

SELF-SERVICE CENTER

INSTRUCTIONS:

HOW TO FILL OUT THE FORM

“APPEAL from ARBITRATION and MOTION TO SET”

USE THIS FORM ONLY if:

- ✓ There has been a petition/complaint **and** an answer/response filed in your case, and
- ✓ One (or more) other parties is represented by a lawyer – and you are **not**.
- ✓ You appeared and participated in arbitration proceedings for your case, and
- ✓ The arbitration resulted in an arbitration award or a final disposition, and
- ✓ You disagree with the arbitration award, or final arbitration disposition, and
- ✓ You are within the 20-day timeframe. (You may file this form with the clerk of court within 20 days after the arbitration award is filed under A.R.C.P. Rule 77(a), or 20 days after the date upon which the notice of decision becomes an award under A.R.C.P. Rule 76(b), whichever occurs first.)

STEP 1: FILL OUT the “APPEAL from ARBITRATION and MOTION TO SET” form.

A. GENERAL INSTRUCTIONS

1. Type or print using **black ink only!**
2. Make sure your form is titled ***“Appeal from Arbitration and Motion to Set.”***
3. In the top left corner of the first page fill in the information requested.
4. Blank line on left side: **“Name of Petitioner/Plaintiff”**. In this space, put the name of the party who filed the original case. If the **other** party filed the original case, he/she will be the Petitioner/Plaintiff. In the space that says “Name of Respondent/Defendant,” fill in the name of the Respondent/Defendant. Whoever was the Respondent/Defendant for the filing of the original case will be the Respondent/Defendant for **all** other papers filed in this case.
5. “Case Number” line: Fill in your **“Case Number”** Your case number stays the same any time papers are filed in your case. Then fill in the name of the judge assigned to your case. If you do not know the name of the judge assigned to your case, call the court where your case was filed:

Civil Court Administration (Phoenix) 602-506-1497

Civil Court Administration (Surprise) 602-372-9400

Civil Court Administration (Northeast) 602-372-7904

Civil Court Administration (Mesa) 602-506-2021

B. INFORMATION ABOUT MY CASE

1. **Appeal from Arbitration:** Write in the date you appeared and participated in the arbitration. Also write in the date the appeal decision or final disposition was filed with the court.

2. **Set my case for Trial.** Put an "X" in this box if you want the court to set your case for trial. Then add the date your case will be ready for trial.
3. **Civil Case Discovery, Witness and Exhibit lists.**
 - **Discovery:** Read this section carefully. If you have questions about "Discovery" you should ask a lawyer for help. Put an "X" in the discovery box only if you believe you satisfy all the requirements of this section.
 - **Witness and Exhibit lists:** If you have read ARCP Rule 26.1 and comply with its requirements as well as the requirements stated in this paragraph, place an "x" in the box.
4. **INFORMATION ABOUT YOUR LAWYER.** If you **are not** represented by an attorney, mark the box to indicate you are not represented by a lawyer
5. **INFORMATION ABOUT THE OTHER PARTY.** If the other party **is** represented by an attorney, put the attorney's name, address, city, state, zip code, and telephone number in the space provided. If the other party **is not** represented by an attorney, write in the other party's name, address, city, state, zip code, and telephone number in this space.
6. **PREFERENCE FOR TRIAL.** If you do not know whether your case is entitled to preference, see a lawyer for help. If you are certain about whether your case is entitled to preference, place an "X" in the appropriate box.
7. **SHORT CASE.** Some cases can be heard in an hour or less. If a lawyer has told you that your case can be heard in an hour or less, check the "yes" box; otherwise, check the "no" box. If you are "not sure," check the "not sure" box.
8. **ESTIMATED LENGTH OF TRIAL.** Indicate how long you think the trial will take. If you will be having a lot of witnesses, experts, and/or if there is an attorney for the other side, you may want to request "1 Day." If there are no witnesses, other than you and the other party, and you don't have a lot to tell the judge, the case may take only a few hours. The court will decide how much time to schedule for the trial. If the trial takes longer than the time allowed, the judge can continue the trial to another date and time.
9. **JURY TRIAL.** If your case is a civil case and you want a jury trial, check the "yes" box; otherwise check the "no" box.
10. **DEPOSIT ON APPEAL.** Place an "X" in the first box if you plan to make a deposit with the clerk at the time of filing. If you are unable to make a deposit at the time of filing, check mark the box beside that statement.
11. **CERTIFICATE of MAILING or DELIVERY.** Place a check mark in the appropriate box and date on the matching line about the delivery method of the documents to both the judge and the other party. Then write in the name and address of the other party or their attorney to whom you chose to send the documents.
12. **UNDER PENALTY OF PERJURY.** Signing this document is a statement to the court that the information you disclosed on these documents is true and correct to the best of your knowledge and belief.
 - You or your attorney must sign your name to confirm to the court your statements about serving the other party are true.

STEP 2: GO TO THE "PROCEDURES" PAGE. After you have filled out the Appeal, read and follow the "PROCEDURES: WHAT TO DO WITH THE *"APPEAL from ARBITRATION and MOTION TO SET."*

SELF-SERVICE CENTER

PROCEDURES: WHAT TO DO WITH THE *APPEAL FROM ARBITRATION* and *MOTION to SET* AFTER YOU HAVE FILLED IT OUT

USE these procedures **ONLY** if you have filled out the APPEAL FROM ARBITRATION and MOTION to SET and you want a trial to be scheduled in your case.

STEP 1: REVIEW the court form called APPEAL FROM ARBITRATION and MOTION TO SET (*Appeal form*). Make sure that the Appeal form has been completed in **black ink**. **Sign and date** the form **before** you make the copies, even though you have not actually delivered or mailed all the things you promised on the last page of the Appeal form.

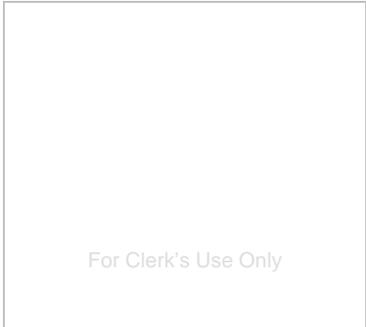
STEP 2: PHOTOCOPY. Make **3 photocopies** of the APPEAL FROM ARBITRATION and MOTION to SET form and follow these instructions **exactly**:

- 1 photocopy for the judicial officer (Judge) assigned to your case
- 1 photocopy for your records
- 1 photocopy for the other party (If there is more than 1 other party, you will need a photocopy for each party.)

STEP 3: GO to the CLERK of COURT FILING COUNTER.

- Hand the original and all copies of the APPEAL from ARBITRATION and MOTION to SET to the Clerk of the Court where you filed your case.
- Ask the Clerk to stamp the copies and return them to you. These are now “conformed” copies. The stamp provides proof the original form was filed.
- **PHOTOCOPY 1** of both forms: Mail one copy to the other party; or if the party is represented by an attorney, mail or deliver one copy to his/her attorney. Remember if there is more than 1 other party, you must mail a photocopy to each.
- **PHOTOCOPY 2:** Provide one copy of both forms to the Judge assigned to your case by:
 1. Delivering a copy of both forms to Civil Court Administration, or
 2. Mailing it directly to the judicial officer assigned to your case, or
 3. Placing a copy of both forms in the Judge’s wire “in basket”, located outside the Judge’s courtroom. *NOTE: At the Phoenix and Mesa courthouses, the box is located at Court Administration; At the Surprise courthouse, it is across from the Information Counter.
- **PHOTOCOPY 3** of both forms: Keep this set of copies for your records.

STEP 4: WAIT TO RECEIVE A NOTICE FROM THE COURT. Once you have filed the APPEAL FROM ARBITRATION AND MOTION TO SET, the office of the judge assigned to your case will contact you to tell you the dates of your pretrial conference, and trial. The document you will receive in the mail is called a “*Minute Entry*,” and it will give you instructions about what to file before the Trial.



Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Petitioner/Plaintiff

Case Number: _____

APPEAL FROM ARBITRATION And MOTION TO SET

Name of Respondent/Defendant

Assigned to: _____
Judge's Name

INFORMATION ABOUT MY CASE: Check one box after each number if the statements are true.

1. **APPEAL FROM ARBITRATION.** I appeared and participated in an arbitration proceeding in this court on _____ (date). An award, notice of decision or other final disposition was filed on _____ (date). By filing this document, I am giving the court notice that I am appealing the arbitration award, decision or final disposition.
2. **SET MY CASE FOR TRIAL.** By filing this motion, I request the court to set this case for trial. My case will be ready for trial on or after _____(date). I have identified all related issues known to me at this time.
3. **CIVIL CASE:** My case has a "CV" case number. The parties have completed, or will have had a reasonable opportunity to complete, discovery within 80 days of when I file this ***"Appeal from Arbitration and Motion to Set"*** with the Clerk of the Court. (Discovery is the way to obtain facts and information from the other party.)
 - Discovery:** By checking this box and signing this document, I am telling the court I have obtained all of the facts and information I need from the other party and that I have answered all discovery requests from the other party, OR that this will happen within 80 days from the date I file this document.) Note: Both parties are required to give the other party a disclosure statement. See Rule 26.1, Arizona Rules of Civil Procedure (ARCP).
 - Witness and Exhibit List:** By checking this box and signing this document, I am telling the court I attached to this document a list of witnesses and exhibits intended for use at trial by me (Appellant). Both exhibit and witness lists comply with the requirements of Rule 26.1 ARCP. I understand that if I fail or elect not to file a list of witnesses and exhibits with this Appeal form, then the witnesses and exhibits intended for my trial use shall be deemed to be those set forth in any such list previously filed in the action or in the prehearing statement submitted pursuant to Rule 75(c) of ARCP.

4. **INFORMATION ABOUT YOUR LAWYER** (if applicable):

I do not have a lawyer.

(Note: If you are represented by a lawyer, *your lawyer* must file this motion.)

5. **INFORMATION ABOUT THE OTHER PARTY OR HIS/HER LAWYER**

(If other party has a lawyer, enter the information below *for the other party's lawyer.*)

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

6. **PREFERENCE FOR TRIAL.** This case is entitled or is not entitled to be heard before other cases. Your case is entitled to be heard before other cases because it is a:

Case granted a preference by statute or other rule of court.

The citation of the statute or rule is _____, OR

Short Cause Civil Case, (short case that can be heard in an hour or less) OR

Hardship Civil Case.

7. **SHORT CASE.** This case may be heard in an hour or less . YES or NO NOT SURE

8. **ESTIMATED LENGTH OF TRIAL.** How long will the trial in this case last?

Estimated length of time: _____ hours or _____ days. (Refer to Instructions)

9. **JURY TRIAL.** My case is a civil case, has a CV number, and I want a jury trial. YES or NO

10. **DEPOSIT on APPEAL.**

At the time of filing the notice of appeal, and as a condition of filing, I, the appellant will deposit with the clerk of the court a sum equal to one hearing day's compensation of the arbitrator, but not exceeding ten percent of the amount in controversy.

I request the court to find that I am unable to make such deposit by reason of lack of funds; and thus the court shall allow the filing of the appeal without the deposit.

11. **CERTIFICATE OF MAILING OR DELIVERY.**

JUDGE'S COPY: I provided or will provide a copy of this document to the judge assigned this case by (Place a check mark in the appropriate box below).

Delivering a copy of this document to Civil Court Administration on this date _____.

Mailing a copy of this document to the judge on this date: _____.

Delivering a copy of this document to the judge's mail box on this date: _____.

11. CERTIFICATE OF MAILING OR DELIVERY (Continued)

OTHER PARTY (or their Attorney): I provided or will provide a copy of this document to the other party or their attorney assigned this case by (Place a check mark in the appropriate box below).

Mailing a copy of this document to the other party or their attorney on this date: _____.

Delivering a copy of this document to the other party or their attorney on this date: _____.

Name of Other Party _____

Name of Other Party's Lawyer _____

Address

Lawyer's Address

City, State, Zip

City, State, Zip

12. UNDER PENALTY OF PERJURY:

I state to the Court that the contents of this document are true and correct.

Date

Signature of Person Filing Document