

MANDATORY ARBITRATION HEARING NOTICE

REGARDING ARBITRATION _____ VS _____

FROM: ARBITRATOR _____

TO: ATTORNEYS FOR LITIGANTS King County No: _____

SCHEDULE

- (a) Date and time of hearing _____
- (b) Place of hearing _____
- (c) Estimated length of hearing _____ hours
- (d) Deadline for filing the prehearing statement under MAR 5.2 with the arbitrator _____
- (e) Person to call: _____ Phone: _____
- (f) **A party who fails to participate, without good cause, waives the right to a trial de novo. (MAR 5.4) Terms may also be imposed under LMAR 3.2.**

SUGGESTIONS, REQUESTS AND DIRECTIONS TO COUNSEL IN ARBITRATION

1. **USE OF THIS MEMO:** This memo may help you prepare for this hearing.
2. **MOTIONS AND OTHER CONTACTS WITH ARBITRATOR:** Prehearing motions should be directed to the arbitrator with the exception of MOTIONS REGARDING ARBITRABILITY (MAR 2.1, 2.2); SUMMARY JUDGMENT OR INVOLUNTARY DISMISSAL; TO CHANGE OR ADD A PARTY (MAR 3.2); OR TO DISQUALIFY AN ARBITRATOR (MAR 3.2). These motions shall be decided by the court. Any motion or other pretrial discussion shall be arranged through _____ of my office. All contacts of any kind with me, including motions, may be done by conference call. Our preference is to conduct such a call at _____ a.m. if possible.
3. **PREHEARING STATEMENT, FILINGS, EVIDENCE:** I would urge you to take advantage of LMAR 5.3 (d), which presumes certain documents admissible if served upon all parties at least 14 days prior to the hearing along with your prehearing statement. (See LMAR 5.3 (d) for the exact steps necessary to comply.) All documents served in compliance with this rule will be accepted by me as your exhibits with no need to supply original nor special marking. They will come into evidence as a packet at the commencement of the hearing, and I will not return them after the hearing unless specifically requested to do so.
4. **BRIEFING:** Briefs together with highlighted copies of cited authorities should be provided to me no later than one (1) working day prior to the hearing.
5. **LENGTH OF HEARING:** Unless informed otherwise, I anticipate approximately four (4) hours as the maximum time necessary for the hearing on this matter. Any help counsel can provide in preparing and presenting evidence by stipulation will aid in saving hearing time, attorney's fees and reducing the time required for decision.

6. **TECHNOLOGY:** Please make arrangements in advance for monitors etc.
7. **SETTLEMENT:** Please advise my office **and** the Arbitration Department if a settlement is reached prior to the scheduled hearing date, and confirm that settlement in accordance with LMAR 4.4.
8. **ATTORNEY FEES:** The arbitrator has the power to award attorney fees by contract or by law, (LMAR 3.2. See also LMAR 6.2 (b)). If the facts of your case provide the right to an award of attorney fees, please bring documentary support, including your affidavit and time records, to the hearing and present it with your final argument. The attorney fee award will be made as part of my decision.

You may also request that I delay filing an award so that I can consider a motion for attorney fees that you submit to me after the hearing. I will then be able to include any award of fees in the final arbitration award. I will request an extension from the Arbitration Department for filing the award if the award will be filed after the 14-day deadline (LMAR 6.2(a)).

If you intend to rely on RCW 4.84.280, offers of settlement in determining attorney fees, the deadlines and procedures outlined in LMAR 6.2(b) will still apply. Please inform me by the end of the arbitration hearing of the possibility of seeking fees pursuant to this statute, and:

- 1) I will announce, but not file, my award in a letter to counsel within 3 days of the arbitration hearing.
- 2) You should then announce promptly to me that you are seeking attorney fees pursuant to 4.84.480.
- 3) I will then schedule a hearing by conference call for the 4.84.280 argument.
- 4) You must deliver all written and documentary support of your right to an award of fees to my office before 5 p.m. on the day before the 4.84.280 hearing.
- 5) I will include in the arbitration award any award of attorney fees pursuant to 4.84.280 and file the award within 14 days of the arbitration hearing.

9. **POST TRIAL MOTIONS:** The arbitrator is restricted under MAR 6.2 to issues related to attorney fees and correction of obvious errors. The Arbitrator has no power to reconsider the award.

Dated: _____

Arbitrator

COPIES OF THIS NOTICE MUST BE SENT TO THE PARTIES AND TO ARBITRATION DEPARTMENT, 516 THIRD AVE E-219, KING COUNTY COURTHOUSE, SEATTLE, WA 98104.

DO NOT FILE WITH CLERK