



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA**

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HOW JUDICIAL ARBITRATION WORKS

In judicial arbitration, an independent attorney serving as an arbitrator reads documents, hears arguments, listens to witnesses under oath, looks at the evidence, and makes a decision about the case. If either party disagrees with the arbitration award, they may file a form to request a new court hearing to review the case.

- ▶ **Choosing an Arbitrator:** Parties must get a current list of arbitrators from the ADR Programs office. To see information about panel members visit, www.cc-courts.org/adrrpanel or go to the ADR Programs office in Martinez. To choose an arbitrator, one party (such as the plaintiff) may circle acceptable panel members, and indicate panel members they do not prefer, before sending that list to the other party.
- ▶ **Arbitration Statement:** Before arbitration, each party must write a statement (no more than 5 pages) explaining the dispute. Send this to the arbitrator at least 5 court days before the arbitration.
- ▶ **Awards:** The arbitrator must file the arbitration award (decision) with the court within 10 days of the last hearing. If either party disagrees with the arbitration award, they may ask the court to review the case by filing a request for a new court hearing (called a trial de novo.) The arbitration award becomes a court order unless the parties ask the court to review the case by filing for a trial de novo within 60 days (or another time limit set by the judge.)
- ▶ **Attendance:** As long as all trial attorneys, parties, and other people needed to present the case and answer the arbitrator's questions are included, the parties may choose who will attend arbitration.
- ▶ **Fees:** Judicial arbitrators are allowed to charge \$150 per case or per day for their services. The arbitrator collects this fee from the parties.

JUDICIAL ARBITRATION CHECKLIST

CHOOSE AN ARBITRATOR.

All parties must agree to the same arbitrator. When you choose an arbitrator, make sure:

1. The arbitrator is WILLING AND AVAILABLE TO SERVE and does not have a conflict of interest.
2. The arbitrator can complete the arbitration before the court's **COMPLETION DATE:**

RETURN THE SELECTION FORM.

1. One party must return the *Selection of ADR Panel Member* form.

2. Return the form by Email or Fax by the **SELECTION DUE DATE:**

Please note: The ADR Programs office cannot give any extensions on this deadline. We must tell the court if we do not have your *Selection* form back in time. If you miss this deadline the judge might issue an *Order to Show Cause* so the parties can explain why they did not return the selection form in time.

KEEP THE COURT INFORMED.

1. **If this case settles** (either before, as a result of, or after arbitration); the parties must file the appropriate documents needed to inform the court clerk, and cancel any unnecessary court appearances.
2. All parties are responsible together for making sure required deadlines are met.
3. You must get court permission to change from Judicial Arbitration to another dispute resolution process.
4. If the arbitrator makes an award in this case, and no one files a request for trial de novo (optional Judicial Form ADR-102) within 60 days, or another time limit set by the judge, the arbitration award will be *final* and it will be entered as the judgment in this case.