Local Mandatory Arbitration Rule 2.1
TRANSFER TO ARBITRATION

(a) Statement of Arbitrability. In every civil case, following the commencement of the action, but no later than the date set forth in the case schedule order pursuant to LCR 4 or for cases filed on or before December 31, 2000 where no case schedule order has been issued, no later than sixty (60) days prior to a properly noted and set trial, any party may, upon the form prescribed by the court and maintained in the Court Administrator's Office, complete a statement of arbitrability. The statement of arbitrability shall be filed in the superior court clerk's office and a duplicate copy delivered to the court administrator's office and the opposing party or parties. A party failing to file and serve a statement of arbitrability within the time prescribed shall be deemed to have waived arbitration, and may subject the matter to mandatory arbitration thereafter only upon leave of the court for good cause shown.

If the plaintiff's claims are subject to mandatory arbitration and no counterclaim or cross-claim is filed, the plaintiff shall file the statement of arbitrability, without unreasonable delay.

If a counterclaim or one or more cross-claims is filed and the matter is subject to mandatory arbitration, the last party filing a counterclaim or cross-claim shall file the statement of arbitrability, without unreasonable delay.

(b) Response to Statement of Arbitrability. Any party disagreeing with the statement of arbitrability shall serve and file a response on the form prescribed by the Court and maintained in the Court Administrator's Office. A duplicate copy of the response shall be delivered to the court administrator. In the absence of such a response, the statement of arbitrability shall be deemed correct. Any response opposing the statement of arbitrability shall be filed within 10 court days after receipt of the statement of arbitrability. A notice of issue shall be filed with any response objecting to the statement of arbitrability, noting the matter for hearing on the issue of arbitrability within 10 court days of filing the response.

(c) Failure to File - Amendments. A person failing to serve and file an original response within the times prescribed may later do so only upon leave of the court. A party may amend a statement of arbitrability or response at any time before assignment of an arbitrator or assignment of a trial date, and thereafter only upon leave of the court for good cause shown.

(d) When Transfer to Arbitration Occurs for Purposes of Application of Local Rules. The case is transferred to arbitration upon the filing of a statement of arbitrability indicating that the case is subject to arbitration unless an objection to arbitration of the case is received within the time limits found in LMAR 2.1(b). This transfer shall also trigger the restriction on discovery contained in MAR 4.2 and LMAR 4.2.

(e) Civil Case Schedule Order Stricken. Any civil case schedule order entered in an action pursuant to LCR 4 shall be stricken upon the filing of a statement of arbitrability unless an objection to arbitration of the case is received within the time limits found in LMAR 2.1(b) in which event the civil case schedule order shall be stricken upon issuance of an order directing the case to mandatory arbitration following a hearing on the objection.

[Adopted Effective September 1, 1996; Amended Effective September 1, 1998; September 1, 1999; September 1, 2002. September 1, 2003, September 1, 2011]