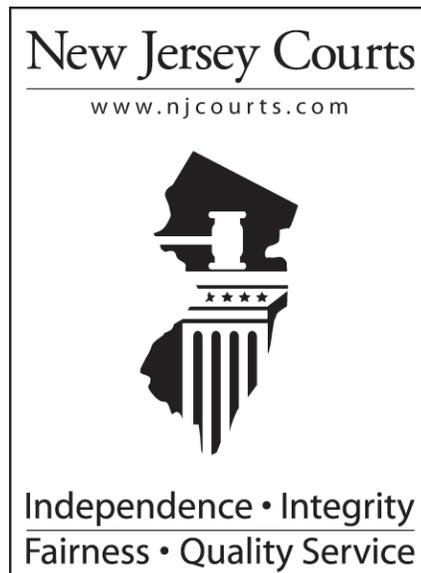


**SUPERIOR COURT  
OF  
NEW JERSEY  
CIVIL DIVISION  
ARBITRATION PROGRAM**



## WHAT IS ARBITRATION?

Arbitration is a process in which disputes are submitted to experienced and knowledgeable neutral attorneys or retired Superior Court judges to hear arguments, review evidence and render a decision. It is less formal, less complex and often can be concluded more quickly than a court proceeding.

## WHAT TYPES OF CASES ARE ARBITRATED?

Arbitration is mandatory for certain civil cases regardless of value. These include:

- automobile negligence;
- personal injury;
- suits against a party's insurance carrier for unpaid bills arising from a vehicular accident; and
- certain commercial cases.

Some very complex cases can be referred to arbitration by the managing judge. Lemon law cases are sent to arbitration if the parties fail to affirmatively select mediation or voluntary binding arbitration.

## WHO ARE THE ARBITRATORS?

Arbitrators are attorneys and retired Superior Court judges who have at least seven years experience in the pertinent substantive area of law in New Jersey and have completed mandatory training and continuing education. Arbitrators are selected by the court on recommendation of the local bar association arbitrator selection committees. They are paid a daily fee by the court for their services. Some counties use single arbitrators to hear cases and others use two-person panels.

## HOW DOES ARBITRATION WORK?

The court provides the parties with at least 45 days' notice of the hearing. Before the hearing, the parties must exchange a statement of the factual and legal issues in the case. An appearance on behalf of each party is required at the hearing.

The arbitrator conducts the hearing during which each party presents its case. Parties are permitted to introduce exhibits and other relevant evidence. The arbitrator generally exercises the powers of the court in the management and conduct of the hearing.

After the hearing, the arbitrator renders a decision and a written award. The decision is made on the day of the hearing in the presence of the participants.

## WHAT HAPPENS AFTER ARBITRATION?

**After arbitration, parties must take some affirmative action or the case will be dismissed by the court.** If a party is not satisfied with the arbitrator's award, the party must file a request for a trial *de novo* within 30 days following the filing of the award. This request must also be served on all other parties within the 30-day period. That party must also pay a trial *de novo* fee to the "Treasurer, State of New Jersey." A party who is dissatisfied with an arbitration award and who requests a trial *de novo* should be cautious in doing so. Under certain circumstances, if the requesting party does not fare better at trial, that party may be liable to pay the other party's attorney fees and witness costs after the trial is concluded.

If the parties are satisfied with the arbitrator's award, they may either agree to settle the case based on the award or one of the parties may, within 50 days from the date the award is filed, file a motion to confirm the award and enter judgment.

If neither a trial *de novo* request nor a motion to confirm the award are timely filed, the court will dismiss the case.

## **WHAT ARE THE ADVANTAGES OF ARBITRATION?**

### **Expertise**

Arbitrators are knowledgeable and experienced attorneys or retired Superior Court judges.

### **Speed**

Prompt scheduling, expeditious procedures, and established time frames for each step serve to limit the time required to resolve the case.

### **Economy**

Time saved is money saved. Many of the costs associated with trial can be eliminated by arbitration.

### **Privacy**

The hearing and the arbitrator's decisions are generally private and confidential.

### **Informality**

Each party tells his/her side of the case to an arbitrator in an atmosphere that is less formal than a court proceeding.

### **Facilitates Settlement**

An arbitrator's decision and award may resolve a case or serve as the basis for further negotiations or a settlement.

### **Finality**

Arbitration awards, if accepted by all parties and confirmed by the court, are legally binding and enforceable.

## **WHO SHOULD BE CONTACTED REGARDING ARBITRATION QUESTIONS?**

Any questions or suggestions for improving arbitration can be addressed directly to the arbitration office of each county. A list of the arbitration offices can be found on the Judiciary's web site [njcourts.com](http://njcourts.com)

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