissible, whether or not it is formally admitted.

2132 The defense failed to appear at the hearing. The arbitrator took testimony from plaintiff and entered an award.

2136 The arbitrator prefaced the hearing by telling the parties he had no personal injury experience. The arbitrator stated he called the presiding arbitration judge to advise of his inexperience and was told to ""give it a try"" and if he didn't like it, the arbitrator would be taken off the list. The arbitrator showed his inexperience in this field during the arbitration hearing, particularly, not understanding the need for medical opinion to substantiate medical treatment after two separate one-year gaps in treatment. The arbitrator's award echoed that inexperience by awarding more than \$8,000 more than the plaintiff's demand. The case was eventually settled for substantially less, but more than the case was worth. Even plaintiff's counsel expressed frustration at the award - specifically, how was he going to convince his client to take substantially less than the award.

2162 The arbitrator screamed and yelled; unbelievable.

3005 My one experience of a hearing has been with an arbitrator who has no experience in civil litigation and thus does not know the rules of civil procedure. Therefore, he made decisions that were in clear violation of several such rules.

3058 The arbitrator made a ruling that was inconsistent with the positions of either party, and which could not be reconciled under the law or facts, but ended up obviously ""splitting the baby."" His comments in ruling made clear that he did not have a grasp of the evidence or the law that had been presented to him.

3168 The arbitrator seemed very on top of the law and the proceedings, but his award was ultimately in absolute contradiction to several rulings he made. The same thing happen in the arbitration I did before that.

3323 Opposing counsel tacitly acknowledged that his purpose was solely to cause expense to the defendants. He was successful.

4060 The Plaintiff took about 4 hours to present his case and the co-defendant took 2 hours. This left me about 30 minutes to put on my case. I ended up calling only 1 of 3 witnesses that I originally planned to call.

4144 I had two arbitrations. One settled before the hearing date was set, the other went all the way to arbitration

4231 Our case settled because an defendant, who had no legitimate claim to escrowed funds (even the arbitrator agreed) knew he could take advantage of his legal rights to keep escrowed funds tied up for months, and his attorney threatened exactly that. The arbitrator was fully aware of this, but the only alternative was to litigate for many months.

4272 The case settled after the arbitrator's notice of ruling and before an appeal was taken.

5050 I HAVE ONE SERIOUSLY BIASED ARBITRATOR IN A PI CASE. BUT TYPICALLY THE ARBITRATOR AND PROCESS IS FAIR--IT JUST DOESN'T SEEM TO RESOLVE THE CASES.

5148 I believe that my client ""got lucky"" with the appointment of a smart and conscientious arbitrator in this particular matter - other clients have been prejudiced by biased, lazy, and/or unapologetic slackers that wilfully refuse to perform their duties. For example, in one of my cases, I filed a motion for summary judgment on November 7, 2002. Because the arbitrator refused to rule, I filed a motion for summary adjudication re that motion on October 16, 2003. Notwithstanding, the case was dismissed by the Court in April of 2004 for ""lack of prosecution."" I had to waste more money and petition the court to reinstate the case. The Judge finally assigned a new arbitrator and I received the judgment in July 2004 - some 20 months after a simple motion for summary judgment was filed. That is appalling. In another case currently pending, the Arbitrator sent the Judge a letter stating the she wanted the Judge to rule as the Judge was in a better position to do so. That case is now just hanging in limbo.

5274 At my particular hearing, the arbitrator asked for argument before testimony on both the issues of liability and damages. He engaged in ""cross-examination"" of me related to previous car accidents I had been involved in and injuries I had sustained in previous car accidents. He made it clear that he had suffered an injury similar to the plaintiff's and made it known how painful those type of injuries were. He asked if I had ever experienced this type of injury. When I attempted to make a distinction between plaintiff's diagnosed injury and plaintiff's claimed injury, he asked ""are you suggesting that plaintiff's injury isn't painful?"" He asked for specifics on settlement negotiations that preceded the hearing, including dollar amounts and the policy limits. Finally, after requiring counsel to make one further effort to settle, and being informed counsel could not come to a settlement agreement, he informed me (defense counsel) out loud in front of all parties that he would submit an award within a week and ""needless to say, you are not going to be happy.""

5276 RESPONSE: The Defendant was allowed to bring in her financial circumstances and bad

luck that occurred to her after she incurred the debt that had nothing to do with her breach of the debt and bouncing of the check. As a result, she was able to portray herself as a victim unrelated to the debt. It influenced the arbitrator, when a judge would have seen through it. The arbitrator felt sorry for her and made it clear that he didn't think that he would be awarding the entire amount of the debt even though she wrote an insufficient funds check, which was NEVER DISPUTED, was sent numerous collection letters, had calls and was sent a 12 day statutory letter! SO WE SETTLED FOR HALF BEFORE HE MADE HIS DECISION. MOREOVER, HE WANTED TO INJECT LEGAL CONCEPTS involving tort law THAT HAD NOTHING TO DO WITH CONTRACT LAW. Finally, since my witness was from a hospital and really does not want to be bothered, I only had one chance to use him. Having used him for the trial, it would have been too much to ask him to come

5382 This matter would have better served by mediation, with a mediator who was familiar with the procedures and issues.

7020 The arbitration process was damaging to my client because the arbitrator failed to enforce the rules of arbitration against the plaintiff's attorney concerning hearing dates, arbitration memos, preparedness, and presentation of evidence. Because of the appeal rights, any arbitration constitutes an uncertainty and exposure to double fees when the case is retried in Superior Court. There is no finality for the client.

8068 Insurance companies always appeal from arbitrations.

8099 Plaintiff's perspective it seems, defendants (insurance) use to mandatory arbitrate as "free" discovery & to wear plaintiffs down- they simply approve what they don't like.

8128 A solution needs to be found to provide defendants with fairness in the process. When arbitrators award defense verdicts rarely, while juries do it often, the system is not working; when arbitrators award about double on average what juries do with the same facts, the system is not working. I frankly don't expect anyone to do anything about this significant problem, because I don't think the system cares very much about civil defendants.

8137 Some insurance defense attorneys come w/out their clients

8216 The arbitrator did not review the evidence and made a decision contrary to the law. It forced an appeal and later forced a settlement based on the rising costs of litigation. Both sides were unhappy with the result. Obviously, this is not the way the system is supposed to work for either side.

8235 Arbitrator was prepared, courteous, fair and appeared to be attentive, but his ruling was inexplicable.

8310 Again, Justice Court arbitrations are very difficult and ignorant.

8485 The case involves sale of raw land on which plaintiffs placed a manufactured home. The home was placed on the wrong parcel of land. Plaintiffs claim the agent designated the wrong parcel. Plaintiff claimed emotional distress as well as breach of contract. In closing argument plaintiffs requested an award of \$130,000 despite having certified the case as subject to arbitration. Plaintiffs also claimed that defendants unreasonably expanded the cost of litigation by conducting extensive discovery after the settlement conference failed. The arbitrator awarded plaintiffs' full request plus attorneys fees.

8499 I do both defense and plaintiff tort work. It is my opinion that insurance companies use arbitration other than the way in which it was intended. If they win completely, the plaintiff can appeal or not. If the result is anything other than exactly what they want, they appeal and the process has become a waste of time (unless the case proceeds to a jury verdict, which, statistically, few do).

9003 I have found that many arbitrators simply do not want to pull the trigger on a bad case. They would rather take the easy way out and split the award.

9047 I have found that the arbitrators are usually well prepared for the hearings. It's a chance to look at a case from a different angle (as judge rather than counselor).

9113 Biggest problem, in my view, with the arbitration system is that the arbitrators frequently don't understand the subject matter and almost never reflect what one would expect from a jury trial. Arbitrators seem to consider the bottom dollar that the Plaintiff will receive, after attorney's fees, while juries typically do not.

9210 NOTE: There needs to be some means of appointing arbitrators that are somewhat familiar with the type of law involved in the case being arbitrated. An attorney limiting his/her practice to divorce, tax law, criminal law, etc., should not be appointed to serve as an arbitrator that involves bodily injury tort law.

9213 Anytime you are dealing with a defendant that is being defended through their insurance company the arbitration process is a waste of time. If they lose, they always appeal and rarely settle. If they win, they only settle at the arbitration award amount or even reduce their offer from the award amount. You might as well went to trial without wasting time in the arbitration.

9228 I have done a number of arbitrations. These questions do not fit all cases. I have tried to answer generally but would have to spend days researching the specific files. I an asked to be the arbitrator frequently and arbitrate an average of about a case a month.

9238 The case went to trial. Arbitrator awarded \$2,000. At trial we got actual damages, tripled, plus attys fees.

9264 The arbitrators generally do a very good job. The problem with the system is that it is tiring on the clients.

9336 The arbitrator instructed the parties to make confidential submissions, contrary to the rules. The arbitration was held in the college classroom and students in a course taught by the arbitrator attended and voted on the outcome. The arbitrator said the vote would not influence his award. The hearing started late (nearly 2:00 pm) and we were informed by the arbitrator he had to leave at 3:45 pm for an appointment. Three witnesses testified and the entire procedure was rushed.

Question 27 - Comments from Counsel on the Post-Hearing Process and on the Arbitration Process in General

0000 [Just comment] An appeal has been filed. Case is ongoing. I am following a motion to have the appeal squashed, and the arbitration award to stand as rendered by the arbitrator.

0003 Still waiting on notice of decision. The arbitrator has not ruled (though 40 days have passed since the hearing).

0016 The arbitrator completely ignored all the law and most of the facts.

0075 Would have appealed if not for the 25% penalty

0090 Arbitrators often times seem to take the approach of a mediator, i.e., split the baby and no one will appeal, regardless of the merits.

0098 case pending still

0116 Actually, this is still proceeding through the justice court at this time.

0134 The award was for 15,500.00. We asked that the award be remitted to 13,999.00 because the defendant had a 15,000.00 policy. The Defendant chose not to appeal the remitted amount.

0144 Case still scheduled to go to trial. Defendant has never made an offer.

0160 arbitrator was trust atty. no clue about litigation in general or contract litigation in particular. makes no sense to appoint attys in areas they know nothing about!!!

0175 The biggest problem with mandatory arbitration is that most insurance companies look at the process as discovery and will appeal fair awards as a matter of course.

0176 My client was very frustrated with the process because it took the arbitrator several months to rule on the very simple motion to strike the answer. It was only after several phone calls to his office reminding him that the motion was pending and the deadline for completing arbitration was fast approaching that the arbitrator acted on the motion. My client was very annoyed at the length of the process. The case was not appealed. Instead, the defendant filed a chapter 7 bankruptcy petition.

0189 Case was appealed. Superior Court reversed earlier Superior Court ruling re sufficiency of notice of claim. Superior Court then held requirements of notice waived. Special Action relief by Plaintiff denied. Special Action by Defendant denied. Pending Petition for Review on legal issue of waiver. Court lost the file for several months.

0205 30% before arb 50% accept arb award 15% settle after arb award 5% trial Mich had mediation Mediators always awarded 50% This was unfair & insulting Extremeley pleased w/arb Parties get day in court & fair decision, by arbitrators who care enough to do a good job, without exception! Cases settle early & parties are satisfied. Don't change it!

0241 The arbitrator's award contributed to settlement to the extent that it forced my client into a corner. She did not want to pay more in legal fees to go to trial, where, in my humble opinion, she would have fared much better before a judge and/or a jury. therefore, she settled just to move on. Her initial monetary loss was compounded by having to pay for my fees plus a settlement to make the case go away. A \$7000 case turned into a \$15000 very quickly.

0255 The process goes like this: we spend money and resources arbitrating cases.

Lawyers--admittedly--present the case in summary form knowing that there is a high probability that the matter will be appealed. Award is rendered, appeal made, and matter typically settles.

You could get the same result less costly and more simplified approach.

0270 We never received a ruling from the arbitrator. We were not even able to file an appeal.

We are going to go back to the presiding judge and ask for direction.

0288 To be fair, the SAME evidence presented at the arbitration must be the SAME evidence presented at trial. In these cases, the defense plans for an appeal from the outset and intentionally puts on a weak case by failing to submit any evidence (such as IME or expert testimony), usually relying upon simple "cross-examination" of Plaintiff as a complete defense. This typically results in an award that is easier to "beat" on appeal and allows the defense to simply wage a war of attrition against Plaintiffs

0300 time period has not expired in which to accept the award

0304 See prior comments

0308 I thought the arbitrator's award was too low even if the evidence was believed in favor of the other party, which meant we had to do a lot better at trial if we appealed, but defendant apparently believed we could do so, and so a settlement was reached.

0321 Arbitrator found for Plaintiff but only awarded \$500 for damages. However, he then granted Plaintiff over \$13,000 as the prevailing party. At trial the court found for Defendant and an award of Defendant's fees is pending.

0326 No penalty for someone who appeals and has same or worse verdict against him

0350 Hearing has not been held yet.

0351 This was a wage case involving whether or not accrued vacation pay was due when firing an employee. The arbitrator simply announced "I fire my secretaries and never pay vacation." Arizona law, however, is clearly to the contrary as vacation pay is included in the definition of wages under the applicable statute.

0365 The case is awaiting a settlement conference and trial.

0393 The arbitrator failed to schedule a hearing as required.

0404 Arbitrator awarded judgment to Plaintiff when Defendant failed to appear for the hearing.

0414 Since I do numerous arbitrations, my last award was just entered, so the appeal time has not run.

0422 The 60 days is no joke. We waited seemingly forever and it wasn't until the Judge threatened to take the case back that the arbitrator issued the award.

0423 Arb. just completed on 6-24-04

0431 The case settled at private mediation.

0465 See prior comment

0477 I cannot answer these questions. I only substituted during the hearing and played no role thereafter.

0482 The process was a complete waste of time, due to the non-binding nature of the arbitration. We prepared fully for the case, tried it in front of the arbitrator, and won. Then the defendant appealed and we had to do the whole thing over again.

0551 The award was for \$7,500. After the award was appealed, the defense settled for \$ 10,000

0622 As plaintiff's counsel had to expend money for expert doctor (I think about \$3000.00) Net result at trial was much less than arbitration award.

0642 My client could not afford to appeal the award. The award was unfair because the arbitrator failed to make a fair award of attorneys fees to my client. The arbitrator awarded attorneys fees based on the size of the claim rather than the amount of time spent by plaintiff's counsel.

0689 The case has not yet gone to trial.

0699 It would be helpful if the arbitrators would include a short explanation of their rulings. I arbitrate a large number of cases and receive such an explanation only about once every 20

arbitrations.

0738 The arbitrator dismissed the case against my client for lack of prosecution and failure to respond to discovery.

0782 Case still not resolved. Trial on appeal set for August 3, 2004.

0794 Regarding the question on how the case was resolved, a trial date has been set on the appeal.

0800 Other side did not show up.

0900 After 8 months, the Arbitrator has still not signed the entry of award.

0926 in all the arbitrations I've had, the arbitration award was higher than any offer by the insurer or its counsel. I would expect that a jury award would be somewhat higher, but not enough to incur the costs and uncertainties of trial for my client.

0930 The case has not yet resolved

0932 WE HAD TO ADDRESS AND PREPARE THE CASE FOR TRIAL AND THE JUDGE FORCED MEDIATION ON THE PARTIES BEFORE HE WOULD PROCEED WITH THE CASE. THIS WAS A SECOND FORCED ACTION BY THE SYSTEM TO AVOID TRIAL. IT WAS VERY COSTLY.

0943 The arbitrator was a criminal prosecutor with little or no understanding of basic contract law. His ruling was legally unsupportable--he found that a professional services contract requiring performance in accord with the "highest standards in the industry" had no "objective standards" for evaluating performance--despite acknowledging that the evidence showed that the performance fell below professional standards.

0970 because of the number of arbitrations I have been involved the responses would vary on a case by case basis

0974 This case was not appealed which is the exception rather than the rule. Ins. co. appeal 90%+ of the cases we handle.

0986 Less than 5% of the arbitrations are appealed by the opposing defendants. We have won on summary judgment in many, others were abandoned by the defendants. In a few cases, there has been a retrial... We have prevailed in all cases.

0998 I believe that many cases would be resolved through arbitration, without appeal, if arbitrators' awards were not, historically, so much higher than jury awards.

1044 The final arbitration hearing was just last Thursday and he has requested closing arguments in writing which are due next Thursday. So -- at this time I have no opinion as to the arbitrator's decision because one has not been issued yet.

1056 The time to appeal has not yet expired

1112 I have not yet received the arbitrator's written award in this case, but he informed us after closing arguments that, in his opinion, Plaintiff should have treated longer. He also stated that he thought that her attorney should have asked for more money. He admitted that he based this opinion NOT on the evidence presented by Plaintiff, but upon his own opinion as a former Plaintiffs' attorney. I have no idea what his final award will be, but I anticipate it will be the full amount Plaintiff requested.

1118 State Farm has all the money. My client wanted to get on with her life. They offered to settle an arbitration award of \$24,500 plus costs that were about \$700 (more in total than plaintiff had offered to accept) for \$15,000. It was settled after negotiation for \$18,000 to be done with it.

1160 No appeal was filed. Judgment became final after Plaintiff's no show at hearing. He is probably judgment proof anyway.

1165 The award was probably more generous than a jury would have given and the case settled

for less than that amount but more than the last offer. Clearly, the defendant was motivated to avoid the potential sanctions- although not enough to pay the full award.

1207 I arbitrator still has not issued an award. Court intervention will be necessary.

1255 Actually have not received notice yet, but it is promised on or before 6/25, the fifteenth legal day after the hrg.

1268 Case has still not resolved. Rule 16(B) Status Conference request pending to set the case for trial.

1285 By the time of the arbitration award, my client had incurred legal fees in excess of \$18,000.00. My client was not willing to proceed, and incur more expense at that time. I suggest a process that would compel insurance defense counsel to engage in meaningful settlement negotiation rather than just incur defense fees in cases under the \$50,000.00 limit. I understand that would require the insurance defense bar to waive hourly fees and set a flat fee for those cases, say \$2,500.00. Just a thought.

1319 The opposing party was not interested in attempting to settle the case.

1335 Just received the decision; appeal time has not run. Probably will appeal

1364 no hearing yet.

1426 we have not yet received the arbitrator's award despite the fact that the arbitration was conducted over 45 days ago.

1427 The cost of the appeal after having gone through the arbitration process contributed to my client's willingness to pay something to settle the case. However, this is not the result the client really wanted. The client felt that the plaintiff's case was garbage, but after having paid so much in attorneys' fees for the arbitration process and literally starting over in the appeals process, it was more cost effective to pay than to litigate. Most of the cases I am involved with as counsel are appealed.

1458 appeal time has not yet run

1473 no hearing was conducted. Why am I in this page if no hearing was conducted?

1481 The arbitration process has contributed to my clients' desire to settle in that the time and expense of the proceedings has caused them to question their financial ability to proceed to trial. The defendants, who are institutions defended by large law firms and insurance dollars, do not have the same concerns and appear to be winning the battle of attrition.

1502 The insurance companies who defend use these procedures to test their cases for trial and almost always appeal. I believe the entire mandatory arbitration process is a total waste of time and expense for the client. The settlement conference is much more appropriate and successful.

1585 When the Arbiter sits squarely on his/her butt, and repeated letters to the Arbiter reminding of the rules and deadlines for award notice go without response, the system is broken.

1586 I put 99 days because it would not accept a three digit number but the actual aware was about 120 days in coming which was an abomination since the assumption was that the arbitrator forgot all the nuances of the testimony by the time he got around to deciding the case.

1615 The defendants were pro se and did not respond to the motion for summary judgment we filed.

1659 The case is still pending, an appeal has not yet been filed. We expect Plaintiffs to file it soon, although they have offered to drop the case if we do not go after our costs. The arbitrator granted our motion for summary judgment.

1693 Defendants (Insurance Companies) abuse the arbitration process to make small cases economically unviable. If you get anything approaching a decent arbitration award, the insurance company appeals and attempts to intentionally increase the costs of litigation to wage a financial

war of attrition on the plaintiff and the plaintiff's attorney. There have been no consequences to this systemic abuse by the insurance companies, and the net result of the process has been to increase the costs of litigation.

1698 Arbitrators who are unfamiliar with a particular area of law can harbor the same misconceptions as any law person. As a consequence, the awards are unpredictable and subject to the luck of draw in arbitrator selection/appointment.

1749 The appeal is pending. We will proceed to jury trial and take our chances with a jury

1845 The arbitrator was not competent which left a bad taste for the judicial system with my clients.

1861 Client could not afford to appeal.

1883 Case currently scheduled for trial.

1948 As with 99 percent of my compulsory arbitration cases, this one resolved for the arbitration award. It is the rare exception that a compulsory arbitration award is appealed in my practice. Of course, I am extremely well prepared and generally have a very strong case.

1956 The award formed then basis of the settlement. The defendant agreed to waive the award of attorney's fees in exchange for allowing the award of the defense decision to be final.

1969 case has not yet gone to conclusion

1991 Case still ongoing, likely headed to trial

2132 Despite the value of the case being much less, and despite my urging not to exceed the jurisdictional limit for arbitration, the arbitrator entered a Notice of Decision for \$75,000.00. Plaintiff submitted a Voluntary Remittitur and a proposed award of \$50,000.00, which was signed by the arbitrator. The defense appealed and despite a Motion to Strike the appeal for failure to appear and participate, the court has allowed the appeal of the arbitration.

3019 We had an offer of judgment filed and since it was a defense verdict, we offered to waive our costs/fees we were entitled to if they did not appeal.

3022 Clients can become unreasonable even if the arbitration award is better than expected.

3160 After we put our case on, and in the middle of the defendant's cross-examination, the Arbitrator asked for briefing on a legal issue to determine if ROC hearing was dispositive on certain issues in the case - he ruled in favor of my client and now we have to proceed with the hearing on the remaining issues of damages.

3168 Arbitration is a waste of time in most cases b/c it isn't binding. In my experience, they are almost always appealed. Especially in P/I cases, arbitrators are much more likely than juries to ""split the baby"" or to take pity on the poor plaintiff. I've arbitrated at least a dozen P/I cases (on both sides) and have never seen the plaintiff lose, even when the case is a joke (my last one was two vehicles literally scraping against each other and the arbitrator awarded over \$25k despite the fact that we caught the plaintiff in a blatant lie).

3282 The case was heard within the 120 day limit, but the arbiter did not file the award until after the clerk entered a dismissal for lack of prosecution, and we had to get a court order to reverse it. The rules should allow a grace period for filing the award. They should also toll the requirement of the 9 month motion to set until after the arb hearing has been held.

3323 (Note, we were not notified of the filing of the judgement, the appeal time lapsed, or an appeal would occurred.)

3389 SETTLED FOR LESS THAN THE AWARD, A TYPICAL SITUATION FOR PLAINTIFF'S P.I. CASES, DUE TO THE BENEFITS AFFORDED TO THE INSURANCE COMPANIES THAT APPEAL

3414 It is my impression that the insurance companies who control the defense will arbitrate

and then appeal because they expect to do better at trial than at arbitration.

4207 arb overturned

4216 Form of Award just served on other party. Waiting to see if appeal will be filed by other side.

4380 Arbitrator delayed in entering the award and I had to file motion to compel entry of award

4412 My client, being a client, was unhappy he had to pay a penny and that he did not get any of his fees reimbursed, especially since the plaintiff's should have agreed to settle early on. We made a settlement offer within a month after filing the answer and we beat it at arbitration.

4412 My client, being a client, was unhappy he had to pay a penny and that he did not get any of his fees reimbursed, especially since the plaintiff's should have agreed to settle early on. We made a settlement offer within a month after filing the answer and we beat it at arbitration.

4450 RE: #20, there were post-hearing briefings

4458 THE ARBITRATOR MADE NO FINDINGS - VERY DIFFICULT TO EXPLAIN TO CLIENT WHEN RULING DOES NOT SPECIFY ANY GROUNDS FOR THE AWARD. WHEN RULING GIVES BASIS AT LEAST A PARTY FEELS AS THOUGH THE ARBITRATOR CONSIDERED THE EVIDENCE AND LAW AND MADE A SINCERE ATTEMPT TO RULE APPROPRIATELY.

5089 Arbitration is like any other proceeding. It is a mixture of good and bad and involves people and their good points and bad points. The system is useful and should be retained or expanded even though this particular example is a not a good one from our standpoint.

5204 No attorneys' fees were awarded to my client as the prevailing party. The cost of appeal was too much argue for attorneys' fees.

5408 It is still too easy to appeal.

5416 I cannot answer numbers 25 and 26 yet, because the time to appeal has not yet run and the parties are still engaged in settlement discussions.

5538 The award was \$42K, the defendants insurance coverage was \$25K, defendants threatened appeal and the cost of trial would have exceeded \$5K so the Plaintiff settled for \$20K and looked to her own coverage for the underinsurance, she is now in arbitration with her carrier

5555 The whole arbitration process is a farce in many instances. Governmental agencies, doctors, insurance companies and those with relatively unlimited pocket books take advantage of it to drive up costs and discourage the bringing of claims. They do not negotiate in good faith, go to the arbitrations and if they get an adverse decision always appeal. This encourages plaintiffs to always claim that the amount of the damages is in excess of the mandatory arbitration amount so as to avoid having to go through with the needless and frivolous arbitration process. They can always engage in non-binding mediation as an alternative. To cap things off, these defendants are the ones who cry the loudest about the high costs of litigation and the unfairness of contingent fees.

5598 Questions 24-26 cannot be answered because the time for appeal has not started.

6102 Can't say since I departed the firm after the result was received. I do, however, believe that the award was not appealed. I can't say whether there were negotiations the closed the gap between the award and an award of costs that were coupled with an unaccepted Offer of Judgment or not.

7038 Unfortunately, in Tort MVA MIST cases, the arbitration process has devolved into a strategic step to drive up the costs of litigation to make small MVA soft tissue cases financially impractical to prosecute for Plaintiff's attorneys. The insurance companies instruct their lawyers to file an appeal when the arbitrator finds for the plaintiff. They do so and take the case all the

way to jury trial. The plaintiffs have responded by developing strategies to set up the insurance company for sanctions and attorney's fees, i.e., voluntarily reducing the arbitration award and then getting a judgment at trial that exceeds the threshold for sanctions against the appealing party, and *Rulke* 68 Offers of Judgment.

8068 Insurance companies use arbitration as a hurdle to plaintiffs.

8099 The problem is forcing plaintiffs through the time & expenses of two contested hearings which appear to be an insurance defense tactic.

8128 The system places a tough burden on a party appealing an arbitration result. This is another pro-plaintiff bias in the system. No one with experience believes the arbitration system is fair to defendants, and that's why ATLA is always pushing to raise the penalties for appealing an arbitration result - - they know plaintiffs get biased results in arbitration, while many such verdicts are routinely overturned at trial.

8137 being forced to settle for less to avoid a costly trial is unfair to plaintiffs + attorneys who receive fair award from a good arbitrator

8155 In this 1 year case, the Court went so far as to schedule a hearing to show cause why the Arbitrator was not in contempt of court - The Arbitrator made a ruling hours before the show cause hearing, and the Court CANCELLED the hearing, with no punishment to the Arbitrator - So this process teaches other arbitrators that the 10 day requirement for Notice of Decision is ultimately meaningless]

8216 When the arbitrator filed her decision, both sides were surprised at the fact that it was completely in the Plaintiff's favor and contrary to the law. The Plaintiff knew an appeal was inevitable because the award was so unfair and contrary to the law. The Plaintiff just as disappointed as my client at the fact that so much money was wasted on a useless arbitration hearing.

8310 Justice court arbitrators generally are very ignorant on law and evidence issues. Superior Court arbitrators are more knowledgeable about law and evidence.

8631 arbitration awards most often higher than expected trial result. this is borne out by my review of trial reporter of cases appealed from arbitration. arbitrators seem to want to enter an award that will not result in an appeal. typically this is higher than what a jury would award.

8724 The problem with the arbitration system, and, in fact, the entire Arizona hoop jumping civil rules, is that it gives insurance companies excuse, after excuse, not to settle. I think the entire system needs to be revamped and made more efficient.

9047 Again, having done a number of arbitrations, I have had cases settle at a settlement conference following the arbitration (when both sides appealed), I have a case pending (after both sides have appealed), and I've had a case where all parties accepted the award.

9053 I think the court would have given us fees and costs and interest-the arbitrator didn't.

9210 NOTE: Due to the quality/qualifications of the attorneys selected as arbitrators, the results of the arbitrations range significantly. The divergence between the actual result vs. the anticipated result is much greater in mandatory arbitrations than it is in either bench or jury trials (or even in voluntary arbitrations where both sides agree on one arbitrator).

9264 If the case is worth trying, it's generally not worth going through the arbitration process. An arbitration eligible case has little economic incentive at present for a plaintiff's attorney to try. If stronger sanctions could be enforced to encourage acceptance of arbitration awards, plaintiffs would generally be well-served.

Question 39 - Comments from Arbitrators

0009 I have just been assigned this case. I know nothing about it. My staff has not even had time to schedule the hearing so I really cannot answer these questions.

0015 My practice is geared to commercial law and documentation, not tort law or litigation. I do not believe litigants are well served by appointing attorneys as arbitrators in matters outside of their practice area. Wouldn't a screening process be appropriate.

0017 The matter was never decided because there was an issue involving a divorce proceeding. The defendant called the divorce judge and the arbitration was enjoined the day of the hearing. The hour I spent after the hearing was dictating a memo to my file about the history of the case and the manner in which it ended without a decision. The entire process ended up wasting my time and leaving the plaintiff with a negative experience of the judicial system.

0022 In previous cases that I have arbitrated I have had difficulty in getting the parties to submit their arbitration statements in a timely manner. As I recall, there is no provision in the rules for sanctions for failure to comply.

0025 I feel very inadequate in tort cases, as my specialty is administrative law. I have had several hearings over the years and although comfortable with procedure am not comfortable with the law.

0028 The most recent case was not representative of the average cases. Generally they are more time consuming.

0031 Counsel are typically not well prepared; I am opposed to mandatory service, particularly in areas I know nothing about

0038 The parties reached a mediated settlement prior to commencement of the arbitration. I then called upon a court reporter to make a record of the settlement terms.

0046 In past years I have submitted invoices for payment on 3 different occasions. Each time, the county cheated me. For \$75, I don't have time to chase down why. I simply decided that the arbitration process is involuntary servitude. I have served when I must, and I just leave it at that. The payment mechanism is ridiculous. The court should be able to make the compensation process simpler. The amount of pay is also absurd, compared to judicial salaries.

0048 I am not convinced that this process works for public lawyers. Our plates are full, and an arbitration creates mild chaos in the office. It makes more sense to ask for volunteers than to force parties to arbitrate before someone who knows absolutely nothing about the area of law concerned and has no time to research the law. I do not believe that private litigants really get much of a deal under these circumstances. I do not mind taking on the responsibility; I simply question its usefulness.

0049 It is not worth the time it would take to submit the invoice and process the payment.

0061 Having attorneys like me conduct arbitrations is ridiculous and unfair to the parties. Despite my sincere attempt, I sincerely doubt justice is being done. I am a patent attorney who, for my entire career, has done exclusively intellectual property transaction work. This means: no litigation, no Arizona case law, no civil procedure (Arizona or federal), no knowledge of standards of what the parties' lawyers should provide, reasonable damages, reasonable rulings, etc. Giant waste of time for us all.

0066 Arbitration should be voluntary, not mandatory. If mandatory arbitration is continued, an attorney should only be assigned cases falling within his or her area of expertise.

0072 My experience has been that attorneys for the parties are generally uncooperative in scheduling hearings, and that they do not submit the joint statements in a timely manner or at all.

0076 The Plaintiff and one of her experts were a no-show for the arbitration, so it had to be re-scheduled. We waited for about 2.5 hours at the first arbitration hearing before I postponed it and then set a new date.

0078 The above arbitration was the only one I have ever done that was in subject matter familiar to me - answers would be quite different for prior arbs. Some initial difficulty as one party was pro se - even in getting address/phone etc info

0081 The survey questions are not adequate to give a good scope. My cases have not all been assigned within two years and were not all tort vehicular. I was fully familiar with the area of law before I ruled, and take my cases under advisement with written decisions later so I may review law, notes, and exhibits after the fact. My answer above reflects my familiarity at the beginning. My method of conducting the hearing was based upon various experiences, not a set arbitration methodology

0082 The matter settled prior to the scheduled hearing date.

0084 Although I was appointed to arbitrate, a motion to dismiss for improper venue/motion to transfer was pending. After much delay, the motion was granted by the trial court, the case was transferred to another county; and the arbitration did not proceed.

0103 It takes more time out of my schedule than I would like....it seems like I'm assigned to arbitration more than other attorneys

0104 This system is akin to involuntary servitude, especially for lawyers, like myself, who are transaction oriented and who never utilize the courts.

0106 I have had several arbitration hearings over the last several years and have had the same common problems in each case. Scheduling: Every hearing has been set on an agreed date. Every time a change is asked for at the last minute. Pre-hearing statments: I have rarely received any pre-hearing statements in spite of the fact that my initial scheduling letter specifically requires it. Prepration: Most of the lawyers are not well prepared which makes for long uncomfortable hearings.

0109 I practice in a specialized area (intellectual property) in a national practice. I did not feel qualified to address the purely state law issues, and I did not have the time or resources to conduct the necessary legal research to gain the level of competence I feel would have been appropriate for the case.

0115 I've already spent over 20 hours on this case, the parties still have not agreed on a hearing date.

0124 Re sufficient information about arbitration procedures: I am a transactional lawyer who has never stepped foot in a courtroom. Asking me to decide on objections regarding admissibility of evidence and other litigation matters is akin to asking a personal injury litigator to comment on the complexities of the documentation on a complex business transaction. Regarding the last question: Not only was I not paid, I was forced to pay our messenger service to pick up and return the arbitration file.

0130 I think that the parties were not sufficiently informed on the area of law. Also, there was a great difficulty in scheduling this matter, as I recall. Dates were set and then had to be rescheduled on more than one occasion. My staff spent a great deal of time co-ordinating the scheduling process between the parties.

0132 This is a hassle. I don't practice law anymore but wanted to keep my license up in case I needed it. But I am always picked as an arbiter, I don't have a support staff or access to legal

materials and I feel that my time is wasted particularly by the defense lawyers who indicate that they will appeal any award that I render regardless. I'm going to switch to inactive status because of all of this.

0137 This last case was an exception as the lawyers were prepared & did a decent job of presenting evidence. I have served quite a bit & more commonly see unprepared attorneys going thru the motions (barely) but not providing the facts or law needed to resolve the case. I think they show up because they have to but either expect me to do their job or plan on appealing if it doesn't go their way. I also think asking me to spend 6 plus hours for \$75 is ridiculous.

0138 I did not feel qualified to decide this type of case as I have no experience nor expertise in this field of law. The whole process was very time consuming and somewhat non-productive.

0141 I am employed as a public lawyer for a state agency and am prohibited by law from accepting compensation for services performed as an arbitrator.

0143 I am an estate planner and do not do courtroom work. My memory of evidence etc is lacking and would feel very inadequate in a technical hearing.

0145 The parties settled the day before the arbitration, after I had read all the materials and prepared for it. I would like to see some kind of rule imposing a mild penalty if the parties cancel an arbitration for settlement or similar reasons less than 2 - 3 days in advance of the hearing.

0149 Atty failed to make their case because of failure to present the facts and/or the law.

0150 Note that I was bumped without cause as an arbitrator in the only instance I was appointed to serve.

0162 I spent the time to reach a decision. The Defense had no counter to any of the plaintiffs' evidence. I entered an award and the Defendant filed an immediate appeal.

0174 I was very comfortable with this case - that is a rarity. Usually, because a lawyer practices primarily in one area, lawyers are routinely struck from cases where they know the law and could be useful. All too often, cases where we aren't struck are cases where we know little or nothing about the area of the law. I question the fairness to the litigants. When that happened to me, I took extra time to research the area of the law and/or asked for the parties to file a short briefing on the issue.

0178 This case was settled prior to hearing. Your questionnaire is asking the wrong questions (at least so far).

0189 The case settled prior to arbitration and the foregoing questions do not provide for a response so stating.

0193 I don't have a staff, so I had to do all of the scheduling and setting up of the hearing. The plaintiff's attorney played some unflattering games, which only meant more hours for me. In addition, I take my obligations as "judge" seriously, so I always write a detailed letter to the parties explaining my ruling. That always takes a great deal of time.

0198 This was an unusually easy arbitration. I have had an arbitration in which the defendant in a tort case was not participating in good faith. I have also had several arbitration cases in areas of the law outside my expertise. A common carrier case for instance.

0200 I have been the arbitrator in a number of tort motor vehicle cases over the years. In general, my experience has been that the insurance companies have not acted in good faith in defending the cases. On the flip side of things I have been the arbitrator in at least one case where plaintiff counsel's office sent an associate to the hearing who had no knowledge of the facts and little understanding of the law. The attorney failed to request obvious damages and turned the proceeding into a farce.

0202 The parties rarely have completed discovery if the case requires depositions, for example,

and require continuances in order to present their case. Running up against the inactive calendar deadlines is a real problem in most cases I've handled. In the last case, the parties appeared to be going through the exercise, although there was no demonstrable bad faith, in the expectation that one or the other would appeal to get their "real" trial. In the only difficult case I handled, the plaintiff was pro per

0203 I was excused from service because I was about to go on maternity leave. I have not been reappointed since then.

0204 I had requested "briefs" before the arbitration date on the facts and law. The due date for the brief had to be pushed back twice and then it settled.

0205 The procedure for submitting a fee application is so confusing that I stopped trying to submit it. I am happy to be an arbitrator without a fee up to 4 times per year with no problem.

0207 In several cases insurance companies representing defendants did not participate in good faith.

0209 The attorneys treat the arbitrator's time with little or no respect. They keep continuing forward over and over. They are not well prepared and make excuses. They don't dare treat the court the same way.

0210 Lawyers should be divided by practice areas and assigned arbitrations raising issues in their practice areas.

0214 Having done many of these arbitrations and talked to the attorneys involved most of them agreed that a mandatory settlement conference would be more practicable than having an arbitration. It would eliminate the arbitration appeals and if not settled would go to trial which it does anyway now if appealed. Although in Pima County the amount of arbitration appeals are far less than in Maricopa County.

0219 I do not believe that mandatory participation as an arbitrator is a good basis for a successful program. There should instead be a voluntary participation program with a core of paid arbitrators that serve under the guidance of the superior courts. Most of the cases I have been assigned are taken up to a real trial if they do not settle on their own. This is a program whose very existence supports the state legislature's unwillingness to adequately fund the state's judiciary. Stop it now!

0222 The case settled before any information was provided by the parties. We did not need to schedule a date for arbitration.

0231 The last case was very easy, but both parties were unprepared. I am amazed at how unprepared private attorneys generally are. Also, in the past, in a tort (nmv), an area in which I have no expertise, one attorney told me "there was a whole body of law out there" (none of which he provided) and expected that I would apply it. Finally, arbitration is very time consuming and does not take into account the burden of a public lawyer's caseload. I assigned the payment to my office, but there was no category.

0233 Since I am not a litigator, I ask the parties to agree on three dates for the hearing and let me pick one of the three. That way, they do the scheduling rather than me. The cases tend to be straightforward tort matters that can be handled in a half day hearing.

0241 Regarding good faith participation by the parties, neither side participated in good faith. Plaintiff failed to show up for the hearing as did the defendant who was subpoenaed.

0242 Not a good system. It should be abandoned wholesale. The Supreme Court and the State Bar need to press the Legislature and Board of Supervisors to fund an adequate number of judgeships. Parties do not need another hurdle to adjudication.

0271 It is always VERY difficult to get these arbitration hearings scheduled - both plaintiff and

defendant attorneys are not very helpful and frequently want continuances for other than good cause. Attorneys do not seem concerned about the mandatory deadlines that the arbitrator has to deal with.

0279 This case involved a post-hearing motion that required my deliberation and review of the law, which, together with my deliberation of the case itself and preparation of the arbitration award, etc., entailed spending approximately 2.0 hours total of my time post-hearing.

0292 Most of the arbitrations to which I have been assigned settle before the hearing. The hearing referenced above may have been more than 2 years ago, I cannot recall the exact date. I may be underestimating staff time, as they have to obtain the court file, return it, prepare the notice of hearing, notice of decision, and coordinate the hearing date.

0294 In cases where I have participated as an arbitrator, I have not followed up on the case to determine if either or both parties decided to go further in the court proceedings. I therefore do not know if my services as an arbitrator served any useful purpose. I would like to see statistics of the number of cases decided by arbitration that actually results in final decisions that are not appealed.

0295 As a transactional attorney, rules and procedures relating to arbitration are unfamiliar to me. I spend much more time preparing for the proceeding than my litigation colleagues. I'm also not sure that the parties are well served by having an arbitrator without sufficient experience. While I don't object to devoting time to the justice system, I would much rather handle this in some other way (e.g., maybe an increased pro bono commitment).

0296 This case was atypical. There was a six hour hearing. Just before the hearing would have been concluded, the parties settled.

0313 I felt that I had inadequate information (since I do not practice in the area of personal injury) to render a realistic decision to allow the parties to either accept the decision or settle the case. Further, as a government lawyer, I feel it is a waste of taxpayer money; as a salaried employee my time is better spent serving the taxpayers. I know that if I were one of the attorneys I wouldn't feel comfortable with someone with my skills as the arbitrator. There has to be a better system.

0316 This was the only case I've ever been assigned that went to hearing that I felt comfortable with the area of law. I usually have motor vehicle cases and I'm in-house counsel for a title insurance company. If you are going to require this "service," at least have it be an area related to the arbitrator's area of practice. Also, the "staff" involved was my company's staff - and my company has no obligation to provide arbitration services to the State.

0317 The hearing is set for September, therefore, I cannot answer any of the remaining questions

0319 The payment is so small as to be insulting.

0321 I scheduled the hearing and the parties sought a last minute continuance based on one of the attorneys being under medical care. They never got back to me with a new date for the hearing and the case was eventually dismissed.

0329 Because the plaintiff did not participate in good faith, this arbitration took a substantial amount of time both before and after the arbitration. Last minute continuances, frivolous motions and the non-appearance of the plaintiff (only his counsel showed up) were responsible for the excessive amount of time.

0337 The last several arbitrations assigned to me settled before hearing.

0342 Having a non-litigation person act as an arbitrator is unproductive. The parties realize this and do not prepare nor do they make an effort to present their case well.

0345 I am a field Attorney for the National Labor Relations Board. Accordingly, my practice is very limited in scope to the NLRA . So, when it comes to being assigned to arbitrate cases, I have to rely on what I learned and remember from law school.

0347 It is difficult as a government lawyer to take time out to serve as an arbitrator. Serving requires a significant amount of time to prepare since most cases are outside the expertise of the person assigned as arbitrator.

0348 I am a tax and corporate lawyer and have not tried a case in over 30 years of practice. I find it ridiculous and a type of servitude to require non-trial attorneys to serve as arbitrators. It is akin to asking trial attorneys to give tax advice.

0349 I was appointed arbitrator in about 4 cases; I was stricken on 2, and the other 2 settled after the hearing was scheduled, but before it could take place.

0351 I think it is important that the non-lawyer parties know that lawyers acting as arbitrators properly prepare and listen to their case. I usually request that the lawyers present arbitration notebooks with evidence, depositions, and summary of the case. I read these thoroughly before the arbitration hearing.

0353 I find this a very frustrating process. In the various cases where I have served as an arbitrator, the lawyers do not treat the process with respect. They do not follow the time periods; they won't coordinate to set hearings; they don't file the pre-hearing statements, jointly or otherwise. It is viewed as a "speed bump" on the way to court, rather than an opportunity to resolve the matter. I would not mind serving if I felt I was doing any good--but I just waste my time under the current process.

0360 The whole process was very frustrating. The Court Clerk did not provide much help, other than referring me to the blank forms in the packet that was sent. When I called the State Bar, no one could answer any questions about the arbitration process or the role I was to play. I was asked if I wanted to speak to an Ethics attorney. No, I didn't. I wanted to find out HOW to conduct an arbitration hearing, and there was no information available. Very unorganized and disappointing for a "mandatory" program.

0365 Actually I haven't served as an arbitrator recently. My answers are based on past cases. as a pro tem judge, I handle settlement conferences frequently. I never charge for the service as an arbitrator or settlement conference judge.

0368 While I did not have great difficulty in this case, typically, I have problems getting the lawyers to take the arbitration seriously. regardless of letters and orders reminding them of deadlines, these and other lawyers always submit things late.

0369 I am in a non-traditional area and do no court related work - and never have. I feel completely unqualified to handle these cases.

0373 I never litigate and am not familiar with the rules of court or evidence. I should not be acting as an arbitrator.

0384 One side was pro se, and did not submit written material until the hearing. It would be helpful to be informed whether either of the parties appealed from the arbitration award; I have never been given that information in any case, and I therefore do not know whether what I do as an arbitrator makes any difference. The \$75 fee is a joke. Why not just eliminate the fee and reimburse costs. I don't know anyone who requests the fee.

0386 The last arbitration to which I was assigned apparently was being settled at the time of my assignment. I received notice of settlement shortly after my initial letter to counsel was sent. In earlier assignments, I did have problems with counsel not responding to requests for information and scheduling of the hearing.

0388 As a public lawyer, my employer permits unlimited service as an arbitrator as part of the cost of employing lawyers. Fees are optional and I elect to receive my regular pay rather than take vacation and be paid by the parties. My agency does not have an account for receiving payments, so no invoice is sent. If the burden becomes too great, this could change to either require that I take vacation time or to require that the parties pay as permitted by law.

0392 I have actually been assigned numerous arbitration cases in the time period requested, some of which were motor vehicle and some non motor vehicle. The time required varied dramatically

0396 I believe that the system should be truly voluntary, or that the county should let contracts out for arbitration services, which any lawyer with 5 years or so could compete with. This is no different than any other legal service. I would have no problem with doing all of the arbitrations assigned to me for \$50 to \$75 per hour.

0411 It would be nice to know how many of these are appealed to Superior Court so we would have a sense as to if we are wasting our time.

0416 I don't mind doing these, but I think serving as an arbitrator should be a substitute for jury duty.

0418 I am a transactional real estate attorney. I think it would be more beneficial to the plaintiff and defendant if the attorney arbitrating their case practiced law in the area of dispute.

0424 I requested the parties to provide me a memorandum of law in regard to an area of law I was not that familiar with, ie. security law. This assisted greatly in my being able to make rulings in the case

0426 Typical PI liability case where carrier felt chiropractic treatment after rear end collision with little property damage was excessive

0435 I have one pending arbitration, scheduled for hearing in early July. All other arbitrations that I've been assigned to have settled prior to hearing.

0440 In every arbitration, there is very little that comes from the arbitration department on the case, they don't even try to send cases in my area of the law, and it is a hap hazard process at best. In a recent arbitration case sent to me involving five different defendants, I finally dug out of the respective counsels during the lengthy process of finding one arbitration date for all counsel that the plaintiffs case had settled and two of the five defendants had settled. None of this was given to me.

0444 I am displeased with the arbitration process. Since I have been eligible for conducting arbitrations, I have had no more than a couple of months when I was not assigned an arbitration. I am often assigned two at one time and have had three at one time on a couple of occasions. Every year I have had at least two arbitration cases per year. For the most part, the parties are ill prepared and it seems that the insurance companies use arbitration as their discovery process in most cases.(Ran out of room).

0451 Guidance on the procedure of the hearing would be helpful. I think overall it was a very good, I recently have been involved with 2 arbs. both were pretty good & helpful for judicial efficiency.

0452 I have handled two arbitrations in the last 2 years. One of the ones I had, the Defendant's attorney never responded to my calls or my letters seeking to set a convenient hearing. Nor did the defendant's attorney respond when I was notified by the Court that no stipulation or settlement had been filed. Your questionnaire allows for the description of one arbitration, as I indicated, I have had at least two in the last two years, not including the ones that I been struck.

0457 The majority of the cases I've been assigned over the years settled before hearing. I don't

mind hearing cases outside of my expertise because I have resources to go to if I ask questions, just like any inexperienced judge.

0458 Having been assigned as arbitrator at least 4 times, and spending work hours for which I am not paid just trying to get pre trial motion and arbitration hearings set with no power to enforce, I feel the system wastes my time. I am somewhat concerned that without penalties for failure on the part of the parties to set, attend and care about the outcome as more than just a settlement conference, the system could fail, or at the least cause great consternation among those attorneys performing the free function.

0468 We met for the first scheduled arbitration and jointly decided to continue it for further discovery. I discussed settlement possibilities, and the attorneys worked together very well to settle it after that, without any further intervention on my part.

0473 Arbitration is a great burden, particularly on a Government attorney or sole practitioner. The uncivility of the litigants makes this process even more unpleasant. The Maricopa County clerk's Office is also not responsive to attorneys. The participation of attorneys to serve the Court system is important, but the process is far less pleasant than even 10 years ago, and it is a real nuisance to a government attorney who does the work himself.

0484 The defendant was essentially pro per, represented by his non-lawyer daughter. The daughter contacted me ex parte prior to the hearing, and I had to spend time explaining that her communication was not appropriate. This involved extra work to keep plaintiff's counsel informed while explaining the "ground rules" to defendant's daughter. Also, the defendant appealed my decision. I think arbitration appeals are fairly common, leading me to question the value of our participation.

0488 In all of the matters I have served as arbitrator, the attorneys for both parties generally do not appear to take the process all that seriously. I routinely receive requests for delays in the hearing date for questionable reasons. The attorneys for the parties also don't respect the time that the arbitrator has to put in to the case.

0490 I cannot imagine how I am supposed to rule on matters which are completely outside of my area of practice. Basically, the best prepared and most able lawyer wins. Also, I am not a litigator, and I did not feel comfortable with the lack of information regarding what to file, etc. In addition, I have been asked to be an arbitrator several times in the last 12 months. That seems to be too many. Every time I turn around, I am being appointed again.

0499 I do not support this program. If we will be forced to participate, we should be allowed to indicate which areas of law we will be willing to handle. I had to do research in order to reach a decision in my last two cases.

0501 The attorney's fees greatly exceeded the damages. The case, in my opinion, should have settled long ago.

0503 When I first tried to set a hearing the parties advised that discovery was not complete and they were trying to settle. A counterclaim was settled and one party was removed from the litigation. When I tried to set a hearing I could not find a time that fit my court schedule. When I contacted the parties I was advised that a deposition was pending. After the deposition was completed, the insurance company withdrew the case from the defense firm and reassigned it to a new firm.

0512 In answer to one of the foregoing questions, I checked that I would have been more comfortable with my decision if I had more information about the law. It was the closest applicable answer, but I should add that I was not uncomfortable with my decision. I just had to do some research of my own into the law to reach a decision.

0520 I believe that the Courts have abdicated their responsibility to the public by requiring all attorneys to provide essentially free arbitration services and to be assigned cases in areas unfamiliar to the arbitrator. By not paying for these services, there is an energetic imbalance created that weakens our court system, rather than strengthening it. The judges are the main beneficiaries, for without the free services provided by others, there would not be sufficient funds to pay their salaries and benefits.

0521 I gave a fair opinion on the law and awarded some attorney's fees to the plaintiff. The defendant accepted the decision as fair but objected to any attorney's fees for the plaintiff so I think my decision was not accepted and they continued on with the litigation.

0526 I have been selected as an arbitrator 3 times in the past 24 months and 6 times in the past 5 years; in talking with others, they have served once or not at all during this time. I am very upset that this "opportunity for service" is not made available on a more consistent basis.

0530 I'm philosophically opposed to the mandatory nature of the appointments; I prefer the process that was in place about fifteen or so years ago where one could opt out of the system.

0536 If I attempted to accept a tort motor vehicle case for a client, the Bar would probably cite me for practicing without adequate expertise. Yet I am deemed qualified to sit in judgment on such matter because it is convenient for the court? It's absolutely hypocritical.

0543 I wouldn't mind acting as arbitrator, but \$75 is really a slap in the face. I don't have support staff, so I do everything. Just sending out the initial letter requesting dates and times for the hearing is worth more than what is presently paid. AND, if the case settles at any time prior to the hearing I don't even get money back for the postage and materials I've used. That is ridiculous!

0547 This is a waste of my time. First of all your survey takes too long to download and I have a high speed connection. Secondly for \$75 and for me to spend any more than 1 hour is not fair to the attorney. I understand the purpose to give time to the community, but I also understand if you don't have a hearing you don't get paid. Many arbitration cases settle out before a hearing and after the attorney has spend at least 1 hour and his staff has spend a couple hours.

0554 I took the assignment seriously and acted as a judge, rather than as a settlement facilitator. I ruled on several motions prior to the hearing, and finally had to cut the hearing off, because it was running too long.

0560 I have no direct support staff, so handled all aspects myself. I am in-house counsel, so I am never in a court room. As such, not only am I not real familiar with most areas of law related to the arbitration matters, I also am not very familiar with the Rules of Civil Procedure and the Rules of Evidence. Thus, as an arbitrator, it probably takes me longer to handle these arbitration matters than attorneys who regularly practice in these areas of law and who regularly appear in court.

0563 I am assigned a case every few months(>1/yr). solo practice. When i interact w/large lawfirms they brag that they are never called never serve.. the sort of famous familiar big names of our law community. I do commercial transactions and get tort mostly auto accident cases of dubious nature where only chiropractors are the docs and take and read xrays... i ask the plaintiff if they realize they owe if i rule against them and i always hear them testify that, 'no, i won't have to pay this bill if i lose'...

0568 I feel that the small claims court amount needs to be increased to \$50,000 as I believe it is in California and then these cases could be heard in an easier setting.

0571 I am working with a government agency and lack professional legal support staff, so it was very burdensome for me to be an arbitrator. Of three attorneys in the last case, only one was

well-prepared and managed the case well. In other cases, I have had to deal with unrepresented parties or totally disorganized attorneys, and it is difficult to do without strong support staff.

0578 It takes an exceptional amount of time to get these scheduled. The Court never provides the addresses of the parties, and this is particularly true for those who are unrepresented. The arbitrator is often asked to make determinations on issues they know nothing about. In my experience, no matter the arbitrator's decision, the case is appealed, and the time spent is wasted by both the parties, their counsel and especially the arbitrator.

0583 My practice is totally restricted to federal practice. My last exposure to the AZ rules of court was in preparing for the bar exam over 30 years ago. I do not feel competent to be serving as an arbitrator, because I lack any experience in the typical areas of the law involved in arbitration, such as torts and commercial contracts, and I lack any experience with how a trial is conducted.

0589 The case was a slip and fall case. The defendant participated in the case only to the extent necessary to avoid being bound by the decision. The only defense raised at the hearing was that the plaintiff had no proof that the puddle of cold water on the floor of the supermarket in front of the defrosting freezer case came from the freezer, as opposed to having been spilled by a patron. Other than that argument, the defendant put on no defense, and made no effort to challenge the plaintiff's damage claim.

0596 The plaintiff's attorney was completely disorganized and didn't really take the process seriously. He requested repeated continuances as a result of being unprepared and trying to join multiple defendants late in the case. It was, to say the least, an unpleasant experience. [NOTE: My arbitration case prior to the one described above went very smoothly in comparison.]

0601 While not amounting to bad faith, one side plainly didn't prepare much or put substantial effort into the process. I inferred that the party knew from the outset that it would appeal.

0603 On the last matter plaintiff's demand changed dramatically from the complaint to arbitration and ultimately the matter was not arbitration eligible due to amount sought by plaintiff.

0608 This case didn't go to hearing because I scheduled one, after input from the parties, and they asked for something like a 6 month continuance. I told them that was too long under the rules, but they wouldn't work with my secretary to come up with a new date. It was the most difficult experience I've had as an arbitrator. The rules meant nothing to the parties.

0617 The last arbitration case I was assigned was over a year ago, and it settled before I was called upon to do anything. I don't recall what kind of case it was, as I never got the file. In the past, I handled over 1/2 dozen cases as an arbitrator. Most were pretty routine. 3 or 4 went to a hearing. 1 hearing took 3 days, the others took 1 afternoon. The 3 day hearing case consumed a lot of time, and required that I read a couple of notebooks of material, including depositions and exhibits.

0621 Parties do not take the scheduling or the hearing seriously because a default ruling by an arbitrator is non-binding.

0624 I have never represented anyone in a court proceeding in my law career. I am a tax attorney. I feel I am committing malpractice when I am an arbitrator because I have never been in a court room.

0637 The \$75 proffered payment is insulting. It is so small, it is not worth the paperwork to claim it.

0653 I seem to be appointed to a case about every 4 months. Most settle. Indeed, I have only had one actual hearing, which I described above.

0654 Although I am a very competent attorney in my chosen field, I have no litigation

experience whatsoever. I feel it is a mockery of justice to force someone like myself to act as an arbitrator. It is unfair to myself, the litigants and the other attorneys to force someone with no litigation experience to handle complex motions and complicated legal proceedings.

0656 I am an estate planning attorney. I believe that only the litigation attorneys should serve as arbitrators as they are experienced with the rules of civil procedure etc

0663 While I am amenable to helping the congestion in the Superior Court system, the frequency of assignments combined with the very low remuneration goes beyond helping and is approaching a burden.

0682 I recognize that many small cases benefit from mediation/arbitration, but I believe it is unfair for the private attorney to be required to sacrifice, what in this instance was over \$2000 in income to resolve a dispute that was filed in the court system. If the parties want to pay for private arbitration, that's great. But to conscript private attorneys into a role as arbitrator for what is essentially no compensation, is not good public policy.

0685 The most recent case settled before the hearing. In the past I have conducted about as many hearings as had settlements. I like to require the parties to submit a JOINT statement of disputed and undisputed facts, positions of law, Etc. once the parties begin to work through that process jointly, they are more likely to come to a settlement. In the majority of cases that I have conducted hearings, the attorneys were not prepared. I spent more time preparing for the case than they did.

0687 Very little was done on this most recent arbitration as the parties were fairly close to settlement and did so before any hearing was set.

0696 I am a government attorney, so the \$75 that I was received from the court was simply turned over to my employer.

0698 The \$75 compensation figure is absurd. It does not bear any relation to the cost to me, to serve as arbitrator. To add insult to injury, the procedure to obtain the \$75 is made sufficiently time consuming that it takes more than \$75 of my time and my staff's just to apply for compensation. So my arbitration services are involuntary and free. With regard to the conduct of the litigants, both sides did a poor job of presenting their case; obviously both intended to appeal to superior ct regardless.

0706 I understand that the results of mandatory arbitration (non-appealed arb awards) indicate that the system is working. The problem is that the large auto writers (Allstate, American Family, etc.) participate in arbitrations, knowing that they will appeal regardless of the outcome because recent jury verdicts have been significantly lower. Tracking the jury results following appeal only tells you that the pendulum has swung towards the defendants for a while.

0709 Hearing was just yesterday. I'm a solo with no support staff so I have to do everything and \$75 is a ridiculous amount for the time involved.

0712 Contact information on the counsel was not included in the initial mailing from the court, which makes it very difficult to schedule the case or to hold a prehearing conference with counsel. Please add that information.

0713 I feel that it is a service to the court system, and therefore I do not bill for this time.

0717 I have been an arbitrator in many tort cases. Attorneys generally do a somewhat perfunctory job. Witnesses don't seem to be prepped well and medical records are not always well organized or sufficient.

0719 The attorneys failed to respond to repeated attempts to schedule the arbitration. It became a nightmare trying to chase one of the lawyers down who had moved firms several times. I think there needs to be some recourse for this type of scenario where volunteer time is burned up

chasing participants.

0732 Parties do not participate in good faith because the process seems irrelevant to them-particularly insurance companies

0734 The case was going to be appealed no matter how I ruled because liability was admitted and the insurance company for defendant would appeal any award as a matter of policy.

0743 It would be helpful at the very beginning (when notice of appointment is received) to know the allegations of the case. Retrieving the file only 4 days prior to the hearing (per instructed) does not give enough time to feel comfortable with the law that would be applicable to the case. Since I am not a litigator or in private practice, it is frustrating to try to remember issues learned in law school 20 years ago.

0746 The arbitration hearing is scheduled for October 2004.

0750 I spent a great deal of time reviewing all kinds of medical records and my secretary had to reschedule at the request of one party or the other at least 4 or 5 times. After an all afternoon hearing and my ruling the case still went to trial (or was supposed to as the defendant rejected the arbitration. I found it a total waste of my time and the time of the plaintiff who had to do the same thing twice. I knew nothing about the rules of evidence that they argued about and so my rulings were common sense.

0752 I have been assigned 3 cases this year. Because they do not go to trial and are settled, there has not been a hearing. However, I have had to spend time on each case. I do not agree with the rule that in order to be taken off the list for the year, I have to conduct an actual hearing.

0754 As a corporate attorney, I do not retain fluency with the Rules of Civil Procedure or with anything related to courtroom practice. As a result, it is a much greater burden to be involved in litigation-like processes such as these arbitrations than it would be for an attorney practicing in litigation regularly. As a consequence, much more of my time is required to become familiar with the appropriate pleadings in these matters and to handle responses and rulings as well as follow-on actions.

0755 Neither party showed up at the appointed time for the hearing. I was informed later that they had settled, and failed to notify me. This also happened on the previous appointment; however, I did get notified before that hearing.

0760 My experience with the last case I handled in arbitration was unusual in that the award was honored by the losing party and the issue resolved. In all of the tort motor vehicle cases I have handled, to my knowledge, the rulings have been appealed even if de minimis damages were awarded. In my view, when an insurance company defendant does that, it has not approached the matter in good faith.

0764 Arbitration matters should be handled by paid arbitrators and not attorneys who have no experience in civil litigation. The parties in the case should bear this cost. It is unfortunate that solely practitioners appointed to be arbitrators have to bear this cost. The parties should be required to communicate with each other within ten days after the appointment of an arbitrator and submit in writing available dates and times for a hearing.

0771 I am a transactional atty - and do not litigate. Having attys like me act as arbitrators is inappropriate because I have to spend considerable time reviewing procedural rules of which I am not familiar.

0782 Barrowclough

0784 As a probate lawyer, I am totally illequipped to be an arbitrator; my lack of knowledge of civil procedure makes me an incompetent arbitrator.

0788 I entered an order which I thought was appropriate. I never learned what happened to the

case and whether the Judge who reviewed my opinion agreed with it. If I were expected to handle many of these matters, I would greatly appreciate feedback regarding whether my work was substantially correct or resulted in a complete correction of the findings of fact and conclusions of law.

0791 I think that cases need to be assigned to lawyers who practice in the area. I am a transactional lawyer who never litigates anything and feel ridiculous pretending to contribute to the process. The lawyers know this but try to proceed in good faith. Their clients have no inkling that my lack of knowledge or experience may be wasting everyone's time, and that's a shame. The fact that I am a lawyer does not mean that I can add any value to this process.

0808 In the last two years I have served as arbitrator for 4 or 5 cases. I serve as house counsel for a medical consulting firm and have no experience as a trial lawyer. I think my determinations have been fair but I do not feel I have adequate training or experience to serve as an arbitrator. I would prefer to render some alternate form of service to the courts.

0810 The process is a waste of time. The decisions are meaningless because the parties are not bound. I am sure the losing party always appeals. I am a transaction attorney (real estate). Most of the cases seem to be fender benders (tort motor vehicle). In order to do a good job, I have to spend a lot of time studying the evidence (medical records, bills, deposition transcripts etc). It is a waste of my time to do so though because the decision means nothing. Transaction lawyers should do contract cases only.

0811 If this program continues, it would help if statistics were published about how many cases are resolved completely at the arbitration level. It seems many cases are appealed from the arbitration award making the arbitrator feel it was a waste of time to have to do this.

0814 The arbitration has not yet occurred. I am still trying to determine a date and time that does not present a conflict for one of the parties or their counsel. There are seven parties in the case.

0819 Again, the insurance company made it clear that they would be appealing any adverse decision - the whole process was pointless.

0821 This is actually a case almost two years old. My more recent cases are either still pending or were settled.

0825 Because we have a small number of active attorneys in this county, it is burdensome to act as arbitrator given the amount of time necessary to properly conduct a hearing and render a decent decision, because we are reimbursed only \$75.00 and the hours to act as arbitrator take away from our available hours of work as sole proprietors, or attorneys in small offices. Government attorneys, which comprise the largest group in Mohave County, are excluded.

0827 Arbitrators should not be appointed to serve in claims involving areas of the law in which they rarely or never practice. The \$75 per day fee is ridiculous. Even at \$75.00 per hour it would represent a significant financial sacrifice for most arbitrators. If you want more arbitrators to take their duties seriously in what is essentially a worthless process, you must compensate them appropriately.

0829 The matter was resolved before any significant involvement on my part. I have acted as an arbitrator on many of these over the course of my career, and I have conducted numerous hearings. I never submit an invoice for payment. It would take more than \$75 of my time to do that. I believe the arbitration fee is set at a ridiculously low amount to discourage arbitrators from submitting an invoice if they were otherwise inclined to do so.

0830 The last two arbitrations I was assigned were absolutely ridiculous. "Low speed impact" cases in which the defendant's car rear-ended the plaintiff's car. In one case, there was not even a

scratch on the chrome bumpers of either car, estimated speed at collision was a maximum of 2.1 mph. The plaintiff was seeking, in addition to pain and suffering and medical bills, six weeks of lost wages. As kids, we used to pay money to ride bumper cars at the State Fair that hit harder than that.

0843 I have arbitrated numerous cases over the Last 5 years and often both parties' attorneys treated it as a joke. As a state attorney I am not allowed to submit a bill for any payment.

0846 The arbitration was dismissed after I allowed a counterclaim that took it outside of my jurisdiction. More than 2 years ago, I had a tort case that I felt completely out of place handling.

0855 I would like to know more about the arbitrator's role--listen and decide the case, ask the witnesses or attorneys questions, tell the attorneys his or her thoughts/concerns about the case?

0867 I think it is absurd to assign a lawyer such as myself, who specializes in a narrow area of the law, to car accident cases. Neither attorney spent much time preparing for the hearing, undoubtedly as they knew it would be appealed. Their clients clearly wondered why they were wasting their time on the hearing. All in all, a totally unsatisfactory process for all involved.

0869 The paperwork necessary to collect or donate the fee is not worth the time it takes to do so.

0883 I was stricken by one of the sides so took no action.

0888 Case was settled before hearing, but after several attempts to schedule the arbitration hearing.

0891 There were several hearings; motion for summary judgment; hearing on amount of damages after the award of summary judgment.

0894 It is rare that both attorneys in the arbitration process are well prepared.

0906 The arbitration procedure is simply a means by which defense counsel can obtain free discovery and plaintiff's counsel can see if they can sell their damage claim. Defense counsel will present a "canned" motion and response, and plaintiff's counsel will usually devote the absolute minimum amount of time to any materials presented to me are usually copies of mounds of paper that are unorganized. Who can blame the plaintiff's bar and the defense bar from taking advantage, since my decision is NOT binding

0912 I've handled a half dozen or so arbitrations over the years. In general, I think the parties would be better prepared and more like to take the process seriously if they were required to pay for arbitration services, instead of receiving those services for free.

0916 The last arbitration settled so quickly, I did not even have a chance to review the file so the last few questions, I am unable to answer

0919 It would have helped if counsel for the parties had provided brief memoranda of law prior to the hearing.

0922 I have found it a total waste of time over the years. Defense counsel never takes the case seriously and almost always contests the decision despite the fact they presented little or no evidence. Judges participation is outrageous. The judges threaten arbitrators with sanctions for not completing the case when the plaintiff and/or defense counsel in reality have not followed through and tried to complete the lawsuit.

0932 IF WE ARE GOING TO BE FORCED TO HELP WITH THE CASE LOAD WHY NOT PAY US A REASONABLE AMOUNT SUCH AS \$75.00+ PER HOUR UP TO A FIXED AMOUNT OF SAY UP TO \$500 PER DAY.

0938 Case was resolved by agreement of the parties prior to significant involvement on my part.

0945 In my experience with being an arbitrator over the last 15-20 years, it was very difficult to

familiarize myself with the necessary areas of law. I practice only one very specialized area.

0948 The \$75 payment is a joke we should be able to get a charitable deduction for our time and if this is not possible we should be compensated fairly.

0950 The name and address of the attorneys representing the parties is not included in the information provided to the arbitrator. The arbitration staff is helpful when I call them. The parties should be required to mail copies of the complaint and answer and all pleadings filed to date to the arbitrator. It seems that attorneys who have been licensed in AZ for a long time never get arbitrations, unduly burdening newly licensed attorneys.

0951 The \$75 payment is somewhat insulting. It would cost more than \$75 in lost time to collect the payment. I think you should have a pool of attorneys willing to serve as arbitrators, in specific areas of expertise, and pay them a fair amount for their time.

0956 As many have stated repeatedly for several years, court-connected arbitration is involuntary servitude --- plain and simple. The court has never assigned cases based on attorney knowledge and experience. The "system" has never worked according to the way it is spelled out in the Rules. It is a sham and it should stop.

0957 (1) Arbitrations are generally assigned too early after case filing; (2) Many arbitrations have pro per parties which impedes the process; (3) It would be helpful to be able to secure the case file before the 4-day restriction; (4) There should be a limit to this obligation....we have done arbitrations annually or semi-annually for 26 years, with substantial burden, at times, to our solo practice.

0958 The \$75 amount paid to arbitrators is not worth the time it takes to process the request for payment. Given the service provided by arbitrators, they should be paid an amount commensurate with the service provided.

0963 I feel that appointing attorneys as arbitrators is unconstitutional and violates the 14th Amendment. I resent very much being involuntarily appointed as an arbitrator and, as a sole practitioner, find it to be an extremely unreasonable burden on me and my law practice. It is, in my opinion, an unjust shifting of the court's responsibility and should be terminated immediately.

0972 Defendant's counsel (for the insurance company) had not bothered to notify the defendant of a change in hearing date and intended to proceed without her attendance. She had a legal right to be there. It ended up settling of the day of hearing.

0977 Noticed by a party shortly after appointment.

0986 The latest matter is still pending and I expect it to go to hearing (3-4 hrs). I have had perhaps 6 other matters over the years. I, generally, do not bill at all.

0989 I recommend assigning cases on the basis of the arbitrator's knowledge of the substantive law involved in the case. Over the years, I have been assigned Tort motor vehicle cases which essentially are "battles of the experts" over the extent of the plaintiff's injuries. I do not practice in this area, and, while I attempt to become knowledgeable and arrive at a fair decision, I do not have the level of experience to be fully comfortable with my decision.

1022 I think the payment should be automatically sent to us in the form of a check at the time of appointment; the idea that we have to go begging for the meager compensation that we receive, not to mention no reimbursement for copies, postage, etc. is ridiculous

1030 I do not find the system useful. The parties/counsel are almost always unprepared and "wing it," perhaps because the amount in controversy is relatively low and they are entitled to de novo review in any event. The system would be much more useful if the arbitration were binding and the review would be appellate review to the superior court rather than de novo review. I believe it is a waste of time for the parties, lawyers and arbitrators. Lawyers should not be forced

to be arbitrators.

1035 I spent time trying to schedule the hearing. I gave the parties a deadline as they were not responding, the plaintiff then contacted me to say it had settled.

1040 I spent hrs trying to set up a hearing and was treated VERY poorly by counsel. I had the judge involved and withdrew. other arb that i have done were similar- the attys do not respect the arbitrator and play fast and loose. also, not enough time to set hearing. need another 6 weeks it seems.

1041 In this case, I was disqualified as an arbitrator because of a social relationship with one of the attorneys.

1042 The payment amounts are insulting and the procedure for requesting payment would take more time than the payment so there is no point in requesting payment.

1059 My biggest problems/complaints (which also apply to most other arbitrations I have conducted as an arbitrator) were: (1) getting attorneys to agree on arbitration date within time frame assigned by Court; and (2) attorneys filing/delivering arbitration-related memoranda too late for proper review in conduct of arbitration (in each case despite my prior request to contrary).

1061 We are extremely underpaid for our services. I charge \$225/hr and even if I charged \$100/hr I still am losing a ton of income. Either way, I still intend to continue to provide services.

1077 Most cases to which I am assigned are tort motor vehicle. I am a tax/estate planning attorney. There is virtually no difference between my serving as an arbitrator and any guy on the street. I have absolutely no expertise in either litigation procedures or torts. Which is why I am never stricken as an arbitrator. Litigators are routinely stricken to serve as arbitrators. Does anyone else believe this might impact the quality of the decision? Or is the insurance lobby such that no one cares.

1085 Totally outside my area of expertise. Parties settled during the hearing. There was no final order. I could not get paid.

1087 I have no staff, therefore all time devoted was my own. I have no experience in the type of case presented, and was a poor arbitrator at best.

1089 This was the last of four interrelated proceedings the parties filed against each other, with very convoluted facts, half a dozen live witnesses, numerous evidentiary objections, and no clear answers. There was an attorneys' fee dispute post-hearing. Feelings were high and I had to work to maintain order. I frankly think it would have inspired settlement if the parties had had to appear at trial instead of at an informal proceeding from which there was an appeal de novo.

1090 My arbitration experiences have varied widely. The one described above was easy because the defendants admitted liability in the answer and the plaintiff moved for summary judgment before hearing. Hearings with lawyers can be difficult because I have very little litigation experience. The correct result usually seems clear cut, but most rulings seem to get appealed anyway. I don't like having to be arbitrator with no input as to the kind of case I can get assigned.

1096 As is usually the result, the case settled before there was any substantive work done by me.

1097 I was unhappy with the volume of documents provided for my review after the parties indicated the volume was minimal. I don't think solo practitioners or small firms like my own should have to participate in this time consuming process which directly impacts our limited time resources.

1115 This particular arbitration was a fee dispute. I volunteered for this arbitration. On other

arbitrations where I have been assigned cases, I was then working as a prosecutor and had no idea how civil cases worked. In one case, the parties settled the matter and did not inform me.

1118 I sit as a court appointed arbitrator about 2-3 times per year and as an arbitrator appointed to a 3 person panel about 2x per year. It is always an enjoyable experience. Pima county lawyers are always prepared.

1122 Over the years I have been an arbitrator in many cases. In general, I find the experience unsatisfactory. In all cases, I know little if anything about the area of law involved. Additionally, I am not a litigator. I often find the parties to be difficult to deal with, both in terms of scheduling and in their efforts to resolve the case. I actually cringe when I receive an arbitration assignment.

1125 Attorneys should not be required to serve as arbitrators in areas outside their expertise. Attorneys should not be required to serve as arbitrators - only attorneys who want to serve should do so.

1126 I have twice been assigned as arbitrator. Once case settled before I did anything. The second case settled after I required both parties to submit a joint stipulation on issues/law not in dispute.

1129 I was not given adequate information about the parties or the case in my appointment letter. The Superior Court website also did not contain adequate information on how to contact the parties, so I had to do some preliminary work just to know where to start. I believe that attorneys who are assigned to work as arbitrators need to review the full court file immediately after appointment in the case so they truly know what is going on and what the issues are.

1132 This was a complex fee dispute over intellectual property litigation misdirected to arbitration from misinformation on pro per defendants controverting certificate. The parties wanted to retain me and stipulated to jurisdictional amount. I wrote an 8 page explanation for my decision as the defendants were pro per. This was to maintain confidence in the system for them. Arbitration is the only part of the system large numbers of the public will ever see. High quality here will save much on appeals .

1133 The parties settled before the hearing.

1139 I believe it is a disservice to the parties to use transactional attorneys as arbitrators, especially in non-contract related matters or matters outside of their common practice. Transactional attorneys have very little experience with litigation and arbitration, especially concerning evidentiary matters. I believe litigators who are more familiar with the procedures, rules and system are better suited to act as arbitrators if such process is going to continue to be used.

1146 The process is time consuming and awkward, mostly in light of the fact that I have never arbitrated a case in the area of law in which I concentrate my practice. Additionally, arbitration cases seem to be relatively poorly prepared, and poorly presented. The consequence, in my experience, is that the arbitrator must either do additional detective work to ferret out needed info and relevant law, or simply 'guess' as to the most appropriate resolution.

1149 My office deals exclusively with patents, trademarks and copyrights, and, more particularly, to filing same with the U.S. Patent and Trademark Office or the Copyright Office. I do not do any litigation so, when called upon to act as an arbitrator, I frankly feel way in over my head. I am not familiar with the law in areas outside my specialty and do not know the customs and procedures to follow in handling the arbitration.

1161 The parties participated in "good Faith", but I got the feeling that this was also just discovery, and practice for the "real trial" for the side that didn't prevail.

1162 I am assigned one to two cases a year. For the ones that have not settled, my sense is that

both counsel feel the non-binding nature of the result merits little preparation. I do not advocate making the decisions binding, however. Since I have never practiced in the litigation area, I do not believe the parties should be bound by any decisions I make.

1165 The case was a pretty common auto case. Both attorneys were experienced and made it easy for me; i.e. no evidentiary disputes; both sides presented their cases professionally.

1166 As a semi-retired attorney who has only practiced in criminal law, I felt totally out of touch with both the issues and the procedures. Almost all of the time spent was in self-education on basic civil and contract law. I felt akin to a podiatrist being called upon to perform open-heart surgery.

1175 I handle about two arbitrations per year. My experience is that, especially in the tort-motor vehicle cases, the defendants don't take the arbitration seriously and simply "wing-it" hoping for a good result. The plaintiffs overreach and ask for ridiculous awards given the actual damages. It makes me wonder whether the arbitration stage of a case is simply a testing of the waters for a real superior court trial.

1176 My experience is that once you get on the list of arbitrators your name comes up all the time. Non-litigators are at a true disadvantage. I have never had a case in my areas of expertise. As an in-house counsel, I do not have the resources of those practicing in firms to support conducting arbitrations. I know lawyers who have practiced for many years that either have never been required to arbitrate or only infrequently. The burden should be spread more evenly if we're going to require service.

1178 The most recent case was easy. Past cases have been more difficult. I am not a litigator and am not comfortable making rulings on objections and motions. I have no perspective on the reasonableness of medical claims, for example.

1187 My reply is based on one of four cases I have served as arbitrator in the past two years. Three have been tort motor vehicle cases and one was a breach of contract. I strongly suggest arbitrators be assigned cases related to their area of practice. I am a corporate attorney specializing in securities matters and most of my clients do business in Mexico which requires regular trips out of the U.S. and, sometimes, with very short notice.

1188 This questionnaire is too structured to give any meaningful information. I am a solo without staff and I hate this mandatory arbitration. It is a very difficult struggle to keep up period without more impositions on my time. I hate litigation in general - usually no one wins; it is a losing system altogether.

1190 It is frustrating to me that the participants in these arbitrations do not process the cases and things are done haphazardly at the last minute. While I do not mind donating my time for one of these every now and then, I have been assigned 2-3 every year. I think this is a good way to dispose of smaller cases, but some parity has to be achieved in the time we are asked to donate. In federal court, magistrates do free settlement conferences. Superior Court needs to do the same.

1202 I would not say that parties participate in bad faith, but it is disturbing to find that in most arbitrations I have handled that went to hearing, I was more prepared for the hearing than the lawyers representing the parties. On at least one occasion a lawyer literally was reviewing his file as the hearing began, and displayed little familiarity with the matter. This problem is aggravated by the availability of de novo review by the Superior Court.

1209 Total waste of time --

1216 Difficult arbitration, as defendant threatened to commit suicide if i found against her. Court involvement most appreciated.

1223 I work for the legal defende's office. Although I was appointed, I was not able to

participate and the case was reassigned.

1225 I believe the arbitration program would be more well received and productive if arbitrators had experience in the area that is the subject of the assigned case.

1226 The case was settled by the attorneys without my participation. Therefore, I was not informed of the underlying facts and cannot respond to that part of the survey.

1229 Although the parties participated in good faith, neither party, and especially the plaintiff's attorney, presented adequate factual info (i.e., damages) or the law. Moreover, Plaintiff attempted to amend the complaint to add a party in the middle of the testimony and then submitted a ruling from an administrative agency after close of evidence and submittal of closing briefs.

1239 The lawyers do not extend the same courtesy to the arbitrator regarding scheduling that they show the court. The procedures could provide suggestions to stream line scheduling -- that is one of the biggest time drains. Otherwise, it seems like a very worthwhile program.

1247 As a corporate securities attorney, I did not feel competent in a soft-tissue, auto injury adjudication role.

1250 Hearing not yet held, just motions

1254 These mandatory arbitrations are outrageous. I would like to send the judges some of my extra work for them to do. Why can't they do their own work, or these civil attorneys pay. I do plenty of pro bono work on my own without being forced to do the courts work. It is outrageous.

1259 I had the impression that the parties were merely going through the motions at the arbitration hearing and that they weren't too concerned about what my decision would be.

1260 During my arbitrator service, I attempted to get the assigned judge to handle dispositive motions and other motions, like for sanctions. Also, I have inquired of various court departments whether I can do something in lieu of serving as an arbitrator, like serving as a judge pro tem or guardian ad litem.

1261 The process for receiving payment would cost more in time than the \$75 pay, so it's hardly worth it, although had I been billing it for the past 20 years I might have a nice sum now. I have been assigned cases about which I had no understanding of the law. I have also had cases where it was nearly impossible to schedule. The system has worn me down from being an attorney who took it seriously to being an attorney who, while I take the hearing seriously, the process is hard to respect.

1262 I have an office practice and do not do litigation. I don't know where the courthouse is, let alone how to actually conduct a trial/hearing. I certainly didn't know how to deal with objections based on rules of evidence relating to experts, medical records, etc. It was embarrassing (and probably disconcerting to the parties) when the two attorneys argued some point of law, citing relevant cases by name (obviously the lead cases on the point), and I had no idea what they were talking about.

1288 This system is a joke. If someone takes their cases to arbitration they should volunteer their time to serve as an arbitrator on other cases. We are supporting attorneys who never support our work product while they are getting paid for doing their work. If we are mandating public service, my time is much better suited doing other pro bono or charitable work.

1295 The matter was settled within a few days of my appointment as arbitrator.

1302 My impression is that the arbitration system is not working. It requires work on the part of the assigned arbitrator, extra work by the parties, and does nothing except force an earlier preparation.

1307 The payment procedure is a badjoke. \$75 is an insult based on the amount of attorney and staff time I had to spend. The reimbursement procedure is nonsense - There should be a

simple form where all I have to do is check whether I want the money or want to donate it.

1308 The pay was inadequate. I didn't know I could assign, but will do so in the future.

1311 I was appointed on two different case within two weeks. One was tort one was contract. I was stricken on one and the other settled

1319 As to the comfort level, the Plaintiff and Defendant did not present expert opinions as to several points, but made arguments as if should take "judicial" knowledge such the reasonableness of the time/duration of medical treatment and accident reconstruction. I felt it uncomfortable to odd that the attorneys assumed that I would know anything about these topics.

1325 The hearing has not yet occurred.It is well overdue. The parties keep stipulating to extensions. I believe the extensions are well-founded

1326 The parties had discovery disputes and I did not have the power to make rulings to resovle the matter properly. As such, I had two parties at arbitration constantly fighting about non-disclosure.

1327 Plaintiff disappeared and plaintiff's counsel withdrew. I scheduled a hearing and ruled in favor of defendant after plaintiff did not appear at the hearing. I was somewhat frustrated because the rules do not give me explicit authority to dismiss the case for lack of prosecution. No one wanted to spend the time or incur fees to explain the situation to the trial court judge who could potentially dismiss the case. The approach taken appeared to be the most efficient way to resolve the case.

1331 It takes more time to complete and submit the payment or even the assignment and process than the silly \$75 is worth. The \$75 fails to reflect the actual time spent and is not fair compensation.

1334 As a sole practitioner, I have neither the time or desire to resolve the disputes as an indentured servant. The system is unfair when a large firm has both the support staff, and a young attorner receiving a paycheck to handle the arbitration. In my case, it is my time and money involved. I have been assigned four of these in the past two years... two have proceeded to hearing. The others settled after I denied continuances and forced the issue.

1335 I was appointed but was struck by one of the parties.

1340 Your questions do not adequately address the serious deficiencies in this system. I am not a trial lawyer. I do not feel competent to act in the capacity I am forced to play in this system. I do not know the rules of evidence, I have no experience ruling on objections, and I have no background in the areas of law I must address. I have been forced to play this role many times (approximately twice each year for ten or twelve years). This is not fair to the litigants and it is not fair to me.

1342 This was, candidly, a somewhat silly dispute where both sides got so deep into the time/fees that they could not settle. Further, a witness "problem" resulted in the arbitration-equivalent of a mis-trial, about 2 hours or so into the hearing. The whole thing was a waste of time and energy for everyone involved -- and the parties still had some time and money to spend over something that involved only a few hundred dollars worth of floor tile.

1344 I intensely disliked the experience and would prefer never to be called upon again to perform any similar service. I also do not believe the court should be allowed to make our participation mandatory. If I had the choice, I would always decline service. It's not a question of compensation, it is a matter of my ability to choose my own work. If I don't want to be an arbitrator, no entity should have the power to force me.

1351 The only reason I had sufficient information was that I did my own homework - if I had to rely on counsel only, I would not have. Unless you practice in the area, each time I have an

arbitration I have to refresh on the rules of evidence, which can be time consuming. Also, I have had more than one case in the past two years. One was extremely difficult to schedule. There also seems to be a great difference between the attorneys in our department as to how often we get these -some attys have never been c

1357 This last arbitration was easier and less time consuming than others. I have been arbitrator on several other cases where the scheduling was extremely difficult, there were more pre-trial motions, etc and much more time involved - yet payment is the same more or less.

1374 I think it is ridiculous that I was called to serve as an arbitrator. I happen to be a licensed attorney in Arizona but I am not a litigator. I have never been involved in any aspect of litigating a case -- I have never filed a lawsuit, attended a deposition, or for that matter even been in a courtroom. In my opinion, if the state bar is going to continue to require mandatory arbitration, it should limit the pool of arbitrators to attorneys who actually participate in the litigation process.

1379 The section asks me to describe my most recent experience. That experience was a false start as one of the parties was a client of the firm and I disqualified myself. I have had several arbitrations where a hearing was conducted, but I will not describe those hearings since I am limited. by the survey, to discuss my most recent experience.

1387 While I would be happy to assign payment to a bar foundation or charity, the process is too cumbersome and requires too much more of my staff's time.

1390 Most of the cases I have been assigned over the years have not gone to hearing, but have settled prior to hearing. Only 2 cases have gone to hearing.

1397 This arbitration was unusual in that the parties were cooperative and acted professionally. That has not been my experience in the past. In the past, I have had attorneys refuse to cooperate in setting a hearing date, fail to file pre-hearing statements, attempt to introduce extraneous claims, and fail to show for a hearing because they settled but neglect to advise me of that fact.

1398 Parties settled prior to hearing; no action required by me.

1401 In the last 3 years, I have been assigned 5 arbitration cases. During the same period, I know a number of colleagues have not been assigned any case. The system for assigning cases must be improved to ensure fairness in the distribution of cases.

1403 I seemed to be called far too frequently and universally for car accident cases involving insurance companies like State Farm and Allstate, who do not negotiate in good faith. I feel like the process is simply a way for insurance companies to grind folks down.

1408 Arbitration has not yet been held, but, I do not plan to submit an invoice for my time. I am not in favor of requiring attorneys to conduct arbitration generally, and in particular am amazed that an attorney who is required to participate can only collect a maximum of \$75 per day for serving as an arbitrator. The public benefits from the legal system and the judicial system. It should be funded through public funds and administered by public officials.

1413 I was more familiar with the area of law than either of the attorneys. One had a small amount of familiarity. The other had no familiarity at all.

1418 I would strongly support changing the system to assign arbitrators within their self-identified areas of expertise only.

1427 Invoicing for services is more trouble than it is worth, particularly if you are trying to assign the payment. Also, you only get paid for the time in hearing.

1428 I have served as an arbitrator on a number of cases. In the majority of those cases, while the parties participated, I had the impression that no matter how I ruled, the losing party would appeal and so I felt that the hearing and time spent preparing were a waste of time.

1443 I ruled for the Plaintiff. I believe Plaintiff's damages were higher than what I awarded,

but based on the facts as presented, I could not award more.

1449 Because I do not do litigation practice it was tough to rule on evidence disputes and procedural issues in the arbitration hearing and to deal with other issues (absent parties, etc.)--no experience with how such matters are usually handled.

1459 My experience has been that counsel for parties in arbitration are not cooperative with the arbitrator. Counsel either intends to settle or to appeal any adverse arbitration decision. Arbitration is just a hoop to be stepped through with as little time as possible and the time of the arbitrator is irrelevant to counsel.

1461 Most cases that I am assigned involve motor vehicle torts with relatively small damages. I always wonder why the insurance industry / plaintiff's bar cannot find a way to resolve these without involving a subsidy from the bar.

1464 In my experience as an arbitrator, the attorneys are very slow to respond with scheduling information, and often do not provide an agreed upon date for the arbitration. The attorneys provide available dates only for the very end of the time period required for the arbitration. Then, notice of a settlement is not provided until immediately prior to the scheduled arbitration.

1471 You need to offer free training to arbitrators. Until recently I worked as a transactional lawyer for a corporation. I have dealt with little litigation in the past 20 years. My employer had little knowledge or interest in my obligation to take the time to do an arbitration. This places an additional burden on the corporate lawyer.

1473 This case was out of the norm. Most of the cases in which I have served as arbitrator have been tort-motor vehicle. It is my impression that the defense counsel use the arbitration hearing as a discovery tool, which can be a waste of the arbitrator's time. I have even had defense counsel get upset with me if I would not let the discovery continue and permitted only material evidence. Generally, it seems that defense counsel and insurance companies are abusing the system. And I do not do PI cases, so I

1482 I have been an arbitrator on several occasions. I am unaware of any of my decisions being appealed. On the other hand, when representing a party, I have yet to be involved in an arbitration that was not appealed by one party.

1499 I think something more should be required than mere bar membership to be an arbitrator. For example, potential arbitrators should be required to demonstrate competency in both the arbitration process and in those areas where they agree to accept arbitration assignments. This competency should be re-confirmed periodically. This would assure more competent arbitrators. Of course, the county would have to see that these persons are adequately compensated for their time and services.

1504 I was appointed on a couple of occasions, but my recollection is that the parties settled without my ruling on anything and without any hearing.

1505 I was relieved of the actual appointments in accordance with the Children's Law Project through the Volunteer Lawyer's Program. In other words, taking a guardian ad litem appointment includes a year of avoiding arbitration appointments.

1512 I submitted an invoice but was not paid. This is a bad program. If more judges are needed hire more judges.

1515 I feel the arbitration was useless. I resent having to spend time to consider a case in an area in which I am not competent, especially when most times the parties appeal.

1526 I have no support staff. I am "retired" and do not actively practice law, but I do have other obligations which makes my participation in arbitration proceedings doubly burdensome (since I do the prep work for more than one person.) This is likewise not fair to the parties since I

am not familiar with the areas of law these matters involve.

1533 The court provided no information whatsoever to enable me to contact the participants. When I contacted the arbitration office I was told that I would have to somehow obtain the addresses for the litigants, one of which was an individual appearing pro se who had no listing in the telephone directory. Yet, I was under orders to schedule a hearing within a fixed period or be in violation of the court's rules. Does that make any sense to you?

1548 Case settled before arbitration hearing date.

1562 In this latest case, neither side's legal memoranda were of much use, which meant that I needed to take extra time for research before and after the hearing. In other arbitration hearings, my greatest frustration has been the tendency of the defense to put on a very weak case and then to immediately appeal the decision. In my firm's practice, I have seen how many defendants wait until the trial de novo to present expert opinions and other evidence, which means that the arbitration was a waste of time.

1567 The matter was settled before a hearing took place, so most of these questions do not apply

1581 No hearing occurred; parties settled matter without a hearing

1582 For me the most confusing part is the pre-trial motions. As a non-litigator, I can be a finder of facts but knowing the proper procedures to apply to motions etc is very difficult. In some cases the motions seem to be directed to me and are then ruled on by the judge, which only adds to the confusion. Also cases seem to be assigned very early in the process. In setting a hearing I often find it difficult to meet the 90 day requirement because the parties haven't even started discovery.

1583 I like serving in this capacity, but I resent being conscripted to do so. If the court is determined to force us to help, they should at least give us some say in how. I would prefer to review civil filings and make recommendations, and I would be much better at that than at hearing arguments about how many times someone should have gone to the chiropractor.

1584 I experienced some confusion regarding the setting of an arbitration date because the court clerk issued a second minute entry appointing me to act as an arbitrator in the case. I do not believe the second minute entry stated that it was sent because a counterclaim had been filed (I discovered that later). Therefore, the date by which the arbitration hearing was to be held was unclear.

1589 Counsel regard arbitrators with disdain and ignore them if they can't get their way, including setting matters w/in the allowed time, frequently going to the assigned judge for relief from arbitrator's action.

1592 I generally feel these are a waste of everyone's time. On the defense side, I have no sense that the insurance companies really care what happens at the hearing; it simply becomes another hoop to make the plaintiff's jump through to get any settlement on a tort-motor vehicle, so systemically, it probably increases costs. On the plaintiffs side, the self serving affidavits from treating physicians is not very helpful to assessing damages.

1596 I was assigned to be an arbitrator in more than one case. Several settled without my involvement. The above numbers represent the average for those that did involve a hearing

1604 I have no support staff. I had to research the law.

1610 I don't have any staff. That makes things difficult.

1611 I think the system is fatally flawed. The parties nearly always take the attitude that arbitration is just a mandatory step in the process to get to a "real judge" - as arbitrator you spend hours of your time knowing it counts for nothing in the long run. In the last two that I did my

time was completely wasted. This is NOT a good use of attorney time for either of the parties and certainly not for the arbitrator. I prepare carefully and take the process seriously only to find its been a waste every tim

1613 It is confusing as to what discovery decisions and other dispositive decisions can and should be made by an arbitrator

1615 I was struck as the arbitrator.

1617 I was struck by Defense counsel and a new appt. was made. I have sat as Arbitrator on two different cases, a MVA and a contract action. I never submitted a request for payment. The State Bar has an option to donate the funds to its programs. It requires too much time. Instead, I simply call it a donation to MCSC.

1622 I've been told to not even bother submitting the invoice, because it's too much of a hassle and costs me more time that \$75 just to submit the invoice

1623 I practice in a specialty area, intellectual property, and am not generally knowledgable about other areas of law. Additionally, the State Bar, as yet, offers no training on how to do an abitration, whether as an arbitrator or representing a party.

1629 As an arbitrator you never know if the matter was appealed - so you don't know if your participation helped resolve the matter or was ignored.

1630 This matter was resolved by an unapposed moiton for summary judgment filed by the plaintiff.

1633 While I have described the latest case on which I served as arbitrator I have served on several cases. In some of them I have ruled on motions. In some, I do not believe all the parties were acting in good faith; in others, I do. These cases have covered a variety of topics, including non-motor vehicle torts, contracts and employment matters.

1634 Neither of the 2 cases (maybe more) that have been assigned to me in the last 2 years have settled before hearing.

1636 I am a sole practitioner working from my home. I have no staff so I have to handle everything including scheduling, picking up the file, arranging the hearing location, typing all notices and awards, and all contacts with counsel. This was a case involving 5 sets of parties and three separate counsel, so coordinating became somewhat cumbersome. I office in north central Phoenix and the file was in the Mesa clerk's office. I have applied for the \$75 fee (about 5-25) but have not yet received payment.

1648 Really I did more than one case. The above answers are an average.

1649 I think the system works well, and we as lawyers should be more than willing to serve -- I wrote that public lawyer and advised him of my opinion, and how wrong he was.

1661 I believe the abritration payment scheme is unfair and confiscatory. The counties save hundreds of dollars on each case but that is done by placing the entire burden on the back of the arbitrator. I think the flat fee of \$75.00 is a insult to the practitioner and the very minimum amount should be equal to the rate set by the court for indigent appointments that would level the playing field even though is would still be a terrible field.

1674 My usual experience as an arbitrator has been that it is difficult to schedule hearings, and the Parties rarely provide the required pre-hearing statements. Since I am in an area of practice in which the public interest is my primary concern, I do not feel especially burdened by this. However, if I were engaged in private practice I would be very displeased.

1684 Although the case was scheduled for an arbitration hearing, the hearing never occurred because the presiding judge granted the motion of one of the parties compelling private arbitration.

1691 I do not feel I should be required to arbitrate about an area of law I do not practice in or arbitrate at all. I feel it is an unfair burden. I do not respect those who mandate this on top of pro-bono hours.

1697 This is only ONE case. I have been appointed to 5 separate cases in the past 2 years, an excessive requirement on my time -- particularly since (1) I am a sole practitioner AND (2) I do only indigent representation and do not have clients who benefit from arbitration. I highly resent compulsory service as an arbitrator.

1701 Some form of arbitration training (preferably on-line) MUST be available for those attorneys who do not engage in litigation. I could find absolutely no resources for conducting arbitrations. I am not a litigator and have no experience in this area. Luckily, I was able to rely on peers to guide me through this process. However, this is unfair to both the unseasoned arbitrator as well as the parties who had to help me through the process rather than look to me as the leader.

1706 Rarely is anyone prepared to participate in the time frame allotted them under the rules.

1724 The thing that bothers me about the process is knowing that the outcome almost certainly will be appealed, and all proceedings would start anew if this happened. This makes the time and resources spent on arbitration seem wasteful. In the many cases I have presided over in the past 8 years, the number of continuances people ask for is exorbitant, and often exceeds the total time by the rules for completion of the case by the arbitrator. I have denied continuances where necessary to comply with the rules.

1725 I have been appointed as an arbitrator 4 or 5 times, struck in 2 or 3 of those, one settled, and now I finally have been appointed to an arbitration where it appears both sides already have exercised their peremptory strike.

1728 It is patently unfair to require someone to arbitrate in an area s/he knows nothing about. It is patently unfair to require someone to arbitrate who contributes numerous pro bono hours to the bar in other contexts.

1729 I am opposed to mandatory service as arbitrator. I believe the judicial system ought to obtain appropriate funding from various sources, such as the legislature and users of the services, in order to provide adequate services by court personnel. If Arbitrators are desired, they should be hired. The current compensation does not adequately compensate attorney's time and overhead. In addition, dramatic steps are required to streamline (re-engineer) processes so as to use limited resources more effectively.

1733 As a tax attorney I am totally unqualified to serve as an arbitrator in a non-motor vehicle tort case.

1737 The system stinks! The insurance companies don't settle because the Supreme Court has deemed to give them a free arbitrator and if the parties don't like the result - then they just appeal. TREMENDOUS waste of my time.

1739 In 23 years I've only served as an arbitrator on one case in my practice area. In all other cases they were completely new and unfamiliar to me. That makes for an inefficient and challenging process.

1749 Although appointed, I have always been struck I suspect because of a perception that my firm is a defense firm and I would be defense oriented.

1751 I think the system is terrible. Here are a few examples. I am not given the addresses or phone numbers of the parties in order to schedule a hearing. I receive no info. on whether defendant has been served or has answered. I don't have the court file, so I don't know case status. I must chase down parties to obtain status. Getting the court file is a pain. I know nothing

about the area of law so it is a waste of everyone's time and very inefficient. A proper dispute resolution system should be in place

1758 I would prefer to see a new procedure that mandates mediation for these cases as opposed to arbitration. I would leave the hotly contested cases for the regular litigation process. I would be much more effective as a mediator and believe more of these relatively small cases would be resolved with satisfied parties at that stage.

1765 I was struck and/or withdrew because of conflicts.

1768 I did not submit an invoice as I did not want to waste anymore time on the matter. I felt that defense counsel did not participate in good and ruled accordingly. My staff of one wasted a good deal of time setting up the arbitration and following through to make sure it happened. I have been named arbitrator on more than one occasion in the past two years, so I am speaking of the first case that came to my mind. My secretary always spends a number of hours setting these matters up and in follow up

1774 Case settled before hearing.

1777 Participating in good faith is a relative assessment. In my experience, and in this particular case, parties tend to dump on the arbitrator disclosure statements, depositions and exhibits, all of which are admissible by Rule, and offer little testimony to explain it. It's sort of "Here it is, you figure it out." Whether that's good faith or not is debatable. It's certainly participation.

1779 This, like most arbitrations, was a tort motor vehicle case. These are completely outside of my area of expertise. If they have to continue with mandatory arbitrations I wish that they would assign them in my area of expertise. I know nothing about valuating "soft tissue injury" damages.

1791 This case was not typical of the other 3 cases in which I was appointed as arbitrator.

1802 This was another arbitration like most I have done that the parties go through the process because they have to do so. Furthermore, it is really just a state sanctioned delay tactic for the insurance company (in this case E&O). Unless I found 100% for the defendant, it was clear the insurance company was going to appeal.

1803 I practice almost exclusively in the area of adoption law. I know next to nothing about the current state of tort law as it applies to motor vehicle accidents. I find myself calling friends who do practice in this area for briefings on the law. Despite making this information known to the powers that be in Pima County, I continue to be assigned at least two cases per year.

1808 With regard to "my support staff," I must tell you that I do not have a support staff. I have to type each keystroke of every letter I send in connection with each arbitration I'm assigned. Likewise with each Notice or Order I produce. I have to pay for every stamp, envelope, and piece of paper I use. Life is too short to spend even a second of it filing a claim for a niggardly \$75 so I don't bother. I serve under compulsion without having volunteered or consented, and I think it's abusive.

1821 I was assigned as arbitrator but was either stricken by one of the parties or had a conflict of interest.

1833 The case was settled by the parties before the arbitration hearing date, so there were no issues for me to decide.

1835 I was disappointed in the level of skill demonstrated by plaintiff's counsel. It appeared the plaintiff/counsel viewed the arbitration as perfunctory and anticipated appealing if he did not prevail, which he did not.

1839 There were numerous delays in setting the matter for arbitration. I had no experience in the matter being arbitrated.

1845 I was struck so I did not hear the matter.

1849 I think this program is a complete waste of time. I've done several of these. They all involve motor vehicle torts. They're used for free discovery by one or both sides. I don't understand why private lawyers are drafted to give free work to help the plaintiff's bar or the the insurance defense bar and that's what about 80% of these cases are about.

1862 I am a solo practitioner and therefore have no staff to work on these matters. It was my observation that neither party felt particularly motivated to schedule or pursue the arbitration.

1866 I find this system to be a complete waste of time and energy for the attorney involved. Insurance companies refuse to negotiate settlements in good faith and use this process as free discovery. They invariably appeal. The only way this will work is to deny de novo review.

1870 I don't mind serving but the time taken to really do a good job is far more than \$75.00. I don't expect to be paid my full rate, however, some additional compensation would be appreciated.

1872 I always limit the actual arbitration to one hour, no matter how complicated the case. The parties are welcome to submit witness statements for my review either before or after the arbitration.

1875 I had to research the law. The motions filed did not adequately provide me with the relevant case law.

1898 I am solo practitioner. I get 2 or 3 of these cases a year. Does every lawyer, even associates and partners in medium and large lawfirms, get these cases? I like to see some statistics. Also, the court should send complaint and answer along with the appointment. Don't make me go down to the court to pick up files for this favor I'm doing for the court. Put a little effort into assisting arbitrators. My perception is that the little guys are propping this system up. The compensation is a joke.

1899 Both sides had insufficient witnesses to testify about all key facts. Plaintiff basically lost due to lack of facts on the record to support legal theories.

1900 The arbitration process is fairly arbitrary in its assignments. As a securities and M&A specialist, my knowledge of evidentiary issues, drafting decisions, conducting any sort of litigation related task is severely limited. I counted on the advice of the litigators in my firm to a great extent.

1905 I have since been assigned to arbitrate two other matters as well. In both cases, I had a conflict of interest and submitted a request to be taken off the case. The arbitration department never informed me that my requests had been granted. I had to call several weeks after I submitted my requests to find out what the status of the case was. I found this to be unacceptable.

1910 I answered on the one matter that went to hearing. I have had another that has been a consistent hassle but is not yet to the hearing point due to pre-hearing maneuvers by the parties. At this point, I don't even know what it is about.

1914 Although both parties were represented by counsel, I had to request additional documentation in support of the claim and defense.

1922 I am always noticed by one side or the other as I am seen as a plaintiff's lawyer and too willing to give money. In the case that slipped through the defense lawyers cracks, he immediately upped the ante and settled the case when I was appointed, actually not timely stricken.

1926 This case is still ongoing. hearing is scheduled but has not occurred.

1928 I did not conduct a hearing. Instead, I suggested that the parties allow me to act as a mediator, and the case settled.

1929 By and large, I do not mind doing the arbitrations. I see them as a service to the

profession, the bench and the community. they are disruptive and they do result in my losing revenue. but i don't mind doing 1 or 2 per year. the troubling part about this, to me, is all the time that's spent for a matter that is reviewable de novo. i wonder what percentage of cases are appealed? sometimes it seems that we spend a lot of time for nothi

1932 Cases I have had before the two year period it seemed that the parties had the intention to appeal even before the hearing. I feel it is an ineffective way to adjudicate the cases and it is an unnecessary intrusion on a busy attorney who is assigned to be the arbitrator.

1933 Serving as an arbitrator has been a valluable experience. I consider it a service to the bar and the justice system and have not submitted invoices for payment. I have been struck by how satisfied the participants, even the losing party, have been with the process. The litigants seem to feel that they have been treated fairly, and have had their day in court. I have also been able to work out a settlement or two, which is exactly what the process facilitates.

1946 The most recent arbitration was settled approx. two weeks before the scheduled hearing date. That is the reason for the low # of hours and the "no response" to one of the questions above.

1956 My experience as both an arbitrater and as a participant is that the arbitration process assisted in having the parties have an independent look at the claims and often settle after the award

1957 We need to have locations available in secured areas of the courthouse. If County Judges are in need of security to hear these cases, lord knows we all are in such need.

1958 It was a motion for summary judgment. The defendant did not file a response.

1967 I cannot remember the actual amount of time that was spent on the different phases. I would venture that I spent a minimum of 15 hours on the entire case.

1968 I am a business and finance attorney. I believe I exercise good judgment, but my lack of knowledge in the area of auto accident/tort litigation makes me ill-suited, in my view, to arbitrate this type of case. I'd be more willing to handle business type disputes, but I understand they're aren't many (maybe none) that are arbitrated through this process. I think the Bar (and the community) would be much better served by retaining (for pay)an expert panel of arbitrators who choose this line of work.

1970 I asked to be excused from serving as arbitrator and my request was granted.

1973 This was an incredible waste of my time and we should NOT be forced to participate in this supposedly "voluntary" process. I contribute in many ways to the benefit of the community in my practice and resent having this service extorted out of me.

1974 I don't do litigation at all so I felt very ill-equipped to serve as the arbitrator.

1994 This was the easiest arbitration matter I have ever had as an Arbitrator.

2001 My area of practice does not involve litigation. I feel uncomfortable ruling on evidence when I have not had alot of experience with it. You ask me to be a "judge" and I do not routinely appear before one- so no I do not feel comfortable.

2143 My experience is that most (90%) of the cases to which I have been assigned are tort motor vehicle. The only knowledge of this I have is from law school 25 years ago and serving as an arbitrator. A bright lay person who was given some real instruction focused on small motor vehicle tort claims and how to figure who is most likely fabricating testimony could do this job. But if lawyers are to be drafted, pay them SOMETHING REAL for their time and effort. The going rate for a car mechanic is \$75/hour and up. The reality is that the costs of these cases arise out of our transportation system and I see no reason why I should be forced to ""volunteer"" and pay the out of pocket costs for my staff to process these cases. The \$75 does not even come close

to covering out of pocket costs. Fund the system with a gas tax, a tax on insurance companies or a percentage of the amount awarded under the system, but the current forced servitude needs to be discarded. I have never represented a client as lead counsel other than in probate court. I have no training in reviewing chiropractor records which seem to be a major point of contention between the parties in these cases. It is generally clear who is insured in these cases because the lawyers represent them. The pro per litigants get taken advantage of even when one tries to be fair as an arbitrator. A system specially designed for these cases is in order. Pro-per participants need more education.

2152 In most cases in which I was the arbitrator, it has been difficult to get the attorneys to respond to my initial letter-- soon after appointment-- asking for a range of dates to set the hearing date. I suspect these relatively small cases are on each attorney's back burner. I hear from them eventually, after negotiation has failed. (As arbitrator, I have not enforced the 120-day deadline, but I expect to hear from the attorneys that they are working the case-- discovery, active negotiation, etc.) And maybe after normal discovery? See response to item 46 below. In my own experience as a litigant, arbitration cases take practically as much time to prepare for as court cases. Readiness for trial in 120 days is often unrealistic, even for arbitration cases. Once the case has been ""side-tracked"" to arbitration, unless arbitration cases start log-jamming, what does it matter if they are resolved no more quickly than court cases? Obviously in every case the arbitrator as well as the attorneys should always be mindful of the possible prejudice of unnecessary delay: the parties' wishes, availability of and forgetfulness of witnesses, the respect for the judicial system by everyone involved. Item 33: My post-hearing time was spent reviewing the evidence and making the decision, and writing a memorandum of my decision to the attorneys. I know that is not required.

2205 I have been called upon to arbitrate on tort motor vehicles matters, which is not my area of expertise and did not feel as comfortable as I would have liked hearing these matters.

2215 In the above case, Def was pro per; created ethical problem for me in explaining arbitration rules and procedures. Pl's attorney had not informed AZ bar of new place of employment and when I located his firm by calling the old employer, I got a phone number that was incorrect. This same number was printed was printed wrong in the latest bar directory. (numbers transposed) and the number listed said "no longer in service" when I dialed. Pl attorney had only received some minute entries from the court and said a default was entered by him in the case, when in fact a response had been filed by the Defendant. Defendant did not know what to do before arbitration hearing to ask for dismissal of case due to failure to prosecute. Subsequent mess with deadline for the appeal coming before date to sign Award was dumped on me. Pl's attorney did not want to file a motion to continue (Rule 38.1 deadline problem), could not supply sufficient evidence for hearing and after; planned to appeal Award, but was leaving firm so left with other firm counsel. Tried to insist Arbitrator was supposed to prepare final Award. Defendant, in the meantime, seems to have disappeared after the hearing. I was forced to spend my own funds for filing papers by process server to avoid getting in trouble with judge assigned to case. This was debt collection case. NOT APPROPRIATE FOR ARBITRATION, especially with pro per. I have been assigned to more than one case a year, since some settled before hearing, but after I spent much time on the case. Arbitration clerk is totally unhelpful on questions re procedure. Only 2 cases in the past 4 years had a hearing which was probably of use to both parties.

2243

1. NEITHER THE DEFENDANT NOR HER ATTORNEY SHOWED UP AT THE HEARING; NEITHER SENT THE ARBITRATOR ANY REQUESTED

INFORMATION. INSTEAD, RIGHT AFTER THE HEARING, HER ATTORNEY FILED HER PETITION FOR BANKRUPTCY. 2. I FILED THE ARBITRATION AWARD AND MY REQUEST FOR PAYMENT AS INSTRUCTED TO THE PHOENIX ARBITRATION DEPARTMENT 5/17/04. APPARENTLY, IT WAS A MESA CASE. PHOENIX DID NOT SEND EITHER TO MESA EVEN THOUGH I RECEIVED A DATE STAMPED COPY OF THE AWARD (DATE STAMPED 5/19/04) FROM PHOENIX. THEN, I RECEIVED A 150 DAY ORDER DATED 5/26/04 AND STILL NO CHECK. AFTER MANY TELEPHONE CALLS AND FAXES OF DOCUMENTS AT MY EXPENSE, MESA STILL HAD TO REQUEST THE SAME INFORMATION FROM PHOENIX BEFORE SENDING ME A CHECK. I DID NOT RECEIVE THE \$75 CHECK DID NOT COVER MY OUT OF POCKET EXPENSES, AND CERTAINLY NONE OF THE TIME EXPENDED ON THE HEARING.

3022 I asked to withdraw as arbitrator because of a conflict of interest with one of the attorneys involved in the arbitration.

3023 The three cases in which I have been assigned as an arbitrator in the past two years all settled before the arbitration hearing.

3024 The arbitrators should be paid fairly, at least 100 per hour and it should be simple to submit a statement to get paid. I do not make application for payment because the payment is too low and the hassle to complete the payment form is too much. Hence, the arbitration process is unfair to the arbitrator

3028 #32 - I have no support staff

3151 The appointment letter should have more information about the case. Perhaps a short plaintiff statement along with a defendant statement. Example: ""This is auto case. Liability is (or is not) in dispute. Estimate of number of persons testifying is ____.""

3155 I have served as a court-appointed arbitrator in six cases now. In this last matter I was generally disappointed in Plaintiff Counsel's conduct of the hearing. From my perspective they were 'going through the motions' by means of the least amount of effort to receive a decision. The case was capable of receiving a plaintiff judgment. The client was the least served individual at the hearing. It is my custom to render a written decision explaining the judgment. I believe this gives the parties, their counsel, and any eventual trial judge, an insight into the case, the issues, and the justification for the decision made. It helps either counsel to decide whether to appeal, what worked and what did not, and a thorough evaluation of the case. In this instance I took the time to explain Counsel's weak presentation and how it led to a Defense decision. If Arbitration is going to work - if citizens are going to have confidence and believe in the integrity of Arbitration - then their counsel should come to arbitration prepared to present all the facts, law and argument they've got. I do not mean act foolishly with vitriolic emotion. I mean put on ALL of the case. For me, when I see counsel going through the motions, it is difficult for me to give my time - and give up my time - to serve. When both counsel are well prepared and present good argument then I feel proud of the Arbitration system. I know it is making a good impression on the clients; i.e., that the justice system is fair and is conducted by competent individuals. Citizens can trust Arbitration decisions when they are given full investment by the attorneys conducting them. And I also learn a lot about the issues, the law, and good advocacy.

3176 One of the lawyers called me ex parte and basically interviewed me prior to deciding to strike me as an arbitrator.

3182 I never submit an invoice for payment. Over the years, I've had two cases proceed to an actual hearing. My main complaint is getting the parties to act promptly to resolve minor cases or scheduling a hearing without numerous continuances.

3187 I am a real estate transactional lawyer, so the most difficult part of the arbitration process is figuring out the procedural stuff. In 14 years of practice I have now had four arbitration hearings and been assigned probably ten or twelve cases. In the most recent one, the parties and counsel participated in good faith and were very pleasant to work with, except: 1. None of them bothered to tell me that there was a third party who was brought in, so when I finally got the pleadings folder right before the hearing I realized that I had to reschedule so that the third party had notice of the hearing and the ability to participate (I have no idea why third party's counsel didn't just call me). Third party's attorney's legal assistant was quite snippy with me about this, which I thought was inappropriate. It would have helped to have had a copy of the complaint so that I knew that there was another party involved, and 2. The briefs and pleadings gave me no law to go on. I don't know if there is an assumption that I would have known AZ tort law, but anyone who looked me up on the bar website or Martindale Hubbell would have known that I am real estate transactional and the likelihood of my knowing the law of fender benders was small. A basic statement of the legal basis of liability and a little argument on the issue would have saved me time and anguish.

3203 These cases come in flurries. In the past two years I have gotten several, usually just weeks apart.

3217 Pro per defendants and a busy plaintiff repeatedly delayed proceedings. Motions were filed by Plaintiff. Defendant failed totally to appear for the hearing. Evidence was heard and a default award was entered. I do not know if there was any appeal.

3217 Pro per defendants and a busy plaintiff repeatedly delayed proceedings. Motions were filed by Plaintiff. Defendant failed totally to appear for the hearing. Evidence was heard and a default award was entered. I do not know if there was any appeal.

3231 THE PAY IS AN INSULT. MOST LITIGANTS ARE POORLY PREPARED.

3268 The system is terrible. The only ones who seem to arbitrate are the non-litigators and the litigators abuse the system and my time to protract settlements. The attorneys involved knew less about the case than I did. Since I work for free they don't value my time.

3269 Case settled without any intervention on my part

3282 After months of wrangling, and several unscheduled conference calls and oral motions, the plaintiff ""discovered"" additional damages which exceeded the threshold for arbitration and the case was transferred back to superior court.

3319 The case settled immediately before the hearing, after I had cancelled a vacation in order to hold it at the only time that the parties would agree to. They failed to inform me of their settlement negotiations until five days after the deadline for submittal of the joint statement (which is due not less than 10 days prior to the hearing), and only then when I contacted them regarding the failure to submit the required joint statement. Settlement has happened to me three times and in each case I believe that a rule requiring submittal of a joint stipulation of settlement and form of order for dismissal by a date certain prior to the scheduled hearing (with a required filing fee which would pay the arbitrator for his time to date) would help to eliminate the abuse of the arbitrator (e.g., ignoring the arbitrator under the belief that the matter will be dismissed by the court and that the arbitrator is irrelevant, even after the arbitrator has been forced to rule on a summary judgment motion as in this last case) that commonly occurs.

3353 Arbitration should be extended to family law and made mandatory. Some parties feed off going to court and when the setting is changed, their willingness to become more reasonable increases

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going to court and when the setting is changed, their willingness to become more reasonable increases

3355 I was the arbitrator in at least two cases in the last two years. I also had one case that was settled before the hearing. I would have felt more comfortable if I had received information on determination of percentage of fault since I had previously dealt in areas of practice that did not have anything to do with financial awards.

3377 As a sole Practitioner, I cannot delegate the tasks involved in an arbitration to a junior associate or absorb the time lost in serving paying clients. The fee of \$75 is payable only if there is a hearing and amounts to one half hour's fee at my normal rate of \$150 per hour. I do not object to acting as an arbitrator at all. In fact, I rather enjoy it. However, being required to ""donate"" over a \$1000 worth of time to a county to which I already pay taxes and that is required by law to provide the services I am donating, is involuntary servitude.

3395 I would not want to have a case determined by an arbitrator in an area of law in which they had no expertise. This does not serve client's well and causes the arbitrator a great deal of anxiety, if, like myself, they lack experience in the area assigned to them. Mandatory arbitration takes responsibility away from the judiciary and places the responsibility on the backs of lawyers, who often do not have the training or experience necessary to perform the task. Why aren't arbitrations performed by judges or commissioners, who are supposed to be doing the job of deciding controversies?

3400 The parties settled their case and did not bother to inform me.

4021 In order to put more emphasis on the arbitration process and to force parties to participate in good faith, if a party appeals from a ruling in the arbitration process and does not receive a better outcome at the next level, then that party should be forced to pay attorneys fees and costs to the opposing side.

4210 Because I practice in one area of law representing one side, I am always struck for cases in that area. So I only get to hear cases in areas I am not completely familiar with.

4216 I'm not sure if I assigned the payment or did not submit an invoice for this matter.

4277 The two cases I have been assigned settled before I could hold a hearing.

4283 I DID NOT SUBMIT AN INVOICE FOR PAYMENT BECUASE I PARTICIPATED ONLY BECAUSE I WAS FORCED TO DO SO, AND FEEL IT IS AN INSULT TO ME TO PAY ME \$75 FOR MY FORCED PARTICIPATION OF SEVERAL HOURS. I AM A JUDGE PRO TEM IN FAMILY COURT AND VOLUNTEER MANY HOURS IN HEARING CASES AND ACTING AS AN ADR SETTLEMENT JUDGE--THAT IS THE AREA OF LAW I KNOW AND AM EFFECTIVE IN--I SHOULD NOT BE REQUIRED TO PARTICIPATE IN THE MANDATORY ARBITRATION PROGRAM OTHER THAN THE ONE I DO SUPPORT WHOLEHEARTEDLY--FAMILY COURT.

4293 The case settled prior to the scheduled arbitration.

4299 I had to research the law prior to reaching a decision. The attorneys for the parties did a poor job of briefing the law

4331 My answers to the foregoing questions are pretty positive only because they are limited to the most recent case I've handled. My experiences with other arbitration matters have not been to this level of satisfaction. I find that the attorneys, their paralegals and their clients routinely disregard correspondence from the arbitrator and deadlines set by the arbitrator. There are constant battles over continuances. Then I get the nasty minute entry from the assigned judge whose reprimanding me for not acting. Or I am about to issue an order that declines a continuance and the assigned judge issues a minute entry granting the continuance! The matters

typically consume hours and hours of unproductive staff time spent on the telephone and calendars. I am a public lawyer and I don't bill for my time or my staff's time. I receive these assignments with dread because they are a headache.

4380 Case settled so the above questions are not material

4381 Hearing not held; parties settled the case prior to hearing being set.

4388 They are a pain.

4390 I found many of the attorneys did not willingly comply with the pre-hearing rules concerning filing pre-hearing statements, copies of exhibits etc. In the last hearing I refused to accept the defense exhibits and had to respond to a post-hearing motion and memorandum, requiring a second Award.

4413 I think this compulsory arbitration process is a complete waste of time. Parties are forced into arbitration before a random attorney who generally has no idea about the case in question, no training on the procedures of conducting an arbitration or the substantive issues involved in the case and in some cases such as mine in 2001, I had been in civil for less than a year, never been to an arbitration and yet I was assigned as an arbitrator and held an arbitration. I don't think this was very fair to the litigants or the plaintiff who should have been given the best shot at the court system as possible and not forced to put on his case in front of a five year attorney who just transferred into civil from criminal. As a litigator, I was assigned an arbitrator who practiced in the area of trust law as a drafter, not a litigator, and it was a complete waste of time because this attorney did not know a thing about our issues and it was too expensive for this person to educate himself in an area of law in which he did not practice. As an arbitrator (3 times so far) I have been asked to rule on issues never before me in my practice and preside over attorneys with sometimes 10plus years of experience greater than I. My experience has been that defendants do not make serious settlement offers, especially insurance company defendants, prior to arbitration as they see it as a testing ground - a way to judge the case, the plaintiff and the preparedness of the plaintiff's attorney. This was my experience when I acted as arbitrator for a personal injury case on 9/11/01. The defendants seem to take the sanctions prescribed by the rule for appealing the arbitration award as a cost of business/defense and take on that cost willingly which only serves to increase the cost and time of litigation for all involved. This tactic operates as a complete frustration, in my opinion, to the reason this process was created. Compulsory Arbitration before members of the bar who have no training as judges, no experience in that area of law and who are not getting paid for their time (most firms donate the meager fees and hence, the arbitration issues generally aren't top priority or get top service just by the nature of the billing business), is a total farce. I have served on both sides - as an arbitrator and as a litigant in front of a bar member arbitrator. I can attest that this process needs to be eliminated in whole as it only serves to drive UP the cost of litigation for the parties, drag out the time for the litigation and it really doesn't seem to be eliminating very many cases from the superior court calendars so it frustrates that purpose as well. The process is very frustrating, expensive and wholly ineffective. I whole heartedly feel it should be abolished.

4431 BOTH PARTIES FAILED TO APPEAR FOR THE ARBITRATION HEARING. I HAD ALLOCATED SEVERAL HOURS OF MY TIME AND RESERVED A CONFERENCE ROOM AT THE COUNTY ATTORNEY'S OFFICE FOR THE HEARING. MY STAFF CONTACTED THE PARTIES AND WAS INFORMED THAT THE CASE HAD SETTLED. NO ONE BOTHERED TO INFORM ME THAT THE MATTER HAD BEEN SETTLED.

4432 The case did not go to hearing because the defendant filed for bankruptcy.

4433 I have been surprised and disappointed over the years doing arbitrations involving auto

accidents to learn how many are apparently baseless and/or inflated claims. Several involved thousands of dollars to have a young and untrained technician apply hot towels, which could be applied with equal effect at any home with hot water or a microwave. If the cases I have seen are a representative sample of such cases, our litigation culture is out of control.

4442 I no longer practice in the area of tort law but have limited my practice to family law in the past 8 to 10 years. I did try to remove my name from the arbitrator list because of this lack of recent experience in tort law. However, in each case, if I had a legal question, I asked the lawyers to address it and in each case the lawyers agreed as to what the applicable legal standard was, so that made it easy. When I attempted to remove my name from the arbitrator list, J. Carmine Cornelio wrote to me asking that I continue on as an arbitrator despite my waning qualifications in the personal injury area and I am happy to do so. I enjoy being an arbitrator and I wish that lawyers in the domestic relations area were as polite, professional and well-prepared.

4450 RE #35: I allowed supplementation of evidence and briefing on a community liability issue to ensure that I had sufficient information

4452 Almost every case should be arbitrated. We have to force the attorneys/parties to think about their cases and evaluate their cases very early on. My experience as an arbitrator is that in each case most issues could be agreed on and then the disputed issues could be arbitrated quickly. All cases should be decided and ended within 4-6 months of filing.

4453 The latest case was very difficult because it involved two former partners with each representing himself and both having strong emotional feelings about the matters in dispute. The latest case was partnership law about which I know a little. Most prior cases have been torts or other areas as to which I have very little knowledge. Some effort should be made to assign cases for arbitration by subject matter so we do not have to spend time trying to figure out what the law is. Over the past several years since court-mandated arbitration has been in effect, counsel in the arbitration have been very helpful in that they complied with my request of submitting position statements and documentary evidence for my review before the hearing. I would recommend that if it is not already mandatory that this be made a mandatory requirement.

5034 Note to 34 and 35. Neither counsel took my requirement for a joint pre-trial statement seriously. In fact, they had their secretaries call and ask my secretary to convince me to change this requirement because no other arbitrator requires this statement and they felt it was an unnecessary burden. Then the week before the hearing they found additional evidence and wanted me to postpone the hearing beyond the 120 day requirement. I had to contact the Court and get instructions for the attorneys to file a motion with the assigned Judge to allow me to conduct the hearing beyond the deadline. Even after all of that, I had to call the attorneys several times asking for the exhibits to be delivered to me prior to the hearing for my review, but they were not. Even after all of the time with the hearing and the pre-hearing and post-hearing issues, both attorneys said that they planned and would appeal, so my time and decision were just a waste of time. Note to 37. I spent a considerable amount of time reviewing the Arbitration rules and the rules of evidence prior to the hearing or I would not have been able to conduct a hearing given the disputes between the parties.

5037 The case involved two parties who were deaf. I am not deaf and have no experience working with deaf people. We had to have an interpreter for the deaf. It made the process for someone not used to working with the deaf very difficult.

5072 I have served as an arbitrator once every two years. Generally I have found that neither the clients nor their attorneys take the proceeding seriously. The proceeding is generally used as additional discovery or as a preview of the other side's case.

5084 I think this is a waste of time and serves no good purpose. The parties usually use to as a discovery method and very little preparation is evident. I feel this is indentured servitude and the practice should be stopped.

5094 The parties were completely unprepared to address ? and frankly did not appreciate the existence of ? complicated UCC issues. I ended up doing hours of research on my own to get to what I thought was the correct result.

5128 SERVICE AS AN ARBITRATOR SHOULD BE VOLUNTARY AND SHOULD NOT BE IMPOSED ON ATTORNEYS WHO HAVE NO KNOWLEDGE OF THE SUBJECT MATTER AND NO DESIRE TO PARTICIPATE IN THIS PROCESS. THE STATE OF ARIZONA HAS A CONSTITUTIONAL OBLIGATION TO HIRE SUFFICIENT JUDGES AND/OR PROFESSIONAL ARBITRATORS TO HANDLE CASES FILED WITH THE COURT SYSTEM AND IT IS WRONG TO FORCE SERVICE ON A SMALL PORTION OF THE POPULATION RATHER THAN TAXING ALL OF THE PUBLIC TO PAY FOR NECESSARY SERVICES.

5150 Involuntary participation by attorneys should be eliminated. If the state wants to force arbitration, the parties should be required to engage and pay arbitrators of their choosing.

5155 I do not submit invoices for payment because that just attempts to legitimize an act of involuntary servitude that I find reprehensible.

5171 My cases did not go to hearing.

5189 Genrally, defendants in auto cases do minimal preparation and presentation--just enough to avoid being found not to have participated in bad faith. It is very frustrating as an arbitrator.

5204 Costs of arbitration should be borne by the litigants and not the arbitrator. I am a sole practioner and postage and copy costs add up. Also the time I spend on each arbitration is not worth the \$75 I may receive if it goes to arbitration. Many times no hearing is held and no fee is paid. For those attorneys in large or medium firms who still get paid for spending time on an arbitration, the time may not be that relevant.

5206 Although I have tried a couple of times, I have been unable to get my name added to the list of potential arbitrators and have been told that Pima County is unable to add new names due to the age of the program used.

5226 I DID NOT SUBMIT AN INVOICE BECAUSE IT WOULD COST ME MORE IN STAFF TIME THEN THE \$75 -----WHILE I AS AN ATTY. WITH 30+ YEARS AND A LARGE (FOR MY COUNTY) FIRM CAN DO THESE MATTERS AND NOT GO BROKE, I REALLY FEEL SORRY FOR OTHERS WHO ARE NOT IN MY POSTION-----IT TRUELY IS UNFAIR TO NOT PAY A LOW HOURLY AMOUNT SAY \$90 TO \$110 -----SOMETIMES THE LOW AMOUNT IN DISPUTE DOESNOT MEAN THAT THE CASE IS NOT COMPLEX NOR DOES IT MEAN THAT AN ATTY.CAN JUST ""YELLOW PAD"" IT---IF HE OR SHE WANTS TO BE FAIR TO THE PARTIES--I UNDERSTAND THAT IT IS A SERVICE TO THE BAR BUT THE BAR NEEDS TO UNDERSTAND THAT SOME MEMBERS ARE IMPACTED IN A VERY NEGITIVE WAY WHEN UNABLE TO BILL FOR 10 TO 30 HOURS IN A WEEK OR MONTH

5236 The greatest difficulty is in trying to handle matters outside of your area of practice. The case involved contract and aviation law issues that were relatively complex (e.g., what is ""airworthiness""). A practitioner with greater experience in those areas would probably have provided greater benefit to the parties in terms of timely resolution. Counsel should be advised that the law needs to be set forth in their memoranda: counsel I worked with provided little guidance and I ended up doing a lot of research to try to reach a correct result.

5238 I am an estate planning attorney working for a bank. I have been in Pima County for 5 years and have not been as to serve as an arbitrator. Prior to Pima County, I lived in Maricopa county and served as arbitrator 2 times.

5264 I am opposed to mandatory arbitrator service for the following reasons: I am generally unqualified by experience to arbitrate tort motor vehicle cases, which represent at least 80% of the cases assigned to me over the past 10+ years. A large percentage of these cases are appealed. This seems contrary to the objective of unclogging the courts. I do not think lawyers should be forced to ""volunteer"" their time for this purpose. \$75 is a joke. It takes more than \$75 worth of time to submit for collection.

5269 Stop having non-PI lawyers handling all these ridiculous PI cases.

5276 Neither of the parties, including the Defendant who was represented by counsel, complied with my written request to file briefs before th hearing. As a result, I had to spend 6 hours the night before the hearing researching the law to understand the elements of the torts alleged.

5304 Because the parties get a trial de novo oi appeal, the arbitration hearing process is treated as discovery process for the defendant, and no serious settlment negotiations take place prior to the arb hearing.

5305 On principle, I oppose the mandatory arbitration requirement. I think the Court should do this job and get the resources it needs to hear the cases filed before it. Drafting random lawyers to do the Court's job is inefficient, unduly burdensome and does not deliver the type of justice I think we should be interested in.

5312 I believe that the Arbitration Program should be disbanded for the following reasons: first, the program is extremely arduous and onerous for single-attorney law firms who do not have support staff, and the time or financial resources to afford being assigned as many as four cases in one year. Secondly, the program seems patently unfair and amounting to involuntary servitude. I know of no other profession where the members are required to provided services pro bono. If the counties or State do not have sufficient funds to afford the necessary judges, it could easily double or triple the filing fees without causing hardship, which may provide the additional bonus of encouraging litigants to seek alternative dispute resolution. Thirdly, litigants have the right to expect trained judges to hear their matters. Having attorneys decide matters without training and experience seems tantamount to attorneys committing the ethical violation of handling matters to which they are not competent. How can a probate attorney be expected to rule on evidentiary and procedural matters if he has no experience in such matters. I know of a case where a criminal attorney heard a complex contractual matter and completely bungled his judicial role. Litigants and members of the bar deserve better than to have this program forced upon them.

5314 This is the 3rd time I have been appointed in 2 years. The first case (contract action) was settled prior to hearing, with a total of 3 hours of my time. Second case (a motor vehicle tort), I was struck. Current case (motor vehicle tort) has taken about 2 hours of my time and still has not been scheduled for hearing due to delays of defendent's attorney. I have no expertise in this area of law, and have no support staff. As a sole practitioner (focusing on transactional matters and no litigation), these are heavy burdens on my time and draining to my practice, with little discernable benefit to the system.

5366 I think the arbitration regarding motor vehicle cases is a waste of the arbiter's and plaintiff's time. It seemed to me that the process was used only for discovery purposes by the defending insurance company. Also, my overall impression on all the various arbitration cases (mostly consisting of motor vehicle cases) was that it was irrelevant as the parties would appeal the decision. I much prefer the volunteer guardian ad litem alternative to acting as an arbiter. If

not already available, a list should be provided of alternative services ...eg. other volunteer positions in lieu of the arbitration. The suggestion below: Instead of arbitration, should the court make mandatory an ADR process such as mediation or early neutral case evaluation for cases under the current jurisdictional limit? is a great idea. I think this should also apply to ALL cases early on and before the cost of discovery and other settlement avenues are explored. I recently participated in a mediation case in which Judge Donahoe acted as the mediator. He was extremely effective and his dedication was far beyond the call of duty. I only regret that the other side kept effectively stalling mediation. I especially think any probate/trust issue should be subject to mandatory mediation with either a judge or mediator/practitioner knowledgeable in the area as soon as a case is filed and well before discovery takes place. Arizona's law regarding the attorney's derivative fiduciary duties to beneficiaries should either be re-examined or such claims should be subject to a preliminary early court or other mediation intervention process.

5389 Assigned payment to employer

5403 My most recent case settled prior to the hearing.

5414 I used the State Bar to conduct the hearing, but I had to ask. The Bar or the courts should offer facilities for government lawyers to use.

5432 I sought the parties agreement that they would consider the arbitration result binding; the plaintiff's counsel would not agree as he had misvalued the plaintiff's cause. I think that frequently happens and makes this process a waste of time for all involved. Incidentally, I serve frequently as an arbitrator in AAA commercial disputes, the parties in my court-connected arbitration cases are advised of that, and they appear to believe I provide a fair hearing.

5444 I seem to be appointed on 2-3 cases a year.

5469 These are low dollar amount controversies. In this case, I ordered a judgment in favor of the defendant, and the plaintiff never paid him. The defendant did not know what to do. I could not provide assistance. There should be some sort of guidance for pro se defendants, including their rights.

5478 Attorney/Arbitrator views: I have done three of these arbitrations over the years. I think that my decisions have led to two settlements. In a small contract matter and in an accident case I believe that I rendered a valuable service. However, I handled a complex the matter between wealthy litigants. I believe that the wealthier the litigants, the less meaningful the arbitration will be. The parties to these arbitrations take them much more lightly than going to court because the decisions are not binding in the sense that an appeal results in a trial de novo. It ends up being insulting because the parties will not pay expert witnesses to come to the arbitration hearing because they do not want to pay for the expert's time, but I am expected to "donate" my time to preside over a charade. I have had attorneys want to tell me what the witnesses would testify to so that we could cut the arbitration short and because the parties did not want to pay the witnesses to come to the arbitration. I think that the system needs to be overhauled so that the Arbitrators are compensated for their time and so that the arbitrations are respected. Maybe the losing party should pay for the cost of the arbitration. That would make the parties treat the process with greater respect.

5555 In the past two years I have been appointed by the court to arbitrate about 10-15 cases. Only about 25% actually resulted in a hearing.

5569 Both of the cases I was assigned ended in settlement prior to my arbitration.

5577 The parties are in the process of submitting a stipulation to dismiss.

5589 I considered the arbitration a judicial proceeding which required the same level of attention as I would expect from a judge if I was the lawyer. The key for me was that the clients

got their ""day in court"".

5595 The biggest problem with the case was that attorney for Plaintiff was not skilled and wasted time with both pleadings and irrelevant questioning and argument at hearing.

5610 I was comfortable with the law after I had prepared for the hearing. The case was a total waste of time. It was an employment dispute between two brothers based on a poorly written, half-page employment contract. The two brothers would start shouting at each other a la Jerry Springer. After hearing the evidence (witnesses and all) at the hearing, I told them that they should be ashamed of themselves for pursuing their personal vendettas into the court system and to settle the case. They did and the case was dismissed.

6064 Being assigned cases involving areas of the law in which you have never practiced seems to be an extremely inefficient method. If you are doing to do a responsible job, it takes significant time to research and review the applicable legal standards.

6071 It is very difficult for attorneys who do no trial work and rarely appear in court to act as an arbitrator. In my practice, I do not deal with the rules of evidence often and the scope of my practice is limited to a few areas. Therefore, I do not feel comfortable acting in this role. I would feel somewhat more comfortable if the case dealt with the area of law in which I work.

6091 I believe the results should be non-appealable, if that were legally appropriate and constitutional.

6095 I am not a litigation attorney so always feel somewhat uncomfortable with the procedural aspects of handling an arbitration, including techniques for controlling the process and the attorneys. but In a current case I am spending considerable time researching the law and reviewing exhibits before making my decision. The briefing by the parties has not been as thorough as I expect it would have been for a judge.

6097 I lost a thousand dollars in time in each case only to have them appealed. This is a very bad process.

6102 Invoice submitted. However, never paid.

7005 I DON'T KNOW WHAT TO DO WHEN I GET ONE OF THESE FILES ASSIGNED TO ME. UNLESS THE PARTIES MOVE THE CASE FORWARD, IT JUST SITS, AND I DON'T KNOW IF IT IS MY JOB TO MOVE THE CASE FORWARD, AND WHAT AUTHORITY I DO AND DON'T HAVE. IT IS A FRUSTRATING EXPERIENCE FOR ME TO BE AN ARBITRATOR BECAUSE I AM UNCLEAR ON MY DUTIES. ALSO, THEY INFORM ME THAT I CAN PICK UP THE COURT FILE SO MANY DAYS BEFORE THE HEARING, BUT IF I AM IN CHARGE OF THE FILE, I OUGHT TO HAVE IT LONG BEFORE THEN. I THINK THAT SERVICE AS AN ARBITRATOR SHOULD BE VOLUNTARY, NOT MANDATORY, THAT THE COMPENSATION SHOULD BE HIGHER, AND THAT THERE SHOULD BE SOME ATTEMPT TO MATCH ARBITRATORS WITH AREAS OF EXPERTISE.

7010 I do estate planning and have very little if any trial experience and feel unqualified to do these...both have been egregious overreaching by the plaintiffs for payment of large sums on fender benders...i really feel that sanctions should be imposed on these people for wasting court time, my time and the cost and expense of this for these...

7014 I am a corporate lawyer and am very uncomfortable acting as an arbitrator. I have practiced law for 24 years and never appeared in court. The last time I focused on litigation was in preparing for the bar exam in 1980. I try to be very diligent in preparing for and acting as an arbitrator, but do not feel as though I enhance the process. I have given many hundreds of hours to the bar over the years (including chairing the business law section, chairing and speaking at

over 20 seminars, working on significant multi-year committees, etc.) and would prefer to make my contribution in other ways. This system is not fair to litigants when they draw me as an arbitrator. With respect to the questions in the following list that I don't answer, I fail to answer when I do not have an opinion.

7019 The arbitrator portion of the arbitration system needs substantial overhaul. In order to do a reasonable job in fulfillment of the purpose of arbitration, the time required is grossly disproportionate to the compensation allowed. I am strongly opposed to being required to serve a minimum of twice a year under the present system. I already donate a substantial number of hours on a pro bono basis and am not at all happy to have the arbitrator duty imposed upon me for the compensation allowed.

8017 I average being assigned 5 - 6 arbitration cases per year. this is too many. Pinal County does not send a copy of the court file to me. I have to travel more than 50 miles to the court house to get the file and thus I do not know the issues in the case until usually a week to 10 days before the hearing. When applying for payment it usually takes two months or more to receive the \$75.00 no matter how long the arbitration lasted. It is sometimes difficult to nudge the participants toward a timely hearing date and many are continued beyond the 4 months.

8020 I have had two assigned cases in the last year. In the non-tort case, both parties were well prepared. In the motor vehicle case, the defendant's attorney was clearly not well prepared, did not present a good defense, lacked proper essential best evidence and knew it, it appeared to me that the attorney and her firm (an insurance defense firm) were not taking the arbitration seriously. I held for the Plaintiff and made it clear in my opinion that because of the lack of proper presentation of facts by the Defendant, there was no alternative but perhaps the ruling would have been different, though not necessarily so, were the defense to present a better record, which surely it could have done with a bit more effort. I was not surprised but was disappointed in the defense's case presentation. The \$75.00 is a slap in the face. This is clearly pro bono for the number of hours spent and filling out the form just adds to the non-paid time. There should be a general memo to the insurance defense atty firms that sloppy practice, just so that the parties can ""go to court"" will not be tolerated and that the arbitration forms in the future should have a place to indicate whether the parties and their attorneys were taking the matter seriously. We (appointed officers for arbitration) are in a quasi-judicial capacity, at least an extension of the court capacity in some manner, and what we do should not be disrespected by the defense bar. This takes time and commitment to do a good job. I have practiced for 31 years, including 1/3 of which includes personal injury work and serving as an administrative hearing officer for medical malpractice cases and for environmental policy (state regulations. The preparation by counsel for those latter two types of proceedings are much better, by the defense, than by the defense in the court-appointed arbitration cases.

8032 I was under the belief that I was not getting paid for my time. I did not get paid.

8046 The above answers relate to averages for several arbitrations over the last 2 years.

8078 Arbitration was a waste of time- my time and the parties time.

8129 This case never came to hearing. Plaintiff filed motion for Judgment on the Pleadings based on Defendant's Answer. I had to conduct some research before I felt comfortable in granting the Motion, which I did. To my understanding, there is no provision in the Arbitration Rules for court-payment for services as an arbitrator if no hearings or conferences are held, and the matter is disposed of by motion.

8139 I think that it would be better for all parties for arbitration cases to be assigned to attorneys who handle the type of law involved. I think it was unfair that I was required to make

decisions requiring knowledge and research about criminal and constitutional law issues when I do commercial lending and foreclosure work! Spending about 10 hours of legal time for a fee of \$75.00 was an unfair requirement in my opinion. Inasmuch as arbitrators perform the function of a judge, I believe that the arbitrator is entitled to reasonable rather than token compensation.

8156 I think if they want my help as an arbitrator, they should only assign to me cases where I have some expertise in that particular matter. Also, they should pay me my hourly fee, not an insulting \$75 per case.

8176 They appealed so I was not helpful.

8177 Case settled prior to hearing.

8202 Plaintiff did not have legal counsel and from what I could discern was not making a good faith claim. However, because of certain factual issues I was unable to grant a motion to dismiss. The parties subsequently settled the case on their own. We could not get the plaintiff to participate in a telephonic discussion regarding disclosure issues.

8225 It has been my perception that I have been assigned more cases than normal. Almost right after I finish one case, I get assigned another. Based upon my discussions with other attorneys, it appears that my name comes up more than most other attorneys which is frustrating.

8245 I had one case about three years ago with involved several prehearing motions, telephone conferences and hearings. The defendant's attorney was simply engaged in delaying tactics. I spent easily 10 to 15 hours. It settled at the time set for the hearing, so no payment was available. In that case I thought that there should have been a procedure for the arbitrator, in extreme cases, to apply for sanctions against the offending party, to provide some compensation for the time involved.

8291 The majority of the cases that have been assigned to me have arisen out of minor personal injury claims. Something different would be nice.

8310 Lower Court arbitrators need better training on law and evidence.

8353 \$75 per day is insufficient compensation

8377 The most recent case, the defendant did not show up for the hearing. After discussion with both parties' attorneys, I rescheduled, and the parties settled the matter before the second hearing date. I have arbitrated approximately 10 hearings, as well as being assigned a number of other arbitrations that did not go to hearing. A number of the hearings were complicated, involving pre-hearing motions, and a few of which have had hearings that lasted more than one day. Comment but did not take survey I am a transactional lawyer and find it very inconvenient to have to participate in a process that I know very little about. I feel that the system should be voluntary.

8477 The defense presented only the defendant as a witness. Their strategy appeared to be to spend as little as possible on the process. The defense had no witnesses to counter the damage evidence.

8519 I withdrew as my calendar scheduling conflicted with every date set. As a Judge Pro Tem and contracted OCC attorney my schedule is too tight for this area of law. I do not feel it is appropriate to assign attorneys who do not wish to be assigned.

8530 I floundered trying to find a date suitable to both sides, mostly due to my lack of support staff and lack of attention to the matter. I was later removed as arbitrator, but the court did not notify me. For a solo practice attorney, these appointments are an unwelcome burden.

8533 I presently reside in Idaho and it is very difficult to discharge the obligations of an Arbitrator because of the time and scheduling difficulties associated with an out of state Arbitrator. I have maintained my current standing with the bar and practise on a limited basis. I

wish there was provisions to alleviate this type of situation. It is not beneficial for me or for the litigants.

8543 I have participated as an arbitrator in many cases over time; From my experience, they increase the cost for the litigants and result in settlements only because plaintiffs cannot afford to continue litigating and accept reduced settlements because of the additional layer of costs. It has become the playground of the insurance company who use it as a tool to discourage litigation because of the increased cost of litigating small cases. If these cases were subject to mandatory binding arbitration the system would work much better provided the arbitrators were qualified volunteers instead of conscripted members of the bar.

8555 The case involved worker's compensation bad faith claim against insurance carrier and required review of several volumes of exhibits, legal memoranda, statutes and case law as well as rulling on a motion for partial summary judgment and motion to dismiss

8609 I would really like it if those of us who are still member of the bar who are not practicing law in a setting with a secretary or paralegal could opt out of serving as an Arbitrator.

8631 It took more staff effort in the past to receive compensation than was worth the effort. I do a fair number of these and always waive the fee as my pro bono service. I am an experienced personal injury atty. It would be beneficial to limit my arbitrator service to areas within my expertise. It is frustrating to arbitrate a case in front of a lawyer who does not practice in the personal injury area and it generally results in a higher award.

8641 Matter on which I participated as an arbitrator never went to hearing -- was resolved prior to hearing being scheduled.

8646 I am currently assigned as an arbitrator for a matter that will be heard the end of September. I answered the questions regarding that matter. As a result, I could only respond with respect to the first two questions. I have been an arbitrator several times in the past, but not within the last two years. I have not answered the questions with respect to these older matters, but would be glad to do so.

8659 I think tort mv arbitrations are a waste of time-defense usually requests trial if arb results adverse.

8685 Pro per v. seasoned atty. pro per very difficult to contact. not prepared. just came in and told us he paid but had no proof. very frustrating. found in favor of plaintiff, who agreed to a conditional award if defendent could prove payment. never heard what happened after that .

8703 30. It was difficult to schedule the hearing. The court can help in this regard by instructing the Plaintiff and Defendant that they must respond to the Arbitrator or else the Arbitrator can dismiss the case and rule in favor of the party that does respond to a request for stipulated dates. 35. I had to do independent research to come up to speed on the current state of the law. 37. I feel the court can provide a lot more training or guidance on this point.

9017 I have been called to arbitrate several times. I am not familiar with the rules of evidence as I do not litigate, and so feel very uncomfortable in these claims. Additionally, I am conflicted out of many cases as we hire defense attorneys out of our corporation. I do not believe that it is a good system when attorneys are ""made"" to do this, despite a feeling of inadequacy and inexperience. The above claim settled before I did anything, but mainly for my benefit because everyone knew that I was very reluctant to act in a legal role for which I was not prepared. I even tried to hire another attorney to do this out of my own pocket. The parties did not wish this to happen. Additionally, the fee of \$75 is ludicrous in my opinion and the words pro bono need to be applied here when that is really what we are talking about.

9022 There should be training for arbitrators. Corporate, finance, securities - and many other

types of - practitioners need guidance in how to administer these. I am the President of the Arizona Chapter of The Association of Corporate Counsel and am planning to have a firm do a training session for our members.

9048 I have been both an arbitrator and counsel for parties in the arbitration. As an arbitrator, the time demands are annoying, but I am willing to accept the expenditure of time. It is a public service. Several hours are usually required and it does not begin to pay the hourly rate, but it comes up only a couple of times a year. In my experience as counsel, the arbitrators have been professional and tried hard to do a good job. As an arbitrator, I have always taken the responsibility very seriously. It usually involves 1/2 hour prep time to get a general idea of the file, all afternoon for the hearing, and 2-3 hours to review post-hearing submissions and decide the case. In my experience, counsel have always conducted themselves professionally and effectively. I have had pro se parties who present particular problems, but I have always been able to work with them. My understanding is that something over 80% of the arbitrated matters are resolved at the arbitration stage. This is a substantial public benefit and boon to the judicial system. I have also found the opportunity to serve as an arbitrator to be very educational. It gives the practitioner a feel for the judicial mind-set and the challenges faced by the judge. I support the arbitration programs and urge the bar and bench to continue with them.

9061 I am a non-litigator, and therefore was uncomfortable procedurally. I didn't know how to file notices and rulings, didn't know where to pick up the court file, etc. The limited data available in the packet assigning me as arbitrator was not sufficient. I called the arbitration desk and they were very helpful, but this took me more time than it should have because of my lack of procedural knowledge. I do feel that both sides had a full opportunity to present their case.

9097 Although I was appointed an arbitrator, I did not serve because I was about to go on maternity leave and the parties chose, upon my offer, to strike me rather than wait until I returned.

9119 It would be nice if the procedures for submitting the arbitrator's compensation were easier. The difficulties make it not worth the time to prepare the extensive forms, but I suppose this is intentional to discourage claims.

9121 I believe a number of carriers such as Allstate do not use the arbitration system in good faith.

9123 I don't submit an invoice because I consider helping out the court system by being an arbitrator is part of my civic and pro bono duties.

9202 I have been appointed 4 times and all settled prior to responding to my request for pre-hearing memos.

9207 I am a corporate attorney and I have NEVER been to court. As a result, I feel very uncomfortable with acting as an arbitrator. I graduated from law school 22 years ago and I have no clue about procedure or the rules of evidence. I try to be fair, but feel like a fish out of water. I receive a court appointed arbitration about every 6 months. Most settle after I schedule a hearing, but scheduling certainly is a pain.

9210 NOTE: Along with changes to assure the selection of qualified arbitrators (per the nature of the case) a more reasonable fee structure needs to be implemented that reflects upon the time required by the appointed arbitrator.

9217 Too many hoops to go through to seek reimbursement.

9219 As a solo practitioner who works only for other attorneys as an independent contractor, conducting arbitrations is difficult and time consuming. Interesting, but time consuming.

9233 Scheduling is always a problem. Attorneys stall endlessly.

9260 One issue I encountered was the request for continuances beyond the latest date set for

arbitration by the Court. Because I lacked authority to extend the date (and would not unilaterally extend beyond the deadline in any event), parties had to go to court on two separate occasions to get an extension of the period within which arbitration could occur (extend my jurisdiction if you will). I think Arbitrators should be empowered to grant one extension for good cause beyond the deadline.

9262 Neither party appeared at the arbitration hearing. Upon review of the court docket a week later, the parties had filed a stipulation to dismiss, but had failed to notify me of the stipulation.

9270 The last two cases I've been assigned have settled prior to hearing, but only after substantial time commitment of my staff to hearing scheduling and communication regarding continuances, failure to submit pre-hearing filings, and general coordination difficulties with counsel. Previous cases, all motor vehicle tort, which went to hearing and decision by me, generally proceeded as the system contemplates, with adequate cooperation and participation by both counsel. My comfort level with the role of arbitrator, however, was diminished by the fact that in my own practice I do not litigate, I work in a very narrow "niche" consulting practice on matters far removed from tort law, and thus have almost no experience with normal court or arbitration procedure. Consequently, while I think I have a good sense for fairness and justice, and am comfortable with my final rulings in that sense, my approach to handling of the cases and hearings probably is considered aberrational by counsel. When tort cases are assigned to me, I apprise counsel of my practice and experience background, and what they can expect in terms of informality, "cutting to the chase", disregard for minutia of procedural and evidentiary technicalities, and a focus on what I call "rough justice and equity." Perhaps that prompts some counsel to more seriously consider settlement using those same concepts between themselves. On the other hand, my lack of expertise in tort law may be a somewhat unfair impediment to counsel whose cases, on their merits, rely upon more technical refinements of the law that might be readily appreciated by an arbitrator whose own practice is in the same field of law. I've often wondered if cases shouldn't be assigned on the basis of the actual experience of the arbitrator in the field of law involved in the case, and not just randomly to all members of the bar.

9278 THE ATTORNEYS DID NOT SEEM TO BE WELL-PREPARED FOR THE HEARING. I BASE THIS ON THE MEMOS THEY SUBMITTED PRIOR TO THE HEARING AND THEIR QUESTIONING OF KEY WITNESSES AT THE HEARING. THEY ALSO LEFT OUT LEGAL ARGUMENTS. I FELT LIKE THEY THOUGHT IT WAS MORE OF A NUISANCE THAN A WAY TO BRING RESOLUTION TO THE CASE.

9290 I do not believe attorneys should be forced to participate in non-binding arbitration, either as participants, or as arbitrators. It is a waste of everyone's time.

9301 The parties asked me to be the Court-appointed Arbitrator because they knew I had particular expertise in that area of law. They agreed to pay me for my time.

9351 I have been appointed arbitrator in several cases that were settled before I got involved other than setting a hearing date. One arbitration wound up going back to the Superior Court as the amount involved exceeded the arbitration limit.

Question 54 - Comments on "General Views" Section

0003 The random assignment system is atrocious. Only litigation attorneys should be permitted to arbitrate cases. There is no chance of getting a fair outcome from an untrained lawyer. This also ensures that the parties wasted their time in mandatory arbitration and also wastes the court's time in hearing the appeal.

0004 The entire arbitration process should be modified. We need arbitration. However arbitrators should be paid a regular fee of say \$500.00 to be split by both parties. Also all arbitrators should only be selected who are trained in that field. Additionally training should be held for all those who wish to be in the program. Nevada has a good arbitration program in this regard. The only problem with their system is that the arbitration awards are too high. Therefore the insurance companies have to appeal

0008 CLE credit for arbitrators is a GREAT idea, and particularly useful for public lawyers who cannot accept financial compensation.

0022 I have participated in several cases as an arbirator but I have no idea whether the cases were appealed and, if so, what was the outcome. Having that knowledge might help me evaluate my effectiveness as an arbitrator.

0025 Please assign lawyers who have experience in the law that is the subject of the arbitration!!!!

0029 We are not slaves. The courts should not assume that they can "use" us at little or no pay without our consent. If ADR is to be effective then the parties must have a belief that the arbitrator/mediator will help resolve the case. Usually this only happens when they pay for these services.

0037 Private attorneys should not be asked to subsidise what is a taxpayer obligation by serving for little or no compensation

0040 Pro bono settlement conferences using pro tem judges under Rule 16 should not be allowed as an alternative to mandatory arbitration. To avoid mandatory arbitration, the parties should have to hire a private neutral. Alternatively, pro tem judges should be allowed to charge the parties a reduced rate for their time (about \$150 per hour).

0041 This survey takes way too long to complete - way too slow changing between pages

0045 I haven't been appointed an arbitrator because I voluntarily serve as a judge pro tem.

0046 Litigants should have to pay to litigate. They pay their attorneys. They should have to pay private arbitrators for their time. The mandatory court-appointed arbitration system should be replaced by mandatory ADR at the expense of the litigants, through a similar rule as Rule 68, Offer of Judgment, or the rule about Requests for Admission. No attorney should be forced to serve for low or no pay. I don't see the judges serving for low or no pay, so why should the attorneys be forced to do this?

0049 My willingness to serve as a voluntary arbitrator would be much higher if I were assigned only to cases in which I have expertise. As a lawyer practicing exclusively in the area of real estate transactions, I would expect my "expertise" to include general contract law as well.

0051 I would like to see the arbitration process, if it is retained, be subject to the "traditional" rules on appeal from arbitration; i.e., limited bases of appeal only (arbitrator misconduct, etc.), rather than de novo.

0061 Teh qustions in this section do not have answer choices to reflect the fact that I have no

idea on most of them. So, the answers are probably skewing the statistics.

0067 Requiring attorneys to act as arbitrators, even when they are unwilling, is a terrible idea. Many who are forced to be arbitrators will not be in position to give the matter much, if any, priority or serious thought. Even if the compensation were adequate, many would still not have sufficient time available to do more than a cursory job.

0072 I am a corporate atty responsible for compliance in a regulated industry. I have not repped a client in a litigated matter in over 8 yrs. I am not familiar with arbitration procedures, nor am I familiar with most areas of law likely to result in litigation. It is a waste of everyone's time to have me arbitrate. Full-time employees of private companies should not be forced to serve as arbitrators.

0078 As an attorney who has done and does no litigation whatsoever, and hence is not skilled in rules of procedure and rules of evidence, and other matters, I think it is absurd for me to be serving in a quasijudicial capacity

0081 My concern is that I devote a lot of time; one case requiring a judge to intervene, and all cases with study and communications on my part, including written findings and conclusions. I am not pleased at how simply one may appeal and disregard all my work. Unfortunately the mandatory arbitration may just be a "nuisance factor" to overcome before the "real" trial among some participants, such that it does not minimize litigation or fees but adds another layer before a litigant gets his or her day in court.

0086 I think the judicial system in AZ has lost it way and needlessly antagonized its relationship with lawyers. Judges should remove themselves from the state bar organization and treat attorneys with more respect. Power corrupts and absolute power corrupts absolutely -- judges have a long way to go to win back the regard of their peers.

0087 I never thought of it, but allowing CLE credit for serving as an arbitrator would be a great idea. We all have to spend 15 hours on CLE anyway.

0090 Arbitration is good because (a) it is quick and (b) it provides a neutral third-party evaluation. However, when the arbitrator is unfamiliar with the subject matter, the process takes longer, and the evaluation is not as useful.

0104 Only litigation attorneys should be mandatorily required to serve as arbitrators. This would increase the liklihood of settlements in their own cases rather than the apparent running up of bills through the process.

0109 I believe it is inappropriate and unfair to force attorneys who happen to practice or reside in this state to provide their time and resources to the court system on a mandatory basis, and free of charge. It is particularly burdensome on solo practitioners and small firms. Our expenses, including malpractice insurance, are extrememly high and increasing at unsustainable rates. We recieve little if any real assistance from the courts or from the bar. Arbitrators should volunteer and be paid.

0110 I have not actually practiced law for almost 20 years. I am currently on inactive status with the AZ Bar, solely because I feel that my appointment as an arbitrator under the circumstances was ludicrous. Despite having kept up my license by taking CLE classes of interest to me and my current field of endeavor, I felt that I was certainly not equipped to handle arbitrations. I was appointed at least half a dozen times, and I felt that holding the arbitrations in my non-law office, (out of space)

0113 \$75 per day is an insult and most attorneys take it as such. Even non attorney mediators are paid much more and they do it voluntarily.

0115 On cases where I am arbitrator, I spend significant time researching the law. I do not

submit for payment as an arbitrator because the paperwork is too cumbersome to make it worth while. CLE credit for acting as arbitrator seems a better form of compensation.

0121 The attorneys are never ready within the 120 day limit and it is very time consuming just trying to get a date for the hearing. My experience is (I've done about 50+ arbitrations as an arbitrator in 20 years of practice) that the parties do not even start getting ready until the arbitrator notices the hearing the first time. Parties should have to pay a fee to the arbitrator for each continuance they request.

0123 I consider the time spent as an arbitrator pro bono hours

0130 I have found that for many years of experience and not just my last case, that more time is spent by staff and the arbitrator getting ready for the case. I also find that attorneys participating as counsel don't always take arbitration seriously and fail to provide Disclosure Statements or pre-hearing memorandum, either at all or on a timely basis to make arbitration really meaningful. I also have the perception that people sometimes view arbitration as a "dry run" for the real trial.

0132 This should count toward our CLE requirements

0136 My experience with arbitration, if used properly, is a win win for everybody.

0137 Re participation if voluntary, I would OFTEN recommend it if the way arbitrators are appointed & compensated were changed, so that I could have some confidence in the arbitrator's abilities & incentives. For example, lots of people want to do pro-tem work, let them QUALIFY then be arbitrators, then either split a fee between the parties or allow the arbitrator the discretion to assess against the losing party.

0138 It is totally inappropriate to require an attorney to serve as an arbitrator. The system and process should be voluntary.

0144 The State Bar should give CLE credit for serving as an arbitrator.

0153 Arbitration should be mandatory and non appealable for all tort cases with \$50000 or less value. Insurance companies have made a mockery of the arbitration process by appealing every decision. They use the process only to cause loss of time and expense to plaintiffs

0162 ONLY receiving \$75 for several hours work is not an incentive to participate. The rate ought to at least be \$50 per hour.

0167 No comments because I have had no experience with arbitration

0169 My impression is that most of the cases on which I have ruled as an arbitrator have been appealed, making the process a waste of time. On the other hand, I find it enlightening to sit on these cases as a reminder of what the view from the bench looks like.

0174 In my opinion, the biggest improvements to the overall program would be to assign cases only within a lawyer's specialty (like federal court) and limit the number of times you will be assigned in 5 year period. I don't care if it is mandatory or voluntary - I'm happy to serve and I don't need to be paid (I've never requested a fee) but...it would be nice to get CLE credit and not get too many. It seems once you send the award and costs in...here comes another assignment. A break would be nice

0176 Many on the cases in which I represented parties and served as an arbitrator have been resolved on motions, such as motions for summary judgment. The arbitrator should get some compensation for time spent considering dispositive motions. Also, the rules should be clarified as to how and when an arbitrator is to handle dispositive motions. Questions I have about this process include, for example, should the arbitrator have oral argument on dispositive motions? Is that what the arbitration hearing is for?

0178 I suggest creating a list of attorneys willing to serve as arbitrators and the parties select from that list and share the cost of the arbitrator. The arbitrator should be paid for all time spent

on the case. The court could set a standard rate for all arbitrators, such as \$75 or \$90 or whatever per hour. This indentured servitude has to stop -- I get served up two or three times a year, and every time I've had a hearing, the case has been appealed. What's the point?

0182 I have not seen the arbitration process be successful. Most arbitrations I have done have been appealed and the Defendant has had a free look at the Plaintiff's case. I would be in favor of a binding arbitration system or a quicker neutral evaluation of the case rather than this non-binding trial method.

0188 One of the most frustrating aspects of arbitration has been the appointment of arbitrators who are lawyers who don't practice law or who do not have any experience in the area of law involved in the case. It has led to bizarre rulings and procedural failures, such as a failure to mail copies of the arbitration award to the parties.

0191 Serving as an arbitrator is quite difficult for a lawyer who is not familiar with litigation and does not have skilled litigators available for consultation. That is true to varying extents for business lawyers in general but it is a significant problem for in-house counsel who are employed by business corporations or partnerships.

0193 Having an hourly pay only would lead to over-billing by vindictive lawyers. Non-monetary benefits would be great, because now it's almost not worth it to bill for the \$75/day in hearing. And, you don't even get the \$75/day if you don't hold a hearing. Finally, something must be done to make sure that insurance companies take arbitrations seriously.

0195 I would recommend that there be two layers of arbitration. One for cases less than \$15,000, from which there would be no appeal. The other would be the same as existing law.

0198 Arbitrators (judges also by the way) should decide cases only in areas of the law in which they have expertise. There should be a real disincentive to appeal, or else the system is a farce. Arbitrators should be paid a reasonable fee assessed against the losing party.

0205 Mandatory arbitration is the most effective means to resolve cases! Nothing else comes close. Cases won't settle using other methods. With other ADR methods, cases settle just before trial. Using arbitration, cases settle months earlier.

0208 I am a State Bar Certified Specialist in Personal Injury representing plaintiffs. From my perspective, insurers do not let defense counsel present its best case at arbitration because they intend to appeal and don't want to worry about doing better to avoid sanctions. Typically, this means they don't hire and use experts for arbitration which they use at trial. One way to eliminate this problem is that a party should not be permitted to use new expert witnesses or their records at trial. without

0209 There are many ways a lawyer can serve the community. I prefer vlp program. Yet, I am forced to also spend free time to arbitrate. I currently have 2 cases assigned to me. I cannot afford to do the type of service I enjoy through VLP because, I am forced to spend my service arbitrating cases.

0214 I believe in mandatory settlement conferences to help save money and court time. New lawyers need training to do arbitrations. Lawyers in active practice over 5 years usually do not. I do not feel it is necessary to have experience in a specific area to be able to listen and make a decision on facts, law and money damages....as long as the person has experience in trying cases.

0219 I am a government attorney and I resent the mandatory assignment of arbitration cases to me. The state's superior courts should be appropriated sufficient funds to hire arbitrator employees and more judges and commissioners. Stop expecting us to work for free to support an irresponsible legislature!

0233 My problem with this system is that it is not final. Because of that, I think my time is

often wasted because my work and decision are nothing more than a practice trial. I think my work just doesn't count. Maybe lowering the mandatory arbitration dollar amount to say, \$20,000, assigning an arbitrator with experience in the area, and making the decision final should be considered. Above \$20,000 could remain appealable.

0241 The requirements to participate in "good faith" in arbitration should be more stringent. Often the parties don't show up, or insurance defense firms do little on the case other than showing up to arbitration knowing they will appeal the case anyway. This leaves the plaintiff to not only try his case twice but also reveal strategy during the arbitration process. The value of the cases is relatively small, but the amount of work involved is often as much as trial track litigation, especially if appealed.

0257 I feel strongly that the parties should decide whether to arbitrate or mediate a case, not have the court decide for them. I feel equally strongly that no one should be required to be an arbitrator.

0258 The question about 60 to 120 days for processing is too simplistic. A recent contract case was compatible with that time but a pending legal malpractice case is not. A uniform time budget is not appropriate for cases that vary in complexity

0260 My experience is that motion practice in arbitration is as vigorous as in litigation, and preparation for arbitration is almost as extensive as for trial. Arbitration requires the same expenses, with perhaps an earlier hearing, but appeal is almost guaranteed, thus increasing expenses.

0267 Another alternative to arbitrator compensation could involve pro bono credits.

0271 I don't think the program can be effective if either party has an absolute right to appeal - we are wasting assets, rather than saving them. This program needs to be seriously revamped. If going to keep mandatory arbitration - need to give lawyers cases with subject matter expertise - you have contract attorneys and corporate law specialists doing litigation, which is the first problem, and then in areas in which they have no expertise, such as tort, motor vehicle.

0277 CLE credit sounds great. \$75 a day is not an incentive to be an arbitrator. I really support mandatory mediation, instead of mandatory arbitration.

0279 I like the idea of CLE credit or designation as a judge pro tem. If CLE credit, it should be a specified number of hours rather than the time spent or some percentage thereof, to reduce abuse of that benefit. For the same reason, I dislike the idea of providing any payment based the amount for the time spent working on the arbitration. There should also be some consideration for providing "pro bono" credit for serving. I am also much in favor of voluntary arbitrators who receive some training.

0285 In all of the cases in which I have served as an arbitrator, the parties and their counsel have treated the arbitration as a rehearsal for "real" litigation in the superior court. They all know that they can and probably will appeal de novo. I don't like to use my time for others to practice their cases.

0289 I was inactive for several years because I was in a position that did not involve practicing law, so my answers are based on somewhat "stale" experience with arbitration. Overall, however, I favor much more required mediation and/or early neutral case evaluation. Perhaps it would encourage parties to litigation to attempt to resolve disputes more rationally and at a lower cost to the individuals and the system.

0292 I do not feel the arbitrators should be paid under the current system.

0294 I do not know how often cases are appealed from an arbitration proceeding. If I knew this I would be in a better position to evaluate its effectiveness. In fact many of the decisions are

appealed, then I think a more effective disincentive is necessary.

0295 The reason I am unlikely to serve as an arbitrator doesn't relate to the amount of the pay (I don't take it anyway), but my own familiarity with the proceeding.

0296 I am retired and have volunteered to take as many cases as the ADR Administrator wishes to assign me. However, it seems unfair to burden practicing lawyers with cases that will in \$10 or \$15 per hour compensation. Such low compensation might affect the arbitrator's performance - though not mine.

0313 I think arbitrators should serve voluntarily and only in their field of expertise. In the times I have served as an arbitrator, I have been treated extremely unprofessionally by attorneys and their staff. This program definitely needs changes.

0316 The majority of my decisions have been appealed. I believe parties generally use arbitration as a mock trial to see the weaknesses in their case and the strengths in the other parties' prior to trial. I do not believe it should be mandatory. If I wanted to be a judge, I'd apply to be on the bench. The current fee is an affront to the amount of time spent on cases (average for me - 10 hours) plus my company's support staff time. If I must arbitrate, at least let it be in an area of my expertise.

0321 Too many cases are appealed and one gets a trial de novo. If you make arbitration mandatory, make the result mandatory and just be done with it.

0325 I resent the mandatory arbitration requirement. Judges are paid; lawyers who judge should be paid.

0329 Just adopt a reasonable hourly fee, \$100-125, currently, for an arbitrator to serve. You put an onerous burden on many attorneys to be an arbitrator. If the arbitrator was knowledgeable in the area, that would mitigate it. Training is necessary because counsel try to abuse the rules of evidence because the arbitrator is the finder of fact and law (you can't "unring the bell). I sanctioned an attorney for egregious conduct in the last arbitration. It was never paid. The judge should follow up.

0340 I practice almost exclusively in federal court with constitutional law issues, with minimal exposure to damages claims; I would not want to have me as an arbitrator in a PI case, any more than I'd want a PI attorney deciding constitutional law issues. Arbitration in my view is simply another layer of litigation; the time, money, and effort expended on the program would likely be better spent by hiring more judges and improving the court's infrastructure.

0342 If you want a successful program, have arbitrators trained and only allow them to hear cases in the areas they feel comfortable with. You should also compensate them for their time.

0349 First, the arbitration program is voluntary; the Court of Appeals already has ruled on that issue. I am not a litigator, and never participate in arbitration from the standpoint of client representation. The vast majority of cases where I have been appointed arbitrator have settled before the hearing. Therefore, I don't see how arbitration improves the likelihood of settlement.

0351 ADR is only useful if the parties are willing to reach a result short of a full trial.

Mandatory arbitration often is used as a way to drive up litigation costs rather than reducing them.

0353 I feel strongly that serving as arbitrator should be voluntary, with as many options as possible: choice whether nominal hourly pay or non-monetary benefits; choice whether to take any subject cases or just specific areas; choice by the parties whether to submit to arbitration and if so, paid or non-paid. I'd be happy to serve for non-monetary benefits in motor vehicle torts, but in the summer--when things are a bit slower at work.

0357 I no longer arbitrate for health reasons, but cases I arbitrated earlier in my career were in areas I had no knowledge of the law, and I don't think it was fair to litigants or me to have been

mandated to arbitrate such matters.

0365 Arbitration is great if the carriers attend with the intent to be bound by the award. Our right to a jury trial, makes it impossible to make all arbitrations binding, but our system would be better if we could. As long as the carriers are evaluating cases by computer programs, it is almost a waste of time to litigate a legitimate case.

0368 I do not think the present system works well. Too many people appeal, the lawyers don't take it seriously. I also resent doing the court's work.

0369 Mediation with those experienced in the subject matter would be much better for all involved. Arbitration with bar members who are ignorant in the subject matter law, process and reasonable range for awards (me) seems unfair to parties and does not result in appropriate decisions.

0373 Mandatory arbitration for lawyers to act as arbitrators is morally wrong. It forces people to provide services for free (the \$75 fee is the equivalent of \$0). But an even bigger reason not to have mandatory arbitration is because it primarily increases the costs to the litigants and lines the pockets of the litigators. As a lawyer who never litigates, I see the system as a cruel hoax perpetrated on an ignorant public.

0383 The only advantage I can see in the current system is in getting the parties before a neutral 3rd party who can evaluate their case for them and make a settlement more possible by getting the parties more realistic. This could be accomplished much more consistently by requiring mandatory mediation by trained mediators rather than through randomly assigning cases to lawyers with no experience as judges or arbitrators and no experience in the area in question, who generally view these arbitrations as a pain.

0384 No pay, but reimburse costs. The disincentive to appeal unfairly chills the exercise of the constitutional right to a jury trial. It should be abolished.

0386 I do think compensation should be available for all time an arbitrator spends on a case. And, there should be some form of nominal compensation for costs such as copying and postage. Only one arbitration (out of several) to which I've been assigned actually made it to a hearing. The other time spent talking to parties' counsel (or parties in pro per situations), correspondence, mailing costs etc. were uncompensated.

0388 My current burden is about two cases per year and is fine. Arbitration clearly helped provide a forum for rapid resolution of credibility issues and saved the parties and the court time and money. It is my view that purely legal issues are efficiently decided by the bench but that issues which require credibility determinations are time consuming for judges and easily decided by experienced trial lawyers in arbitration settings.

0392 The current system is involuntary servitude for the arbitrator. While I do not object to pro bono work and do such work routinely in cases I choose, I do object to being forced to do the judge's work for them at no pay. Compensation does not necessarily have to equal my hourly rate, but the current compensation schedule is ridiculous.

0393 The current system of requiring attorneys who have been members of the bar for over 5 years only serves to promote poor arbitrations by requiring people who have other substantial obligations to take time out of their practice to participate in something in which they may have no desire, interest or expertise and then subject the parties to penalties (disincentives) for appealing a decision by such a person. Arbitration should not be mandatory for the parties or the arbitrators.

0396 See my prior answers regarding rates.

0406 I do not think that attorneys should be required to serve as arbitrators. I believe mandatory

mediation would be a better approach, with professional mediators. If attorneys are required to serve as arbitrators, I believe they should be compensated for all of their work, not just for the arbitration hearing. As an arbitrator, I usually spend more time on pre-hearing and post-hearing matters (i.e., pre-hearing motions, reviewing documents, legal research, writing a decision), than on the hearing itself.

0413 I feel arbitration should be done by TRAINED, PROFESSIONAL arbitrators--both in law and in mediation skills. Just pulling names "out of the hat" is nuts!

0414 I believe that the 25% disincentive is appropriate, even though the studies that I saw under the old rule did not warrant the change, ie. defendants prevailed on their appeals by a high greater percentage than plaintiffs appealing their awards.

0416 The ones I left blank are those I have no answer for.

0422 On the last question (above) the County should adopt something reasonable that cannot be taken advantage of by over-billing lawyers. If an hourly rate is adopted, it is too easy for that to be over-billed especially when a lawyer who normally makes \$250/hr. is making only \$20/hr for the arbitration. The system should have a flat fee (and CLE/Judge Pro Tem) (perhaps more than \$75, or a tiered system w/different set amounts dependent on the hearing. Like \$75 for two hours, \$150 for four etc...).

0424 When a defendant is financed by an insurance company the arb. process is used more as a discovery tool; too often defense counsel plan prior to the hearing to appeal an adverse decision. The 25% penalty has helped, but is still not enough of a deterrent.

0426 I consider this service with 36 years experience to be a satisfying way of contributing pro-bono hours back to the Court system and bar. I enjoy teaching the non-litigators the arbitration procedures and it broadens their appreciation of this area of the law.

0435 I am a transactional attorney and do not feel qualified to serve as an arbitrator. I strongly believe that mandatory service as an arbitrator is inappropriate for attorneys in my situation.

0440 I deal strictly with real estate transactions day in and day out. It's really stupid to send me a vehicle tort case or something so far out of my expertise. It doesn't do any justice to the litigants either. More information on the case status should be sent from the arbitration dept. I hate mandatory arbitration and have already filed a letter asking to be excused in view of the recent ct case.

0442 In the small counties, the non-public attorneys are required to act as arbiter too often. I am appointed to at least 2 cases per year. The court system should provide arbiters. It is up to the courts to decide cases, not practicing attorneys.

0451 Depending on the complexity of the case, it could warrant a significant amount of hours & the time should be compensated i.e. \$20/hr is fair.

0452 I do not handle clients therefore do not have an opinion on strategy for appealing a case. I would not likely volunteer to do an arbitration, not for cost, but due to lack of knowledge in the area of law. I don't believe that the parties receive a fair hearing when the arbitrator lacks knowledge in the area.

0458 Without a proper and enforced disincentive to not appeal the decisions, or without binding arbitration, this system is more likely to just waste the time of appointed arbitrators. The settlement conference should take about two hours of a judge pro tems time, and the pro tem should report to the court his opinion, if any, of a recalcitrant participant who should be adjudged with costs. I.e., take away the litigant's use of the system to stall and force settlements, at the expense of the pro tem or arbitrator

0463 The disincentive should kick in if the verdict exceeds the arbitration award by even one

cent.

0465 I think the whole arbitration process is a waste of time. People ought to settle their cases or try them. Why make it more complex with this arbitration procedure? There are many questions in this part of the survey that I have no way of assessing; see the unanswered questions.

0470 I was appointed arbitrator several times and was excused each time. I was a sole practitioner with a limited number of clients, doing only basic estate planning, on a part-time basis. My knowledge of the subject matter of each arbitration was limited, which would have required extensive preparation and research on my part, and I would have had to obtain childcare for my six children at my expense, causing great financial and time hardships. Friends in similar situations did participate to their hardship.

0471 Our county has a \$1000 arbitration limit so as a practical matter there are none done in this county - I do them in other counties with mixed results - with all due respect (and as one with a lot of expertise in social science research) your questionnaire needs work- also are you aware of the error variance with a small response rate - if your total population is under 2000 it is very easy to have an error variance of 15% plus or minus - w/ 5 chances that makes the results random

0472 Many times, after spending lots of time trying to set and reset the hearing for good cause, the case settles and I'm happy, but I have donated sometimes several hours to the matter. There should be some compensation, even non-monetary, for that time and effort.

0473 This process is a necessary evil. Can we make it less evil?

0484 I don't care about the pay -- I usually donate my fee to the bar foundation -- but I do care about the time it takes to hear and decide the case. Making service as an arbitrator mandatory works so long as the number of cases is limited. I know of one long time lawyer who has never been assigned an arbitration matter and others who get one or two cases every year.

0488 Serving as an arbitrator should be voluntary and limited to attorneys with litigation experience in the subject matter. It does a disservice to both the parties and arbitrator when cases are assigned to non-litigation attorneys. If serving as an arbitrator remains mandatory, the court should ensure that all qualifying attorneys are on the court list. Many attorneys never get assigned a case, while others get assigned cases regularly. It should be easy to compare lists with the State Bar.

0490 I would strongly suggest that arbitrators be chosen to hear cases in their area of practice. If that condition were combined with a voluntary program, I would certainly volunteer to be an arbitrator. Hearing cases outside my area of practice is not fair to the parties.

0501 I am a public lawyer and able to handle the arbitrations during work hours using my employers equipment, so I have never charged for by services.

0503 The main reason it is hard for me to serve is due to my position. I have to advise staff and attend many hearings. Sometimes I have to fill in for my boss. If I have hearings, there is usually no one to cover for me so I have to have the hearing continued which delays the Court before whom I practice.

0508 Voluntary service as arbitrator should be considered as satisfying pro bono legal service to the community.

0520 Parties are entitled to experienced arbitrators, who should be compensated for their time as are judges for theirs. To continue with the current system provides a disincentive for parties to utilize courts. Eventually I believe litigants will choose private courts or outside arbitrators over the current court system, which is crumbling under its own weight. The system 25 years ago was better than the current system for the parties. The courts are not responsive to the needs of the parties.

0547 One should receive at least his overhead or something in the range of \$75 per hour attorney time and \$40 per hour staff time.

0554 Arbitrators have to take their responsibility seriously. Observing others, I'm not sure all do, and many see their role as "baby-splitters."

0556 This is a totally broken system. Insurance companies almost always seem to appeal if the number does not suit them right. Forcing attorneys to hear cases they have no expertise in is nuts. At \$75 per day you lose money. It is an insult.

0558 Mandatory arbitration needs to have more teeth. As it is, in most cases I have seen it used primarily for discovery. Examination of witnesses tends toward deposition.

0560 In my opinion, it does not seem like mandatory arbitration meets the court's objectives since the majority of arbitration decisions seem to be unsatisfactory to at least one of the parties resulting in the decision being appealed de novo.

0563 Arbitration mandated for smaller sized claims is good because we have a problem with the docket. Litigators are not often prepared and most expect a favorable outcome as plaintiffs, so little professional efforts seen. some pros would like a job as an arbitrator, why force others?

0568 Arbitrators should receive CLE credit for the Arbitration hearing and at least 2 hours for preparation and then there would be less complaints about it. \$75 for a hearing is less than any attorney's hourly rate. With CLE credit more people would do arbitration even if you made it voluntary.

0570 I have not answered any of the above questions because of my complete lack of recent (within the last 10 years) experience with the arbitration system. I feel it would be inappropriate for me to skew any results with opinions lacking any basis.

0572 The arbitration program as it currently exists is a complete joke. Real arbitrators are excellent. When you pay for a service, the quality is good. I have used private arbitrator's with excellent results. The system as currently set up is a joke.

0575 The previous question: if arbitrators were trained and if they were required to take on more than one case per year, they should receive a reasonable hourly rate capped at 10 hours per case, and receive a reasonable hourly rate.

0583 Mandatory arbitrator service is unfair and possibly violates the U.S. Constitution. Because my practice is 100% federal, I have no experience or qualifications to serve as an arbitrator. I don't know what counsel are saying when they talk about rules of evidence, rules of procedure, etc. It's been 35 years since I studied that stuff in law school and for the bar exam. Abolish the current mandatory arbitrator system. Let new bar members arbitrate cases, and pay them a reasonable hourly rate.

0589 I think that the arbitration process is of little or no benefit unless parties are bound by the decision. The "disincentive to appeal" is regularly abused, particularly by P.I. defendants who put on no defense so that a large plaintiffs award is rendered, which can be easlily be bettered on appeal (by actually putting on a defense). If parties are not bound, you should not waste my time hearing cases where the parties are "playing court."

0596 Insurance company defendants (particularly Allstate) are the worst offenders in arbitration. Sometimes, they even seem to openly mock the process, further eroding confidence in this alternative avenue of dispute resolution. Improvements should be made to impel parties to take the process more seriously than some of them do.

0603 Give arbitrators CLE credit up to 5 hours per year. The compensation system is a joke, but all lawyers would love some CLE credit and should receive some form of compensation such as CLE.

0604 Increase the amount in Pima county to \$75,000 for mandatory limits

0622 Major insurance companies in auto cases always appeal because the plaintiff must now spend money for expert witness and other trial costs. Since financial risk is greater for plaintiff you are pressured to settle for less. Also it places undue influence on the attorney because plaintiffs can seldom reimburse the attorney for his out of pocket costs. Although the client is obligated via fee agreement to pay costs, most cannot.

0626 Need training for the arbitrators.

0637 I would be happy to serve voluntarily as a judge pro tem, but I resent being forced to serve as an arbitrator. The \$75 fee is insulting.

0639 75 dollars a day is too low Perhaps 200 dollars would be fair each side paying half.

0649 I have no way of knowing and have no opinion as to many, so I either didn't answer or tried to be neutral.

0654 I feel it is absolutely crucial that arbitrators have significant expertise and experience in the subject matter of any proceeding assigned to them. I also strongly believe that service as an arbitrator should be voluntary, not mandatory.

0661 Parties often are very poorly prepared. Insurance company defense strategy often seems to rely on perfunctory medical expert opinion and exhibits little effort to reach a reasonable settlement.

0675 I marked the box that arbitration fees should be assessed as a taxable cost against the losing party. I think that would be the best result in most cases, but there should be some provision for payment from other sources where payment of fees would work a hardship for a losing party who had a reasonable position.

0687 Payment is not important to me, but it might encourage others to devote more time to the process.

0693 Re arbitrator compensation, avoid paying an hourly fee because that will generate disputes about whether the arbitrator actually worked that hard...and resolving those disputes will in turn require time and energy. Instead, the flat rate should be increased to something like \$200 per hearing day (and then review the rate regularly). Also, the "benefit" of designating arbitrators as a 'judge pro tem' will introduce a whole new can of worms and cheapen the designation of a true judge pro tempore.

0694 In the counties where I practice, the arbitration process, including the selection of arbitrators, is unorganized and seems to be done in haphazard fashion. The arbitration process has no teeth because of the right to appeal. In rural counties, a mandatory mediation program would be much more effective.

0696 I would recommend the establishment of a volunteer arbitration panel in each county. Those attorneys who volunteer would be designated as judges pro tem and would be required to handle no fewer than two arbitrations per year. No attorney with less than five years experience would be permitted to volunteer for the panel. In the absence of sufficient volunteers, attorneys would be appointed by the court as presently occurs.

0698 The biggest problem with the current procedure is that it is not binding. It wastes time and resources (especially the arbitrator's) when neither party expects the litigation to end at that level and litigates accordingly.

0706 I do it for free and resent only that its a waste of my time because the right to a jury trial is constitutional and carriers have no incentive to accept an arbitration award. The recent Allstate decision illustrates the point. I'd allow fee applications to the prevailing party and give the judge discretion to award fees as a sanction.

0711 I have personally be involved with two personal injury cases. It seems that the first attorney arbitrator was a tax attorney. They other was handled by a less experienced attorney in a large firm. I did not think either understood the issue, other than to want to divide it down the middle.

0713 It would be nice to give CLE credit instead of money for the lawyers time.

0715 We have no cost mediation covered under the Court. This appears to be very effective.

0730 I arbitrate for other forums in which there is a compensation structure that is not punitive. I believe an arbitrator should be paid at a least \$200 for a hearing up to 4 hours, and \$60/hour for every hour over that. If arbitration was voluntary at that level of compensation, and arbitrators were required to have subject matter expertise, the quality of arbitration would increase and incentive to appeal would be reduced.

0734 The program is useless if insurance companies automatically appeal every case. The above answers only apply if there is good faith. Under the present circumstances, the whole process should be scrapped. Perhaps liability insurers should be required to pay a per case tax to compensate the county for all the useless time they waste.

0739 My cases are subject to arbitration, but for various reasons, I have not actually gone through an arbitration in Arizona (although I have elsewhere). I have opinions on these questions, but the survey won't let me answer them.

0750 To be workable the system should at least assign cases within the expertise of the arbitrator. Many of us provide other services to the bar such as serving on substantive law committees within our area of practice, teach at seminars, or serve as officers. While I do believe everyone should do something to better the bar, serving as an arbitrator in an area of law one knows nothing about is not the best use of anyone's time.

0752 I believe that attorneys who never practice within the local court system should be subject to the mandatory arbitration process, as they do not have working knowledge of the procedures.

0753 Even if constitutional change is required, abolish de novo review on appeal to the superior court.

0754 The Arizona Supreme Court has ruled that the applicable Arizona Statute creating the arbitration system calls only for a voluntary system, not a mandatory one. I would like to see the Supreme Court, the State Bar, and all others involved follow that ruling and deem the program voluntary.

0758 I am in-house counsel. I do not litigate and much of my experience is so specialized that it has no relevance to the matters being arbitrated. when i was an arbitrator, i felt at times that I was doing the parties a disservice because of my lack of knowledge. I like the idea of voluntary arbitrators compensated with non monetary benefits. I also like the idea of mandatory mediation to get the parties to voluntarily settle the case.

0762 I have found that representing a public government results in either an adverse finding or an attempt by the arbitrator to "split the baby" no matter how bad the case against the government because the arbitrator will not face a government lawyer as an arbitrator in a future case. in good conscience I cannot recommend arbitration to my client unless it is mandatory. And then, experience has shown it not to be a positive experience. This is dramatically different when we are before superior court judges.

0768 The entire court system receives enormous benefit from attorneys serving as arbitrators. Therefore, those arbitrators should be paid reasonable amounts for providing these valuable services. The cost of the arbitrators should be born by all litigants, as the arbitration system does not benefit only the parties who participate in it.

0772 Making arbitrator service mandatory is not only involuntary servitude, but it is a bad idea in practice because unwilling arbitrators are not necessarily qualified or capable.

0777 I believe that there are a number of lawyers who would like to arbitrate more cases; and, although compensation is not crucial, if a voluntary system is established, unless there is some monetary compensation, the court would be unlikely to attract skilled arbitrators.

0780 Mandatory arb works, but the arb'rs should be paid. the hearings are informal and not controlled by the rules or the law. but they are better than nothing.

0789 Time expended by attorney to assist as arbitrator is immense and compensation is nothing. Extreme waste of private attorney's billable time.

0791 I have repeatedly seen arbitration used intentionally and cynically as a tool to deplete the resources of the opposing party prior to trial. Litigation is extremely expensive, and in the real world lawyers must consider the financial ability of their own client as well as the opposing party in making an overall strategy. I do not see any way to prevent this terrible abuse unless the court's can somehow identify this tactic and respond decisively, including sanctions against the attorneys themselves.

0793 Some of the cases I have been called on to arbitrate concerned areas of law I last studied in law school many, many years ago. I spent hours of my own time reviewing the basic law to become familiar with the topic. In EVERY CASE I was involved in the parties appealed. My hard work and the many hours I spent preparing were wasted. Others I have spoken to have had similar experiences. Why waste my time when the parties always appeal the decision and it goes back to the judge anyway?

0795 Too many attorneys in our county make excuses not to serve as arbitrator. If an attorney declines an appointment, he or she should be required to show some kind of good cause for doing so. I have heard too many attorneys say they do not accept appointments as arbitrator because "it is a pain" or something to that effect. Service as an arbitrator should be mandatory upon appointment unless there is truly a valid reason to say no.

0808 It's not a question of money. For me it's a matter of whether or not an arbitrator is qualified to take on that responsibility.

0821 My biggest difficulty with current arbitration is arbitrator pay. \$75 per day will simply not pay my overhead. With few assignments I can handle it, but more than one or two a year would be difficult for me monetarily.

0824 The parties do not have incentives to work up the case for the arbitration hearing. In recent case that I was the arbitrator, both sides brought up information at the hearing. As a trial judge I would exclude the documents at trial for lack of timely disclosure, but that is silly given the desire of both sides to get a read on the case. Finally, the arbitrators are out of touch with jury verdicts, particularly on the minor MVA cases.

0825 Designation as a pro tem is meaningless; meaningful value to me would be CLE credit in lieu of \$75 or less. Especially to the rural county attorneys who have to expend a proportionally larger amount of their own funds to find sufficient CLE and usually have to travel to Phx or Tucson.

0829 Defendants particularly, if there is an insurance company paying for the defense) simply use the arbitration hearing for discovery. Whatever can be done to make the arbitration more "binding" will improve the system. As it is, I generally feel that the hearing is a waste of my time if an insurance company is paying for the defense. Arbitrator participation should truly be voluntary. If not, then arbitrator's should be paid a reasonable hourly rate. The current "fee" is ridiculous and offensive to me.

0839 I resent being forced to work without compensation because the judiciary is unwilling to press the legislature for additional funds. The system is unfair to arbitrators, and it is unfair to litigants for reasons other lawyers are undoubtedly detailing to you in droves. Abolish the program.

0843 I have a demanding, responsible, full time job as a managing attorney for the state. I cannot collect any fees as a result. I am consistently appalled that I can be forced to do this work when I already work many hours per week to do my regular job.

0846 I view the mandatory service as morally wrong. I thought slavery was outlawed in the 1800s. I should be forced to make the cost of litigation cheaper at my opportunity cost.

0847 I believe both sides should submit an anticipated award to each other, not known by the arbitrator, and if the award is within 20% of the submitted amount, the award of the arbitrator should become binding, with no appeal rights.

0848 The program, despite its faults, is beneficial. I consider the time and compensation to be more or less equivalent to pro bono work. My biggest complaint with the process (I am in Maricopa County) is the irregular pattern of assignments. I was assigned two cases within weeks of one another, then nothing for more than a year.

0854 I am curious how often arbitration decisions are appealed and how a trial outcome compares to the awards.

0855 I had no opinion on several of the questions in this section--I did not answer those questions.

0858 I have limited my practice to workers' compensation cases and Social Security disability/SSI cases for 18 years, and I have been a certified specialist in workers' compensation law for 13 years. I used to be assigned arbitration cases all the time until I convinced the assigning judge in my county that my limitation of practice/specialization rendered me no more competent to preside over cases involving other areas of law than a well-educated layperson. I continue to feel that this is true.

0875 I am a criminal prosecutor of 35 years experience and handled a somewhat technically complex breach of contract construction case with competing experts, which required me to not only spend a lot of time researching the law, but becoming familiar with the subject matter of the case. I spent too much time on this so that I could feel comfortable in my decision, which was appealed anyway, so it turned out to be a waste of everybody's time. The scheduling of the hearing needed to be reset and reset.

0876 In addition to compensation, arbitration expenses, postage, etc. should be reimbursed.

0881 TO be effective, arbitration should be binding, but voluntary. Really, litigants do not appeal, they get to start over--so there is no standard of review. That creates a lot of waste of resources and time for everyone. I have served as an arbitrator about 6 times, and the insurance companies ALWAYS appeal (and, I suspect, settle for less than the award)--so, what is the point?

0882 I believe that the case should be subject to mandatory ADR but not necessarily arbitration but rather a settlement conference where evidence can be submitted.

0886 I haven't done civ. litig. since 1991. I typically feel completely inept when I perform arbitrations in terms of evidence and basis for evaluation of the case. All the parties really get is a neutral person to whom they can make their best presentation, and who's deciding based on common sense as much as anything else. Other professionals might be equally competent serve as arbitrator.

0893 What is abundantly clear is that on a grand scale we have in Maricopa County 1000's of arbitrators, without formal training, without guidance, without uniform standards, without

reference materials, each with his or her own idea as to what "rough justice" might be, running amok, ad hoc - at the vanguard, it would seem, of the limited jurisdiction court system that substantially shapes public trust and confidence in our judicial system. It's a cryin' shame.

0898 As to mandatory mediation, it's my experience that attorneys are relatively good about initiating settlement talks in cases that have a likelihood of settling. Thus, mandatory mediation is superfluous in the cases where settlement is likely, and a waste of time in all other instances.

0906 Mandated arbitration is a waste of resources. If the supreme court wants to make citizens of Arizona feel good about lawyers, mandate that I do 20 hours of real NON-LEGAL community service (e.g habitat for humanity, assist at food bank or homeless shelter. I AM TIRED OF WORKING FREE FOR OTHER LAWYERS WHEN I CAN NOT BIND THEM TO MY DECISIONS AND TO MAKE THE SUPREME COURT FEEL GOOD ABOUT THEMSELVES.

0908 It is unfair to burden attorney's with the administration that rightly belongs to the Court. The quality of the arbitrator is often very poor, or he/she is not really interested in the case.

0919 So long as arbitration is mandatory, neither party should be at financial risk for arbitrator's fees. Parties should have the opportunity to obtain mediation by joint consent before moving to arbitration, with mediators to be compensated at the same rate as arbitrators.

0920 It appears to work fairly well for everything except personal injury cases. Insurance companies use it to drag out the process and appeal everything they don't like.

0930 Mandatory, serious adr should be implemented. Particularly mediation with a well informed mediator. If parties are serious, most cases would go away at this stage.

0932 INVOLUNTARY ASSIGNMENT IS NOT RIGHT. THE COURT SYSTEM AND PROBLEM RESOLUTION IS A PUBLIC PROBLEM AND SHOULD BE PAID FOR JUST AS THE COURTS ARE PAID FOR.

0946 Giving arbitrators CLE credit for voluntary service in areas of their expertise is a tremendous idea.

0963 I feel that appointing attorneys as arbitrators is unconstitutional and violates the 14th Amendment. I resent very much being involuntarily appointed as an arbitrator and, as a sole practitioner, find it to be an extremely unreasonable burden on me and my law practice. It is, in my opinion, an unjust shifting of the court's responsibility and should be terminated immediately.

0972 If the program were voluntary, I would be very likely to continue if it were a personal decision. I think many employers would be unlikely to permit service unless compensation was increased. This is why I answered the question the way I did.

0977 Mandatory arbitration hurts small plaintiffs. All contract disputes between corporations and big businesses should also be subject to arbitration -- it is those cases that take up court time to the detriment of other litigants, and it is those repeat players who might change their conduct at losing the ability to go to court at will.

0985 I was previously an inhouse trial lawyer for a large insurance company. In my experience, the arbitrations were useless and the arbitrators not qualified most times to handle even a simple blue car/red car case. Lawyers are already burdened to the max so to ask someone to care about your case when they are getting ready for trial in their own cases is ludicrous. Also many times the attorneys had no experience in tort so would make erroneous rulings or assumptions about the cases. In addition, they often d

0988 Leave the arbitration as mandatory, but allow parties who choose to mediate to skip the arbitration.

0992 I would like to see statistics on the number of cases resolved by mandatory arbitration

without an appeal.

0997 I am a HUGE proponent of mediation and ADR in general. However, the ease at which an arbitration award may be appealed under the current system makes mandatory arbitration almost a waste of time and money. I have to do as much to prepare for the arbitration as for trial and then the losing side can always appeal for any or no reason at all. For this reason, if the system was voluntary, I do not know how often I would recommend it to my clients, but I always recommend settlement conferences.

0998 Lawyers at our firm do not accept the payment. CLE would be preferable and certainly an incentive to serve as a (volunteer) arbitrator.

1017 Appeal from mandatory arbitration should be conducted as an appeal following a written and reasoned judgment from the arbitrator, and not as a trial de novo.

1040 It does no good to force an atty to waste time when they have no expertise and do not care. also, the other attys should be more respectful of the arbitrator. i personally am not in favor of the system as it is unfair to me as the arb being forced to donate my time and resources and/or as the atty representing someone who won't get a fair shake-or their constitutional right to a jury without delay or penalty.

1042 I practice in a focused field, estate planning (no litigation), yet I have served several times as an arbitrator, usually tort motor vehicle. I am not up on the substantive law nor on procedural and evidentiary law and I should not have to serve when the case is not in my field. I perform many hours of pro bono and charitable service every year and I would continue to voluntarily serve as an arbitrator in my field if serving as an arbitrator were voluntary. I resent very much to be coerced to do so.

1043 It can be very inconvenient to serve as an arbitrator. The arbitrators should have the ability to say no. CLE credit is a great idea. Make it ethics credit and we'll all show up.

1048 I generally represent defendants. If we receive a defense verdict at the arbitration, how much better does the plaintiff need to do before a jury? What is 25% better than 0? I feel the trial judge should be given some parameters and then determine whether penalty costs should be awarded.

1052 Arbitration can be a real benefit in cases where both parties want to use it, and are willing to pay the costs. Mandatory arbitration results in low-paid, angry arbitrators who would rather spend their time tending to their own business.

1061 \$100/ hr is more than a reasonable rate.

1085 Involuntary servitude is against the US Constitution. Many judges could work much harder. A hearing before someone with no experience or expertise in an area of law (mostly Tort, motor vehicle) is not justice. Many Auto Insurance Companies abuse the system.

1087 Regarding the question about requiring ADR instead of mandatory arbitration, I would agree that this would be a good idea if the cost of the ADR was paid by the litigants and no attorneys were made to serve involuntarily. I strongly oppose the current mandatory service requirements for lawyers and consider the Court's rules in this regard to be unconstitutional; the rules certainly have no statutory support, and any claim of "inherent power" of the Court to make service mandatory is an abuse of power.

1089 I don't think the system works well at all - very time-consuming to do a good job. Because there's a winner and a loser, it's likely the result will be appealed by one of the parties. Expensive for the parties, if they do a good job, to prepare and conduct the arbitration, so the loser has an unfair disincentive to continue. Better to hire staff mediators to evaluate cases & have an hour session early in the case to set the stage for later settlement.

1090 The questions on this form tend to assume that the person answering is a litigator. I am one of those nonlitigators who gets roped into doing arbitrations. It may be helpful to design more questions aimed at nolitigators to gain a fuller perspective.

1091 Arbitrator training could be as simple as written materials

1112 I believe there should be some sort of questionnaire, to be filled out by both parties, that could then be used to determine whether a case is suitable for arbitration. For example, soft tissue personal injury cases are notoriously unsuited to arbitration, given the gross disparity between arbitration awards and jury verdicts for those cases in this county. Therefore, in these cases the parties should be able to opt out of arbitration in favor of other, more suitable ADR methods, saving time and money.

1115 If the non-monetary benefits noted above were not available, I think lawyers should be paid a decent hourly rate for all the time they put into a case.

1118 Pay is not the issue. These are time consuming. Getting CLE credits is a good idea. No one is going to miss the \$75 fee.

1126 I do not currently practice but remain an active member of the bar. Therefore, I get assigned arbitration cases. I do not believe I have the subject matter expertise for some of the cases that get assigned. Additionally, I have no support staff so I must do all the clerical and coordination work myself, which takes away time from my full time occupation. Serving as an arbitrator ought to be voluntary and arbitrators ought to be compensated at a reasonable hourly rate for the time they have to spend on the case, and it should be partially paid for by a surcharge on civil filings and a charge against the losing party.

1132 Compensation for quality at this level will pay dual dividends. The public's need for consistency and perception of quality will be met and will promote economy through lack of appeals. Disincentive to appeal and lack of consistency between arbitrators leaves the public with a very poor perception of our system unless you can finance further risk.

1139 I believe that arbitrator service for transactional attorneys should be voluntary at best.

1140 The major problem with non-binding mandatory arbitration is that it is used as a test run in almost all small cases. The rulings are routinely appealed by the insurers unless they come out way on top. It turns into simply another means for the carriers to delay a final result and to get a free look at the plaintiff's case. Arbitrations with damage claims below a prescribed figure should be binding and should be assigned to voluntary arbitrators with the necessary expertise.

1146 It has been my experience as an arbitrator that the hearings are continued often, and that the cases are not well prepared

1151 Those who desire to sit on the bench one day should be required to serve as Arbitrators for a period of time first; similar to the Judge Pro Tem program.

1155 System results in too many arbitrators uninterested in serving asked to arbitrate cases in areas in which they have no experience & no time to become familiar with law & facts. This is not doing a service to litigants. An initial evaluation service would be better. For those who elect arbitration VOLUNTARILY, the disincentive for appealing should be much stonger (double up award or pay all costs/fees). Threshold should be same as Federal minimum for diversity jurisdiction (\$75,000).

1156 I have the definite sense that, in many if not most cases, madatory arbitration is a waste of time and merely adds to the overall time courts have to devote to the case. This is particularly true in personal injury cases, where neither side reveals their full case and treats the process as free discovery. Inevitably, the arbitrator's decision is appealed by the losing side. If my perception is incorrect (it is based on the cases I have handled as an arbitrator), there should be

more information about that

1157 I have no idea whether the arbitration system is "working" or not. I suggest discounted rates to SBA/MCBA-sponsored CLE as compensation so no money changes hands. I suggest that the Superior Court consider a Superior Court ADR pilot in lieu of arbitration, using members for mediation just as with arbitration, with the same low threshold for the selected cases, for those cases where the ADR practitioners do not lose the business.

1161 Another way to reduce appeals would be to have some incentive for the parties to agree that the arbitration be binding.

1165 I think the present system works as long as both parties participate in good faith. Some insurance companies are known to go through the motions and appeal any decision. In those cases the process is a waste. That aside, for smaller cases it gives parties a chance to have their day in court with a hopefully neutral person who will give them a fair evaluation of the case. I waived on mandatory vs. voluntary participation but decided that it would not be fair to a litigant to have the case decided by someone

1187 Both parties would benefit if arbitrator practices in same area as case (ask attorneys representing both sides in cases that were arbitrated by attorneys with no knowledge/expertise in such matters). CLE is the best incentive for serving as arbitrator. I believe some attorneys might bill for more hours if paid on a nominal hourly basis.

1199 I have served as an arbitrator on numerous cases. The attys do not take them seriously, do not provide info in a timely fashion. The main purpose I serve is to obtain a settlement before the arbitration date. I have only held 1 hearing and the plaintiff presented absolutely no evidence. On others, there are constant complaints from the attys as to why they should be able to continue the arbitration even though they extended no effort to comply and waited until the last minute to submit a continuance motion.

1207 The current problems with the system are addressed in your Q/A section. We need higher penalty for appeal and subject matter familiarity. Must have both to avoid aberrant results and justify higher penalty. Service should be voluntary and cases assigned by practice area.

1220 No appeal from arbitration allowed unless some fundamental principals involved - ie bias, conflict of interest, etc

1221 I find this to be a waste of the attorneys time. Usually these are personal injury cases and the insurance company will always appeal if they do not like the result. The arbitrator attorney can spend hours for \$75 and the mandatory system does not result in the early resolution of these cases. The system should provide for volunteer arbitrators, since the mandatory system is particularly burdensome for solo or small firm practitioners. Other states do not require licensed attorneys to perform such services.

1222 I feel that the time of us attorneys who serve as arbitrators is largely wasted because of the large number of arbitration awards that are appealed for a trial de novo. This is especially true of the insurance defense bar in tort motor vehicle cases, which cases have made up the overwhelming majority of the arbitrations to which I've been assigned over the years. If the result is going to be appealed anyway, then what's the point of the arbitration?

1226 Mandatory and underpaid or nonpaid arbitration hides the true cost of the system. I suspect this is one of the root causes of the opposition to the system. Moreover, this aspect denigrates the value of the system as the participants likely value the result by what it costs them. While not politically expedient, I think a system that causes the participants to pay will cause each of the participants to value both the system and the arbitrators.

1231 The "effectiveness" section assumes that I have represented clients in arbitration

proceedings, which I have not, so my answers are essentially arbitrary (and no option was given to not answer that section)I have no idea how often arbitration decisions are appealed; therefore, I could not answer that question ("don't know" was not an option)

1236 I would be in favor of paying an hourly rate (\$75/hr) to mandatory or voluntary arbitrators, as long as the cost is borne by the one or both of the parties to the arbitration. The problem with the current system is that the hearing date is too soon and the arbitrators limit it to 4 hours, and are unmotivated to spend time. A \$50,000 case is not necessarily faster to prepare or less complicated than a \$500,000 case. Due to the shortcomings, lawyers do the minimum possible to "get through" arbitration.

1238 I think the arbitration program is excellent - except for one thing. We are trying to mitigate clogged court systems on the backs of lawyers - \$75 per day is ludicrous. Divise a fair compensation schedule for the lawyers who are saving the State lots of money.

1245 There should be binding arbitration since it is a waste of time and money to have mandatory arbitration and then have a party appeal to a trial in superior court.

1247 The Natl Assn of Securities Dealers has a good arbitration model that should be reviewed for comparison.

1249 Counties should continue, as most do, to offer the parties the option of arbitration, mediation, early intervention, etc. for cases under the jurisdictional limit. However, as each case has its own appropriate and expedient time for efficient settlement (or early disposition) there should be no hard and fast time limit for requiring the case to go to mandatory ADR proceedings. Sometimes, forcing a case, via time limits, to ADR has the effect of polarizing the parties.

1250 Mandatory arbitration just adds an extra step in litigation. Too often the party just "wings it" at arbitration and appeals for the second bite at the apple. After the appeal then they get serious and start adding witnesses and discovery. Arbitrators often have no knowledge of area of law in question. Arbitrators have to rule against peers they otherwise have to deal with daily. Creates an inherent bias.

1254 Stop mandatory arbitration. It is offensive.

1255 Arb'rs who are inexperienced in litigation should have training available

1259 I think slightly more than a nominal hourly rate (e.g., \$30-35) would be fair.

1260 Arbitrator service should remain mandatory only so long as arbitrators are paid an hourly rate for all time spent on the case. If arbitrators are paid, perhaps the county's jurisdictional limit for arbitration should be increased. Also, if arbitrators are paid, the court should make mandatory an alternative ADR process IN ADDITION to arbitration.

1261 Consider making serving as an arbitrary voluntary after so many years of service. In my case, I am burned out on it after being in practice 20 years. I might continue if I got CLE credit at least.

1262 I strongly dislike the current system of forcing attorneys to serve as arbitrators just because the Court is overburdened. I like the idea of using arbitrators who have some familiarity with the subject area of the case. I would certainly be willing to serve as an arbitrator for little or no pay in the subject areas in which I practice (franchising, intellectual property, contract law, business structures).

1263 The current compensation scale is a joke. Make the parties split a reasonable hourly rate of approximately \$200 per hour

1265 The arbitration program often makes smaller cases impossible to litigate without spending more than the case is worth. Clients see it as a waste of time and money. Early neutral evaluation would be a much better use of resources, and more attorneys would be willing to serve as neutral

evaluators than as arbitrators.

1285 My experience is that the closer the arbitrator is to the merits of the case the better and If the arbitrators compensation is to be paid among the parties, and the parties know that, I think all participants would be more atune to the reall issues in cases under \$50K.

1299 I have been involved in one case where arbitration was required, in another county. The arbitrator handled the case with only a conference call. Time and resources were conserved. I have no knowledge of the arbitration practice in the county in which work. How arbitrators fees are paid would differ depending on whether arbitration is mandatory.

1303 I have had no experience with arbitration in Yavapai County so cannot really answer the questions as premised. Based upon my experiences (though limited and a number of years ago in Maricopa County), I will answer those questions I have an opinion on.

1325 I think attorneys experienced in litigation should not receive any training. It does not make sense for transactional attorneys, trusts and estates attys, tax attys etc.. to serve as arbitrators at all. If they serve, they should be trained. I like the system. I find few appeals. The clients "get their day in court". I have excellent arbitrators. I have handled perhaps 20 cases (just none in the last 2 years).

1326 The arbitration process is effective when both parties are seeking resolution. Some of the carriers have no desire to resolve the case by arbitration and the process is a waste of time, because the carrier is going to appeal any reasonable decision rendered. The parties should be able to opt out of the arbitration process.

1331 I do volunteer and pro bono work of my own choosing. Attorneys should NOT be required to provide mandatory free arbitration services any more than licensed doctors, nurses, contractors, teachers, plumbers, truck drivers, etc. are required to give free services. It's esp. unreasonable where attorneys lack expertise for the case assigned. In my experience as arbitrator and attorney, the arbit. process has generally been a waste of time and money, making it more unfair for the individual or poorer party.

1334 There is no adequate payment. And, as an expert in criminal law, if the matter were only handled in my area, I would never have a case. If the matter were for CLE credit, it also does me no good as I need hours specific to my specialization.

1335 The 25% threshold sanction for not doing better at trial--which trial is a constitutional right, should be abolished. No mandatory arbitration scheme should be hypocritically used to discourage the exercise of the constitutional right to a jury trial. That sanction is misguided

1340 Your current system is simply a form of involuntary servitude. I am an active member of the State Bar (elected member of the executive council of a State Bar section) and I strongly support the organized Bar's efforts to make the justice system more accessible, fair and efficient. But this system is simply unfair to those of us saddled with the burden of serving as arbitrators.

1342 Make sure (for everyone's sake) that the case has some relationship to the arbitrator's area of expertise. It's not fair/realistic that the arbitrator is going to spend a great deal of time "learning the law" for an arbitration, yet the parties and the lawyers deserve an arbitrator who understands the law and can focus on the key issues without a great deal of hand-holding or "winging it".

1344 I think enough arbitrations are appealed, or should be, as to make the entire program a waste of time, effort and money for all participants.

1349 In the past six years, I have been assigned four arbitrations. Two went to hearing, two did not. In all cases, I was left with the distinct impression that the attorneys involved did not take the process seriously at all. In the cases that went to hearing, I believe the defense attorneys were

using the process as a form of discovery. In those that did not go to hearing, they used the process to delay until they could reach a settlement. A total waste of my time in either event.

1357 Perhaps letting arbitrator elect between an CLE credit and designation as pro-tem or being paid hourly at greater than nominal but still reasonable (75? per hour)

1369 My chief complaint with the current system is the random nature of the arbitrator selection. I had an arbitrator on a contract litigation case who was a transactional lawyer. While he tried to be fair and had good intentions, I had to explain the Arizona Rules to him as we went. This can certainly give one side an advantage.

1371 Because I work in the public sector and do not represent clients, I could not answer some of the questions as I do not have sufficient knowledge about the system to reach a reasonable conclusion.

1379 Civil cases going to trial in a timely fashion remains a big problem. Arbitration should, but unfortunately does not, speed up this trial setting problem.

1390 I think mandatory arbitration should be abolished. Even if mandatory arbitration continues, I think forcing members of the bar to serve as arbitrators should be abolished.

1399 Should raise justice court jurisdictional limits.

1402 There needs to be a greater disincentive to appeal. I suggest increasing the disincentive from 25% to 50% (even if you have to lower the amt in controversy to make in more palatable) But if you are going to do that you need to have arbitrators who are trained and accountable in some way to a body or committee who evaluates and compares their decisions.

1403 I believe that there are a lot of lawyers who would love to do this if the system could afford to pay them. I would prefer not to participate.

1413 How do you find people who "want" to help serving as arbitrators? In arbitrations I have served as counsel or, even once, as a PARTY, I found the arbitrators to have no interest whatsoever in helping resolve a dispute or doing a good job. They always want it over as soon as possible. They have the same looks on their faces as little kids waiting to get a shot from the doctor (i.e., hurry up and get this over so I can get back to my important stuff).

1418 I indicated that I would be unlikely to volunteer to be an arbvitator, but that is assuming that the only change is from mandatory to voluntary. If you permitted me to identify areas of legal expertise and to serve only in those areas, I would be very likely to volunteer.

1419 Cle credit would be a big incentive to participate as an arbitrator. Limiting the number of cases assigned to an arbitrator to one per year would also make the task less onerous, particularly for sole practitioners.

1427 If I got a reasonable hourly rate, and arbitrators' services were voluntary, I would be more inclined to do arbitrations. If that was how it was structured, then I would say that the arbitrator's compensation should be split between the parties, with the arbitrator having the option to assess fees against one party. Also, under this structure, I would leave the process mandatory for the litigants. I think you would see better preparation by the arbitrators and the litigants, and hopefully less appeals.

1433 Participation should always be voluntary. With a reasonable hourly fee, the County could readily establish a register of attorneys available to hear arbitration cases. Attorneys should not be treated as slave labor for the County and public because they don't want to pay the real cost of litigation, and have to work for an employer they have not chosen about matters about which they have no choice. When the program was voluntary, I participated. I disapprove of the current system.

1449 RE pay, option to get CLE or pay would be nice. Flat fee best to keep a lid on cost.

Generally: As an in-house, non-litigation attorney, my first arbitration was a burden as I had no training or knowledge re the process. I wouldn't have done it if I didn't have to and was concerned about competence to do it. However, I made it through and actually enjoyed the process and learning and participating. Thus, I would do it again voluntarily now, but never would have volunteered before.

1454 For employment law cases, the mandatory arbitration process is in some respects repetitive of the Civil Rights Division process, in which a neutral party already reviews the materials and issues an opinion. Thus, the most valuable purpose of mandatory arbitration (in my opinion) is not applicable to those cases.

1455 The disincentive should be raised to 35%. The arbitrator fees at \$75 per hour should be assessed against the losing party. The judge pro tems and volunteers should handle the arbitrations in their area of practice.

1456 If the program is made voluntary and adequate compensation is provided, presumably there would be no shortage of volunteers.

1458 I think that arbitration should remain mandatory but a mandatory ADR procedure would like settle many cases without an arbitration hearing

1459 Answers to some questions depend upon whether the system is mandatory or voluntary.

1461 I am very uncertain about the benefits of this program. Although I have limited exposure to the insurance defense bar, I hear from other attorneys that the insurance industry routinely appeals all arbitration awards and I wonder what benefit I am adding. (Most of the cases I am assigned are motor vehicle torts - fender/bender/ whiplash type cases - which are not in my practice area which is business and real estate)

1463 I have been appointed to serve as an arbitrator five times, but have only held one hearing -- and that decision was appealed. I have been noticed twice and the other two cases settled.

1464 Almost as much time is typically required in getting an arbitration set up than actually having a hearing -- and cases are often settled before the hearing. For an attorney like myself who has no support staff, it makes more sense to be paid for all time. I do not mind contributing the fees paid, but dislike having to work for no compensation whatsoever.

1473 More latitude should be given to arbitrators to deal with continuances.

1476 It is the mandatory part which bothers me. If it is to remain mandatory, it should be mandatory only for those who have occasion to have cases arbitrated. I do virtually no litigation, and what little I still do is in cases which are above the limits. I would prefer to see it voluntary, but it is to remain mandatory, the users should be the judges. In this vein, it is like CLE - at 68 years of age I do only the type of law I want to (considerably less) and mandatory CLE and arbitration is unreasonable

1477 I appreciate the chance to participate in your survey, but I have only done criminal defense, and know little or nothing about arbitration.

1482 Some arbitrations take a lot of time. Because of the meager compensation, this visits a greater hardship on solo practitioners.

1488 I am also a pro tem so see more arbitrations than most as well as appeals from arbitration. My practice is mostly commercial where I do not think arbitration works as well. I would be more likely to use it if it were binding and the arbitrators were volunteers with experience in the area and litigation (non litigators who have not seen the rules of evidence or procedure since the bar exam are a real problem in the current system)

1490 I have little to contribute because I am not a litigator and have no basis for an opinion. Indeed, this is my greatest difficulty with the entire program. I am always uncomfortable being

required to undertake an important legal proceeding without training or expertise. I am a sophisticated tax and ERISA practitioner, but the rules of evidence and civil procedure are a distant law school memory. I feel that asking me to serve as an arbitrator is a potential disservice to the parties involved.

1502 I have never elected to receive compensation for handling arbitration cases. I believe it is a service to the bar and our community and the courts to do so. However, I prefer the settlement conference approach and believe that the insurance companies abuse the mandatory arbitration process.

1506 The problem with arbitration is that most arbitrators are afraid to rule entirely in one party's favor, so you are stuck with a "split the baby" approach. Also, with the disincentive to appeal, more time and expense must be incurred in preparing for arbitration, which cuts against it being a low cost way of resolving disputes. I really like the idea of mandatory mediation as opposed to arbitration.

1513 1. The ease and small expense of appealing an arbitration award to the Superior Court, often makes arbitration little more than a continuation of the discovery process. The arbitration hearing becomes a dress rehearsal for the next step, the "new trial" that occurs when the arbitration award is appealed. 2. The \$30,000 limit in Pima County is too low. Many clients resent the limitation on damages at that level. A limit of at least \$50,000 would be more workable.

1515 People with expertise should do this for a reasonable fee.

1526 Mandatory arbitration is unfair to all participants and I doubt it fulfills its objective of decreasing judges' caseloads. Parties know they have the right to appeal and don't consider the arbitration more than a temporary bump in the road to their ultimate goal. The worst or pro per cases because those of us who have no support staff or background in the area of law being litigated must not only educate ourselves, but also the pro per litigants about procedure, badger them to obtain relevant evidence, etc

1533 If I were a party or its counsel I would not want to participate in a system which conscripts arbitrators with no knowledge of the subject area of their case to rule on its merits. As a person whose time, money and resources are involuntarily donated (at the risk of sanctions) to do the job of the superior court judges - effectively paying a personal tax to subsidize the county court system - I view it as a cynical form of involuntary servitude.

1536 Forcing lawyers to act as arbitrators without compensation is criminal. 75\$ per day does not even cover the hard costs. Furthermore, forcing litigants to rely on the judgment of attorneys who have never litigated and do not understand the civil rules and subject law is wasteful of the client's resources. The system must be changed to include reasonable hourly compensation of lawyer arbitrators and assignment of cases by field.

1539 Mandatory arbitration is o.k. for personal injury cases where the injured party needs a neutral evaluation of their case. But in contract, where attorney fees predominate and a contract is often the controlling document as a matter of law, mandatory arbitration only increases fees for what amounts to two trials and an almost universal appeal of the award to the court because one side or the other believes the law was incorrectly decided by the arbitrator.

1542 In my experience the vast majority of cases involve an injured plaintiff, treatment charges by a chiropractor and an insurance company. I believe that of the more than 20 cases assigned to me, only one was based on a contract dispute. Mandatory arbitration serves only the PI attorneys.

1554 If arbitrators were experienced and familiar with the field of law the case is about and there was a bigger disincentive to appealing (i.e., the 25% hurdle needs to be raised), then

arbitration may start to have a real impact on settlements before court trials.

1562 One additional disincentive that should be considered is to prohibit parties from adding expert witnesses and other evidence between the arbitration and the trial de novo; for example, if the expert's affidavit was not presented to the arbitrator, the expert should not be permitted to testify at trial.

1567 I don't have enough experience with litigation or arbitrations to answer most of the questions.

1573 Many attorneys assigned to arbitrate cases view them as a waste of otherwise billable time and resent the mandatory requirement that they serve. I believe the program is a good one but needs some revisions. For example, providing CLE credit or a reasonable hourly rate for all time eases the financial burden the arbitrations can create for small or solo practitioners.

1580 As a transactional attorney, I am EXTREMELY uncomfortable conducting an arbitration. I am unfamiliar with the rules of evidence and litigation procedure generally. Furthermore, I rarely know the subject matter. I think it does the litigants a disservice to have a lawyer like me just "splitting the baby" because we don't understand the subject. Also, remembering my private practice days, I got cut NO SLACK on meeting required billable hours when forced to be an arbitrator. (I just ran out of space. Sorry)

1582 I think serving as an arbitrator in a case that goes to hearing should count as jury service (yes, we non-litigators are increasingly getting jury service as well!)

1583 If you conscript lawyers, you should pay them their going rate, which would have the effect of eliminating the conscription.

1585 "Other" payment of Arbitrator could be assessed as in mediation, as an hourly rate, such as \$20/hr., 10 hours paid in advance.

1586 Currently my biggest concern about the process is that even when you win you still face a trial de novo. Therefore the cost to the client is greatly enhanced by paying for two trials. I just went through that. Then the Superior Ct judges rarely will award full attorney fees. Therefore the "winning" client loses. The filing of an appeal in my experience is almost automatic by the losing party to try and coerce a settlement.

1589 Great disparity in jurisdictional limits among counties--Navajo County doesn't even have a rule. If system remains mandatory, should receive assignments only in area of specified expertise--like Gila County, for example. County Rules should be uniform--or set by Supreme Court

1592 I would never recommend arbitration in a tort case with an insurer on the other side. I might recommend it if the parties were equally matched. The unequal balance of power in most of the cases I have seen is what makes the whole thing ineffective. It's part of the game to the insurers. Nothing more. That's not "justice" or a day in court.

1594 Currently, in Pima County, when the Court sends the Notice of the selected arbitrator, it contains ONLY the NAMES of the parties or their attorneys. I suggest that the Notice should also contain the respective party's, or the party's attorney's, ADDRESS and PHONE NUMBER.

1595 I have been appointed as an arbitrator twice; both times, I did not receive notice from the court even though I had provided the court with my correct address. Rather, I discovered my appointment when one of the parties called to ask why a hearing date had not been set. To the question whether I have been appointed as an arbitrator within the past two years, my answer more accurately should be: "to the best of my knowledge and belief, no." Should have a system to confirm receipt of notice of appointment as arbitrator

1596 I do not have a civil practice, and therefore have little knowledge about the general effects

of the availability and use of arbitration. I do not believe that expertise should be a requirement for arbitrators any more than for jurors. I believe that service as an arbitrator should be mandatory because experience in other roles in the judicial system generally improves lawyers' ability to behave well toward each other because of their having "walked in the shoes" of other participants.

1604 Mandatory arbitrator service should be abolished. Getting paid costs more than it is worth.

1608 No experience with arbitration cases within 2 years, but formerly worked for a personal injury law firm with lots of cases resolved in court-connected arbitration. It was more effective in reaching solutions acceptable to both parties. Litigation (as we all know) is extremely adversarial. Arbitration seems somewhat less so to the participants. I teach business law for an MBA program and highly recommend ADR for its confidentiality, time and cost savings, and the greater possibility of amicable settlement.

1611 Again - my experience has shown the present system to be a waste of time and the reimbursement is useless (\$75 per day for the entire process) - recently I served as arbitrator and got handed cross motions for summary judgement - for no pay!!! Early mediation or settlement conferences would be much more productive and would be much more likely to result in final dispositions.

1613 We should let arbitrators volunteer and they can choose from a combination of compensation options (e.g., paid a flat amount per day, CLE ethics credit, designation as judge pro tem if they handle a certain number of cases within one year, volunteer service and recognition for such volunteer service) These mandatory arbitration matters would be better handled in an effective manner to have the same people handling them in bulk so they learn the law & have a basis to award judgments in a consistent manner.

1615 To be an arbitrator is a privilege to help the bar, the courts, and the litigants. Those who refuse to serve should not be made to serve, as they give the rest of the bar a bad name.

1617 When the penalty was upped from 10% to 25%, it worked for a short time as a disincentive for ins. carriers to appeal. Farmers simply uses Arbitration as a dryrun. State Farm to a lesser extent. MY RECOMMENDATION: ALTER THE PENALTY. Currently, it includes atty fees incurred from date of appeal, but I hear accounts of judges reducing the atty hours or hourly rate. True or not, the penalty does not prevent baseless appeals. MAKE THE PENALTY 2X THE HRS. SPENT BY ATTY, and PRESUME \$150/ ACTUAL TRIAL HR.

1618 While I believe arbitrators should be paid value for the total time involved, the budget reality does not make that possible without significant surcharges in some form, which become a disincentive to use the courts. Being a lawyer is a privilege, occasional service to the court is a small return to the system and community.

1626 If the parties do not have a financial stake in the arbitration, they do not take it as seriously as they should. If the parties had to pay a reasonable amount, divided evenly, they would have more incentive to make the arbitration successful.

1636 I believe arbitrator training would be helpful but not required. If it is required, credit for such training should be given for training taken through organizations such as AAA and NASD Dispute Resolution.

1646 Where one party always appeals, such as a particular insurance company, the arbitration system is abused. Where the parties deal in good faith, and after the incentives/penalties for appealing without doing better than at arbitration were raised, arbitration can be a very good alternative. The problem is where it is abused to gain systematic advantage.

1649 I refuse to waste the time to create a bill for \$75 -- so increase the amount, make both parties pay, and pay in advance up front, \$200 a half day, \$400 a day.

1653 My arbitration experience is limited: 1, unremarkable and fair; the other awful: the arbitrator practiced "on the other side of the fence" from my governmental client. In his findings, he unfairly and unprofessionally wrote a scathing, unwarranted paragraph that personally attacked an agency witnesses. The judge struck the language at my request. The witness quit his job not long after (and later killed himself). I don't know if the events are related, but it made me question the process. Nasty memory.

1659 I think arbitration is beneficial in low dollar cases, but the system could be improved. For example, I have had problems getting arbitrators to make decisions promptly after the hearing (within the time proscribed by the rule). I believe that is because the arbitrator puts that task low on his or her "to do" list because they don't value the compensation they receive. If serving as an arbitrator were voluntary or if more compensation was given, such problems might be alleviated.

1672 I am a rural Arizona sole practitioner who made less than \$30,000 last year. Being assigned as an arbitrator for a case is a financial disaster. It takes a great deal of staff time and a portion of my time which otherwise would be used to bring in money for my family. I look at an arbitration assignment as taking food right out of my family's mouths.

1691 Again I think it is involuntary servitude I don't like PI attorneys- I don't like civil law and I don't like being ordered to do what I should not have to do as a professionl Some attorney's like to do this-- let them--

1693 Rules must be put in place to prevent insurance companies from abusing the process. They use in-house "law firms," therefore no hourly cost to fight. They insist on many depositions before hearing (increase costs). Constantly seek delays. And they appeal ALL but the most favorable awards.

1700 I did exclusively personal injury in Arizona in 1997 and 1998. Not all, but a good many, of the ins. carriers used the arbitration forum as a discovery device, sometimes hiring a stenographer, thus failing to arbitrate in good faith. They automatically appealed any decent award.

1701 Training must be an available resource for any attorney acting as an arbitrator.

1706 If the parties are serious, I don't mind, even enjoy, serving as an arbitrator. The pay is a nonissue. However, if the parties (or one of them) are just going through the motions, because that is what they have to do, it's a waste of everyone's time, and just delays the process.

1712 The arbitrations I am assigned to usually settle. I think practitioners strike arbitrators who are in the field of expertise. I would arbitrate but no one in my field will agree to it as spending the Plaintiff's time and money is a litigation strategy. I think the automatic appeals make people feel useless. Those parties who do not appeal probably would have settled at a mediation. I think that at \$75 a day it would be just as useful to make it nonpaying.

1733 I hate the program. It's not my job to assume the state's obligation to provide a dispute resolution mechanism through the courts or arbitration. Aside from the waste of my time, the parties neither appreciate the time nor are bound by the ruling.

1737 The mandatory nature needs to be abolished - absolutely no question about that! it is not performing the intended function

1738 I do not think there should be much of a disincentive to appeal arbitration, as I feel the hearings often are unfair.

1739 The only way I would participate as a voluntary arbitrator or mediator would be if I was only hearing or working on cases in my practice area.

1740 I have asked to be removed from the panel. I have no experience in the kinds of cases I am asked to arbitrate. It appears that the parties have no incentive to prepare and present a decent

case in arbitration. They simply go through the motions and then appeal the case.

1749 I think there are major problems with the system as it is right now, both from the perspective of the parties and the arbitrators. Although intended to reduce litigation costs, my experience has been that in 90 % of cases an appeal is filed by one side or the other thereby increasing costs. The arbitrators have no incentive to do anything other than make a ruling so they can get back to paying work and lately, the only arbitrators I have been getting are those that don't have a clue about the law involved

1751 There should be a branch within the court system for full time paid employees who know what they are doing to resolve small disputes. Using unwilling slaves who are inexperienced in the particular issue is a stop gap - but not a long term solution to our problem of a backlogged legal system. We eventually need a systemic change to handle these cases.

1754 The appeal process makes it so that the defendants/insurance companies have two bites at the apple, because they can afford the risks associated with appeal. A plaintiff, who has generally worked out a contingent fee agreement, usually cannot risk paying the exorbitant legal fees charged by insurance defense lawyers to their insurance company clients if they do not succeed on appeal.

1763 You simply cannot expect any arbitrator to devote the time necessary to make a good decision for the compensation currently paid. In arbitrations in which I have participated as a litigant (more than two years ago) my impression is that the arbitrator simply wanted to get it over with, and I must admit that it is hard for me to take the time necessary to make a good decision -- when you are dealing with cases up to \$50,000, that's simply not fair to the litigants. Get Real!!!

1768 Why should we be the only members of society taxed so that the arbitration system that benefits all can continue?

1775 The current Arbitration System is a tax on licensed attorneys. I believe the costs of the arbitration system should be assessed against the party that does not prevail as a disincentive to litigation and the Arbitrators should be paid a reasonable amount for the time expended.

1779 The arbitration service should be voluntary, at least for non-litigating attorneys. So of us are corporate counsel who never do trial work. We do not have expertise in procedure and motion practice. If it remains mandatory, assignments on the areas of expertise. If have found that most parties'attorneys are noncooperative. For weeks they ignore the standard letter for selecting arbitration dates. Then it becomes the problem for the arbitrator to contact the attorneys to get cooperation.

1784 Litigants should be given the option of mediation or binding arbitration. The mediator and arbitrator should be paid for his/her services just like judges and court personnel are paid for their services.

1791 The entire system as presently designed and implemented is an unfair (and probably unconstitutional) burden on the citizen's right to a civil jury trial. Even apart from the "disincentives" to appeal, you must first spend money on a process not designed for fairness (untrained, conscripted decision makers who take no oath of office) but only to benefit the big dollar litigants by limiting the number of small cases in court.

1796 I have been appointed but never served due to challenges in some cases and job exemption in another. Nonetheless, the process took time anyway, and had it gone forward, it would have required me to learn about an unfamiliar area, devote hours to doing the job well, and neglect my own responsibilities or work more hours. The parties weren't in need of pro bono help. Would rather mediate, get trained, add to skill set, do pro tem work.

1802 Again, this is really a dely tactic for insurance companies to make it more difficult on

plaintiffs' attorneys. Appoint some of us judge pro tems to take the load off and pay us. You might also succeed in getting more judges who have actual commercial experience.

1804 Attorneys with no expertise in an area should not be assigned to cases in that area. For example prosecutors and criminal defense attorneys who have never practiced tort law should not handle motor vehicle matters. This is a disservice to the attorney who must spend time learning that area of the law prior to the arbitration as well as to the litigants who find themselves before an arbitrator who has no experience in that area of the law.

1808 The present use of court compelled arbitrators is arrogant and unjustified. It forces all lawyers to subsidize the practices and the clients of counties' litigators. People who are so unreasonable that they can't compromise and settle their own disputes should be made to bear the whole cost of third-party resolution rather than being given the gift of free arbitration at the expense of the lawyers of a given jurisdiction.

1811 I hate to say it, but I think the process is a joke. That is not to say that I (and the attorneys representing the parties) do not take it seriously and act professionally, but I believe the arbitration process is of little or no value in most instances. Statistics may show that mandatory arbitration is meeting more of its goals than I perceive, but I have pretty low regard for the process and the results. Based on my discussions with other attorneys, I do not believe I am the exception.

1819 I find that defendant insurers abuse the arbitration process in an effort to force plaintiffs to settle their claims for lower dollar amounts than the case is worth. Essentially, they try to shut down plaintiffs by multiplying the expense and delaying the resolution by using arbitration as an additional hurdle that a plaintiff must clear to proceed. I don't think changing the jurisdictional limits will have any impact on the matter; further, I'm not sure that the disincentive is effective in any way.

1820 Not only should attorneys file a certificate of arbitration when filing their lawsuit, but the certificate should specify the level and type of expertise of the arbitrator who could best handle the case. Too often, parties "get what they pay for" with a court-appointed arbitrator, i.e., someone who has devoted no time to the case before hearing, and who sets unrealistic timeframes for the hearing. At least if the arbitrator knew the subject matter the off the cuff decision might be OK.

1824 The court wasted much of my time on this case by ruling on many pre-trial motions that I had already ruled upon and that were supposed to be within the authority of the arbitrator and not the judge.

1830 For the most part, the arbitration system is working well in its current form.

1835 Arbitrators should receive training IF they don't otherwise have experience with the subject matter of the case

1843 A strong second to non-monetary benefits would be a reasonable hourly rate.

1845 An arbitrator should voluntarily hear cases from an area in which he/she is familiar

1847 I don't think it's very helpful to the arbitration to have an arbitrator who has no experience in the subject matter of the case.

1849 See prior comments. In terms of fees for arbitrators, they should be posted like a bond before work is done otherwise it would never happen.

1872 The entire arbitration system should be abolished. It only exists because incompetent/lazy judges have been appointed to the bench. A better system was the original "fast-track" system where the 4 original judges were highly motivated and calendar calls ensured early disposition of the case. The Court has studied this issue before. Each study recommends that judges be

appointed and assigned based on demonstrated competence. Of course, the judges don't wish to hear this.

1898 Quit trying to free service from the solo practitioners! I don't believe big firms and in-house and gov't lawyers carry their weight on this.

1902 While \$75 is low, most people donate it back.

1905 I am very concerned that arbitrators are assigned to matters in which they have absolutely no experience. I practice almost exclusively in employment law and have been assigned to arbitrate two tort motor vehicle cases. This is a grave disservice to the parties involved and needs to be changed.

1908 A flat fee is fine, it should just be more. Also, it is FAR too complicated for an arbitrator to have his or her fee paid directly to a charitable organization. That process should definitely be streamlined so that the charitable organization does not have to take any action itself (such as filling out forms). It should just be able to collect and use the check.

1910 Re: Methods of compensation: If it is to be voluntary, I would serve for no pay, to fulfill "pro bono" obligation. The payment amount is so low as to be an insult. On the other hand, if service is to be mandatory, I believe that a reasonable hourly rate of the lawyer being required to serve is required. Otherwise, it seems to me, the court is taxing individual members of the profession to pay obligations that should be the obligation of all taxpayers as a group.

1912 In all of the cases I have handled as arbitrator, there has been only once when I thought my participation was effective in assisting the parties to reach an expeditious, fair, and cost-effective settlement. I resent being forced to participate in what I feel is a poorly supported program that provides absolutely no benefit to the attorneys impressed into service.

1922 If you put an hourly rate, people will just abuse the system and write down unreasonable hours. I see it as part of the quid pro quo for being able to practice law, we should use our expertise (especially in our primary areas of practice) to alleviate some of the burden on the courts. If both sides agree the case is worth less than the jurisdictional limit the right to appeal should be waived. That would prevent the present practice of many arbitrators to award less than the case is actually worth to avoid

1934 Because my current employment allows it, I became an inactive member of the bar primarily to avoid being an arbitrator.

1938 Although I answered the questions regarding the effectiveness of the arbitration program above, I know nothing about how many cases get appealed, the effect on court calendars, etc.

1948 I believe the system in place in Tucson is excellent. No doubt that the arbitrator should have substantial experience in the area of law encompassing the arbitration. I think the current system of \$75 per day is fair; but I think that \$25 per hour would be better.

1956 I approach the service as to the bar to act as an arbitrator and treat it as a pro bono obligation. I have found that in the smaller commercial cases that the procedure does provide a format for the parties to have a neutral educated third party rule on the merits of the matter. The ones I have been involved with have been resolved at the arbitration level either by the award going final or the parties reaching a settlement after the award.

1967 If there was a voluntary arbitration panel, CLE credit may be an incentive. It would be better to provide options - pay or CLE. If the decision is made to continue to have arbitration, it should be only on a voluntary basis. The cost should be taken from the court's budget. In that manner, the court will have a significant incentive to ensure that the program is cost effective and yields significantly improved case processing times, as well as legally sound results.

1969 The \$75 per hearing day is insulting. I won't waste the time it takes to apply for it. I

would rather view my service as a donation of my time -- that is what it really is.

1970 I have not served as a court appointed arbitrator in more than twelve years and therefore I have no opinions to offer.

1987 I favor mandatory mediation. I believe this would much more effectively achieve the goals stated above.

1993 In the cases that I have been asked to serve as arbitrator on, I have spent a great deal of time and consideration of the facts and law and ruling. They have all been appealed regardless, so basically my time was wasted and the parties got a "free" look at the other parties' case. In my experience it is not very encouraging...what is the point? I earned 75 bucks and probably spent 7500 of my billable time trying to do a good job and make a good decision. All for naught.

1998 Mandatory arbitration and the disincentive to appeal effectively deprives defendants of a right to a jury trial. It is designed to do so and is thus wholly unconstitutional. Forcing parties to settle (by making "good faith" ADR mandatory -- meaning the defendant MUST offer money, even on an entirely baseless claim) is additionally unconstitutional when the defendant has done nothing wrong.

2104 #51= Voluntary only if the arbitrator provides alternative voluntary services to the court system. #52= Unlikely because I would provide other services voluntarily if possible.

2107 I do not know if my services as an arbitrator serve any purpose. Parties are free to appeal de novo. The whole arbitration process can be a waste of everyone's time.

2110 I hear that insurance companies appeal adverse decisions as a matter of course, and I find this very discouraging and wasteful of my time as a non-voluntary arbitrator.

2114 The arbitration program is extremely inefficient. The counties should budget more money for commissioners to hear the cases.

2119 I've been involved in numerous compulsory arbitrations and have been appointed as an arbitrator three times that I recall. The compulsory arbitration system is noble in purpose, but as a practical matter I think it is fundamentally flawed because it creates an entire additional layer of litigation for cases which can least afford the additional litigation. Another flaw I encounter often is that either side can appeal the arbitrator's decision de novo (sometimes making the arbitration process almost meaningless). In my experience, the ability to appeal de novo has been abused by parties who simply try to lengthen the time it takes to reach resolution (and thereby lengthen the cost) in order to gain economic advantages even if they have no meritorious legal position. The increase to 25% as a disincentive to appeal was a good change, but I think the percentage should be increased to 33.33% and the rule should be clarified that reasonable fees and costs are mandatory if the 33.33% is not met. I also think that such appeals should be subject to similar standards of review given to administrative hearings (i.e., arbitrator's award will be upheld unless no substantial evidence exists to support finding). It would be helpful if justice courts increased their jurisdiction to \$20,000 - \$30,000. I know legislation was attempted last year in this regard, but I do not know why it was holed.

2132 From a plaintiff's perspective the time frames for arbitration are fine, typically because the plaintiff's case is ready to go prior to filing suit. The delays and requests to postpone are usually because of defense attorneys re-requesting all the records they have already received, then taking the plaintiff's depo, then getting an IME, etc. The sanctions for appealing arbitrations is a problem. Although the rules operate to dissuade plaintiffs from appealing, my experience is they do little to prevent an insurance company from appealing. The possibility of sanctions of costs and fees is prohibitive to an individual plaintiff. The same cannot be said about the insurance company.

2136 Despite several attempts, I have been unable to place my name on the list of arbitrators in my county. I have been told that the program used by Pima County is old and no one knows how to add new names.

2157 Both parties should contribute to the arbitrator's fee. This would help stress the importance of the proceedings.

2160 I believe the arbitration system fails to achieve its goals. I also believe it favors insurance companies by increasing the expense to those that can not afford litigation &/or making it more difficult to pursue cases of lesser value.

2168 I BELEIVE THAT THE PARTIES SHOUDL BE REQUIRED TO PAY A REASONABLE HOURLY RATE TO HAVE A NUETRAL THIRD PARTY RESOLVE THEIR CASE.

2177 I retired last year and I am on inactive status with the bar. I have not been involved in arbitrations during the past two years. Before that time, I served as an arbitrator in probably eight to ten cases. Because I was a court employee, rather than an attorney in private practice, I did not see a need to follow up on my cases to see whether my decisions were appealed. Therefore, I do not have a very accurate opinion of how useful the present arbitration practices are. My answers reflect a guess on my part that mandatory arbitration does some good but probably not as much good as we would like. I think you would obtain more useful information by tracking all the cases that went through arbitration to see what happened to them. Only by knowing what happened to cases after I decided them would I be in a position to give very helpful answers to your questions.

2179 I do not have an opinion on many of these questions, I only serve as an arbitrator when appointed. I am a public attorney and cannot accept compensation for my service.

2205 I have been appointed frequently as an arbitrator when there are other attorneys have not been appointed at all or have rarely been appointed.

2243 I am currently unemployed. It costs me money that I donÆt have to do these mandatory arbitrations. Often, I donÆt even get the \$75 partial reimbursement for my time and out of pocket expenses when the case settles right before the hearing. I resent being required to do the work without being compensated when the case does not go to hearing.

3014 Parties should be given more of an incentive to engage in private non-court related arbitrations. I have found the mandatory arbitration process to usually take just as long because of calendar conflicts, cost just as much or more, and result in a waste of time because an appeal is likely.

3022 Insurance companies use Arbitration to beat the snot out of accident victims. It's another hurdle that lengthens the process and expense when it was suppose to speed resolution at a reasonable expense. I think the arbitration program back-fired. It should be voluntary for all those involved. And for the love of god, do not require mediation.

3068 MANDATORY ARBITRATION IS NOT WORKING. IT WORKS LEAST WELL WHERE IT WAS DESIGNED TO HELP MOST--LOW DOLLAR VALUE AUTOMOBILE CASES. THE INSURANCE COMPANIES HAVE COMPLETELY SUBVERTED THE PROCESS, AND NOW MANDATORY ARBITRATION MERELY INCREASES THE COST TO PLAINTIFFS, ADDS ANOTHER PROCEDURAL STEP (OR DEFENSE HURDLE, DEPENDING ON WHO'S POINT OF VIEW YOU ADOPT), AND NEVER RESULTS IN A RESOLUTION THAT THE INSURANCE COMPANY WOULD NOT HAVE PAID PRIOR TO ARBITRATION.

3080 I am a retired Superior Court Judge. Although I keep my license to practice law active, I

only accept occasional pro bono cases. I do not maintain a law office. I do actively participate in Cochise County's lower court ADR program.

3087 Arbitrators need experience in the area of law that the case they are being assigned, otherwise you might as well as any Joe off of the street to arbitrate. Also, appointment should not be mandatory, otherwise sometimes parties get an arbitrator who is mad as hell about being appointed and who could care less about putting the necessary time and thought into a hearing and decision. That, coupled with the disincentive for appeal can result in some bad outcomes.

3151 Q45. Plaintiff should be able to choose between ADR or arbitration.

3155 Again, arbitration is not a stop on the way to the courthouse. It is a real opportunity to truly resolve or settle cases. Do not make arbitration service mandatory on attorneys. Allow attorneys to decide if they want to be arbitrators or not. Have the parties pay the arbitrator their reasonable hourly rates. Do not require arbitrators to serve in areas they know nothing about. A skilled arbitrator practicing in an area they are comfortable with, and receiving compensation for their skilled time spent that has displaced their other clients' needs, is only fair. It assures that there will be willing arbitrators practicing in areas they know something about, and that parties will likely be presented with decisions that are reasonably accurate and fair.

3160 With certain litigants mandatory arbitration will raise the costs because you know that no matter what the outcome of the arbitration, one party will appeal, making the arbitration a waste of time and resources.

3182 I don't mind being assigned one or two cases in a given year. However, I do work for a governmental entity, and I would have to utilize my time and a support worker's time to a very limited extent. The frustration results from repeated requests for continuances. It is difficult to balance the schedules of three busy attorneys in resetting hearing dates. Also, most of these cases are minor and not complex. I had a case go to a full hearing when it clearly should have settled months earlier. It struck me as a prime example of a frivolous lawsuit. Finally, has anyone looked at the feasibility of hiring a few attorneys through the State Bar, or the courts, to handle these cases on a fulltime basis?

3187 The questions are pretty much aimed at litigation practitioners, so there are some I just can't answer. That in itself illustrates a problem with the system: those of us who do not do any litigation are at a disadvantage in the process. Nothing in my practice or experience tells me how to handle these matters as an arbitrator. I am fortunate to be at a big firm, so I can consult with my partners who are litigators for guidance, but not everyone has this available. If, however, we are going to be pressed into service (and don't get me wrong, I don't mind doing it if the parties don't mind having me be their arbitrator), it has to be mandatory rather than voluntary to avoid people with an agenda or certain groups trying to gain advantage, but then you get people like me who are relatively clueless in the process. The flip side of this is that if you only press people with litigation experience into being arbitrators, it isn't fair to them because they end up doing more than us transactional types. I think voluntary service is possible, but then the courts would have to screen the volunteers to avoid a situation where people become arbitrators because they aren't competent to do anything else (resulting in aggravation for parties and bad results) or because they have an agenda they want to pursue. This would add another layer of administration to the whole process.

3188 Attorneys for certain insurers appeal many cases from arbitration. The current penalties don't dissuade the waste of time and frivolous appeals. Attorneys are unwilling to serve as arbitrators because the pay doesn't compensate for the time spent on the appeal. I would continue to do it because I believe it is my obligation to do so, but if I have to rent a conference room to

hold the hearing, then the rent comes out of my pocket and the \$75 doesn't go very far at all. I think arbitration is a good idea for many cases, but it's a waste of time in many cases because of the ""automatic"" appeal by many insurers.

3215 THE INSURANCE COMPANIES HAVE NO DISINCENTIVE TO APPEAL AS THE AWARD OF ATTORNEY'S FEES IS MEANINGLESS TO THEM. TO A PLAINTIFF IT CAN BE ""DEATH"" TO THE CASE. THE DISINCENTIVE SHOULD BE RASIED TO 50% TO EVEN THE PLAYING FIELD. WE HAD 24 ARBITRATIONS SEVERAL YEARS AGO AND 23 WERE APPEALED. THE SYSTEM FAVORS THE INSURANCE COMPANY AND NOT THE PLAINTIFF WHO MUST OFTEN BE BOUND BY THE AWARD AS THE FEAR OF OWING ATTORNEY'S FEES IS TOO GREAT.

3217 I HAVE PROPOSED TO PRESIDING JUDGE CAMPBELL THAT ATTORNEYS WHO VOLUNTEER TO DO THEIR MANDATORY SERVICE AS MEDIATORS BE ASSEMBLED INTO A VOLUNTEER MEDIATOR POOL. THIS MIGHT REMOVE 50 POTENTIAL ARBITRATORS FROM THE ARBITRATOR POOL - BUT I BET IT WOULD RESULT IN A LOT OF CASES GETTING SETTLED OUT. PARTIES COULD AGREE VOLUNTARILY TO GO TO MEDIATION WITH A COUNTY PROVIDED MEDIATOR AND I BET IT WOULD REDUCE THE CASELOAD FACING THE COURTS EVEN MORE QUICKLY THAN THE CURRENT SINGLE OPTION OF ARBITRATION...

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3231 MAKING THE PARTIES PAY A REASONABLE FEE WOULD GIVE INCENTIVE NOT TO WASTE THE PROCESS AND TO SETTLE. EASY TO WASTE A PERSON'S TIME WHO IS WORKING FOR FREE. WE ESSENTIALLY WORK FOR FREE.

3247 The arbitration process in Maricopa county seems to be used by the defense in tort cases as a cheap method of discovery and as a method of grinding down plaintiffs with relatively small claims. most arbitration awards seem to be appealed by the defense, so the proposed benefits of reducing the Court's docket don't seem to be realized and the cost of resolving the average motor vehicle tort case is higher than if you just tried it once. I would recommend instituting a Binding arbitration system where the parties have more control over who the arbitrator will be so that the blatantly biased arbitrators that you can get stuck with in the current system can be avoided.

3282 Question 45: we already have rule 16(g) mandating an evaluation of ADR alternatives between the parties. That should be enough. Question 46: I'd like to see the time spread both ways: hearing allowed to take place as soon as arbiter is appointed, but to be completed at least within 150 days of appointment. Question 48: The loser should have to post a 25% bond to appeal, rather than just litigating for free until he is bankrupt (as my most recent opponent appealing the arbitration admits to doing). Question 52: I hate making decisions as to who's telling the truth. I am not and do not want to be a judge. I despise the fact that the state bar forces me to be an involuntary judge for a peppercorn of reimbursement, making decisions in legal areas I may know nothing about while giving me no real authority because either party can turn around and appeal with virtually no consequence. Let those who like judging do it: I don't.

3303 AS SOMEONE WHO WORKS ON LEGISLATION (I.E., MAKING THE LAWS), PROVIDES LEGAL SERVICES TO COMMUNITY ORGANIZATIONS AND PERFORMS ARBITRATION SERVICES, I BELIEVE THAT ALL SUCH ENDEAVORS SHOULD BE GRANTED CLE CREDIT (THIS YEAR, I HAD TO GET A CLE EXTENSION BECAUSE I WAS SO BUSY WITH THE ABOVE ACTIVITIES THAT I WAS UNABLE TO ATTEND ENOUGH EXPENSIVE SEMINARS THAT DO NOT ADVANCE MY KNOWLEDGE OF THE LAW)

3323 The mandatory arbitration process often leads to double costs to all parties, benefitting the party better able to weather litigation costs and the extended process.

3324 The primary problem I have with the current system is random assignment of cases to individuals who don't necessarily have any experience with the subject matter or even with litigation.

3338 THERE SHOULD BE MORE STRINGENT PENALTIES FOR FAILING TO PARTICIPATE IN GOOD FAITH FROM BOTH A SUBSTANTIVE AND PROCEDURAL STANDPOINT; MANY AUTO INSURERS USE THIS AS A MEANS OF DISCOVERY.

3343 If the arbitrators service was voluntary v. mandatory, it would place too much of a burden on the few volunteers. I don't submit invoices for payment because I'm a public lawyer so pay is not the most important thing to me. I think it would be hard to continue to serve for free because there would be too many arbitrations and too few arbitrators. However, under a voluntary system, I think private lawyers would need greater compensation. I think it should remain mandatory, but I think cle or pro tem status are good options in lieu of compensation.

3347 The problem with arbitration is that it can be abused to increase the cost in small cases to bully parties while the real event continues to be a trial. See *Crackel v Allstate*.

3348 I would be very willing to serve as an arbitrator if I received CLE credits

3415 I believe that my being required, without consultation and my consent, to act as an arbitrator has been held unlawful. I believe that was a correct decision. What possible rationalization can support theft of my time and coercing me to perform as an arbitrator?

3420 (1) the process should be voluntary; no one does a good job when forced to do something essentially for free, (2) arbitrators are unprepared, probably due to #1 above, (3) arbitrators generally know little or nothing about the issues they are being forced to decide, probably due to #1 above and because they cannot take the time from their law practices to get educated and the parties do not want to spend the money to prepare a proper prehearing brief for the arbitrator, (4) parties are unprepared, probably due to #3 above and because they intend to appeal anyway; they treat it like a rehearsal.

4026 I have been an arbitrator about four times, although not within the past two years. I did not like the fact that my services were compelled and (practically) not compensated. There should be reasonable, but not lucrative, compensation.

4144 The problem with arbitration is that it serves as discovery and not as a resolution. I would prefer if there was no appeal. If there is an appeal, then it ends up costing the client more, rather than saving money. Often times, the unsuccessful party will appeal a decision and use that as leverage to force a settlement less than the award, realizing that attorney fees continue to grow. That way, its purposes are not being met.

4158 The system does not have the proper disincentive for insurance company represented defendants not to appeal. They use the appeal to increase the cost of litigation and do not settle unless pressed to the wall.

4165 I have not answered some questions because I don't have appropriate information or

knowledge.

4169 My experience as an arbitrator has been very frustrating and in my view, a waste of my time and that of our firm's support staff. It requires support staff time to run conflict checks, docket and set up the file, and then try to communicate with the parties to schedule hearings and pre-hearing motions. My experience with arbitration parties has not been good. They have been non-responsive and very cavalier about the arbitrator's time. In the one case where I have gone to hearing, I spent an enormous amount of time preparing and then nearly a half-day in the hearing, along with reviewing post-hearing briefs. Not unexpectedly, there was an appeal of the decision by the unhappy party not getting their way. The arbitration process in that case was a waste of time and firm resources. It is my feeling that the mandatory arbitration is not doing what it was originally intended to do. At a minimum, it should be made voluntary for those who wish to participate and who, then, will be more respectful of the process.

4196 The time period set out right now is fine. Lawyers don't focus on a particular case until they have deadlines. I set the hearing date as soon as possible and almost always the matter settles because the parties are forced to talk about settlement or begin preparing for the arbitration hearing.

4210 #42 - I don't think the system is effective, but if it is maintained my county's \$25,000 limit is too low.

4218 I do not believe that attorneys should be required to serve as arbitrators, and certainly not outside their practice areas. I believe that making corporate attorneys act as arbitrators takes from their employers without compensation.

4237 The discretionary nature of the 25% better result makes it less of a deterrent on appeal.

4248 Mediation should be used in addition to and not to the exclusion of arbitration. the disincentive to appeal should be increased, but not necessarily by means of a percentage. perhaps some kind of written statement by the client, and a check of how often an attorney files an appeal -- for example, if an attorney always appeals an adverse decision, the participation in the process may not be in good faith. The fees to arbitrators are absurd. The amount paid does not justify the administrative burden of filing for payment. Non-monetary compensation is appropriate, and if there is to be payment, it should reflect the value of the time expended in all aspects of the process, not just the time spent in hearing.

4254 Only attorneys with experience in the area of the case should serve as arbitrators.

Voluntary participation would work under those circumstances because all the practitioners in that area would have an incentive to take turns serving as an arbitrator. Also, attorneys without experience in that area are cannot help with settlement because they do not have the background needed. They are usually resentful and feel put upon by the civil attorneys (usually PI lawyers) and are unwilling to spend the time needed to prepare for a subject matter with which they are unfamiliar. Please fix this system! Do do not force criminal law attorneys and divorce lawyers to arbitrate personal oinjury cases. It is a waste of time and resources.

4293 Counties outside of Maricopa should raise their arbitration limits to \$50,000. Many lawyers circumvent the mandatory arbitration requirements by stating the case exceeds the limits when the injury involved is very minor.

4312 I have been in government practice for the last 13 years and have no experience with arbitration in the county where I currently practice. I did have extensive experience in another county while in private practice. I don't believe the substance of mandatory arbitration has changed since I was last involved except for the addition of dis-incentives to appeal. Further, I don't believe those dis-incentives have cured the evils I saw in the process - abuse by deep pocket

defendants to delay a final decision, amateurish decision makers and a lack of respect for the process. I also believe that the dis-incentives themselves are unfair to litigants with small claims who genuinely believe the arbitrator's decision was erroneous. If the objective is to encourage settlement then the arbitrator should be required to have considerable expertise in the area of litigation, the decision should be advisory and the process should not delay setting the matter for trial. If the objective is to reach a final and speedy resolution for small cases then such cases should be handled by professional judges under court rules which facilitate a quick resolution. I don't believe both of the above objectives can be accomplished fairly by a single system. Therefore, I oppose mandatory arbitration. Voluntary arbitration with no or limited appeal has much to recommend it but mandatory arbitration is fatally flawed. The State should not be able to opt out of the financial consequences of its' constitutional obligation to provide a quick resolution for all litigants by imposing involuntary servitude on lawyer/arbitrators and giving deep pocket defendants another hurdle to place in the way of plaintiffs with limited means.

4332 Unable to answer several based on lack of sufficient knowledge on which to form an opinion of how things could/should be changed.

4333 Arbitration and other ADR techniques are good ideas that should be used. The pay should not be increased to normal hourly rates, but there should be de minimis compensation for all time spent. The past system abused arbitrators - financially and in time wasted. It should be voluntary, but I would volunteer at least once or twice per year.

4337 I have extensive ADR as well as litigation experience. This system forces attorneys to serve when they don't want to and uses untrained lawyers. The county should move toward a trained and recruited professional ADR staff, whether employees or contractors. Stop trying to extract work from already-too-busy lawyers who do not want to be neutrals, who are trained as advocates and who become resentful.

4344 The system is unherently flawed in that the appeal as of right for a de novo trial makes it in essence a dress rehearsal for many litigants. I know it is a consitutional issue, but it prevents the system from being effective. Parties often see it as one more unnecessary hurdle to get over in their journey to the court room, and one more opportunity for counsel on both sides to bill for a non-binding exercise. That criticism is well founded.

4362 Why not give CLE credit for voluntary arbitration?

4405 In question 49, you asked whether cases should only be assigned to arbitrators with expertise in the field. I think it depends upon the complexity of the case. A simple tort motor vehicle claim could be handled by anyone. However, perhaps some more complex civil cases/contract disputes should be handled by someone with expertise.

4417 I don't have enough information or knowledge to answer some of the questions in this section.

4433 I am a public attorney. The public is getting less for every hour I spend in arbitration than it would be getting if I were doing what I do well. The public has never voted to have this burden placed on it by the courts, and would not vote for it if asked, either directly or through the Legislature. I believe that forcing public attorneys to divert their time to this process is an inappropriate invasion of legislative authority by the judiciary. Moreover, it is bad allocation of resources. If the public is going to pay for this service to litigants, it should be done through the creation of a corps of publicly paid arbitrators. They would gain experience in this line of work and would do a much better and more efficient job than I can do being dragged from my other public work to decide things I know little about in a procedure that I am unfamiliar with. Use of public attorneys for this function is a bad idea and should be discontinued.

4436 I only practice law part time--very part time--and maintain my license in order to help friends and family with legal questions or estate planning (my primary area of practice). I have very little experience with court rules of procedure and I don't have an office. I like the idea of attorneys helping handle the court's case load (since they are never picked for a jury, it's a way for them to do their civic duty to help the court system), but I don't feel like a very effective hearing officer. If it could somehow be set up so the cases get assigned to someone who has experience in the courtroom or some expertise in the field related to the case, that would be better. However, I realize I'm in the minority, so my situation may not be good to judge from.

4450 41E-F I don't know the effect on the courts. I consider mandatory arbitration a waste of money. I know from experience that it can work, but it costs no less than a trial to the court if there is no appeal. If there is an appeal, it makes small cases more expensive than larger cases.

5007 I HAVE NOTICED THE FOLLOWING PRACTICE. AT THE TIME OF THE HEARING THE ATTORNEYS WANT TO DISCUSS ISSUES OF THE CASE, EVIDENTIARY, THEORIES OF LIABILITY, ETC. THEY GET MY REACTIONS, AND THEN THEY GO OFF AND SETTLE WITH NO HEARING. THAT IS OUTRIGHT PRO BONO WORK.

5012 I have served as an arbitrator on seven cases in my 15 years of practice. I believe it is a much better program than going to justice court (where there may not even be an attorney as the judge) and that the parties believe they got a ""fair shake"" in their case despite the outcome.

5030 Regarding #54: either no pay but CLE credit, or a reasonable hourly rate. The current rate is useless.

5036 41. A. -My answer depends, however, on additional information regarding the frequency with which the litigants appeal the arbitrator's decisions. 41. B. - Again, this depends on the expertise of the arbitrator in the subject matter of the litigation. 49 (I strongly believe that the arbitrator should have expertise in the area of law being litigated. Too many times I have been assigned to tort cases where I have no expertise.)

5040 Greatest complaint I hear is that the arbitration is just used as a ""cheap"" deposition.

5049 Given all the considerations at issue, including the cost of litigation to the courts and the parties, I think our arbitration system is very thoughtful and helpful.

5066 I think the jurisdictional limit should be lowered because the current limit is high enough that many parties feel compelled to appeal an adverse ruling on a claim at the high end of the arbitration jurisdictional limit. When parties see the arbitration process, and find out that the arbitrator is an attorney who may have no expertise in the subject matter at issue, they often feel like they want the additional formality of a ""real"" court proceeding and perceived additional expertise of a real judge. Added to those motivations, an adverse ruling on a claim barely within the jurisdictional limits for arbitration frequently results in an appeal. At the current \$50,000 limit for Maricopa County, parties often feel like the additional cost associated with the appeal is justified for a claim barely below that ceiling. A lower ceiling on cases referred to arbitration would result in arbitrated rulings limited to amounts that won't justify the extra cost of an appeal.

5084 Participation in the arbitration process as an arbitrator should be voluntary.

5155 Get FORCE out of the system. Allow those who want to volunteer to do so, but don't force others. A person's status as a lawyer does not give you, the bar or anyone else the right to make that person do something against their will. It is involuntary servitude if not a form of slavery.

5158 The reason I would like to see it go to a voluntary status is that I have been assigned arbitration cases approximately every 3 to 4 months, while other colleagues in my office have

never (despite over 10 years of membership in the State Bar) been called. I have tried to explain this injustice but I still keep getting assigned cases and others get nothing. Something is wrong with the system for assigning arbitrators. I feel I'm on some sort of list that gets recycled all the time where others have never been on the list at all.

5163 Q50. yes UNLESS THEY HAVE A CERTAIN MINIMUM NUMBER OF YEARS IN PRACTICE, SUCH AS 5 YEARS THE ARBITRATOR'S COMPENSATION IS SO MINIMAL I NEVER FILE FOR IT. IT TAKES MORE TIME TO FILL OUT THE APPLICATION THAN IT IS WORTH. I WOULD SIMPLY NOT PAY ARBITRATORS AND HAVE THEM KEEP PRO BONO YOURS

5168 Selection of attorneys for participating as an arbitrator is uneven and hence, unfair. I have many colleagues in my office -- with more year's seniority than me in the bar -- that have NEVER been selected to be an arbitrator. Yet, I am routinely selected about 2 times a year.

5189 Making the arbitrations binding would radically change the system but would eliminate the playing around with the process

5194 CLE would be the best. You certainly do learn as an arbitrator. It should limit the credit to 5 hours.

5195 It's been my limited experience as an appointed arbitrator that the mandatory arbitration system is essentially useless and a waste of everyone's time. I'm a retired business and real estate lawyer and when I was appointed an arbitrator, it was always in a personal injury case. Each time, the person who lost the arbitration appealed. I felt my time was totally wasted, as well as that of everyone else. It's a nice idea that doesn't work. Attorneys use it as a tool to grind away at the other party. Nothing gets resolved. If you haven't done so already, contact Brent Moody, Esq., of the Arizona Bar. He is a litigator who has extensively considered mandatory arbitration. He has definite opinions on the matter that could materially contribute to this project. I know he would be pleased to communicate with you. Feel free to tell him I suggested it.

5235 I have been a prosecutor for sixteen years and know very little about the arbitration system. My answers are not as relevant as those from a civil practitioner. I wish some of the choices above were ""do not know""

5238 41q-d SINCE I RARELY AM IN COURT AS AN ESTATE PLANNER & TRUST ADMINISTRATOR, AND HAVE HAD NO FEED BACK REGARDING THE ARBITRATIONS I'VE HEARD, I HAVE NOT IDEA HOW EFFECTIVE THE PROGRAM IS. THE OPTIONS DO BELOW DO NOT PROVIDE FOR THAT ANSWER q52. very unlikely - UNLESS IT IS MANDATORY, THE CORPORATION I WORK FOR AND CORPORATIONS I HAVE WORKED FOR WOULD NOT ALLOW ME THE TIME OFF

5269 While I can appreciate the Court system's budget crunch, I wholeheartedly disagree with the policy of forcing attorneys to do the Court's work for nominal consideration. That is a violation of their rights, and particularly given the volume of cases that are being forced on the bar. Expediency is not an excuse for violating one's rights, and the Supreme Court's decision is abhorrent.

5272 RE: The pay...That wouldn't be a factor in my decision to be involved as an arbitrator...but if it were a case in which I had expertise, I would be far more likely to do it, especially if I could get credit or designation as a JPT

5282 I practice almost exclusively in federal court and all my work is for and against big corporations and so I know very little about how small tort claims, which all but one of the 10-15 arbitrations I've done were about, actually get evaluated and settled. But, my impression is that the arbitration process is a waste of time. Almost every case I've handled has involved a

ridiculous damage claim by a plaintiff who was slightly (if at all) injured in a car accident. I try to write opinions explaining why the plaintiff's claim is dubious but usually award some modest amount in the hope that the plaintiff will settle. Yet, EVERY case I've ever handled has been appealed. Now, I don't know whether they went to trial or not, but it is my impression that the plaintiffs' lawyers view arbitration merely as a ""pain in the neck"" gate which they must pass through to get to a real court. So, I really question whether the significant lawyer resources devoted to these hearings would not be much better spent in a mandatory mediation or other ADR procedure, where the lawyer's job is not to conduct a worthless ""hearing"" or ""trial"" but to tell the parties about the strengths and weaknesses of the case and try to foster a settlement. That is the procedure in the California Superior Court, where I occasionally have a case. I know that under the current system arbitrators have the right to engage in a mediator-like role, but it just doesn't happen.

5305 The program should only be voluntary, never mandatory, for the arbitrators.

5314 I did not answer many of the questions because I have basis for an opinion. As a non-litigation lawyer, I have no expertise in the efficiency of the arbitration system v. court. I would strongly recommend, however, in order to make the system more efficient and better for all involved, that litigation issues be handled by arbitrators who understand litigation.

5360 Mandatory arbitration works if it resolves most of the cases within the mandatory system. The disincentives for bad faith appeals have been more effective since being increased to 25%. Anything less will allow the carriers to go back to routinely appealing almost all arbitration results, which then makes arbitration another expense for litigating the case. I continue to be offended, however, by the notion that good lawyers, particularly those being paid a contingent fee, must be forced to consider arbitration, mediation or any other means to settle a case. Plaintiffs and their lawyers have a vested interest in resolving a case as quickly and inexpensively as possible. The problem continues to be that the carriers have a vested interest in delaying the proceedings, so most carriers refuse to negotiate in good faith until the case is close to arbitration or trial. All of the mandatory dispute resolution rules, including Rule 16(g), have added expense or delay to the process. In the 19 years I have practiced law, we have moved from a system where lawyers settled cases by actually discussing them in person or on the phone to waiting until the mandatory settlement conference before the carrier will make an offer.

5370 Every single case that I have been involved with where there has been an arbitration has been appealed. It is a huge waste of time since no one accepts the decision. Also, I have had several where I have put in numerous hours on pre-trial motions, etc. and then the case settles - I get no money for doing it since no hearing was held !!!!!!! The private attorneys get paid big money by their clients and I get nothing for my time.

5376 I think the present system, with its \$50,000 jurisdictional limit, will destroy our young lawyers' ability to try cases. I understand that we currently have a 1.3% jury trial rate for all cases filed. That will result in an extreme shortage of lawyers with any jury trial experience, except ex-prosecutors and criminal defense lawyers. I think that presents an alarming problem, which the Supreme Court should consider when it looks at these issues. As a Judge Pro-Tem, and as a frequent visitor to jury trial in the Courthouse, I have observed an alarming lack of skill among the younger lawyers trying cases. Our system cannot continue to encourage this decay of talent, in the name of courthouse efficiency. Relieving Judges of their responsibilities will ultimately have a serious deleterious effect on our Bar, which will ultimately cause serious damage to our clients, and to our profession.

5382 Arbitration should either be abolished or limited to cases in which mediation has been

tried. Arbitrators, despite their recognition as officers of the court, are usually involuntary, unmotivated, unfamiliar with the applicable law, and ultimately unable to resolve triable matters. Mediation, by agreement or order, has been far more effective because the mediators are usually voluntary, motivated, familiar and experienced with the applicable law.

5388 Although I don't think that ADR should be mandatory, it should be strongly recommended an encouraged - maybe there could be a built in incentive for those who employ ADR. ADR could take place in any form: judicial settlement conferences, private mediators (at parties' cost), or early neutral evaluation. Arbitration just doesn't yield credible results and leaves everyone (lawyers and parties) with the feeling that they didn't get their day in court. The results of arbitration are inadequate and unjust - with arbitrators much more likely to split the baby than to make hard calls.

5436 Too many people appeal from arbitration awards so its becoming a meaningless waste of time.

5454 My answer to item 41D is based on supposition, rather than knowledge. The same is true of my answer to item 47.

5459 Training should be available if an arbitrators feels that it would be helpful. Neutral case evaluation could be helpful, especially to young attorneys who may be uncertain about the positives and negatives of their case. I cannot reliably evaluate the positive impact of arbitration on our court system because I do not know how often litigants appeal the arbitration award and re-enter the court system.

5469 It was hard for me to answer some of these questions without facts. I do not know how successful mandatory arbitration is. I have no clue about the appeal rate. With respect to subject matter expert, I am a finance lawyer, but I can easily handle an easy tort case, provided the lawyers brief the law.

5483 The system seems to assign cases to the people least likely to be qualified to hear them. Defendants strike plaintiffs lawyers and vice versa, so that a PI case is heard by some corporate lawyer from Motorola. Lawyers are sloppy about responding to arbitrator's orders. I have ordered lawyers to submit available dates and been ignored. It is hard to get the cases heard within the deadlines. Defense lawyers use arbitration as a way to run up costs, and threats of appeal as a weapon to extract negotiating advantage.

5503 I have been assigned to 5 arbitration cases as an arbitor. No case has gone to hearing, each one settling before a hearing was held. In the last case, I went to the hearing after spending time reviewing the case and completing all other per-hearing work and the attorneys settled minutes before the hearing was to start. I have never received any compensation for any of my time because the hearings were never held.

5506 I do feel that payment is to low and payment for only hearing dates is unreasonable. Further, I feel that there are no non-monetary benefits and the lack of reward and need to make a living compete in a manner that degrades either the arbitrator or the arbitration process.

5523 The real answer is short trials. This finalizes cases in a short period of time. A judge could assist in obtaining a high-low amounts.

5530 The emphasis on ADR proceedings is necessary given the staggering amount of litigation today. But by committing cases to ADR for resolution, we're giving up something that the civil justice system has historically taught our society - the difference between right and wrong in our dealings with each other. When a judge, or judge and jury, in a public courtroom, reach the end of a case and an outcome is announced, the community listens. The parties obviously learn who did right and who did wrong, some citizens attend the proceedings, and others read news accounts

of the outcome in some cases. The result is that society learns from the civil justice system how to order peoples' lives to ""do the right thing"" , in a pure sense, perhaps more practically to avoid being in a losing position one day, but in either case, lessons are learned. ADR brings that result for the litigants, but it fails to reach the ""teachable moment"" for the rest of our society. This may be an inevitable result of the need to reduce the cost and time of litigation, but it is a loss we can't replace any other way that I can discern.

5555 Please see comments to #27. Arbitration is a method the courts have pushed to alleviate their calendaring and budgetary woes. It puts the burden on the litigants which in many instances simply means the plaintiffs' lawyers carry the burden. There is virtually no mandatory arbitration that lawyers and some litigants will not play games with and manipulate. What good does it do to have mandatory arbitration which allows the litigant with deep pockets to appeal from? It only delays a final decision, increases costs and ultimately results in more court involvement and expense than if the parties simply went straight to trial.

5580 I am a full-time public defender and have only practiced criminal law for about the last 17 years. Public lawyers, particularly those connected with the criminal justice system should be exempted period. The lawyers in our office have STAGGERING caseloads. The office neither provides the time, facilities, training, or support for conducting arbitration hearings. Moreover, because of the ENABLING statute for public defenders, the fee paid for any arbitration MUST go to the County General Fund. In the past, some presiding judges have also attempted to force public defenders who are not directly handling cases, for example, administrators (chief trial deputy, training director, trial groups supervisors) to perform arbitration hearings. This is equally, in my view, unfair. The duties and responsibilities of administrators is also severely strained. Further, while it is my choice that a person works at the public defender's office, the bottom line is that the pay is severely low.

5589 It is important to have people as arbitrators who want to be arbitrators. Non-money rewards is necessary along with the opportunity to be considered for judge pro-temp assignments are as a master should the civil courts need one for a particular case. Those last two could be paid by the clients positions. Arbitration is important for the clients and for judicial efficiency, but it also could be used to identify qualified future judicial candidates and people who can be used when needed to carry judicial overload.

5595 It is a great system which allows each side to hear the opposition case at little expense and is a substitute for discovery.

5602 I have found that the arbitration process works better for pro pers in that if an attorney is involved the case will always be appealed so it is a waste of resources and attorney fee.

Mediation should be the customary practice

5610 The downfall of the current arbitration system is that cases are assigned to attorneys who have no background or experience in the area of the law involved in the arbitration. Out of a sense of obligation, I have tried to prepare myself on the legal issues involved in the arbitration. Nevertheless, I think it would be better to have a system of full-time arbitrators or mediators who can specialize in different areas of the law and charge the cost to the litigants. I practice environmental law and lobbying and have almost no litigation experience. However, I am asked to rule on all sorts of motions and such. In my opinion, this system does not inspire much confidence. In addition, the parties do not take the system very seriously many times. One or both parties do not prepare their pre-hearing summary of issues for the arbitrator or prepare them after much harassment. There should be a penalty on the parties (such as automatic dismissal) for not complying with the rules. If we are going to keep the current system, the losing party should pay

for the attorney's true cost. Right now, litigants impose the cost on the arbitrators and the courts. All the cases I have gotten are fairly obvious or should not be in court in the first place.

6064 I do not mind serving as an arbitrator, however, I think brief training and some consideration to the nature of the case and the area of expertise of the arbitrator should be given.

6091 Limit appeals. Give more incentives to volunteer and have a volunteer panel, which first gets cases. The rest go out mandatory.

6095 If training is offered, it should include practical advice about handling/managing the hearing process as well as addressing the arbitration rules. For example, when can the arbitrator truncate questioning a of a witness when an attorney has past the point of eliciting useful information and is wasting everyone's time? Is it fair to the parties and appropriate for the arbitrator to establish a time limit for presentation of witnesses? Some of the transactional attorneys could use a refresher course on the rules of evidence concerning evidentiary issues likely to be encountered at an arbitration hearing.

6097 There is a huge problems with prehearing motions which are rarely considered by arbitrators and the system is very unfair

6102 I'm in no position to answer Questions 41E and F.

7004 Should be voluntary for attorneys and participants. It is now a total waste of time and involuntary servitude.

7005 People often need a chance to tell their story to a competent authority figure. They don't always need a jury. I don't know that \$\$ amount is the only criterion for assigning to arbitration. Some bigger cases could go to arbitration just as easily if you had a good arbitration system. I think that Justice Courts might play a proper role in the process, such as abbreviated non jury trials before a legally trained justice of the peace, with trial de novo available with some disincentive to go ahead. Combining arbitration hearings in with mandatory settlement conferences might work Some bigger cases could be I think that perhaps the best way to handle the situation. I don't think lawyers should have to work for 1/10 of the daily rate. It is a form of slavery in my view. There are plenty of lawyers out there who would like to do nothing but arbitration cases all day long for \$50/hour, and it would develop some good future judges in the process. Instead of making it arbitration and assigning it out to the lawyers, why don't they just hire more judges or judges pro tempore and allow people to make their case before these ""junior judges."" As it is right now you are just ripping off the bar and requiring people who have no aptitude or desire to serve as arbitrators. In some cases, even small cases, non binding arbitration is a waste of time, and usually the lawyers and litigants will know it beforehand anyway. Let people opt in or out of arbitration, and give them some incentive to not appeal arbitration.

7010 I think arbitration should be binding...the appeals should apply to larger claims...

7020 The rules requiring the arbitrator to rule on all motions other than Rule 38.1 matters should be changed. I have had arbitrators grant adverse motions to dismiss before the time for response had run.

8006 Arbitrators should have experience in the matters arbitrated: (1) if the issues are more complicated than run of the mill; (2) if possible without disrupting the arbitration process. Arbitrations that present complicated issues should in some way be identified, and in that case only (1) the parties could insist on expertise in the area; (2) the arbitrator would be paid reasonable hourly rates, reflecting the specialized knowledge required; and (3) the parties would split the costs. Or, perhaps, the arbitrator would not be paid but would be excused from further arbitrations, not requiring specialized knowledge, after having served for the first time as a

specialized arbitrator. I have not served as an arbitrator in the recent years because of significant health problems. I found as an arbitrator that some "simple" matters were complicated for me because I never work in those areas - it didn't hurt me to learn, but it wasn't efficient and I question whether it is fair to the parties. Also as an arbitrator, I found that counsel seemed to expect the arbitrator to effect a compromise of the claim and defense even if the issue was black and white. When I found one party completely in the right and found for that party, the other party conveyed to me the sense that I had failed as an arbitrator, not because I had applied the law incorrectly, but because I did not give each party part of what it wanted.

8010 I'm not a practicing attorney and have only been assigned as an arbiter once (5 years or so ago) my experience was interesting but a pain in the butt. The compensation was not even worth wasting the time to fill out the forms to apply for the check. My impression was that the defendant (and in my estimation the big loser in a contract dispute) would pay any amount of money in legal fees rather than pay the plaintiff. I spent a lot of time reviewing documents and drafting letters, responses and the decision, copying, filing and mailing. I would never volunteer for the experience short of a substantial economic benefit, even for the fun of repeating, "Objection overruled...again" fifty times. I don't really have enough experience in arbitrations to answer any other questions. I worked for the state litigating securities fraud. I hope this helped.

8022 My experience with the Arbitration process was that it discriminated against corporate counsel and small firms. Attorneys in large firms were conflicted out and seldom served. I also believe that the arbitrator should have some experience in the matter being arbitrated and some training on arbitration. As a transactional attorney, I did not feel that I was adequately prepared to serve as an arbitrator. I would have preferred to serve as a mediator. With respect to the cases that I served as arbitrator, I got the impression that the parties were just going through the motions to get to the stage where they could appeal and get before a judge. As the process existed three years ago (when I was active), it was unfair and unproductive.

8047 Make lower limit cases (ie \$25,000 or less) binding arbitration. \$25K-\$50K same as present.

8050 Cases should not be assigned to an arbitrator until at least one defendant has answered the complaint.

8065 Mediation is much more effective and generally less expensive. If parties are brought before a mediator very early on, they are more likely to save money and settle.

8070 Arbitration training should be meaningful. Lawyers are not teachers. Training by lawyers is so competitive.

8079 I believe it is extremely important for cases to be assigned to arbitrators within their own practice areas to be fair to the parties.

8099 A case involving 50K to people with a net worth of 200K is just as important? as a case involving 500K is to people or companies with a net worth of \$2 million etc.

8128 The disincentive to appeal is a very bad idea unless or until arbitration results are more generally fair. Just look at the statistics on who appeals. Far more defendants appeal than plaintiffs, showing the pro-plaintiff bias. Look also at the statistics on trial results after an appeal - - defendants are far more likely than plaintiffs to improve their position. This again shows the bias inherent in the arbitration system. However, I would frankly be shocked if anything were done to change the current pro-plaintiff system (other than perhaps to make it even more pro-plaintiff), as I just don't think the "powers that be" care at all about civil defendants.

8155 If the Arbitrator is appointed BEFORE the Complaint is SERVED ON DEFENDANT,

then the system does NOT work - And frequently, the defense is DENIED DUE PROCESS because the Arbitrator is appointed and demands an Arbitration within days or weeks after the Rule 26.1 Disclosure Statements are due

8189 In answer to 47, I am not sure I know exactly what the question means by appealing for the ""primary purpose"" of securing an ""advantage"" in settlement negotiations. If it means preserving the option of pursuing an appeal while settlement negotiations continue, then I think it is very common, and I also think it would be malpractice *not* to preserve the option of appealing while attempting to negotiate a better settlement if you think a better settlement can be had. In any case, there is nothing wrong with it, and I would be opposed to any proposal for penalizing a party who appeals for this purpose (or any other purpose - I think the parties have a right to a trial with a real judge who has experience in judging other cases, either in the Superior Court or in a lower court, and the only reason I think court-connected arbitration is a reasonable thing to require is that the right to appeal and insist on a decision by a real judge is preserved. I don't think the parties to these cases should be punished for unsuccessful appeals, because I think it is unfair to burden the parties to smaller cases with costs or penalties for insisting on a decision by a real judge, when the parties to larger cases get to be heard by a real judge as a matter of course.

8202 The most significant defect in the current system is that arbitrators sometimes have little or no experience in the area in which they are asked to arbitrate. This diminishes the experience and the legitimacy of the entire process and it is a problem that I believe can easily be remedied.

8219 GET CLE CREDIT FOR ARBITRATOR TRAINING

8235 LIMITS ARE OKAY FOR TORTS; COULD BE RAISED TO \$100K FOR CONTRACT AND CONSTRUCTION CASES.

8287 SOME ARBITRATORS REFUSE TO SET A DATE BEYOND THE 120-DAY ""DEADLINE"" AND FORCE AN ARBITRATION EVEN BEFORE THE MEDICAL RECORDS CAN BE COLLECTED AND DISCOVERY COMPLETE. ALMOST HALF THE ARBITRATIONS I DO ARE ""BLIND"" IN THE SENSE THAT I DON'T HAVE ALL THE RECORDS OR HAVEN'T TAKEN ANY DEPOSITIONS.

8289 I have 12 years of experience representing a federal agency in labor and employment arbitrations under the Federal Sector Labor Management Relations Act (5 USC Chap. 71). It is very clear that the federal system of having the parties (union and management) split the arbitration cost coupled with the procedure by which the parties select an arbitrator from a panel of 5 names provided by the Federal Mediation and Conciliation service (the 'strike off' procedure) causes some arbitrators to split their decisions and/or alternate awards between management and labor. Arizona should retain the current system of court appointed arbitrators from the county attorneys roll and allowing each side one peremptory strike. Arizona should retain the current system of having the court pay the arbitrator - the court receives the benefit of case resolution and judge work load reduction - and if the parties pay the arbitrator the arbitrator will 'play' their decisions to the parties. Exodus 23:8.

8291 It is hard to generalize. How effective the process is depends upon a number a variables, including type and complexity of case, cooperativeness of the lawyers involved and the conduct of the arbitrator.

8307 In tort motor vehicle claims, the current program is systematically abused by motor vehicle insurance carriers. The program exacerbates the inequity that exists between injured plaintiffs and insurance carriers, and will continue to be a waste of time and money so long as the arbitration is non-binding.

8320 Mandatory arbitration is meaningless unless the award is binding on all parties. Either make it binding or substitute mediation or early neutral case evaluation. These alternative processes are designed to bring both parties to an acceptance of a resolution. That acceptance is the only way to shorten the litigation process and lighten the court loads. Arbitration is only designed for a binding award against non-consenting parties. Where arbitration is not binding or the truncated proceedings that pass for arbitrations are not credible, the perception of a fair and thorough process is lost. The mandatory nature of the proceeding is meaningless. If mandatory arbitrations are to be kept, then the whole process must be upgraded.

8472 My primary difficulty in evaluating the relative benefits and detriments of the arbitration system is a lack of knowledge regarding the number of arbitration awards that are appealed. If the majority of them are appealed, then the value of this elaborate system is more questionable, and vice versa.

8477 I think it has to be made meaningful. The consequences of unsuccessful appeal have to be severe so that parties will accept the results and not appeal de novo.

8491 I would only choose to serve as an arbitrator if the dispute was within my specialized practice area

8529 I don't believe arbitration should be mandatory. Requiring a criminal attorney to handle a contract arbitration makes no sense. The ethical demands to study the law to properly handle the case create an unreasonable burden.

8530 The irony of suggesting that litigants pay for the arbitrator's services is that people with smaller claims are given less access to the courts than those with bigger claims. Why should megacorp v. daddy warbucks cost nothing but a filing fee, while joe schmo v. fenderbender jones costs hundreds of dollars extra for a decision that fenderbender's insurance company will appeal anyhow? And why should the private practitioners be required to subsidize the cost of the judicial branch? I don't mind volunteering to serve in various pro bono functions, but I detest the idea of mandatory service.

8539 I have been appointed as an arbitrator more times than any attorney friend of mine that I have talked about arbitration with. In every case, I've known NOTHING about the subject. I've never actually done an arbitration because in each case after bumbling and fumbling to find dates when everyone was available and taking it right down to the wire they tell me they are going on the inactive calendar! I almost had a paralegal quit because of the pain of trying to get an arbitration set up. I only do criminal law. It is all I know, and all that I care to know. It is bullshit how you have to jump through hoops to get paid and that you only get paid if you do the hearing. My office dedicated over 24 hours of paralegal and attorney time. At the time I was a sole practitioner and it hurt my practice, hurt my clients, and drove me and my paralegal nearly crazy. It is a good thing they did go on the inactive calendar because I have no idea how I would have ruled on the hearing because I don't know the first thing about the area of law the matter related to. I can't begin to say how opposed I am to being mandated to do something that I am not trained to do, don't have the time to do, and aren't being paid to do.

8543 I believe this system is designed to rid judge's of their constitutional duty rather than save litigants money. I believe more attention should be devoted to training judges to more efficiently handle their calendars, eliminate delays by refusing continuances and forcing lawyers to be prepared sooner, and to expedite smaller cases with abbreviated discovery and pre-trial procedures. Perhaps ""blow-out"" days where trained volunteers sit and hear small cases or short trials should be given more attention.

8555 The typical case in which I have served as arbitrator has been easily resolved with one

hearing usually in less than 1 day. A nominal fee for those cases is appropriate. However, in cases requiring a more substantial time commitment such as the one I reported on in this survey, some more reasonable compensation (below market fee rates) should be paid.

8565 The appointment process is not administered equally. I have in the past been appointed as arbitrator on two cases at the same time and sometimes four times in a year. I have had friends that have not been appointed for a few years.

8609 The \$75 is really not worth the hassle of doing these arbitrations. There should be some full time arbitrators assigned on a rotating basis, paid through Maricopa County, like a Legal Defender's office. I, for one, have no desire at all to serve as a quasi-judicial officer, hearing officer, etc. and only do it because I'm forced to do so. Despite all my griping, I've often been told by the parties that I was an excellent arbitrator because I am pleasant, I listen, I treat the parties in a cordial, comforting way, I issue decisions promptly and explain what I think clearly. Unfortunately, I don't enjoy the amount of time the Court bar ""confiscates"" from me by forcing me to do something I don't want to do.

8630 I did not answer every question because I have not arbitrated a case in several years and am currently an inactive bar member. Some of the questions could be answered in a more meaningful way by those attorneys who regularly serve as arbitrators or litigate cases subject to court-connected arbitration. The cases in which I did serve as arbitrator were very frustrating for me. I was working as a part-time consultant to a corporate legal department and had no support staff. I spent numerous hours trying to schedule and reschedule hearings, especially in multi-party cases. I also had no pleading forms, and had to spend a while preparing orders. I lost a lot of money working on these matters while paying for child care.

8631 Consider setting up a flat fee for arbitrators and requiring them to be certified to arbitrate cases. There is no uniformity or predictability because the arbitrator pool is too large. lawyers want predictability.

8646 Some of my answers reflect the fact that I work at a large firm. It may represent a hardship for smaller/solo practitioners to donate time to arbitrate only for CLE credit.

8659 I really resent being asked to do a judge's work and shouldering the burden of the taxpayers in ""donating"" my services in this area. I think the county boards should provide more judges and more judges should be devoted to resolving the backlog in civil cases. I am very tired of being called on to help out the court's when craven politicians will not appropriate sufficient funds to have an adequate justice system, all in an effort to advance their pathetic political careers. I also think that arbitration is a waste of time for all concerned unless the insurance defense bar will agree to abide by results. I think it would be more efficient to scrap the system, unless the parties agree to binding arbitration, and the arbitrators are paid appropriately. If not, let the judges do their own work, and if the public and politicians do not want a functioning civil justice system, let it collapse.

8661 Arbitrators with no experience in the subject matter of the cases to which they are assigned is a real problem. So is the current minimum experience level of 5 (or is it 4) years. Attorneys of that experience level, especially if they have little or no trial experience, are often not suitable arbitrators.

8675 I serve as a full-time neutral, i.e. mediator and arbitrator. I am often assigned as a Judge Pro Tem in cases that the losing party just appealed, because they could. Many people know they can appeal so they don't take the first arbitration seriously. Since it is not admissible and the new trial is de novo, there is nothing gained by the arbitration.

8678 With respect to the current time frame within arbitration must take place, the response is

necessarily affected by the status of the parties' discovery at the time arbitration is requested. If there has been little or no discovery, the current time frame may be too short; if discovery has been substantially completed, the current time frame may be too long.

8685 I am not involved in litigation. i feel all attorneys need to experience serving to keep them in contact with the court system. i believe you should only be assigned cases in your areas of law. i have had mostly auto accidents and injury cases. i am a cpa business estate planning atty. that struggles with the law and trial procedures. i get it done, but maybe not as efficiently or to the letter of the law as others.

8689 I've been appointed an arbitrator many times. I've never submitted a bill, yet. I view it as involuntary servitude. CLE benefits would be perfect.

8703 I have a general comment. It seems to me that the arbitrator selection process is not fair. I know of at least 4 attorneys who have been practicing more than 5 years who have not been called to serve as an arbitrator in a single case, yet, I have been called to serve at least once a year.

8706 As a sole practitioner practicing only criminal law, I am not likely to ever use the arbitration process as a litigant. I am concerned, however, that I can be forced into service as an arbitrator in a civil case. This forced servitude is a disservice to both the litigants and to me. My office must completely close to my clients any time I am working on an arbitration case. When my office is closed, I cannot serve my clients, and I cannot produce any income. Because I have no expertise in civil law, the parties are unlikely to get the expert jurist their case deserves. I would prefer a system where only practitioners who handle arbitration eligible cases are selected to serve as arbitrators. It could even be a "one for one" system - for every case you place into arbitration, you must serve once as an arbitrator in someone else's case.

8718 IF YOU WANT ARBITRATORS WHO ARE FAMILIAR WITH THE RULES OF ARBITRATION, YOU SHOULD EITHER HIRE THEM OR PAY YOUR CONSCRIPTS WHAT JUDGES GET PAID.

8725 I THINK IT IS VERY IMPORTANT TO EFFECTIVE ARBITRATION THAT THE ARBITRATOR HAVE EXPERIENCE AS A LITIGATOR

9024 Based on my more than 20 years of experience, most arbitration cases are a farce, especially where insurance companies are involved. I don't believe insurance companies arbitrate in good faith and many if not most have a policy of automatically appealing the case if they lose at the arbitration hearing. Most of them don't even bother to call defense witnesses consequently it's my opinion they're just because it's mandatory and they don't intend to abide by any decision of the arbitrator that is not in the insurance company's favor. Perhaps if it were voluntary and binding or if the disincentive to appeal were increased, it might work. Otherwise, it's pretty much a waste of time and effort. On the other hand, in cases involving other forms of ADR such as mandatory settlement conferences or mediation, I believe they have a better chance for success.

9047 While I support the 25% rule, in certain cases it is unfair. For example if a defendant gets a defense verdict at the arbitration, there is really no penalty for a Plaintiff to appeal, because getting any verdict will beat the arbitration award.

9048 I am happy to do it if it is mandatory and spread among the bar. If it's voluntary, I probably wouldn't be too interested in arbitrating a bunch of small cases and not getting paid.

9053 Maybe there could be other compensation like bar dues or CLE credits etc.

9061 I left a number of questions unanswered because I am not involved enough to have knowledge or an opinion on those issues.

9068 I am currently serving as an arbitrator and have very limited experience in litigation cases. I have yet to have a hearing on the matter but I will presume that that limited experience will

come to play in the hearing itself. At least in this case there is a contractual dispute which I am more familiar from a transactional perspective. The first was a tort case which I have no experience in. Had that gone to hearing, you may as well have taken someone off the street to arbitrate for all the good I would have done. The system needs to be refined. Also, being a small firm, 75/day is ridiculous to spend much time on the case. As the hearing would be relatively short (4 hours) the pay should be extended to the time prior to and after the hearing where most of the work is being done reviewing the pleadings, holding conferences and deciding the case.

9086 Before retiring, I practiced for 25 years. Arbitration seemed to work ok, but seemed to place an unfair burden on the attorneys being forced to serve as arbitrators.

9122 By far the biggest problem with the system is the insurance carriers who automatically appeal any award, no matter how small, to drive up the costs and discourage plaintiffs and plaintiff's lawyers from pursuing claims. There needs to be a greater incentive for the carriers to negotiate these cases in good faith.

9152 The arbitration I attended was terrible. The purpose of dispute resolution is to fashion a remedy without formality. The arbitrator in my case required that the parties abide by procedural rules. It was obvious that she only knew one way to handle a matter and she stuck with what she knew.

9162 I think offering CLE credit, combined with training of the arbitrators to make it a truly professional program, would enhance the effectiveness and integrity of the arbitration system. I have served as an arbitrator and have been met with hostility from litigant's attorneys for attempting to enforce the program--both as to keeping within the time restrictions and seeking more information to make a truly merit based determination. I think changing the reputation of mandatory arbitration--now seen essentially as a stopping point on the way to court--would increase the ability of the arbitrators to reach a just and meritorious decision (rather than being expected to simply decide and move aside)and give litigants the assurance that their case is being seriously considered and respected.

9182 Many of the questions are directed to those who represent parties in arbitration, and I did not answer those because my only involvement is as arbitrator. CLE credit would be better than no pay. I have never submitted a fee statement. It also directly costs me money to serve as arbitrator in postage, copies and paper, not to mention my time I lose as a sole practitioner. No secretary to prepare,copy, mail, etc directly COSTS me money.

9183 Arbitrators tend to split the baby too much, instead of hearing the evidence, then resolving the matter decisively.

9199 The arbitration process is extremely ineffective. The time from the filing of a complaint until the case proceeds to trial is delayed and much more expensive due to having to undergo this process. All the while, a defendant is pressured to settle. Specifically, once a complaint is filed, it must go through arbitration. Arbitrators usually split the difference rather than reflecting what a jury might do. If one side appeals and wants a trial, they might be penalized. Once they appeal, a mandatory settlement conference is usually then imposed. Finally, a defendant is permitted to go to trial. The defendant has a right to go to trial and should not be forced to participate in arbitration or ADR which effectively impedes the right to trial. In my opinion, defendants are badgered into settling by the arbitration process and mandatory ADR.

9205 Re question #54, CLE credit is also a good compensation option, possibly combined with some form of hourly pay.

9348 In my experience, most arbitration awards are appealed. The defense has no incentive to forgo an appeal given its resources, even with the % "incentive." The arbitration process is used

to hone arguments and as merely a step to further litigation. Arbitration should be final if elected and if the arbitrator is knowledgeable on the issues. If an appeal is allowed, it should be similar to an appeal from the lower courts. The \$75 pay is not worth the time to collect.

Question 61 - General Comments on the Arbitration Program

0000 No ID: did not take survey -> I started to answer the questions in this survey, but I don't feel I can accurately complete it. The questions are formulated to prompt responses relating to only one arbitration. I have been involved in numerous arbitrations and I do not feel I can tailor my responses to fit your questions. Such questions would be better suited to a survey conducted at the end of each individual arbitration case. I can't answer your questions accurately because I have been through the arbitration process many times and each arbitration varies wildly from the last. If I tried to answer your questions using one representative case, I would not be giving you accurate information. I would like to help you with your survey and I suspect that I am the type of attorney you are seeking to survey. Sadly, your survey will not allow me or any other lawyer who has had more than one arbitration in the last two years to provide accurate answers. That brings me to a related point. In my opinion, the arbitration system's greatest shortcoming is that arbitrations do not provide uniform results. Consider the difficulty in maintaining uniformity in the justice handed down by our judges who are elected or appointed by political process. It is impossible to maintain uniformity in the justice meted out by various random arbitrators who have no more qualification than a law degree and five years experience. The entire system of negotiation and settlement rests on the ability of litigants to assess what will happen at arbitration or at trial and negotiate a settlement based on that assessment. Under the current system, it is impossible to tell a client what is likely to happen at arbitration and recommend a settlement offer based on that. In my opinion the lack of uniformity is the problem with the arbitration system and it is that lack of uniformity that prevents me from accurately answering the singularly focused questions in your survey.

0004 Train and require a certification therefor. Allow more flexibility in the deadlines. To not allow much time to prepare, and then to allow the high (25%) penalty if the amount is not bettered on appeal, is eminently unfair. Also we need to choose only those who are qualified to arbitrate certain cases such as in Nevada. Put them on a list for the type of cases they are most familiar with. And pay more. In Clark County, NV they pay \$500.00 per arbitration, or did. It may have increased.

0008 Until last year, I was in civil practice and participated in 5-10 arbitrations a year. I think the program serves the goals. However, I would like the arbitrators to be more experienced in their respective areas.

0010 Although I have no direct experience, I would think the arbitration system would benefit clients, counsel and the courts.

0013 Although my practice is primarily plaintiff, I also do defense work. I hear most attorneys (both sides) complain about having to serve, but I found in my experience that it is a good system and it seems fair to both sides.

0025 I can't emphasize enough that practitioners in the law of the matter at arbitration should be arbitrating. Otherwise, the parties do not get a fair hearing.

0028 We are not furnished with current addresses of the participating attorneys or the complaint or answer. This is very inconvenient and irritating because it unnecessarily creates more time spent by the staff or attorney.

0040 Unless the arbitrator is viewed as having expertise or at least basic knowledge of the type of case in dispute, he/she will have no credibility with the parties. Think about using pro tem

judges as the arbitrators, paying them \$150 per hour and make it a taxable cost that can be waived for indigent parties.

0046 I object in the strongest of terms to involuntary servitude. I render a lot of pro bono service and also reduced fee service to those persons who I deem worthy of my efforts. When I have served as an arbitrator, the parties, but particularly the attorneys acted arrogant because I am a solo practitioner. I would not deem any of them worthy of my services either at no cost or at a reduced cost. Ungrateful, obnoxious people like this need to pay financially and be held accountable for the true system cost.

0067 Litigants who are forced into arbitration with unwilling arbitrators should be outraged. Even if the arbitrators are serving without compensation, the parties are not getting a free ride and may be paying additional attorney's fees for something that is nothing but a waste of time.

0081 Re practice area -- I am a general practitioner. The court has a difficult management job to move all the cases. Some litigants express dismay at extra steps required before their "day in court" before the assigned judge (such as arbitration or ADR, e.g.) There is a public perception of arbitration as an obstacle to overcome. I suggest (i) voluntary participation by litigants who agree to be bound unless the result is without support, and (ii) required written findings of fact and conclusions of law.

0084 I have just received a notice of appointment as arbitrator; the period for striking expires today. I have not counted this in any question asking for number of arbitrations in past 2 years.

0110 Finishing prior comments - and I feel that if I were a party forced to arbitrate in front of someone who had not actually practiced or someone in a totally different area, I would have little respect for the process. Mandatory appointments without regard to the arbitrator's background are a disservice to all concerned.

0111 I have served as an arbitrator a number of times over the years that I have been in practice. Even those cases that do not go to hearing sometimes still require a time commitment by the arbitrator (deciding discovery motions, etc.). I do not think that attorneys should be paid for this time, but do think that they should be allowed to consider the time as pro bono or CLE.

0113 I am on the list for both Coconino and Yavapai and get more assignments than I should but who is going to tell the presiding judge "no"?

0122 While I believe the parties can bear the burden of the cost of an arbitration system, this is a cost that is the responsibility of the county and ultimately the taxpayer. To foist this responsibility on the Bar and the litigants is not just a political expediency. If taxpayers better understood the cost of litigation, they might file fewer claims, or at least think twice before dashing off to a lawyer.

0130 I find that arbitration is not always taken seriously and is sometimes seen as a "dry run" for the real trial. Thus, if a goal of arbitration is to reduce costs, it does not succeed, as costs increase due to both the arbitration process and a trial.

0137 I do not practice in the area of auto accident or med -mal, yet I get these case assigned to me, which does not make sense. I also know lawyers who never get appointed, but have been practicing 10 years or more.

0138 It should be completely voluntary.

0148 My one experience with an arbitrator involved a case I inherited from another firm which had wrongfully been assigned to arbitration. Moreover, the arbitrator was an attorney who had once worked for the firm I was with but had left under bad circumstances. She should have at least disclosed her former affiliation. She kept pushing the deadlines forward. I needed court intervention to fix this problem.

0162 I am mostly retired from practice. I have a few cases per year; but mostly as a consultant.

0169 If the program is to be meaningful, it should either function like contractual arbitration, i.e., with very limited review, or it should be review by the Superior Court on the record before the arbitrator and subject to the same standards of review as an appeal from the Superior Court so that the parties have to take their best shot in the arbitration.

0173 I am recently licensed to practice law in the State of Arizona. Although I also hold licenses in the States of Illinois and Texas and am on the commercial business panel of the American Arbitration Association, I have arbitrated no cases in Arizona and am not familiar with the state court's mandatory arbitration program.

0174 There were several assignments where I was struck and/or the case settled. I can't remember the total number.

0177 I believe it is unfair to require attys to serve as arbitrators for \$75 per day. Those receiving the benefit of the attys' work -- the parties or the cts.(by reduction of their caseloads) -- should fairly compensate the atty/arbitrator.

0181 I do not feel I have the appropriate experience or knowledge to arbitrate in civil actions. As such, I believe that my participation as an arbitrator or advocate would not be helpful in achieving the goals of providing a cost-effective and fair process to parties in a civil action.

0186 I think the system would be better served by imposing a primarily voluntary arbitrator system wherein volunteers would receive training and a reasonable stipend to take these cases in the majority of circumstances. if, in other cases, after one appointment, an attorney drafted for arbitration duty does not wish to continue to provide this service, they are given the opportunity to opt out. whereas others are offered the training and put on the list.

0191 As suggested in my previous comment, I am marginally qualified to preside over arbitrations. I spend about 80% of my normal work time handling business, instead of legal, matters and have virtually no familiarity with civil procedure, evidence or the legal subject matter areas typically involved in arbitrations.

0198 Your survey is too slow.

0202 There's got to be a better way.

0204 I feel strongly that the arbitration should be linked to the practice areas. I would be very willing to be an arbitrator on a transactional dispute because I would be familiar with the law and analysis.

0205 Comparing mandatory arbitration to the mediation program in Michigan, Arizona's program is fairer, & effective at resolving cases. People want to present their case to an independent person and they want a fair decision. They get both! What could be more fair than people having an opportunity to present their case and obtain a decision based on the merits? The program must be mandatory or it won't work.

0208 I could go on for hours, but you have limited the number of words. Rarely, do I have a case that is not appealed which means the arbitration was a waste of time. The courts are interested in ADR because they see it as a means of reducing their case load. The plain fact is that nothing settles a case better than a looming trial date.

0214 Pima County's program has evolved into a very good one with few appeals. I enjoy being a part of the system.

0219 Fund paid arbitrators. Stop mandatory arbitration duty as a prerequisite to maintaining bar membership.

0233 I am an arbitrator for AAA, NASD and NYSE. I believe in the system and would like to see County arbitrations armed with finality in at least some of the cases. Then I would feel like

my volunteered time has been put to better use.

0235 I will not take a case I believe might require arbitration

0241 Suggestions: Change the standard of review from de novo to abuse of discretion or clearly erroneous for arbitration appeals. Have an expedited and condensed appellate process (e.g., one 5 page brief by each side, then oral argument) by judges assigned to the case. Have arbitrators assigned to cases based upon their specialties. Arbitrators should be paid more, attorneys with experience in areas being arbitrated should be assigned, and there should be more disincentive for appealing arbitrations.

0257 I was appointed arbitrator in another county three times. All involved areas of law and issues not part of my practice, so I spent time reading the law and studying the issues. Two of the cases settled prior to the arbitration date, but after I had spent significant preparation time. This was time not spent on my own cases. The third case was decided on hearing on a motion for summary judgment. The case later went to trial, and was also appealed. I don't feel any of this was good use of time or resources.

0271 I am pleased someone is interested in our views - please do something about this program!

0275 I am a recently retired Judge from the Court of Appeals and have only recently begun to work in the Mediation field. I will only be working as a Mediator and an Arbitrator if the work comes to me. I will not be doing personal representation.

0277 I was an arbitrator on one case about 5 years ago.

0292 I believe I held only 1 hearing in the last 2 years, but it may have been longer ago. I know I have been appointed several times, and then did not have to hold the hearing.

0296 I am a retired corporate lawyer and have no private practice. My work in the past two years has been limited to serving as a court appointed arbitrator, having volunteered to accept as many cases as the ADR Administrator wishes to assign to me.

0316 I am clearly not a fan of mandatory arbitration. I do not believe it is authorized by the court rules and, even it were for me, it certainly is not for my company, which pays for me to be available to it 8-5. My experience is that I am deciding cases not in my area of expertise, which does not benefit the parties, and most cases are appealed anyway, so it's a waste of my time and the parties resources. Regardless, I devote significant time to my cases, which is not remotely compensated at the current rate.

0326 I would prefer binding arbitration using arbitrators with paid arbitrators with experience in a given field.

0329 You shift the economic burden from the court to attorneys who are struggling to make a living (at least the judges earn a salary). The previous reforms have helped. If you're still having problems, it's most likely tied to the miserly compensation you offer, including not paying counsel for anything but "hearing days." If this helps the court so much, let the court budget pay for it. Most attorneys in private practice are barely making a living (this doesn't include me).

0340 I'm beginning to feel like the unknown lawyer--I have yet to see any survey in Arizona that recognizes the small but healthy population of attorneys who serve the public interest through nonprofit advocacy organizations.

0349 As a nonlitigator, I don't even own a copy of the Rules of Civil Procedure, and frankly have no interest in learning them solely to serve as arbitrator once every couple of years. Small claims courts and perhaps mediation courts for matters under a certain size would be a preferable solution for handling increased case loads.

0357 Provided earlier in the survey.

0360 Much more needs to be done to prepare/warn attorneys for this responsibility. I did not know this was mandatory, I just got a packet from the Court one day and had to figure it out myself. When I practiced, it was criminal law, so I don't know the first thing about civil practice. I felt completely unqualified to preside over the assigned cases. Overall, a very poor experience.

0368 If the court wants to do arbitration, it should pay for it; it should not conscript attorneys who have more important work to do. The results should either be binding, particularly at low dollar levels or there should be a strong disincentive to appeal an arbitrator's decision.

0378 I am an inactive member of the bar.

0388 Arbitration service should be limited to attorneys with substantial trial experience, but doing this would create a burden on the eligible attorneys unless adequate compensation is provided.

0393 The current system forces attorneys to be arbitrators who don't necessarily want to be arbitrators and forces parties to try cases in a forum in which they do not want to be and accept judgments from persons without the training and knowledge necessary to render the decision of a judge and jury. While settlement should be encouraged, arbitration should not be forced.

0404 I believe the court system should hire or contract with permanent full-time arbitrators to hear cases below the compulsory limit.

0407 I'm sorry but I practice immigration law exclusively and have no experience with arbitration!

0415 My previous experience was that arbitration was simply a mini-trial, and as such, it did little to hold down costs and delay. If it's supposed to be an "alternate" dispute resolution, then come up w/ a real alternative, not just a mini'me that morphs into the real thing.

0416 I enjoy acting as an arbitrator. It would be better if I could justify the time I spend on these cases in terms of overhead and staff time. If I could, I wouldn't mind doing more, and having the arbitration experience count toward serving as a judge pro tem or help in applying for a judgeship or position as a commissioner.

0426 It is a valuable way to resolve injury and commercial cases but I think in today's economic climate the jurisdictional amount should be increased to \$100,000 or \$150,000 to avoid the expense of the process eating up the available funds for resolution and making litigants bitter about the process.

0440 It makes no sense whatsoever to have inhouse corporate counsel involved in these arbitrations. I am not generating any cases that require arbitration and am so disconnected from the litigation world, that it seems insane to mandate that I participate in these arbitration hearings as an arbitrator. Reform is very much overdue and it's about time someone paid some attention to the neglected area. I thought indentured servitude when out years ago.

0452 I have been assigned arbitration files since I hit my 5 year anniversary as an attorney. There are attorneys that I know that have never received an arbitration file. Most have been practicing longer than I have. The system is defective in a number of ways not only for the parties but also the arbitrators. It seems the attorneys have no respect for the arbitrators nor do they comply with the arbitration timeframes set forth. It seems to be a waste of time for the arbitrators.

0457 Although most lawyers don't like to be bothered with it, the system works and has saved clients a lot of money in the long run.

0458 It must develop incentive to use and disincentive to be unprepared or to take advantage of the system to accomplish disposition of the caseload. Otherwise, the system will just have helped out judges caseloads by passing the burden to arbitrators.

0466 Although most of the cases in my commercial litigation practice involve amounts that exceed the jurisdictional limits for court arbitration I have a rather skeptical view of it with the limited experience that I have had. Parties 'stalling' the payment of a commercial debt want it to 'drag out' in the court system while they try to buy time to get the money to pay my creditor clients. Hence, they will move for a 'trial de novo' just to buy time, which is very frustrating. I almost wonder if it's worth it.

0470 See prior comments.

0472 It appears (from observation and discussions) some attorneys never get an arbitration assignment, and I receive them very regularly. I would like to feel comfortable that all attorneys in the County are receiving the same number of assignments, and I hope your report will address that issue.

0474 Have been appointed arbitrator in three cases. Two auto accident, personal injury. I believe both settle after the arbitration award and I hope my service contributed to the cases settling. The third case was a debt collection; the defendant declared bankruptcy before the arbitration was scheduled. The three assignments came in short succession. I have had no recent assignments. Although serving involves some sacrifice, I believe the process does assist parties to evaluate and settle cases.

0475 The mandatory arbitration process permits the parties to have a third party opine on the issues. Lawyers are moving up settling from the day before the trial to the day before the arbitration hearing. Do I look forward to taking my time to participate? No from the standpoint of getting the work done for my clients. But, yes from the standpoint of learning new law and having new experiences outside my normal practice area. Good job by all

0488 None of the cases subject to court arbitration that I have been assigned had anything to do with the practice. For that reason, it often requires extra time simply to get up to speed on the rules, etc. to prepare for a case. The requirement for attorneys to serve as arbitrators should be abolished and a replacement system (e.g., arbitration court) should be implemented.

0498 I have participated in the Justice Court mediation program as a trained mediator. Both mediation and arbitration are valuable options to trial and should be expanded to include more cases and more types of cases.

0499 I believe that the program should be voluntary. Funding could be either CLE credit or a credit which could be used to pay for county or state bar CLE classes.

0520 Arbitrators are as important as the Superior Court Judges and need to be paid accordingly, not treated as second class citizens or lackeys of the judges. All too often our Court system uses pro bono as the alternative to balancing their budgets. These solutions are out of integrity with what the goals of a well run judicial system should be. The majority of cases are now being decided by arbitration and mandatory ADR, so there is less and less an independent judiciary for the parties.

0536 I believe that arbitration slows down the process. In my practice, what brings settlement more quickly than anything else is an impending hearing. Arbitration and all other forms of ADR frustrate this natural process, allowing lawyers to increase their fees while litigants await finality.

0547 I think the system results in hasty unresearch decisions because attorneys just want to get it over with, without spending adequate time on the case and knowing why they made the decision they made. Low pay = Low quality work. That's history.

0560 Would like to see the arbitration program be voluntary instead of mandatory. Seems like an arbitrator experienced in the area of law applicable to the arbitration matter would be more beneficial to all involved than a randomly selected arbitrator who has no expertise in that area of

law.

0563 No faith in the randomness of selections. Trial lawyers don't care that i am unfamiliar with court practice or law of torts. i have to go get the file from public records, one hour of my time... don't get the phone/contact number for attorneys in the paperwork sent for arbs !

0568 The cases should be heard in small claims court and the limits should be increased to \$50,000. Court cases need to be made more affordable for the average person and that means easier access to a cheaper court system.

0569 Prior to a transition into criminal law two years ago, I handled many personal injury plaintiff's cases. The big flaw with mandatory arbitration is it encourages the poor to settle for a fraction of what they were entitled to, rather than incur the costs (which they could not afford to pay up front) of a useless arbitration hearing, because the party with deeper pockets is free to appeal an adverse arbitration ruling denovo. Your comment form does not allow enough space to finish responding...

0572 Get ride of the program or fix the problems.

0583 I strongly believe the arbitration program should be voluntary, both for both litigants and for arbitrators. Justice is not served by unwilling arbitrators. Encourage new bar members to serve voluntarily by eliminating the 5-year waiting period. At a minimum, pay arbitrators a reasonable hourly rate, if they're forced to serve. At a minimum, arbitrators should only be required to work in areas of the law in which they're knowledgeable.

0585 When I practiced in Los Angeles, they had mandatory non-binding arbitration for small cases. It was an excellent vehicle to get those types of cases resolved early so that the Courts could focus on its criminal and complex litigation dockets.

0589 I would be perfectly happy to recommend that my clients with small disputes arbitrate their cases, if the parties would be bound by the outcome. I see little benefit to arbitrating a small case, only to have the decision appealed, with attorneys' fees becoming the primary issue in the case. After many arbitrations as an arbitrator and an attorney representing a party, I have easily concluded that the mandatory arbitration process is an utter failure if the parties have not agreed to make the outcome binding

0596 I think it's prudent to retain the current arbitration program, with a few minor fixes to ratchet up the seriousness level of the parties.

0604 This may be the slowest web-based survey I have ever taken.

0622 I think the program saves neither time nor money because of the number of appeals in auto cases. The insurance companies do it to force you to settle for less. I think that arbitration should be restricted to cases where the parties have more equal bargaining power and I think auto tort cases should be excluded from the process.

0626 While I have not served as an arbitrator, I have been a litigant subject to arbitration. My experience is that the arbitrator was ill prepared (lost the parties memorandums and did not bother asking for copies) and seemed more interested in attempting to appease the parties (split the baby) than in attempting to reach a just resolution.

0629 It's ridiculous to randomly assign attorneys to arbitrate case from areas of the law with which they have no expertise. It's produces an unfair result for both parties. Also, as a sole practitioner, it's unduly burdensome and time-consuming.

0637 Involuntary servitude is unconstitutional. Service as an arbitrator or judge pro tem should be voluntary. The plaintiff should be required to deposit with the arbitrator, up front, a reasonable fee for arbitration. If the plaintiff prevails, the defendant should be ordered to reimburse to the plaintiff the arbitration fee. The cost of litigation should be borne by the losing party, not by the

arbitrator, who has been forced to "serve" under penalty of losing his or her license.

0642 It is essential for the arbitrator to be prepared for the hearing, to be properly compensated for his or her time and to have subject matter experience.

0654 I think the mandatory arbitration program in Maricopa County is a travesty.

0670 Reasonable hourly pay, plus designation as judge pro tem, cle, etc.

0672 As a tax-exempt organizations lawyer, I do well over 100 hours a year in pro-bono already. I am not qualified to arbitrate a dispute.

0675 I have hated the arbitration program for years. Attorneys forced to serve as arbitrators often resent it, and attorneys litigating mandatory arbitrations often seem to see arbitration as just one more hoop they have to jump through before they can take their case to a "real court." Some parties may take the arbitrator's decision seriously as the opinion of a "neutral" party, but many just assume that the arbitrator is somehow biased against them.

0682 This survey was extremely slow on my computer. Took perhaps an hour to click through. you may want to check the software. I am sure you anticipated immediate response, but the program takes ten minutes to go to the next page.

0696 No cost training should be offered in each county to prepare attorneys to serve as arbitrators and there should be a judge designated to answer questions and provide guidance to those who are appointed.

0722 Since I specialize in estate planning and probate, I am not comfortable serving as arbitrator in unrelated fields such as contract and tort disputes.

0750 As a non-litigator who practices in a very specialized area, I find the requirement to serve as an arbitrator a major annoyance given that nothing is served by the hearing when it can simply be appealed and a trial happens anyway.

0752 I should not be a mandatory process. Only attorneys who actually are involved in trial practice should be involved.

0754 It is amazing to me that Arizona courts not only permit but benefit from the involuntary servitude they have imposed on members of the State Bar of Arizona. It is not my job to reduce the costs of the courts by spending my un-compensated time resolving cases filed for court action. Please eliminate this unauthorized tax on my earning power and the threat it presents to my license to practice law.

0758 See my previous comments.

0766 The Arbitration Program appears to be beneficial, unfortunately I, being newly admitted to the bar, have not had the opportunity to engage in the process.

0784 What is the difference between the involuntary arbitration I am forced to conduct, and court connected arbitration? your survey assumes I know something about the subject, which I don't.

0788 I have only limited contact with this process, but I enjoyed the opportunity to sit as a judge in an informal setting and attempt to hear the dispute and resolve what was really at issue. I only wonder what happened to the ruling I entered.

0808 Please make it voluntary and/or provide for an alternate means of service.

0810 The program should be abolished unless there is good, substantial proof most of the arbitrator decisions do not get appealed or that the arbitration hearing helps cases settle. Serving as an arbitrator should not be mandatory.

0816 Attys in arbitration are unprepared

0818 I have been fully retired from my practice for three years and have had no active practice in many years dealing with court-appointed arbitration.

0820 This survey took a very long time to go from one screen to the next. That should be adjusted or attorneys will not have the patience to complete the survey.

0823 I've been retired for 4.5 years from the practice of law

0825 Mandatory anything sticks in my craw. I understand that almost no-one would act as arbitrator voluntarily without a meaningful perq, but bear in mind that solos and small firms carry a proportionally much larger burden than large firms or govt lawyers. I am expressing my opinion only as to the economics; please do not mistake me for one of those wild anti-State Bar types !!!

0829 I believe that participating as an arbitrator should truly be voluntary. If it were, I believe most attorneys would still volunteer. If the judiciary insists on keeping arbitrator participation mandatory (apparently because the judiciary assumes that most bar members will not actually volunteer), then arbitrators should be paid reasonably for their time.

0835 Too often the arbitrator is not decisive enough or knowledgeable enough about civil litigation. Many arbitrators are afraid to grant summary judgments even when there are no questions of fact or law.

0843 This is an extremely poorly constructed unquiry. It has forced choices which will skew the results severely. One small example is the last question above. I manage offices in Coconino, Graham, Greenlee, Mohave, Santa Cruz, Yavapai and Yuma counties. I practice in all of them from time to time in equal amounts but my base is in Maricopa, where I also handle some cases. Ther is no consideration for this in the survey construction.

0858 See my comments made in the prior section. I have been in-house counsel to an insurance carrier for about 4 years - I represented claimants for 13 & 1/2 years before that, which was when I had my experiences with the arbitration system.

0871 I am not currently in practice but keep my license up to date. I do not feel very comfortable serving as an arbitrator.

0893 A limit of 512 characters for this window is absurd.

0896 Arbitration can be great if the arbitrator is qualified, if the right process is followed, and if the arbitrator is honest. I have save my clients al ot of money using arbitration as a tool. Litigation costs and the time involved are out of control. However, arbitration should be consensual, except in small cases.

0897 It is an unfair burden on those with no experience in litigation. I practice solely in transactional real estate, and though I am certain to be appointed arbitrator at some point under the current system, I have no experience in the field, and I am concerned that I will be required to take on a role for which I am ill-equipped. I do not believe that my acting as an arbitrator will serve any good for any party, be it the plaintiff, defendant, the court system or otherwise.

0906 Bring the mandatory nature of this to an end. The 9th Circuit agrees that it should go away - make it (i) voluntary for the lawyers to serve as arbitrator, and if you can not get enough volunteers, than pay market value, and (ii) binding on the attorneys that choose to use it. If it became mandatory, the number of lawyers using it would drop by 90%.

0908 I really dislike the mandatory arbitration program. It is not fair to parties or to attorneys.

0919 When asked about the percentage of my practice I spend on cases subject to arbitration, I based my response on cases in which I have been involved doing legal research and writing.

0922 Make it a real program with staff or drop the whole idea. Taxing my resources on top of my own chosen pro bono work is a serious strain on a solo practice when none of the participants wants to work within the system.

0924 The sanction that should be considered is to provide to the jury the fact that the matter

had been arbitrated and is on appeal by one of the parties and identify that party. Obviously, the jury will be told that they are not bound by the arbitrator's decision, but they should know who it is that has hailed them in to court. In a bench trial the Judge always knows exactly what the Arbitrator ruled. Yet if the case is retried before a jury, we withhold all information that even an arbitration was held.

0928 Like anything else, if it is done right and has the proper cooperation of all parties, it should be very helpful.

0930 The arb program has been essentially neutered. I have had three arbs in the last year, and each of them has been appealed by the other side. insurance carriers are taking almost all arbitration awards that are even vaguely adverse to them up on appeal. This is a waste, and is not what was contemplated. Court ordered mediation with a special mediator is probably the answer. It is almost always the end result.

0963 I feel that appointing attorneys as arbitrators is unconstitutional and violates the 14th Amendment. I resent very much being involuntarily appointed as an arbitrator and, as a sole practitioner, find it to be an extremely unreasonable burden on me and my law practice. It is, in my opinion, an unjust shifting of the court's responsibility and should be terminated immediately.

0970 My practice is fairly evenly split between PI and Worker's compensation

0972 Unlike many attorneys, I actually enjoy serving as an arbitrator and consider it to be community and professional service. I take my responsibility in these cases very seriously. My experience is that many of the attorneys who participate representing parties in these actions (most have been tort/motor vehicle cases) do not take their responsibilities as seriously as I do. For example, they ignore orders to submit pre-hearing statements. They settle cases without bothering to inform the arbitrator. Etc.

0975 The county should not require attorney's to work for free. The statute requires that parties have access to the courts. Forcing attorneys to perform these services is stealing my time.

0981 I do not think that lawyers should be forced to show cause in order to decline to arbitrate a case. Instead, the selected arbitrator should be permitted to notify the parties and court that it is unable to handle the matter.

0985 The abitrators are often unschooled in how to run an arbitration rather than follow the rules of evidence they use a "coffee klatch" approach--"lets just talk about the case" it undermines the entire system and makes it useless.

0986 We file suits subject to mandatory arbitration in nearly every County.

0993 Arbitration rules should require arbitrator to issue notice of decision within 24 hours after completion of arbitration. It is ludicrous to allow arbitrator 10 days within which to issue decision; we don't offer that alternative to a jury. Also, I think it would be beneficial (and more meaningful to counsel and their clients) to assign arbitrators based upon practice area. Finally, make service as arbitrator voluntary as opposed to mandatory!

1011 My office has declined all arbitration appointments. How can public lawyers who represent indigent clients be appointed to work on cases where the parties can afford attorneys?

1013 For arbitration to be meaningful, appointed arbitrators need to be familiar with subject matter. Mandatory appointment does not appear to be the best scenario.

1016 I have no personal experience. Those I have heard speak about it say they opt out of it every time.

1024 I have rendered awards in a couple of cases this past year. (I find that most cases settle very close to the arbitration hearing date - it seems to be a good motivation!)I do not know if the awards are appealed, and I think that information would be useful to me as an arbitrator.

1037 I like arbitration and mediation.

1052 Arbitration only works when the arbitrator cares about resolving the case fairly, and is willing to spend the time to fully evaluate the issues and evidence.

1055 It is unjust that attorneys are required to subsidize the civil court system with mandatory arbitration duties. There is no mandated pro bono assistance on immigration cases or domestic relations cases or criminal cases. Why civil cases? Civil litigants should have to pick up their own costs and pay for mandatory arbitration.

1064 NA

1066 For those of us with zero experience with arbitration and very little or no litigation experience, it would be nice for the court to have a brief training program to explain how the process is supposed to work. My 2 cases settled prior to the hearing, but if they went I would have had no idea how to conduct a hearing-other than just winging it.

1077 I strongly object to the mandatory service as an arbitrator. I have several attorney acquaintances who have never even been selected as an arbitrator. I routinely am assigned to the arbitrary 3 cases per year. I have no support staff. I have neither the expertise nor the time to relieve the court's case load.

1085 The program should be abolished. My time is much better spent serving the poor directly and by seeking legislative changes. Let the judges do their own work.

1087 The unfair burden placed on attorneys in Maricopa County, compared to the other Counties, points up the inequities in the system. Since the majority of the arbitration cases involve tort matters, why not assess the portion of the bar that avails itself of the system a surcharge in order to pay the County expense of hiring professional arbitrators; perhaps the current disregard of the arbitration decision by the attorneys involved would cease if they are required to pay extra for the arbitration process.

1090 Cases should be sent to arbitration based on some individualized evaluation that it will help. I sense that in most of the cases I arbitrate, the arbitration simply drags out the process. The parties would be better off getting a court judgment that they would be stuck with the first time. I would encourage the use of other ADR methods as well.

1092 The abuse of the process by insurance companies making it a matter of practice to run up the costs to the plaintiffs' lawyers by going thru arbitration, and then totally disregarding the decision and taking the case thru further discovery and trial needs to be addressed. I don't practice in that area, but am aware that it is a practice followed by a number of the insurance companies.

1112 I think there is much potential for saving everyone time and money through a court-approved arbitration program. However, I believe the program as it stands is in desperate need of an overhaul. I am a huge fan of ADR and would like to have more control, as an attorney representing my clients' best interests, in determining whether arbitration, or another form of ADR, would best serve the needs of my clients. I would also appreciate a better-trained, more closely monitored pool of arbitrators.

1118 I have done 15 arbitrations so far this year. I have sat as an arbitrator twice, once court appointed, once private. 9 of my 15 awards, all in my clients favor, have been appealed. None have been an unreasonable award. The defense bar is currently abusing the system. The defense lawyers joke about it. We all know they won't even talk to us until we have an award, and then they want to pay less than the award. The system is broken and the penalties for losing an appeal need to be increased again.

1127 1. Fee payment--I have tried unsuccessfully to have fees transferred to the foundation, but I never could seem to get the paperwork correct. It was a cumbersome process. I have not

tried to do so in the last 5 years, however. I just don't submit a claim.² Assignment of cases--The assignment of cases is extremely irregular. At least three times I have had two cases assigned to me. Then I have gone over two years without receiving a case.³ The support is very irregular, also.

1132 I perform them for free because I enjoy it. Most lawyers don't or cannot afford the time to do a good job. I believe a universal truth is that good quality oates are expensive but not in the long run. Those that have already been run through the horse are cheaper all the way around.

1139 If arbitration service is going to remain mandatory (which it should not) then I believe there should be mandatory programs that all attorneys who are selected to serve as arbitrators must attend at no cost to those attorneys. The mandatory programs should cover all the basics, including refresher courses in evidence.

1146 The current compensation mechanism is not useful. The cost to actually prepare a invoice, do the accounting, determine how to properly submit the request for payment or even assign the payment costs more than the compensation. Thus, it is from a business perspective better to simply not request payment or assignment. As a small business owner, this is perceived as just one more insult to the injury, and resentment is the result.

1151 In a creditor's collection practice, the facts are largely uncontested, and the goal is to get a Judgment as fast as possible. The current arbitration system does not serve this goal. Arbitrators either refuse to consider a motion for summary judgment, or simply fail to consider or rule upon the motion until the hearing, which often requires unnecessary preparation or attendance at a hearing. Also, Arbitrators often assist pro per parties too much, to the point of prejudicing the other party.

1160 I am a general civil practitioner and your possible answers to the third question in this segment are not appropriate to my situation. Don't understand why you wouldn't include other possibilities of mixed practice with no specific "majority of practice"!!!

1162 Forcing lawyers to participate in non-binding mandatory arbitrations amounts to conscription. While I may have a duty to society to donate my services, such donation is justified under the current system in which counsel are free to appeal the decision. Since I am not a trained arbitrator and often do not know enough about the law of the case I am asked to decide, I nevertheless am not in favor of making the decisions binding.

1166 I am seriously considering becoming inactive in the bar (and thereby exempt from the arbitration requirement) mainly because of my experience with the mandatory arbitration program.

1173 My bar is currently inactive and, therefore, I am not currently practicing. However, at the time I was practicing, nearly 100% of my practice was subject to court-connected arbitration and my practice was tort/personal injury, primarily defense related. I worked for two medium sized law firms during my years of practice, one of which primarily practiced in the insurance defense area and the other that had a small insurance defense practice (however, that was all I did for the firm), both Pima Co.

1187 Cannot stress enough my opinion that arbitrators should have knowledge/experience in the area of law they are assigned to arbitrate.

1202 The State's justice system would be better served by increasing the number of full-time Superior Court judges to a reasonable number, and having ADR conducted by personnel employed full-time by the Superior Court. Mandatory arbitration, subject to de novo review by the Superior Court, is a failure.

1207 The system is broken. Some of the large insurers are simply using it to preview other

parties evidence and argument in prep for trial. There is no ADR attempt. There needs to be a stiffer penalty for appeal. The civil docket is packed with these kinds of appeals.

1226 You get what you pay for. A free mandatory system is worth just that.

1229 I do not think you can have the public feel like they have their day in court when cases are assigned to arbitrators who are unfamiliar with the law and the parties' lawyers know that the decision is appealable as of right.

1231 1. Administrative law judges should not be required to serve as arbitrators (for the same reasons that other judges are not required to serve as arbitrators).2. The Court would make the arbitrator's job much easier by including the addresses of counsel in the notice of appointment of arbitrator.3. In my experience, counsel rarely have the courtesy to advise the arbitrator when a case has been settled. I am not sure what the solution is, but this is a frustrating occurrence.

1250 Terminate the program now that we have the new ADR requirements.

1253 My bar membership is on inactive status, so I do not personally represent clients. However, from what I have observed with my fellow attorneys, the arbitration process does not seem to be very productive. Some or all of the parties or arbitrators don't seem to prepare properly, and if anyone is unhappy with the result - as someone usually is - they file in Superior Court anyway. Plus, it seems a heavy burden on some busy attorneys.

1260 Arbitrators must be paid for all of the time they spend on a case. They should also be designated as judges pro tem and earn CLE credits for serving as arbitrators. This would spark a revolutionary change in the attitude of attorneys serving as arbitrators. They would, for all intents and purposes, be judges and what attorney wouldn't like to be paid to judge others' cases?

1262 In considering how to deal with mandated arbitration, the Court should remember that not all lawyers are litigators (you can see that assumption underlying most of the questions in this survey).

1285 My clients (primarily small business principals) have been extremely unhappy with the arbitration process. They consider it a barrier to entry to the justice system.

1321 There are economic incentives for counsel to avoid arbitration, such as the need to bill and to collect hourly fees. Ask litigators, many of whom love the fight more than solving the public's problems with resolving conflict.

1332 I totally resent being forced to participate as an arbitrator and consider it to be equivalent to involuntary servitude for lawyers. I am forced to take a number of hours of my time on these cases, even if they don't go to hearing, and the pay is 1/2 my normal rate for one hour. Furthermore, I believe the program is nothing but a joke. In practically all cases, the losing party will reject the arbitration settlement and the case will go to trial in Superior Court anyway. It should be eliminated.

1335 See other comments; most importantly: lengthen time limits. Waste of time and money to force parties to hearing when they haven't had time to prepare to give it their best shot; the inability to achieve that forces an appeal.

1340 This is an awful program. Fix it or abolish it.

1342 From my perspective, it's close to a waste of time unless the parties come prepared to meaningfully discuss settlement and realize that they are typically spending a dime to try to make a nickel. If they do not have that attitude, then I perceive that the arbitration is often merely a means to "vent" before the "real trial" and is akin to a pre-trial "dress rehearsal". I am extremely busy and always do what I can to come prepared to help find a fair resolution -- the parties should be equally motivated.

1344 Although I've taken only one arbitration to conclusion, I've been tapped three times and

was noticed in two of those cases. Some slight amount of work still was done even on those two cases, and that work obviously was a waste of effort. The one case that went to hearing was not only on a subject about which I knew nothing, but also was on a subject about which I would have preferred to remain ignorant. I hated being put in a position of having to research a foreign - and boring - area of the law.

1349 As it currently exists, I believe the arbitration program is a waste of time and money. I do not believe that there is a sufficient incentive for the parties to take the process seriously and to abide by the arbitrator's decision. It has become another level of discovery for parties intending to have their day in a "real" court, and an opportunity for delay for parties intending to settle anyway.

1383 I have not been assigned as an arbitrator since I became a public lawyer five years ago.

1387 Arb results in small PI auto accident cases are typically appreciably higher than jury awards. Look at the Trial Reporter. The current system adds another layer of time and expense in too many of these cases b/c the arbitrators (lawyers) are much more liberal with someone else's money (the defendant's, or more accurately, the assumed insurer for the defendant) than juries are. I recognize this is a difficult issue, but raising the "disincentive" % is not a fair solution.

1391 Over the past two years I have had 3 or 4 arbitrations. Only one had a hearing and the others settled. There is a huge amount of time spent on these so that if they settle you are still on the list for another one. I think assigning an arbitration and being selected should count rather than a hearing. The lawyers are very difficult to deal with and I have had to ask the judge to order attendance at a hearing after rescheduling it numerous times.

1394 My experience with court ordered arbitration or mediation is limited. In a mediation concluded earlier this week in Los Angeles County, the plaintiffs presented their initial settlement demands for the first time in written form. As a result, the defendant, we, had no choice but to ask for some time to consider that which had been presented. The costs of this proceeding should have been assessed against plaintiff, but were not. Appauling

1400 I've only been practicing 8 months, that's why I haven't served as an arbitrator yet.

1404 It seems as if the losing party always appeals. If that is true then arbitration serves no purpose and is a waste of our time.

1420 I'm not sure how arbitrators are selected, but I have been practicing 13 years and only once have I been appointed as an arbitrator. Conversely, I have several friends who have been practicing just over 5 years who have already been appointed multiple times.

1427 A lot of clients appeal the arbitration because it is de novo. However, without more incentive for arbitrators to spend the time on the cases, I don't want to see the ability to appeal de novo changed. That might work if you paid arbitrators a reasonable hourly rate, and they were people who wanted to arbitrate, rather than those that were forced; and if they were trained or certified. Making only one of these changes isn't enough. The program needs to be re-vamped.

1432 I believe the use of attorneys as arbitrators is not effective, except to delay court cases. Professional arbitrators or mediators could accomplish much more and relieve attorneys from wasting their time.

1449 Have been appointed in several cases but only one actual hearing. Parties' attorneys should be required to contact arbitrator, with agreed possible hearing dates, rather than arbitrator having to try to find them in bar directory and schedule hearing. Also contact if settles!

1456 Considering the number of lawyers in Maricopa County and the number of cases filed, I was surprised at the frequency with which I was designated an arbitrator. I was assigned one case that was related to my area of practice. The rest were automobile fender benders. If arbitrators

were adequately compensated, there would probably be a sufficient number of volunteers. If you paid judges and commissioners \$75 a day and required them to provide their own staff there would be a lot of vacancies on the bench.

1458 I have been appointed as arbitrator maybe 8-10 times in the last two years but only conducted 3 hearings as arbitrator, most of the cases settled before the hearing

1461 See above. What about giving an exemption from calls for jury service for lawyers who serve as arbitrators? I have been called for jury service regularly but I am never picked to serve. Service as an arbitrator could be a substitute for being called for jury service?

1463 In the past two years, I was appointed twice and set hearings, etc., but one attorney noticed me and the other case settled before arbitration hearing.

1464 From an arbitrator's perspective, the system does not seem to work. Attorneys do not take the process seriously, plan to appeal if they lose, and simply use the arbitration for tactical purposes.

1469 I do not think it is fair to the parties involved in the arbitration to assign an arbitrator that may not have any litigation experience what so ever. I think the court should use volunteers as opposed to selecting arbitrators from the entire pool of active state bar members.

1476 Dislike across the board mandatory programs which are keyed to nothing but the fact that a lawyer still has active status

1490 A program that requires practitioners without litigation expertise to act as arbitrators continues to trouble me.

1502 I believe we should abolish the mandatory arbitration as currently structured. I prefer mandatory ADR. I often elect settlement conference and ask the assigned Judge to have a settlement conference prior to being forced to mandatory arbitration.

1507 I have practiced extensively in the State of Minnesota. The Court has a mandatory alternative dispute resolution system. I believe it is very beneficial in the early resolution of disputes. I have also found that allowing the attorneys to select between arbitration and mediation also helps to promote early resolution.

1513 The concept has always been a good one; the \$30,000 level in Pima County is too low. The ease and low cost of appeal in order to obtain a "real trial" often makes the arbitration process essentially meaningless from a plaintiff's standpoint.

1526 Even the questions in this survey presuppose arbitrators actively practice law! The faulty premise leads to inequities listed previously. If I practiced law, earned an income doing so (and had support staff to assist me w/arbitrations) I would not object as strenuously, assuming that I'd also be assigned to cases in my specialty. I've spent huge amounts of time/energy educating pro pers, listening to irrelevant testimony and trying to facilitate settlements. Are my efforts producing significant results?

1533 From the arbitrator's perspective, there should be only 2 alternatives: Either make it VOLUNTARY or get rid of it. However, since the State Bar does not have the courage to take a stand on behalf of its members on this issue, and the courts will do whatever they have to in order to maintain the present system, I must assume that this survey is little more than a public relations stunt that will ultimately lead to nothing.

1542 The mandatory requirement to serve as an arbitrator should be abolished. It is the duty of the legislature to provide adequate support for the judicial system. The existence of a workable system should not depend on the forced labor of attorneys.

1548 I am vehemently against the compulsory service of attorneys as arbitrators without just compensation. I will resist and lobby against it any and every chance I get; and will remember

those who imposed it upon us at such time as I may be able to see that justice is done.

1566 Do away with mandatory arbitration!!!!!!!!!!!!!!!!!!!!!!

1567 Cases settled so don't even know the exact nature of the cases (I never had to retrieve the files from the court)

1580 To finish from before (when the computer told me to stop) it is a real problem to have billable hour pressure and have to be an arbitrator. This is not something that most associates or even junior partners can control. Again, if the lawyer/arbitrator is having to "make up" lost billables, they are more likely to be less thoughtful about the case, and that is a disservice to the litigants.

1582 Notwithstanding the concerns above, I don't mind being an arbitrator and view it as a part of my obligations as a lawyer. The program is ok, but could be vastly improved.

1589 Radical changes must be made to make parties respect the arbitration process and arbitrator. Courts do not give arbitrators decent regard, even though the courts benefit the most--it's out of sight, out of mind with most judges. Too many lawyers are opted out of the system. Judges are playing games with the system--allowing certain lawyers relief from the system--like public lawyers, who have no statutory or regulatory exemption.

1590 When I was in civil practice before moving into government work, I did notice a problem with finding qualified mediators/arbitrators in rural counties.

1601 I have never arbitrated a case. Never served as an arbitrator. Have not kept up with most areas of the law that would require arbitration. Travel about 60% of my time. Have no interest in arbitration.

1611 My last 2 experiences as arbitrator were terrible - a waste of everyone's time and at great expense to me. As a sole practitioner my time is critical - when I get bogged down acting as arbitrator, it seriously hurts my practice. But there is no way for us to sign off of a case for financial hardship. Its not really fair to solos & small offices.

1613 Needs work

1637 Requiring attorneys to arbitrate cases for free and without any experience appears to violate at least the 13th amendment and several others as well. Also the old adage that legal advice is worth what you pay for it suggests that the free arbitration is just a waste of everyone's time.

1646 I practiced in the area in private practice for 10 plus years. recently I changed and work for a government but I answered the questions as of my very recent private practice experience.

1647 I have not had any direct contact with the arbitration program, but have participated in numerous MEDIATIONS through the juvenile and superior courts. I believe in general non-court proceedings often resolve cases without litigation and would imagine the success of the mediation program is similar to what could be realized with the arbitration program.

1658 I have never had any involvement with arbitration but from what I have heard from others, they should just get rid of the whole thing and set all the cases directly to trial in Superior Court or Justice Court as applicable. Thanks.

1691 Again I don not want to do this--I would gladly pay higher dues to let someone who wants to do it do it--

1693 Preclude all depositions before hearing (except by agreement of parties) other than parties and experts. Pay arbitrators like a private mediator and tax fees as a cost to losing party. Make mandatory the disclosure of the insurance company for the party appealing the award to statistically track systemic "abuse by appeal."

1697 I previously practiced in Pinal County and rec'd an excessive number of appts as

arbitrator through that county. As a result, I notified the Pinal County court that I no longer wished to accept indigent representation appts. with their court, in order to have my name removed from the arbitration list. Hence, compulsory arbitration drove me to cease practicing in Pinal County.

1700 I think arb would be wonderful if either: a) all parties participated in good faith or b) if arbitration were a voluntary choice where there be three arbitrators: one selected by each party, a 3rd agreed upon and the results were binding (as is the norm under policy language for uninsured motorist claims against one's own carrier).

1722 Over the years, the arbitration system has worked well overall. Been appointed numerous times to serve as arbitrator, most of the times the cases will settle prior to hearing. When go to hearing, typically only last half day.

1737 Like i said - it needs to go away

1747 One year I had 3 cases assigned -- annoying. They drag on a bit because the parties apparently don't put arbitration at the top of their to do lists, and then they frequently continue to court anyway. I don't mind doing my bit to help out the court system or speed up adjudication of smaller cases, but I'm not sure it works that way. Eventually most arb cases settle. Also this survey was a major pain to do -- very slow after hitting "next."

1751 I was a litigation attorney for twelve years prior to going into real estate. My comments come from my experience both as a former litigator and as someone who has been an arbitrator several times.

1754 Mandatory arbitration places an unfair burden on solo practitioners.

1768 If I am doing a judge's job, why am I not paid as a judge?

1770 I would love to see it really work, but it would have to be much closer to jury verdicts before it would qualify as fair.

1773 I am retired, but the answers to the above reflected my practice.

1778 I believe arbitration is a useful, efficient way of addressing disputes. I was a paralegal in civil litigation for over 20 years and saw the benefits of early resolution, a cost-effective end result, and clients who were more satisfied than they generally were after a trial or settlement accomplished via traditional means.

1779 I am very, very frustrated with the MANDATORY arbitration process. I am tired of arbitrating car accidents. As a transactional attorney, I have no expertise in the legal areas of most of the assigned cases. I get the impression that the trial bar treats arbitrations as a "practice session" for the "real trial". Let the trial bar be the arbitrators, and play their "procedural/evidentiary games" and leave us corporate counsel out of it. I do not believe that it is fair to require our service in it.

1791 I have frequently represented parties in contract cases subject to arbitration. The outcome of these cases can make or break the small businesses and ordinary citizens involved, but the arbitrators rarely seem to know anything about the substantive law, or care at all about deciding the cases fairly. The message is clear: Do not come here looking for justice, we're too busy with the "important" cases to be bothered with yours. And if you dare appeal, you'll be punished.

1796 Good in concept but lacks execution. Need to train lawyers, possibly certify them. Enlist volunteers who are able to devote time and effort, so parties can feel secure result is fair and well-founded. Stop mandatory. Bestow prestige on volunteers somehow.

1798 Unfortunately, I feel that arbitration, for the most part, is nothing more than a prelude to litigation. As such, it is often a waste of everyone's time.

1800 I would love to participate. i think it is worthwhile.

1811 Although I have been involved in a two-attorney practice for the last year, the other 13 years of my practice were with large national and international firms. At those firms, I had a lot of contact with attorneys who were serving as mandatory arbitrators and I often heard their views of the process.

1819 Because of the size of my office, I practice in a number of areas; most of my arbrations are in the personal injury area.

1820 Mandatory arbitration appointments in a rural county have their own unique set of issues. I would like to see an analysis reflecting these differences, by asking questions which may be unique to the rural counties.

1823 Primary need is that the arbitrator have experience in the area of dispute. Without this expertise an appeal is almost always guaranteed. The purpose of arbitration is then frustrated as the Court still ends up with the case. In light of the problems with all arbitration programs (I now practice in Yavapai County but previously practiced in Maricopa County) I now direct most of my cases to private mediation and then trial if they do not settle.

1824 Requiring AZ attorneys to act as arbitrators is forced labor. Not only do I, as a solo practitioner, receive very few services for my bar dues, but I am also forced to work for free on cases that should be handled by the court's budget and not mine.

1835 I never submit an invoice for serving as an arbitrator. I understand that some attorneys, especially those in small firms or solos may need to do so. It appears to me that mandatory, non-binding arbitration proves to be meaningless because the losing party inevitably appeals. Moreover, the attorneys do not seem very prepared for the hearing or they do not seem to approach such a hearing as they would a trial. The result is wasted time and resources for all involved.

1848 I find that parties see no disincentive to appealing an arbitration award. As a result, the parties in a small case that has not settled are forced to go through an additional hearing at additional expense only to go back to square one. If these cases could be easily resolved, they would not be in litigation to begin with. I find it frustrating that courts mandate these extra procedures and ADR when, in fact, the parties reach the litigation stage because they cannot work things out on their own.

1869 I used to practice insurance defense and PI. I arbitrated many cases and served as an arbitrator in several. The times the plaintiff appealed and did not do better at trial, the judge never assessed attorney's fees because the plaintiff's claimed they could not afford it.

1874 I wish I knew more about it, but as a prosecutor, I know very little about arbitration.

1877 I just entered private practice June 1, 2004, and am not familiar with any arbitration program. More information would be helpful.

1878 For the most part, the programs works even with its flaws. But something should be done to sanction the insurance defense represented defendants who do not participate in good faith.

1897 Although I do not handle litigation personally, other members of my firm do, and it is my observation that the arbitration program does speed up resolution of disputes more quickly, in many cases, at a more reasonable cost to the clients.

1898 Get better web site for these surveys. the loading time for each section is excessive. I won't answer again--Don't have the time to wait around for you crummy technology to load for something that is a pain in my ass anyway!!!!

1905 The arbitration department needs to have better communication with assigned arbitrators, such as notifying them of rulings on requests to be excused from a case. Also, as stated before,

attorneys should only be assigned to arbitrate matters that involve areas of law they are familiar with and practice in regularly. Otherwise, clients may end up with a ruling by an inexperienced and uninformed arbitrator that is patently unfair.

1909 Only vaguely heard about it, and honestly I'm pretty glad about that. Doesn't requiring an attorney to act as an arbitrator violate the 13th amendment?

1913 At around \$2,500 of lost billable time per arbitration that will automatically get (and needs to be) appealed, this is NOT the appropriate solution to the Courts' overload.

1922 Arbitration has eliminated the right of the plaintiff with the small case to get justice. They MUST arbitrate, which usually results in an artificially low award, to prevent appeal and end the matter. If the plaintiff appeals the case become too costly and so they take what they can get. If both sides agree on the value being less than the limit, the result should be binding. I do understand the constitutional problems with this approach, but it would take the case totally out of the superior court jurisdiction

1948 Actually, here is the HUGE problem with the system in Pima County. How is it that I have NEVER been called upon to serve as an arbitrator. I have even gone to calendar services and given my name. I have an extremely large, successful and active personal injury practice, but have NEVER been assigned a case. I would make an excellent and fair arbitrator, so the system has failed itself in this regard.

1967 I have not seen any indication that the mandatory arbitration program provides the litigants with any significant benefits either in the time and resources spent in litigation. It appears that the primary beneficiary of this system is the court.

1968 Business lawyers unfamiliar with tort litigation (ie, me) should not be used to arbitrate these types of cases. I'm willing to donate my time to VLP, which I do each year, but I resent having to spend time on litigation that's completely outside my expertise.

1969 The financial disincentive to appeal must be strengthened. I believe too many litigants/lawyers view the arbitration as essentially meaningless.

1972 Arbitration fee should be paid all plaintiffs as part of fee for filing a lawsuit.

1992 I have nothing but positive impressions of the program.

1993 I think the idea is good, however neither my clients nor I have had a good experience so far.

1998 My comments on arbitration stem from 6 years' experience doing insurance defense work. I am currently house counsel for a local insurance company and do not practice locally.

2001 I strongly believe this program should be voluntary. I have been assigned arbitration cases for the last 4 years - 2 per year. They are a hassle to set up with everyone's schedule. On a number of cases they were returned to court after it was determined they were not subject to mandatory arbitration. Total hassle to me with all their stipulations and other documents that I had to sign off on and then get filed in court.

2103 Anything that saves lawyers time and litigants money to resolve small cases is a good idea. I have heard anecdotically that some corporations and insurance companies abuse the process by simply appealing any case in which they disagree with the award. There must be some disincentive for them, as if not, all we are doing is lengthening the process and cause it to be more expensive rather than our goal of cost efficient dispute resolution.

2107 There are much better models available. Mandatory participation by the arbitrator and de novo review destroy the system.

2114 Once again, I think it is an extremely inefficient program, given that the arbitrators are outside of the court system, have to provide their own resources to process the case, and cases are

often appealed, making the arbitrator's work for naught. The counties, who have a lot of money from the property tax, should fund more commissioner positions to hear these cases.

2143 I think the system needs to be drastically reformed but I have no interest in seeing that reform imposing more burdens on lawyers without reasonable compensation.

2185 My limited experience has been that most arbitration decisions end up getting appealed. Because of that, I'm not sure how effective the arbitration process really is.

3011 I have only heard comments from other attorneys regarding arbitration. From the comments I have heard I wonder how an equitable result occurs when arbitrators do not practice in an area of law related to the subject matter of the arbitration. It seems that it would be difficult for an arbitrator to learn enough in the time required to sort out the issues and balance the statements made by opposing attorneys. I believe there needs to be a greater emphasis on mediation.

3019 The most frustrating aspect of it is when the arbitrator has no knowledge of the procedures that take place afterwards (such as the right to object to statement of costs, etc.), the very short time period to conduct discovery, especially in complex cases and receiving an arbitrator that doesn't care or doesn't know anything about personal injury law.

3022 I like the arbitration program as it relates to fee arbitration. I'm opposed to the mandatory program (although it's probably necessary given the work load on judges) and would prefer a voluntary arbitration program. Or if it's voluntary make it binding.

3088 I think the burden of serving as arbitrator falls disproportionately on transactional lawyers such as me, because I am seldom conflicted out of the cases. The lawyers whose clients are most often subject to mandatory arbitration ought to be the ones who serve as arbitrators.

3105 I don't feel arbitrators have the expertise to make binding rulings. I believe most arbitrators try to "split the baby" and fail to rule according to the law.

3112 I have served as an arbitrator twice and did not find it unduly burdensome.

3142 I served as an arbitrator several years ago and only complaint was delay caused by the attorneys getting case ready for hearing.

3155 I am pleased to serve the courts in Coconino County. We have an excellent bar and I value serving as Arbitrator.

3159 I would like to see family court cases go to arbitration.

3169 Resolutions Whether Through Adr, Mediation, Arbitration Whether Voluntary Or Mandated Can Have Good Results Depending On The Attorney;S Attitude Toward The Proceeding. Where Insurance Companies Mandate Appeals, The System Is A Waste Of Time. Where The Attorneys Are Willing To Enlist Competent Intermediaries, Results Are Going To Be Higher And More Acceptable To The Clients At The Goals Of Decreased Costs And Speedier Resolutions. We Have Become Bugged Down In Procedure, Amplifying Costs With Really No Improvement Over Disclosure. Rule 26.1 Was A Lofty Goal With Little Improvement And Substantial Increase Costs. Discovery Abuse Or Non Compliance Hasn'T Improved But Are Used As Tools To Prolong Cases. Justice Zlacket And I Debated This In 1994 Informally. Good Lawyers Are To Solve Problems Not Run Up Billable Hours. Its Become A Rarity. Good Luck

3196 I tried voluntary arbitration-my hope was to speed things up-I had a great arbitrator but due to the county not being set up to do this, it didn't speed things up at all from a normal civil action here. Our agency-actually the Yavapai County Atty became critical and skeptical of the process and essentially directed us not to use it against it in zoning, land use, cases etc stating it was a bad decision to use the process.

3217 Too Often, My Partners Who Are Employment Law Lawyers Or Transactional People

Are Befuddled By Their Obligation To Rule On Motions, Hold A Hearing, Get It Done... There Ought To Be Some Classification Of Cases So As To Try To Fit The Arbitrator'S Experience To The Issues.

3217 Too Often, My Partners Who Are Employment Law Lawyers Or Transactional People Are Befuddled By Their Obligation To Rule On Motions, Hold A Hearing, Get It Done... There Ought To Be Some Classification Of Cases So As To Try To Fit The Arbitrator'S Experience To The Issues.

3224 Mandatory arbitration is a device whereby the courts offload their constitutional and statutory responsibility to decide cases on members of the bar, to their economic detriment, in violation of the governing arbitration statute. There is no logical reason why this burden should be shouldered by the bar instead of by the county and the courts. Citizens are entitled to have their cases decided by judges unless they elect an alternative. The expense of deciding cases is a public responsibility, and should be borne by the taxpayer and not by non-volunteer members of the legal profession.

3227 I am the former Presiding Judge in Maricopa County and as such, I am still a named defendant in the two on-going lawsuits against the Court and individuals re whether the Court has the authority to impose the responsibility upon lawyers as a prerequisite to practice. I have some strong beliefs about this subject as I have been involved with mandatory arbitration since BEFORE its legislative inception.

3259 The plaintiffs are lazy about preparing a joint pre-hearing statement, and usually only submit their own personal pre-hearing statement without conferring with the defendant. The defendant is often pro-se and has no idea what to do. The arbitration hearing officer is put in the precarious position of trying to educate the defendant while remaining a neutral role.

3268 Its awful and abused by all parties (except the arbitrator) involved!

3277 Too often, these mandatory non-binding arbitrations are little more than a dress rehearsal for trial, and end up expanding, rather than diminishing, the costs and delays to the client. The more \$ at stake, the more certain the award will be appealed, no matter who wins, which is discouraging to clients, who don't really understand the point. Mediations, on the other hand, are almost a useful exercise, and even if the first mediation is not successful, it sets the stage for future negotiations.

3278 Note: my experience with mandatory arbitration is not recent. All of my arbitration cases--as an attorney and an arbitrator--were about 10-14 years ago. Perhaps it has improved in recent years, but it used to be an almost totally worthless waste of time in my area of practice (collections). Debtors would just use it as a delaying tactic, and the threat of having to pay costs on appeal was meaningless because costs were a trivial amount. (I don't think if we were allowed to get attorney's fees on appeal back then; that might make a difference.)

3279 I serve on the Cochise County ADR policy and procedures committee, which serves the justice courts, and to a lesser degree the superior court. We are designing a policy handbook, selection and retention policies, training requirements, and so forth. ADR serves the six justice courts very well and there is a large contingent of lay people acting as arbitrators and mediators. I proposed that the lay people pay for their training/certification, rather than the court paying for it. But since the lay (nonlawyer) arbitrators don't get paid, the majority of the committee felt that the court should pay for the training. I think paying for the training might engender a greater sense of commitment, and coincidentally, put some money in the court coffer, instead of the opposite.

Otherwise, I am not terribly in favor of expanding the role of (especially) lay ADR; it just offends my elitism. I find that most attorneys are not really good at ADR, because we just want to decide

things!

3290 I believe it should be modified in some way so that the arbitrator is assigned cases in which he has expertise.

3302 Some compensation should be given the arbitrator on cases that settle before the hearing, as almost all due, to cover the office costs of setting up the file, coordinating the hearing, mailings etc.

3319 A rule specifying and clarifying the authority of the arbitrator to rule on motions for summary judgment might help. It is well known (as discussed at the recent bar convention cle on this matter) that arbitrators almost always deny the motion knowing that the appeal rights are very limited. Also, the form of settlement order and time at which the attorneys may switch the matter to the court for dismissal (or authority of the arbitrator to dismiss on stipulation of the parties) could be clarified by rule. In general, the rules are nonspecific and portend to require the rules of civil procedure where not inconsistent, but the general rules imply far more authority for the court to rule and sanction for than arbitrators would assume. Thus it appears that a more comprehensive set of rules for arbitration would help-- not just a set of admonishments and dates. Also, since the arbitrator is really unpaid for the time and expenses, the administrative cost would be lessened by specifically allowing for e-mailed filings, correspondence and minute entries; this could be coordinated with the court so that the entire matter (e.g., case history) could be reviewed at any time.

3347 Diligent arbitrators are a credit to the Bar.

3348 I think it is a huge waste of time. Making attorneys who nothing about these types of cases and who never use the arbitration process spend an entire day presiding over them, not to mention the time you spend on the case prior to the hearing, for a measly \$75 is indentured servitude. If it remains mandatory it should be limited to practitioners who actually use arbitration in their practice and if everyone is required to do it you should get hour for hour CLE credit for the time you spend on each one.

3353 Consider whether some cases that need on-going monitoring would benefit from a similar ?special master program? incentives such as CLE credit could be offered and there are many smaller cases that have too many motions on issues before judges that should be resolved in another setting.

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3389 I CONSIDER IT TO BE A LAZY JUDGES' WORK-RELIEF PROCEEDING

3400 Appointment of an arbitrator should not be based upon the fact you are a lawyer. It should not be mandatory to arbitrate soft tissue injuries from an automobile accident. Judges get paid to judge, they should do that.

3416 One of the problems with the arbitration program is that most attorneys do not believe the rules of civil procedure or evidence apply to them. So anyone can show up, say whatever they want, and get an award - without proving their case. If we want that system, lets just call it that, have no preparation and just have the court set a date and time and have at it. But there is no reason for attorney involvement in that case. I would rather have a system of mandatory short trial with 4 in the box with a right to appeal, than this system.

3436 I work for a government law office in which I was recently reassigned. The number of cases I now handle that are subject to mandatory arbitration has just increased significantly.

3437 Not Enough Attorneys Get The Opportunity To Act As Arbitrators. The Same Attorneys Are Utilized Too Often

4003 Do not require lawyers who do not have litigation experience to be arbitrators unless the underlying issues in dispute are issues where their expertise might be helpful (e.g., a real estate transactional lawyer arbitrating a dispute about a real estate contract).

4015 Appeal % of 25% way too low. No incentive not to appeal by either side and ""force a settlement."" Makes arbitration process an exercise in futility sometimes. Need to have Arbitrators who are skilled in area of law that arb is in, or else awards tend to be way too high, or way too low, then have problems with appeal, which again somewhat ""cheapen"" the arb. process. omma

4035 Insurance companies and their counsel routinely abuse the process, in that appears to be an effort to increase time and expense involved, with the goal of making it difficult for plaintiffs to find counsel willing to take on small cases.

4148 It has frequently been my experience that at least one party to the conflict being arbitrated is not represented by an attorney (and has little/no legal background). As a result, significant time is required by the arbitrator to educate the pro se litigant regarding the relevant law or legal rules/civil process to help ensure a fundamentally fair arbitration. This is extremely time consuming, especially when it is a pro se plaintiff with a legitimate and sympathetic claim that is poorly presented or fails to comply with civil procedures.

4155 Service as an arbitrator should be voluntary. Like judges, lawyers have big workloads also and often we don't get to calendar our workloads. We have crises and short deadlines that arise from time to time and the mandatory nature and scheduling of the arbitration doesn't take that into account. Because a lawyer is subject to discipline for failure to comply with the arbitration procedures what happens when those client crises do arise is that there is a lot of juggling going on and I don't think the parties end up with an arbitrator who has devoted as much time to the arbitration as the arbitrator wants to devote. Remember, it's not unusual for an arbitrator to handle a hearing in which s/he has no subject matter expertise or is a transactional lawyer with no experience in ADR or litigation and for those arbitrators, having the extra time to devote to the hearing and decision is desirable but perhaps unavailable if crises arise in their practice.

4182 I would suggest hearing officers paid by the participants.

4183 I am not interested. Please leave me alone. I am retired.

4196 I am perplexed why I have had 3 arbitrations in the last two years and I have colleagues and friends that have not had an arbitration assigned to them in 5-10 years. Somehow the system to assign cases to attorneys in the county is not working. It may be wise for the attorneys to choose which manner of compensation they want to partake in.

4215 I have not practiced in five years. My answers to the survey are based on my experiences prior to the time I went on inactive status unless otherwise noted.

4247 It's annoying to be assigned mandatory arbitration cases when I've handled 8 or more settlement conferences as a volunteer pro tem judge during the year. I think the pro tems who have done that much free work for the courts should be allowed to opt out of the mandatory arbitrations. I find that my time is better spent on the settlement conferences. I have a settlement rate of about 90% and settlement really does take care of the case for good.

4279 I am in retired status after 30 years as a criminal prosecutor.

4291 I USED TO PRACTICE IN FRANKLIN COUNTY OHIO AND THAT COUNTY HAD DEVELOPED A ""MANDATORY SETTLEMENT WEEK,"" WHICH OCCURRED ON THE

WEEK THAT THE JUDGES WENT TO THE JUDICIAL CONFERENCE AND EACH AND EVERY ROOM IN THE COURTHOUSE WAS USED TO SETTLE CASES. THE CASES FOR THE SETTLEMENT WEEK HAD TO BE SUBMITTED BY THE LAWYERS AND THE COURT ASSIGNED THE MEDIATORS. MOST LAWYERS GOT ONE OR TWO CASES TO MEDIATE BUT EVERYONE HAD TO PARTICIPATE AND IT WAS QUITE EFFECTIVE

4294 A complete and absolute waste of time.

4295 Glad to be of service.

4311 I always get struck when I'm appointed as arbitrator, or the case settles before hearing, so I haven't had any come to hearing. Most of the cases in which I am counsel go to private mediation rather than court-sponsored ADR.

4353 The sanction for unsuccessful appeal should be figured on a different basis, not percentage. Should be at discretionary.

4363 There are lawyers in Pima County who do not participate in good faith. A certain insurance defense firm comes to the arbitration and says it will automatically appeal the decision. They say you can give 0 to plaintiff, all of Plaintiff's damages or somewhere in between, but it does not matter. The only way they will not appeal is a 0 verdict. Then Plaintiff appeals. This firm and others like it should be sanctioned.

4371 Mandatory arbitration forces parties to participate in a hearing to be judged by someone who rarely knows the area of law involved, rarely follows procedural and evidentiary rules, is not being paid, and does not want to be there in the first place, yet is premised on the notion that the outcome will be fair. It does not work. Furthermore, since one or both parties usually appeal anyway, mandatory arbitration imposes another layer of litigation on parties with small claims--the very people who can least afford protracted litigation. Most attorneys I know will do anything they can to avoid this process.

4377 The form that the arbitrator receives when assigned the case could be more helpful if it listed all named parties and their counsel. It would also be helpful for conflict-checking purposes for the arbitrator to receive a list of the likely witnesses from each party at the time the case is assigned or shortly thereafter.

4382 I believe the present system of selecting arbitrators amounts to forced, involuntary servitude against attorneys who may not be able to afford the time commitment to do a quality job. You will always get spotty, uneven results. The system should be discontinued. Instead, expand and improve the justice court system. The present system unconstitutionally impedes access to a jury trial. A party should not be penalized (if you don't beat the arbitration result by 25%) for exercising a constitutional right. An arbitration does not get you your day in court, before a jury of your peers.

4388 It's a pain. It interrupts your schedule and takes time away from your work, essentially requiring that lawyers work for free. The fact that it is mandatory is objectionable and arbitrary.

4390 I felt that the time spent by the Arbitrator setting up file, scheduling hearings etc was wasted most of the time because the appearing attorneys would only seriously look at the file when the time limits approached and could not be extended. I guess that most of the files assigned to me were settled when I denied the Motion to Continue. After so many of the aborted files, one gets the feeling that the process needs teeth for the Arbitrator.

4412 Arbitration can be a mixed bag. On at least three occasions, I have a party get absolutely screwed in arbitration. Once it was me, twice it was my opponent. The cases were not decided on the merits but based upon who had a past relationship, good or bad, with the arbitrator. It would be nice if there was a better way to pick arbitrators. Perhaps a list of like five local attorneys

could be used and the sides could agree on the arbitrator or each side could use two strikes, leaving one arbitrator standing.

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4417 I would think the personal injury attorneys would have the best input since most of their cases are the ones most affected by court mandated arbitration. In my smaller commercial cases, I prefer private binding arbitration as an ADR option - no sense doing it twice, which often happens with the court mandated, nonbinding arbitration.

4431 Training Is Very Important And The Arbitration Rules Do Not Help. As A Non Civil Practitioner, Arbitration Training/Seminars Would Be Very Beneficial. Also, A Civil Judge Must Be Available To Provide Assistance To The Arbitrator If Necessary.

4433 Thank goodness that someone is looking at this program. I sincerely hope that this leads to improvements.

4437 I am a sole practitioner with no secretary or legal assistants. Over the past several years, I have been assigned to be an arbitrator. It was very difficult and time-consuming for me on my own to rule on motions to continue and mail out arbitration hearing dates, etcetera, not to mention the hearing itself. I am a contract attorney in Phoenix City Court dealing mostly with DUI's and have approximately 250-300 cases assigned every year. As a result, approximately two years ago I asked the Arbitration Clerk at the Superior Court to take my name off the arbitrator list. I live approximately 35 miles from downtown Phoenix and it just got to be too much.

4448 I like it when I win and the case is not appealed, I hate it when I win and the other side appeals.

4458 The program should be voluntary and Judges should handle more of their own case load--they are under worked.

4458 The program should be voluntary and Judges should handle more of their own case load--they are under worked.

5034 There should be some way to permit the arbitrator to require the attorneys to follow the rules. For example, in almost every arbitration I have conducted, I have had attorneys argue with me about doing a pre-hearing statement, which is necessary so that I am prepared for the hearing. I have also had attorneys call and try to reschedule the hearing with my secretary when I had set the date over a month previous. One attorney even told my secretary that I should miss my daughter's graduation so that the hearing could be rescheduled. That type of conduct is inappropriate and the arbitrator should have some authority to deal with that.

5040 We need an alternate resolution program, I just hear this one is not working.

5045 A. Provisions should be made for attorneys who do not have offices/secretaries. Will conference rooms be available for arbitration conferences in the new State Bar building? b. It is important that arbitrators understand their authority -- and its importance -- to enforce deadlines and other procedural requirements.

5068 As a mandatory and non-binding program, it's an imposition on the arbitrators and the parties/lawyers. I've heard no solid evidence that it has any positive impact on the cost or length of cases, or on the workload of the courts.

5071 The Arbitration Desk, in sending out their packet to arbitrators could provide the contact

information for the parties' counsel. Every minute spent by the arbitrator in preparing/deciding the case not during the hearing is lost time and money from the arbitrator's own practice. Let's make things as easy as possible for the arbitrators. I don't practice before the superior court on a regular basis, so I sometimes have procedural questions. However, the arbitration desk was unable to answer my question because the people answering are not trained to answer those questions.

5078 The arbitration desk/court contact is not very helpful. Also, the selection of arbitrators seems very random and arbitrary. I have been selected 4 times, but several of my coworkers who have an active license for 4 years or more have never been assigned as arbitrator. The list exempting certain lawyers from arbitration also seems arbitrary. Arbitrators should be compensated for pre- and post-arbitration hearing time.

5089 I would favor having a class of professional arbitrators perhaps as an adjunct to mediation practices who are paid a decent wage from the Court.

5128 ABOLISH THE ARBITRATION PROGRAM OR ELSE HIRE PROFESSIONAL ARBITRATORS AT COUNTY EXPENSE.

5158 Change the system for assigning arbitrators so every state bar member is assigned a case.

5222 It is assumed that lawyers can have people in their office for an arbitration. I work for a tribe on a reservation and they do not want me to invite parties with disputes to come here to seek a resolution. My employment contract prohibits me from moonlighting and my taking time away from my responsibilities to serve as an arbitrator is also frowned upon. The amount paid is irrelevant. I think this whole thing was invented by judges who don't want to judge and don't want to sweat the small stuff. Why can't judges be arbitrators? I am overburdened enough doing public service for the community I serve. I handle a huge volume of cases and my clients have a myriad of serious legal problems. Why should the judiciary expect me to perform this task for them? This is a band aid on a system that needs reform so that fair resolutions of disputes can be had by people of few resources. Should only the wealthy with big bucks at stake have access to well trained, experienced judges?

5235 I know very little about the program. I served as an arbitrator twice about 15 years ago. I spent a lot of time researching the area of law involved in the case and found the endeavor very time consuming.

5238 I STRONG BELIEVE AN ARBITRATION SHOULD BE HEARD BY SOMEONE WHO HAS EXPERIENCE IN THAT FIELD

5240 I believe the program should only be continued for personal injury matters, if at all. It does nothing in my opinion but make the cost of litigation much higher.

5301 It's results do not reflect what one would expect from a jury and is generally tilted in favor of plaintiffs.

5310 I like helping the Courts by being an arbitrator. However, I believe that many attorneys use it only for a discovery tool and do not honestly participate with a goal towards settlement. I have participated in many arbitrations over the years. Some lawyers do not prepare (facts or law) and then waste our time with scheduling, being disorganized or late. Many cases are not settled (tail wags the dog) because the lawyers are not efficient or realistic about their cases. Clients are disappointed in our justice system because the system drags its feet too much (Judges, staff and lawyers. We need to make the system more cost effective for people who cannot afford to go through our current system. Mediation, arbitration or other ADR should be mandatory in every case under 75 or 100K. I am willing to serve for CLE credits but I think the lawyers should be held to a stricter standard so they participate fully in the proceedings.

5321 I BELIEVE THE PROCESS IS USUALLY A WASTE OF TIME AND I RESENT THE

COURT'S RESOLUTION OF ITS ALLOCATION-OF-RESOURCES PROBLEM AT MY EXPENSE. THE COURT DOES NOTHING TO EASE THE BURDEN EITHER. LOOK AT THE PACKAGE WE ATTORNEYS RECEIVE WHEN WE'RE ASSIGNED A CASE. IT DOESN'T EVEN PROVIDE THE ADDRESSES AND PHONE NUMBERS OF THE PARTIES WE HAVE TO CONTACT!

5324 It is a basically sound system that could use a little fine tuning. We cannot afford to hire more judges so I believe this to be our only real choice if litigation is going proceed at anything faster than a snail's pace.

5338 The arbitration process is much better, less costly and more efficient than traditional litigation. The outcome is in my opinion very fair. I would much rather arbitrate than go through full scale litigation. Most of my clients have no comprehension of the costs of a full scale trial, or the degree in which I must devote my time and the time of my staff to properly prepare. If arbitration were mandatory, it would be a great help to those who can't afford to litigate, but still have viable claims or defenses.

5341 It is a great hardship for a sole practitioner to serve as an arbitrator. They need to be paid for their time.

5345 I think it is very difficult for non-litigators to arbitrate - we are not as familiar with the practice rules - and to answer many of the survey questions.

5354 Far too many appeals are taken by insurance companies, delaying justice and making it too expensive for the average citizen. I think we should move the arbitration limit back to \$30,000, to encourage more jury trials by young lawyers. We could tailor the jury trial for cases under \$50,000, such that the trial would be one-day or two-day trials, with ProTem Judges sitting on them. The effect would be far better than the current arbitration system to the litigants and the lawyers, and merely put a larger burden on the Court staff. But that is why we pay our taxes, and why we have staffs.

5376 I have done twenty arbitrations in the last ten years under this system, so the survey doesn't really fit my situation, and I have supervised young lawyers in fifty others. I will respond based upon the last arbitration I did, which was an atypical contract case. (The bulk of our practice is the defense of tort cases, both motor vehicle and non-motor vehicle, although I regularly try Plaintiffs' PI cases.)

5376 I must tell you that the Courthouse is virtually empty on Thursdays and Fridays, and we could easily schedule the under \$50K short-jury trials then. Judges could continue to work on their Motions/Decisions, and the ProTems and the staffs could handle the short trials. (Most of us would gladly volunteer to ProTem one-day jury trials. Many would enjoy two-day trials.) Most litigants just want a fair hearing, and if we mold the system to give them that fair exposure, their satisfaction level will be far higher than it is now. (Any decision by a one-person panel gets criticism, particularly when the arbitrator lacks specific experience in the area of law being litigated.) And, if we do it in a manner which simultaneously gives us faith that we are providing a fair forum to train the young trial lawyers of the future, we all win. Thanks for taking on this issue. The last thing we need is to enlarge the arbitration system.

5397 It would be very beneficial to offer a CLE seminar with ethics credit on arbitration for those of us who never litigate and are in highly specialized fields like land use law that provide no background in applicable law or procedure.

5403 Either continue involuntary service by practitioners experienced in the law at issue at a reasonable (though not full) hourly rate paid by the losing party or make service voluntary, pro bono, and a prerequisite for commissioner and pro tem appointment with mandatory training

qualified but not service qualified for CLE.

5425 Abolish it. Require mediation instead. Insurance companies especially abuse the system by appealing almost every decision they lose.

5433 I strongly feel that court-connected arbitration would be more efficient and useful to the parties if the court attempted to select arbitrators from the same speciality area as the case involves. It's a waste of time and money to have to educate an arbitrator who's unfamiliar with the subject matter area.

5437 It is intellectually dishonest to pretend that mandatory service as an arbitrator is ""voluntary."" Simply change the rule to reflect what is really is - mandatory.

5449 Philosophically (and I believe statistics confirm this), arbitration works best when the parties mutually agree its a process they wish to engage in and be bound by; they buy into by investing their time, money and efforts and paying the arbitrator (who is trained and has an expertise in the matter) to resolve the issues in a more timely, efficient and cost-effective manner than proceeding with litigation in a judicial forum. It is also confidential and less formal and can be tailored more to the parties' needs. It should not provide more leverage to the stronger financial party (e.g., insurance companies) by allowing them to run up the bill on the financially weaker party in arbitration, and, upon an adverse decision, then starting all over again de novo with a trial. This unfairly forces settlements or uses economic clout to make a claimant ""go away"". This is not to say that this strategy does not otherwise manifest itself in all litigation proceedings where there is an unequal playing field, but the mandatory arbitration just gives the stronger economic party one more arrow in its quiver.

5454 I view my service as an arbitrator as an opportunity to provide a public service. I generally enjoy the experience and try to be diligent in performing the duty. I like to think that other attorneys share my perception.

5480 My experiences with arbitration have been largely positive. Probably a dozen times I have been asked to serve as arbitrator for relatively small personal injury accident cases. Almost without exception, the medical bills seemed very high in relation to the description of the injuries and there was no significant effort to establish that the medical bills arose from treatment that was necessary, and that the charges were necessary or reasonable. Further there was no significant effort by evidence or argument to create any kind of standard or logical thought process for arriving at any award for pain and suffering. I really felt like I was being asked to snatch a number out of the ether.

5493 I have volunteered to serve as an arbitrator since I was eligible 20 + years ago. I enjoy hearing a well prepared case and feel that I can give the litigants more attention than the bench. I am often frustrated with the lack of preparation of counsel. I always encourage counsel to provide me with a copy of the complaint/answer, pretrial statement and a memorandum of points and authorities so I can make a sound finding. I am amazed at how few attorneys take advantage of this opportunity to present his or her case. I have had to refer a number of cases back to the assignment judge because counsel have failed to comply with Rule 74 or assist in setting hearing dates. I understand that smaller case often receive less attention regardless of our professional standards to the contrary, but it seem that arbitration would be the perfect alternative to a more expensive and exacting court trial.

5506 I think the arbitrator could be given a better summary of powers and law in relation to arbitration and arbitrators. Special education is not needed, just ease in looking at the law. Perhaps a pamphlet or a booklet free to the arbitrators and automatic updates --as a judge pro tem would be granted.

5529 I have personally been involved in a court ordered arbitration, due to the desolution of a private law firm. I was very pleased with the arbitrator's performance and the outcome. I am a certified mediation specialist(by the Oklahoma Supreme Court). I believe in alternate dispute resolution and am willing to support that endeavor, any way I can. Good luck.>

5536 I don't think the system works, lawyers for the litigants don't (for the most part) take it seriously and it is time consuming for the arbitrator and his/her staff.

5580 Exempt public defenders by Rule.

5587 Although I am an attorney, almost all of my career has been spent as in-house counsel to a large corporation, where most of my time is spent in contract negotiations. My first appointment as an arbitrator some years ago was something of a shock - I felt abysmally unqualified to serve in that role. Since graduation from law school more than a decade ago, my time in a courtroom has been limited to a little motion practice early in my career. I didn't even have a current copy of the local rules of civil procedure and had to go purchase one (along with some review materials on evidence as well)! I question how fair it is to the parties to have someone arbitrate their dispute who has no particular expertise to offer - either in arbitration/dispute resolution or in the subject matter of the dispute. I would not have considered myself competent to represent either of the parties without taking additional steps - education or association with another attorney - however the court considered me qualified to arbitrate the case based only on my years of admission. I think something about this system needs to change to prevent that from happening again. I don't wish to suggest that, as attorneys, we should not be expected to provide such service to the court. I would like to have some idea of how often we will be expected to arbitrate a case (I just got a file closed in December and received another appointment in July) and I think we need to either receive more training in how to conduct arbitrations than the packet of materials that arrives with the appointment, or be appointed to arbitrate cases in our areas of practice. In my area of expertise - contracts - I would feel comfortable and competent arbitrating cases with much higher values than the current jurisdictional limit; however I am quite uncomfortable serving as an arbitrator in many other areas, especially as I have no generalized training in arbitration or experience in trial practice to rely on. I would also be willing to do more arbitrations if they were in my area of practice - not only would each one take less time to prepare, I think it would be fairer to the parties. The hourly pay is not an issue - my employer is quite willing for me to do a couple of these a year as part of my service to the court - so whether or not arbitrators get paid doesn't matter to me, although I suspect there are a number of other attorneys who do not have that luxury. If the system continues to assign us to arbitrate cases in unfamiliar areas, I would like to be able to get CLE credit for the requisite learning.

5598 The Arizona mandatory court-connected arbitration system should be binding on all parties in cases with a value of less than \$50,000.00 to help alleviate the backload of civil cases going to jury trial.

5604 I appreciate the design of the survey and the fact that it is being done. I am sorry but I act as legal advisor for the Navajo Nation Judicial Branch and do not participate in arbitrations. I did act as an arbitrator once in Maricopa County but it was probably ten years ago and I don't remember anything about it.

5608 I think it could be a great program if 1) the arbitrator were better paid, even if not close to billing rates; 2) a class in arbitration procedures qualified for CLE extra hours; 3) penalties were imposed on delays of the hearing, which now constitutes a mockery of the system and its purpose; 4) appeal was more costly.

6067 APPEALS FROM ARBITRATION SHOULD NOT BE TRIAL DE NOVO.

6079 How come the only people I know who've been called to serve as an arbitrator are government lawyers?

6092 IT IS A GOOD APPROACH THAT I THINK IS VERY EFFECTIVE AT REACHING EFFICIENT RESOLUTION FOR SMALLER CASES.

6097 The system does not work. Its a hit or miss proposition. Cases should be decided by Judges who provide input when motions are heard early in the case. We should have case reports like the pd office provides in cr cases so we can tell our clients what awards and rulings they can expect. Although this is somewhat available from the trial reporter for pi cases, even that is insufficient. Every party should file a pleading stating what cases are settled for in every case and what the fees and costs were and make major motions available on the Internet or through the clerks office. Most are litigating in the dark and less than one in a hundred can afford it. I used to make a living handling pi cases but the advertising lawyers took that away and most of the time do a crummy job and often charge too much and file too many cases with chiropractors and minor injuries. The civil litigation system has broken down and it is not affordable except for the rich and severely injured. This is made worse by the State Bar violations of anti trust allowing firms to have their own private CLE making solos not competitive. Until we can search and find what is happening and get pleadings and memos and predict results based on other cases, the public will be less able to afford litigation each year until our legal system self destructs. And its all about greed and secrecy.

6102 I believe that mandatory arbitration is likely more useful in contract matters than it is in PI matters given the extent that insurance carriers, who are significant, redundant players, have altered the landscape in which arbitrations and jury trials work versus the expectations of plaintiffs, who are fairly unaccustomed to the litigation process and who are often saddled with results that cannot merely be accepted as the costs of doing business. In the time before insurance companies had captive staffs and low-cost contracts with defense firms, there was a disincentive to litigate, whether it was by way of arbitration or jury trial. That disincentive is gone, and the expense of arbitrating and then going to trial is now born, to a higher extent than before, by plaintiffs, who come away from the legal system mystified and dissatisfied with the time and expense. On the other hand, arbitration may be a relatively quick and inexpensive means of resolving contractual matters, since the issues are more clearly defined and the participants often recognize losses as the costs of doing business and are willing to do so if attorney fees can be minimized.

6116 I served as an arbitrator a few times more than two years ago.

6118 It's a waste of resources, particularly the client's.

8041 Program needs arbitrators that have experience in the type of case to which they are assigned.

8060 Basing my opinion solely on my limited experiences with the program, which goes back quite a few years -although I don't think the program has changed much- I'm not impressed. As far as I could feel it just added to the expense of an already enormously expensive process- civil litigation. I believe we now have superior ways to provide an alternative to regular civil litigation. There should be emphasized and expanded and if- connected arbitration- completely rethought and eliminated.

8063 It should be voluntary. Mediation is better. I'm licensed in Mo. ks. also. Most my work is out of state at this point.

8065 I've done quite a few arbitrations in my 22 years of practice and participated as a defense

lawyer as an arbitrator: 1. I've seen change, 2. the parties always have been respectful, 3. insurance defense counsel tend to be the least serious about the process, 4. many arbitration appointments go unanswered because cases are resolved otherwise before the hearing, 5. finally its really discouraging to have superior court judges go to court to (make more money than I do) complain about their work load and expect us to help them for free.

8066 I believe the arbitration process is used as just another free discovery tool by both sides but more often by insurance defense firms. With an appeal and subsequent trial de nove as a matter of right, neither side seems to prepare adequately.

8070 I'll prepared attorneys refusing to follow the rules.

8085 Most of my litigation is in federal court, little involvement with state court arbitration program with Mike Keena.

8088 The types of cases I have arbitrated should not be clogging the court system and should be settled expedicionsey which is what mandatory arbitration does.

8139 My comments: Please make it voluntary, or have attorneys compensated for their time in acting as arbitrators.

8206 I have only participated in arbitration when the court appointed me as arbitrator in an auto-accident case about four (4) years ago. I have been sick since the end of 2001 and am just now going back to work so I have not be available to participate. I certainly didn't mind participating but I think an attorney should only arbitrate in the areas of law in which he or she practices and I think there should be a requirement that a person have training in arbitration. If that were the case, then the \$75 rate per hearing day is not bad if the attorney is familiar with the specific area of law (I had to do a bit of research).

8223 The idea of compelling private citizens to subsidize government by providing involuntary services should be of great concern to anyone interested in the law. No one would condone compelling State licensed plumbers to fix the toilets in public buildings so the State could avoid the cost of additional employees. Yet that is what lawyers are required to do. How does the Arizona Supreme Court have any more authority to compel its licensees to do the work of the government than any other licensing body? The notion that lawyers are discharging a responsibility of their license, different than the plumber, is simply arrogant rationalization for obtaining cheep labor. Work is work. If the arbitration program is valuable to the public interest and administration of justice, the people, through their legislature, can appropriate the money to hire the employees to staff it. The program established by the legislature authorized staffing by volunteers. If there are not enough volunteers, the Supreme Court should include the required positions in its budget request and let the legislature decide whether that use of funds is more important than some competing aspect of public health, safety and welfare. This issue has been addressed to the Arizona Supreme Court a number of times. It is past time the Court ended this outrageous confiscation of the time/involuntary servitude.

8228 In the case of Lemon law/warranty enforcement, the mandatory Arbitration process usually increases costs, discourages consumers from enforcing claims, increases the number of defective vehicles operating on AZ roads and prolongs litigation. In some cases it has had absurd results. For example, most AZ lemon law claims are under \$50,000.00. Thus, they are subject to Mandatory Arbitration (at least in Maricopa). But, the statutory damages under the AZ Lemon Law call for the equitable remedies of refund or replacement - remedies that are outside the jurisdiction of Arbitration. Accordingly, apparently to clear their calendars, some creative judges sever the equity portion of the claims and reserve those claims for trial - ordering the non-equity part of the claim to go to Arbitration. Other judges arbitrarily hold that all claims are not equity

and send them to Arbitration where the Manufacturers then argue lack of Arbitration jurisdiction. It's a mess.

8287 ARBITRATORS USUALLY DON'T HAVE THE BACKBONE TO GRANT MOTIONS, SUCH A MOTION FOR SUMMARY JUDGMENT, NOR TO MAKE TOUGH DECISIONS ON LIABILITY. 90% OF THE AWARDS ARE COMPROMISE ""SPLIT-THE-BABY"" DECISIONS. A ONE-DAY SUMMARY JURY TRIAL IS BETTER BECAUSE JURORS TEND TO BE MUCH MORE COMMON-SENSE AND, BELIEVE IT OR NOT, WILL UNDERSTAND AND FOLLOW THE LAW BETTER THAN THE AVERAGE ATTORNEY/ARBITRATOR.

8294 I am a prosecuting attorney, and feel very ill-equipped to answer this survey. I have never represented a client in arbitration, and have had limited experience as an arbitrator. For this reason, I have left a large number of questions unanswered.

8301 Arbitration is often treated as a cheap deposition. Everytime I have rendered an arbitration decision, it has been appealed. The process takes up a lot of my attorney time. I am interested in knowing how many arbitration decisions are final decisions? If not many arbitration decisions are final (which has been my experience), the cost-benefit is not worth it. Thank you for your time.

8309 I believe the arbitration program is beneficial to the system and that lawyers should participate on a voluntary basis. Pay at \$75 per day is fine, but lawyers should be encouraged to donate their time if and as they can.

8371 TRASH IT. At least as far as involuntary participation as an arbitrator.

8423 Pay arbitrators a reasonable fee and split cost amongst parties or assess to losing party and make penalty for appealing more severe to try and keep same farmers and allstate from making a mockery of the processes?or make it binding, if possible.

8485 In the of the idea of mandatory arbitration is good. The program fails when the parties abuse the system. Going through mandatory arbitration only to take an appeal for strategic purposes should not be penalized. We have too many punitive aspects to the practice without trying to impose them on our clients.

8491 Arbitration should be conducted by professional abritrator, paid by the court. Voluntary arbitration within a specialized practice area should be allowed to cover any overflow from the professional arbitrators. Any voluntary arbitrator should be trained on arbitration procedures. Mandatory arbitration should be done away with. It is hugely inefficient and wasteful of bar members time because the procedures are not adequately explained (e.g., no hotline for questions), the arbitrators are not experienced because they only do these cases infrequently, and the cases are usually outside of the bar member's practice area.

8519 I feel Arbitration should be voluntary/ with pay. I also feel there is a miscommunication between ADR settlement conferences which I do as a Judge Pro Tem and Arbitration. I also feel that attorneys that are experienced only in the area of law that the arbitration is for should handle them. I have spoken to several arbitrators who it seems have made decisions w/no knowledge of the area of law they made the decision on.

8539 I would love to know how to NOT be called as an arbitrator. I just got appointed AGAIN and the last case I had was only finished a few short months ago! I don't know of anyone who gets these horrible appointments as often as I do.

8542 I have enjoyed serving as an arbitrator in the past. Early neutral case evaluation sounds promising. In many cases, the testimony presented at the evidentiary hearing has not been necessarily critical. I think it might be helpful in many cases to have a neutral evaluation based

on a summary of proposed testimony.

8548 I have one story to relate. I was an appointed arbitrator in which the plaintiff filed a motion for summary judgment. Just as I was about to render my decision and issue a written opinion, I saw that, unbeknownst to me, Judge Baca had already taken the motion under advisement and she issued a detailed written opinion. Fortunately, I had not yet spent a lot of time on my planned written opinion. Apparently Judge Baca was not aware that msj's are to be decided by the arbitrator. Her decision was the same as mine would have been and her written decision was very well organized and well-written, but I did spend a few unnecessary hours reviewing the papers submitted. The parties were also surprised by Judge Baca's actions.

8565 He appointment process is not administered equally. I have in the past been appointed as arbitrator on two cases at the same time and sometimes four times in a year. I have had friends that have not been appointed for a few years.

8631 It serves a useful purpose create a pool of arbitrators like there are for court appointed mediators and let the litigants have the option to stipulate to an arbitrator of their choice. Provide better compensation to attract retired judges and lawyers to serve more than once a year. limit appointments to lawyers with expertise in the area of the case. Schedule a hearing with a judge to discuss high low agreements or binding awards to limit appeals. ADR should be used in conjunction with arbitration. Consider baseball arbitration. Each side picks a number and the arbitrator is required to award one of those two numbers. If these numbers are exchanged before the arbitration, more cases would settle. Allow the arbitrators to read position stmts before the arbitration hearing and give a preliminary award. This too might influence more settlements.

8632 THE STRUCTURE OF THIS SURVEY LEAVES A LOT TO BE DESIRED. JUST BECAUSE MY LAST ARBITRATION DID NOT RESULT IN A HEARING PRECLUDES ME FROM ANSWERING A WHOLE SLEW OF QUESTIONS??? DUMB!!!!

8657 I admit I have had little contact with arbitration, but I have acted as an arbitrator on 2 or 3 occasions and found it to be a waste of time, mine and the litigants.

8678 I have become an enthusiastic believer in ADR of all forms and believe that to a large extent, the salvation of the current litigation system lies in the expanded use of ADR so that only a fraction of the current cases in litigation remain on the court docket.

8681 The current system imposes a burden on the diligent appointed arbitrator and leaves the litigants with a random chance whether they will receive an informed and well considered decision. More training and reasonable compensation for the arbitrtors is important. The system should not be a lottery for litigents and a burder on diligent small firm attorneys. A longer time period for the process with an initial hearing with the arbitartors and lawyers halfway through the time period should be instituted. Empirical research and controlled studies, rather than anecdotal and impressionistic surveys,of the various issues mentioned in this curvey is necessary to determine the best and most cost effective procedures are necessary.

8685 I am not aware if the other atty or court think the system needs overhaul. it seems to work ok to me. just keep the cases assigned in the area i practice. ques. 58 should be modified or a new ques added to include other significant areas of law you practice you would feel comfortable accepting cases. i could have answered 4-5 more areas so that i wouldn't get any more auto accidents cases. you should do this survey more often. you should require each arbitrator to complete a short survey after each case so that the feedback is more accurate. you could condition payment on the completion of a very short survey. i still haven't been paid for service in 2003 for some unknown reason. this part of the system stinks. it is too complicated and time consuming to ""chase"" the county for a measly \$75. make the billing and payment system simple. just mail a

bill to the arbitration dept not to the county. i would be happy to provide follow up on any of my responses. dale thorson 480-641-3000.

8695 I DON'T KNOW HOW TO RESPOND: I PRACTICE FAMILY LAW, AND WE DON'T ""ARBITRATE"" -- I DO, HOWEVER, ATTEND MANY ""ADR"" ALTERNATE DISPUTE RESOLUTION CONFERENCES (MANDATORY SETTLEMENT CONFERENCES) WITH VERY POSITIVE RESULTS / EXPERIENCE.

8703 I would be willing to pay a fee (or a donation if it can be considered as such) in lieu of serving each year. This fee can be used to pay volunteer arbitrators.

8724 It is abused. Much like the discovery rules here , the theory was good but it does not translate into practice. It is time consuming and simply an excuse to stall discovery and resolution. In fact, the only way to make this system better, and you will no doubt disagree, is to create a system that invites trial and does not do everything imaginable to avoid it. One thing that I have noticed about Arizona Lawyers is that they bluster but avoid trial. Arbitration is too comfortable. The threat of trial should be swifter.

9010 While I acknowledge that the arbitration program offers litigants with a cost-effective alternative to full-blown litigation and probably lessens the burden on overtaxed courts, I think the program would be more effective if the arbitrators were matched to cases in which the arbitrator had some expertise and if arbitrators who felt the need could be trained to conduct an effective arbitration.

9019 Scheduling hearings during the first 120 days is a big problem as both the arbitrator and the attorneys for the parties have full schedules. It is even worse when there are multiple parties. I spend a lot of my time as arbitrator just scheduling hearings.

9020 IN MY OPINION, THE MANDATORY ARBITRATION FAVORS INSURANCE COMPANIES AND LARGE CORPORATIONS. MIDDLE CLASS INDIVIDUALS RISKS BANKRUPTCY BY APPEALING FROM AN ARBITRATION AWARD. MANDATORY ARBITRATION SHOULD BE ABOLISHED IN FAVOR OF MEDIATION OR SIMILAR ADR MECHANISM.

9021 This program is a huge burden on practitioners like me who have nothing to do with the litigation/court system and the program should be changed.

9025 I do not believe that Arizona Attorneys should be forced to participate in this program, particularly if they regularly volunteer their time in other ways.

9032 If the system is going to remain mandatory then cases should be assigned to lawyers with expertise in the area and it should be binding arbitration. Otherwise, for cases that do not settle through the arbitration process parties effectively spend more money going through the process twice, even if discovery costs are kept to a minimum prior to the initial arbitration hearing.

9037 The unintended consequence is that parties with small claims have to try their case twice, which is more expensive. Alternatives: make arbitrations binding, or reviewable on the record rather than de novo.

9058 Arbitrators are much too generous in their awards compared to juries. The disincentives to appeal strike at the right of a citizen to have a jury of his peers determine liability and damages.

9069 The program is overall very effective ;the trial de novo appeal for \$75 needs to be changed----it is too easy for a defendant in a contract or collections case to just participate very superficially in the arbitration, lose and then appeal. Then, in small cases, costs are run up and plaintiffs don't want to settle due to their attorneys fee bill at that point.

9142 I do not like being an arbitrator and have virtually no expertise in the subject matters brought in arbitration eligible cases.

9152 The arbitration I attended was terrible. The purpose of dispute resolution is to fashion a remedy without formality. The arbitrator in my case required that the parties abide by procedural rules. It was obvious that she only knew one way to handle a matter and she stuck with what she knew.

9162 I think offering CLE credit, combined with training of the arbitrators to make it a truly professional program, would enhance the effectiveness and integrity of the arbitration system. I have served as an arbitrator and have been met with hostility from litigant's attorneys for attempting to enforce the program--both as to keeping within the time restrictions and seeking more information to make a truly merit based determination. I think changing the reputation of mandatory arbitration--now seen essentially as a stopping point on the way to court--would increase the ability of the arbitrators to reach a just and meritorious decision (rather than being expected to simply decide and move aside)and give litigants the assurance that their case is being seriously considered and respected.

9168 I would recommend that transactional lawyers be exempt from serving as arbitrators. I personally have not dealt with rules of evidence or procedure since law school. Participants in the arbitration program deserve trained arbitrators.

9177 I do a lot of work on a volunteer basis in this community. I feel I give more than most people and prefer to give to the causes which appeal to me. I do not have the time or the resources to work for the County for free, clearing cases that the County IS PAID to handle. If the County wants to clear more cases, it should hire more judges or find some solution other than forcing attorneys to work for free (\$75 per day is not worth sending in the paperwork -- I would lose more money than that spending billable time filling out the form. And no, I don't have a secretary to do it for me.).

9182 I practice from my home- no secretary or support staff. I do all my own typing, copying, mailing, etc. Arbitration is a VERY frustrating process for me because I have to act as secretary/scheduler/ arbitrator, often dealing with the parties' attorneys, secretaries, staff myself. Very time consuming for a sole practitioner without support staff. Major problems with the process include: 1. It is a problem that the arbitration appointment order DOES NOT come with the parties' addresses or phone numbers. This is difficult when a party is pro se or several attorneys have the same name. It takes my time to try to find the person's address and/or phone number. This information should be provided by the court because I have to find it myself before I can contact the parties for a potential date or mail anything. Right off the bat- my time is wasted. 2. The rules are not clear enough. Plaintiff should be ordered to be the quarterback of this process- contacting the arbitrator within so many days to schedule the hearing or get potential dates. Plaintiff should contact defendant to get an agreed date and let the arbitrator know. As arbitrator, it seems to fall to me to get the ball rolling when I could care less. I have to call Plaintiff's counsel, or locate a pro se and ask for dates, etc. If Plaintiff wants to prosecute the case, it should be their responsibility to make sure the hearing occurs within the required time frame. EVERY time I contact counsel to schedule an arbitration, they say they are not ready, need to do discovery, etc. So I wait and never hear from them that they are ready. I do nothing, don't care about the deadline, then I get a letter saying I didn't have the hearing soon enough. It's not my responsibility- Plaintiff should do it and take all responsibility for preparing notices, etc. If I take the initiative and send out a notice for hearing to get the ball rolling, the parties always call for an extension, aren't ready, etc. so it gets me nowhere. I always have to wait for the parties to agree on a date, then I have to send the notice again. Big waste of my time and postage. I have never had a Plaintiff's counsel that wants to promptly pursue their case due to the volume of cases they

handle. 3. I have been assigned a case for arbitration before the defendant has answered. BIG waste of my time. 4. I do not represent clients directly- I only work for other attorneys. I do not use the arbitration system. Only those who handle cases that go to arbitration should be required to serve as arbitrators. I resent being called to volunteer my time to help out Plaintiff's counsel, in a volume practice, who take cases that should never have been filed, running up medical specials in an attempt to make a case. These attorneys handle so many cases that when I call, I can never talk to the attorney, I must deal with their assistant who has no idea who their client is, etc. Very frustrating. If you've submitted a case to arbitration, you should serve. If you have not, you should not be placed in involuntary servitude just for the privilege of practicing law, which you already pay plenty for in dues. I am going to send my comments to Judge Campbell and hope that some changes can be made to the system which seems to punish those who don't use it to earn money.

9232 The biggest problem with the system is the abuse by insurance companies who routinely appeal all arbitration awards as a litigation strategy. It drives up the time and expense of pursuing smaller personal injury matters to be forced through arbitration with an insurance company that will automatically appeal anything but a defense verdict in arbitration. Judges should be given greater discretion in imposing sanctions to discourage this type of abuse of the system.

9233 It seems to me that the key to making the system work is to have an arbitration early, do not let it be rescheduled, make it mandatory, and pay the arbitrators for the work they do. The parties should pay at the time of the arbitration.

9247 I am assigned many more arbitration cases by the Court than most attorneys. In the last five years I have probably been assigned 10, and other lawyers none. I do a good job, Read all the pleadings, etc, but I feel it is an imposition on my time.

9253 There should be an easy process whereby you can be excused due to significant personal or professional time constraints. In my situation, I am the General Counsel for a publicly traded multinational corporation. We are very active in the M&A area. There are times, e.g. during an acquisition, when I simply do not have time to devote to other activities.

9274 I think arbitration has great promise. When I am appointed as arbitrator, I use certain methods, authorized by the Arizona Rules of Civil Procedure, that I think assist in achieving the stated goals of arbitration. I would be happy to discuss them with you. Please call me at (602) 253-1740, ext. 106.

9278 IT'S DEFINITELY TIME TO CHANGE THE SYSTEM. I HOPE MY COMMENTS ABOVE HELP IN THAT REGARD. PLEASE ACCEPT MY COMMENTS IN THE BEST LIGHT POSSIBLE AS THEY WERE INTENDED TO HELP, NOT CRITICIZE. THANK YOU AND GOOD LUCK WITH YOUR CONTINUED EFFORTS TO IMPROVE OUR JUDICIAL SYSTEM.

9316 I am actually inactive because of the arbitration program. My company works with outside counsel and I do not have runners, support and/or technology, to process arbitration matters. Not that anyone really has extra time, but I feel my schedule doesn't really allow the unexpected assignment of arbitration matters, nor is my expertise in anything that generally IS arbitrated. If I could volunteer once a year at a time of my choosing and for matters that are related to my work, I'd be happy to do so. But I don't feel qualified for most areas of law, and feel it would be a disservice to the involved parties. I would like to see an alternative...either a different service to the community, or waiver, for those of us who are not litigators and have limited area of law expertise!

9341 One of the fundamental problems with arb. is the arbitrators mind set of ""splitting the baby"" instead of coming to a firm decision. Thank you for your time.