

**JEFFERSON COUNTY SUPERIOR COURT
LOCAL CIVIL ARBITRATION RULES**

Effective September 1, 2018

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I. SCOPE AND PURPOSE OF RULES

LCAR 1.1

APPLICATION OF RULES-PURPOSE AND DEFINITIONS

The purpose of civil arbitration of civil actions under RCW 7.06 as implemented by the Civil Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of \$100,000 or less, exclusive of attorney fees, interest, and costs. The Civil Arbitration Rules as supplemented by these local rules are not designed to address every question which may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

LCAR 1.2

MATTERS SUBJECT TO ARBITRATION

The following matters are subject to civil arbitration: (a) civil actions at issue in the Superior Court where the sole relief sought is a money judgment not in excess of one-hundred thousand dollars (\$100,000) exclusive of attorney's fees, interest, and costs.

LCAR 1.3

RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER RULES

Which Rules Apply. All motions before the Court relating to civil arbitration shall be noted on the Civil Motions Calendar in accordance with LCR 5, except as otherwise provided in these arbitration rules.

II. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

LCAR 2.1

TRANSFER TO ARBITRATION

- (a) **Statement of Arbitrability.** In every civil case, following the commencement of the action, but no later than ninety (90) days prior to a properly noted and set trial, any party may file a Note for Arbitration Setting & Initial Statement of Arbitrability substantially in the form of (Exhibit A). The Note for Arbitration Setting & Initial Statement of Arbitrability shall be filed with the Clerk and a duplicate copy delivered to 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 civil arbitration thereafter only upon leave of the court for good cause shown.

- (b) **Filing Fee.** The filing party shall pay a \$250 filing fee at the time they file their Note for Arbitration Setting & Initial Statement of Arbitrability.
- (c) **Response to a Statement of Arbitrability.**
 - (1) Any party disagreeing with the statement of arbitrability shall serve and file a response on the form prescribed by the court (Exhibit B). In the absence of such a response, the statement of arbitrability shall be deemed correct. Any response opposing the statement of arbitrability shall be served and filed within seven days after the receipt of the statement of arbitrability. If a party asserts that its claim exceeds \$100,000 or seeks relief other than a money judgment, the case is not subject to arbitration except by stipulation.
 - (2) A party who objects to a statement of arbitrability claiming the party who files the statement is not subject to arbitration shall note a motion before the assigned judge, noting the matter for hearing on the issue of arbitrability within 14 days of filing the response.
- (d) **Filing Amendments.** A party may amend or withdraw a statement of arbitrability or response at any time before assignment of an arbitrator and thereafter only upon leave of the court for good cause shown.
- (e) **By Stipulation.** A case in which all parties file a stipulation to arbitrate under MAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy.
- (f) **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 LCAR 2.1(c). This transfer shall also trigger the restriction on discovery contained in CAR 4.2 and LCAR 4.2.

LCAR 2.3

ASSIGNMENT TO ARBITRATOR

- (a) **Generally.** When a case is set for arbitration, a list of five proposed arbitrators will be furnished to the parties. A master list of arbitrators will be made available on request.
- (b) **By Stipulation.** The parties are encouraged to stipulate to an arbitrator on the master list of arbitrators. In the absence of a stipulation, the arbitrator will be chosen from among the proposed arbitrators in the manner defined by this rule.
- (c) **Response by Parties.** Each party may, within 14 days after the list of proposed arbitrators is furnished to the parties, nominate one or two arbitrators and strike two

arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the superior Court Administrator will appoint an arbitrator from among those not stricken by either party.

- (d) **Response by Only One Party.** If only one party responds within 14 days, the superior Court Administrator will appoint an arbitrator nominated by that party.
- (e) **No Response.** If neither party responds within 14 days, the superior Court Administrator will appoint one of the five proposed arbitrators.

III. ARBITRATORS

LCAR 3.1

QUALIFICATIONS

- (a) **Arbitration Panel.** There shall be a panel of arbitrators in such numbers as the administrative committee may determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the Court. The oath of office on the form prescribed by the court must be completed and filed prior to an applicant being placed on the panel. The Superior Court will furnish for public inspection arbitrator information sheets, and a panel list showing the names of the arbitrators available to hear cases.
- (b) **Refusal; Disqualification.** The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Court Administrator immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Canon 3(c) governing the disqualification of Judges. If disqualified, the arbitrator must immediately return all materials in a case to the Court Administrator.
- (c) **Challenge to Qualifications.** Any party may challenge the qualifications of the appointed arbitrator by motion to the Superior Court Judge provided, however, that said motion must be made within 14 days of the appointment of the arbitrator.

LCAR 3.2

AUTHORITY OF ARBITRATORS

- (a) **An arbitrator has the authority to:**
 - (1) Determine the time, place and procedure to present a motion before the arbitrator;

- (2) Require a party, attorney, or both to pay the reasonable expenses, including attorney fees, caused by the failure of such party or attorney or both to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the Clerk of the Superior Court, with proof of service on each party.
 - (3) Award attorney fees, as authorized by these rules, by a contract or by law; and
 - (4) Determine the time and place for the arbitration hearing.
- (b) **Immunity.** Arbitrators shall have immunity to the same extent as provided for superior court judges in Washington State.

IV. PROCEDURES AFTER ASSIGNMENT

LCAR 4.2

DISCOVERY

- (a) **Additional Discovery.** In determining when additional discovery beyond that directly authorized by MAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the civil rules except that motions concerning discovery shall be determined by the arbitrator. Except as provided in MAR 4.2, discovery pending when a case is transferred to arbitration is stayed except on stipulation of the parties. All discovery admissible under the Superior Court Civil Rules and Washington Rules of Evidence is admissible at arbitration, whether produced before or after the appointment of the arbitrator.
- (b) **Interrogatories.** Notwithstanding the Foregoing. The following interrogatories may be submitted to any party:
- (1) State each item of special damages being claimed and the amount thereof;
 - (2) List the name, address and phone number of each person having knowledge of any facts regarding liability;
 - (3) List the name, address and phone number of each person having knowledge of any facts regarding the damages claimed; and
 - (4) List the name, address and phone number of each expert

witness you intend to call at the arbitration. For each such expert, state the subject matter on which the expert is expected to testify; state the substance of the facts and opinions to which the expert is expected to testify.

Only these interrogatories, with the exact language as set out above, are permitted.

LCAR 4.4

NOTICE OF SETTLEMENT

After any settlement that fully resolves all claims against all parties, the plaintiff shall, within five court days or before the arbitration hearing, whichever is sooner, file and serve a written notice of settlement. The notice shall be filed with both the arbitrator and the court. Where the notice cannot be filed with the arbitrator before the arbitration hearing, the plaintiff shall notify the arbitrator of the settlement by telephone, fax or email prior to the hearing, and the written notice shall be filed and served within five court days after the settlement.

V. HEARING

LCAR 5.1

NOTICE OF HEARING - TIME AND PLACE – CONTINUANCE

- (a) **Time for Hearing.** The arbitrator shall set the time, date, and place of the hearing and shall give reasonable notice of the hearing date to the parties. Except by stipulation or for good cause shown, the hearing shall be scheduled to take place not sooner than 21 days, nor later than 75 days, from the date of the assignment of the case to the arbitrator, however, in no instance shall the original hearing date be set later than 120 days from the appointment of the arbitrator. The arbitrator may grant a continuance of the hearing date not to exceed 60 days beyond the original hearing date. In the absence of agreement of the parties and arbitrator on the date for any hearing, the arbitrator shall have the authority to set a hearing date over the objection of the parties which is consistent with this rule. Any setting of the original hearing date later than 120 days from the appointment of the arbitrator or any continuance of a hearing date more than 60 days from the original hearing date must be noted on the civil motion docket before the Superior Court Judge and will be granted only for good cause shown.
- (b) **Confirmation of Hearing.** Parties must confirm the hearing date with the arbitrator one week prior to hearing. Failure to confirm the hearing with the arbitrator may result in the cancellation of hearing at the arbitrator's discretion. Parties must notify arbitrator of a settlement reached prior to the scheduled hearing date in accordance with LMAR 4.4.

LCAR 5.2

PREHEARING STATEMENT OF PROOF - DOCUMENTS FILED WITH COURT

In addition to the requirements of MAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file that the party deems relevant.

VI. AWARD

LCAR 6.1

FORM AND CONTENT OF AWARD

- (a) **Form.** The award shall be prepared on the form prescribed by the court (Exhibit C).
- (b) **Return of Exhibits.** When an award is filed, the arbitrator shall make the exhibits available to the parties, and the parties may collect, any exhibits offered during the hearing.

LCAR 6.2

FILING OF AWARD

A request by an arbitrator for an extension of time for the filing of an award under MAR 6.2 must be presented to the Court Administrator.

LCAR 6.3

JUDGMENT ON AWARD

A judgment on an award shall be presented ex parte to the judge by any party, on notice in accordance with MAR 6.3.

VII. TRIAL DE NOVO

LCAR 7.1

REQUEST FOR TRIAL DE NOVO – CALENDAR – JURY DEMAND

- (a) **Form.** The request for a trial de novo shall not refer to the amount of the award, including any award of costs or attorney fees, and shall be substantially in the form of (Exhibit D).
- (b) **Filing Fee.** The appealing party shall pay a \$400 filing fee at the time they file their Request for Trial De Novo.

- (c) When a trial de novo is requested as provided in MAR 7.1 and LMAR 7.1(a), trial shall be set in accordance with LCR 40, except that the court will assign an accelerated trial date no sooner than 180 days and no more than 270 days from the date the request for trial de novo is filed. A request for a trial de novo may include a request for assignment of a particular trial date or dates, provided the date or dates requested have been agreed upon by all parties in writing and preauthorized by the Court Administrator.
- (d) In any case in which a party makes a motion for attorney's fees pursuant to LMAR 6.1(c), the 20-day period for appeal shall not commence until the arbitrator has either filed and served the amended award, or the written denial thereof.
- (e) **Jury Demand.** Any jury demand shall be served and filed by the appealing party along with the request for trial de novo, and by a non-appealing party within 14 calendar days after the request for trial de novo is served on that party. If no jury demand is timely filed, it is deemed waived.

VIII. GENERAL PROVISIONS

LCAR 8.1

STIPULATIONS – EFFECT ON RELIEF GRANTED

If a case not otherwise subject to civil arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a Judge.

LCAR 8.3

EFFECTIVE DATE

These rules shall take effect on September 1, 2018 and shall apply to all cases in which trial has not commenced on the merits by September, 2018.

LCAR 8.4

TITLE AND CITATION

These rules are known and cited as the Jefferson County Superior Court Civil Arbitration Rules. LCAR is the official abbreviation.

LCAR 8.6

COMPENSATION OF ARBITRATOR

- (a) **Generally.** Generally. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the superior court; provided, however, that said compensation shall not exceed \$600.00 for any case unless prior approval is granted by the Superior Court Judge. Hearing time and reasonable preparation time are compensable. Arbitrators may be reimbursed a sum not to exceed \$25.00 for costs incurred.
- (b) **Form.** When the award is filed, the arbitrator shall submit to the Court Administrator a request for payment on a form prescribed by the court. Request for compensation must be received by the Court Administrator no later than thirty (30) days from the date of filing the arbitration award. The Court Administrator shall determine the amount of compensation to be paid. The decision of the Court Administrator will be reviewed by the Superior Court Judge at the request of the arbitrator.

LCAR 8.7

ADMINISTRATION

- (a) **Court Administrator.** The Court Administrator under the supervision of the Superior Court Judge shall implement the procedures mandated by these rules and perform any additional duties which may be delegated by the Superior Court Judge.
- (b) **Arbitrator Panel Committee.** There shall be an arbitrator panel committee composed of the Superior Court Judge, a Court Commissioner, the Court Administrator, and two members of the Jefferson County Bar Association, chosen by the Jefferson County Bar Association. The bar members of the committee shall serve for three-year terms and may be reappointed. Terms of the initial committee shall be determined by lot.
- (c) **Arbitrator Panel Committee - Duties.** The arbitrator panel committee shall have the power and duty to:
 - (1) Select its chairperson and establish procedures not inconsistent with the Civil Arbitration Rules or these rules;
 - (2) Appoint the panel of arbitrators provided in LMAR 3.1(a);
 - (3) Remove a person from the panel of arbitrators;
 - (4) Add a person to the panel of arbitrators; and
 - (5) Review the operation of the arbitration program periodically and make recommendations as it deems appropriate to improve the program and submit any recommendations to the Jefferson County Bar Association membership for comment and to the Superior Court for ratification

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**SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF JEFFERSON**

_____,
Plaintiff(s),
vs.
_____,
Defendant(s).

No. _____

**NOTE FOR ARBITRATION SETTING AND
INITIAL STATEMENT OF
ARBITRABILITY**

(NTTSA)

TO THE CLERK OF THE COURT AND TO:

NATURE OF CASE: _____

INITIAL STATEMENT OF ARBITRABILITY

- This case is subject to arbitration because the sole relief sought is a money judgment and involves no claim in excess of \$100,000.00 exclusive of attorney fees, interest and costs. (MAR 1.2)
- The undersigned contends that its claim exceeds \$100,000.00 but hereby waives any claim in excess of \$100,000.00 for purposes of arbitration. (MAR 1.2)

DATE: _____

SIGNED: _____

WSBA #: _____

Lawyer for: _____

Address: _____

Phone Number: _____

**IMPORTANT: TYPE OR PRINT NAME, ADDRESS, AND PHONE NUMBER OF ALL
COUNSEL AND WHO THEY REPRESENT ON SECOND PAGE.**

***** FILE WITH FEE OF \$250.00. *****

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**SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF JEFFERSON**

_____,
Plaintiff(s),
vs.
_____,
Defendant(s).

No. _____

**RESPONSE TO STATEMENT OF
ARBITRABILITY**

(RSSA)

TO THE CLERK OF THE COURT AND TO ALL OTHER LAWYERS: (Per List on Second Page)

The undersigned lawyer contends that this case is not subject to mandatory arbitration because:

- Plaintiff's claim exceeds \$100,000.00;
- Plaintiff seeks relief other than a money judgment;
- Defendant's counterclaim or cross claim exceeds \$100,000.00; or
- Defendant's counterclaim or cross claim seeks relief other than a money judgment.

DATE: _____

SIGNED: _____

Lawyer for: _____

Printed Name: _____

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**SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF JEFFERSON**

_____,
Plaintiff(s),
vs.
_____,
Defendant(s).

No. _____

**ARBITRATION AWARD
(ARBA)**

The issues in arbitration having been heard on _____, 20____.

I make the following award:

Twenty days after the award has been filed with the clerk, if no party has sought a trial de novo under MAR 7.1, any party on notice to all parties may present to the Court ex parte a judgment on the arbitration award for entry as final judgment in this case.

Was any part of this award based on the failure of a party to participate at the hearing (MAR 5.4)?

Yes No If yes, please identify the party and explain:

DATE: _____

ARBITRATOR
Printed Name: _____

**ORIGINAL TO BE FILED WITH THE SUPERIOR COURT CLERK TOGETHER WITH
PROOF OF SERVICE ON THE PARTIES.**

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**SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF JEFFERSON**

_____,
Plaintiff(s),
vs.
_____,
Defendant(s).

No. _____

REQUEST FOR TRIAL DE NOVO

**[Clerk's Action Required: Seal Award
Pursuant to MAR 7.2(a)]**

(RTDNSA)

TO: THE CLERK OF THE COURT AND TO ALL PARTIES:

Please take notice that (name of aggrieved party) requests a trial de novo from the award
filed ____ (date) ____.

DATE: _____

Signed: _____

Printed Name: _____

Lawyer for: _____

