

**KING COUNTY LOCAL ~~MANDATORY CIVIL~~ ARBITRATION RULES**  
**(Cite as ~~LMAR-LCAR~~)**

**I. SCOPE AND PURPOSE OF RULES**

**~~LMAR~~ LCAR 1.1 APPLICATION OF RULES-PURPOSE AND DEFINITIONS**

**(a) Purpose.** The purpose of ~~mandatory~~ arbitration of civil actions under RCW 7.06 as implemented by the ~~Mandatory Civil~~ Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims ~~subject to arbitration by state law up to one hundred thousand dollars (\$100,000)~~. The ~~Superior Court Mandatory Civil~~ Arbitration Rules as supplemented by these local rules are not designed to address every question that 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.

**(b) “Supervisor” Defined.** In these rules, “Supervisor” means the Supervisor of Arbitration for the King County Superior Court or the Supervisor’s designee.

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**II. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR**

**(a) Matters Subject to Arbitration.** A claim filed prior to September 1, 2019 is subject to civil arbitration if it does not exceed fifty thousand dollars (\$50,000), exclusive of attorney fees, interest and costs. A claim filed after September 1, 2019 is subject to civil arbitration if it does not exceed one hundred thousand dollars (\$100,000), exclusive of attorney fees, interest and costs.

**~~(a-b)~~ Statement of Arbitrability.**—A party believing a case to be suitable for civil arbitration pursuant to ~~MAR SCCAR 1.2~~ shall file a statement of arbitrability upon a form prescribed by the Court before the case schedule deadline. After the date indicated on the case schedule has passed, the party wishing to transfer a case to arbitration must obtain an order from the Court upon a showing of good cause.

**~~(b c)~~ Response to a Statement of Arbitrability.**

**(1)** Within 14 days after the statement of arbitrability is served and filed, a party who objects to the statement of arbitrability, on the ground that the objecting party’s own claim or counterclaim is not arbitrable, shall serve and file a response on a form prescribed by the Court. If such a response is timely served and filed, the matter shall be administratively removed from arbitration. In the absence of such timely response, the statement of arbitrability shall be deemed correct. A party who fails to serve and file a response within the time prescribed may later do so only upon leave of the Court for good cause shown.

**(2)** A party who objects to a statement of arbitrability on the ground that a claim of the party who filed the statement is not subject to arbitration shall note a motion before the assigned judge.

**~~(c- 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.

**(d- e) By Stipulation.** A case in which all parties file a stipulation to arbitrate under SCCAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy, by leave of the Court.

**(e-f) Case Schedule Stricken.** Upon transfer of the case to arbitration, the case schedule is stricken.

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## **LMAR LCAR 2.3 ASSIGNMENT TO ARBITRATOR**

**(a) Generally.** When a case is set for arbitration, a list of proposed arbitrators will be furnished to the parties. The number of proposed arbitrators is based upon the number of adverse parties in the case. The number of adverse parties shall be determined by the Supervisor, subject to review by the Presiding Judge.

**(b) Stipulations.** The parties are encouraged to stipulate to an arbitrator. 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 Supervisor 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 Supervisor will appoint an arbitrator nominated by that party.

**(e) No Response.** If neither party responds within 14 days, the Supervisor will appoint one of the proposed arbitrators.

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## **III. ARBITRATORS**

### **LMAR LCAR 3.1 QUALIFICATIONS**

**(a) Arbitration Panel.** **There shall be a panel of arbitrators who qualify under RCW 7.06.040 and SCCAR 3.1.** A person desiring to serve as an arbitrator shall complete an oath of office and information sheet on the form prescribed by the Court. The Arbitration Department will maintain and make available a list of 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 Supervisor 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 Rule 2.11 governing the disqualification of Judges. If disqualified, the arbitrator must immediately return all materials in a case to the Supervisor.

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### **LMAR LCAR 3.2 AUTHORITY OF ARBITRATORS**

See ~~MAR SCCAR~~ 3.2(a)(1)-(9). In addition to the authority granted to arbitrators by ~~MAR SCCAR~~ 3.2 (a), an arbitrator has the authority to:

(a) Determine the time, place and procedure to present a motion before the arbitrator.

(b) Require a party or 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 of a party on each party. The aggrieved party shall have ten days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within ten days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under ~~MAR SCCAR~~ 6.3.

(c) See ~~MAR SCCAR~~ 3.2 for the relationship between the arbitrator's and judge's authority over a case in arbitration.

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#### IV. PROCEDURES AFTER ASSIGNMENT

##### ~~LMAR~~ ~~LCAR~~ 4.2 DISCOVERY

(a) In determining when additional discovery beyond that directly authorized by ~~MAR SCCAR~~ 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.

(b) ***Discovery Pending at the Time Arbitrator is Assigned.*** Discovery pending at the time the case is assigned to an arbitrator is stayed pending order from the arbitrator or except as the parties may stipulate or except as authorized by ~~MAR SCCAR~~ 4.2.

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##### ~~LMAR~~ ~~LCAR~~ 4.4 NOTICE OF SETTLEMENT

(a) ***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 prior to the hearing, and the written notice shall be filed and served within five court days after the settlement.

(b) ***Form of Notice.*** The notice of settlement shall be in substantially the following form:

NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in ~~LMAR~~ **SCCAR** 4.4(d), the case may be dismissed on the Clerk's motion pursuant to ~~LMAR~~ **SCCAR** 4.4(c).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
WSBA No.

**(c) Dismissal on Clerk's Motion.** See LCR 41(b)(2).

**(d) Settlement Without Dismissal.** If the parties have reached a settlement fully resolving all claims against all parties, but wish to postpone dismissal beyond the period set forth in section (c) above, the parties may, within 30 days after filing the Notice of Settlement of All Claims, file a Certificate of Settlement Without Dismissal in substantially the following form (or as amended by the Court):

## CERTIFICATE OF SETTLEMENT WITHOUT DISMISSAL

### I. BASIS

1.1 Within 30 days of filing of the Notice of Settlement of All Claims required by King County Local Rules for Mandatory Arbitration 4.4(a), the parties to the action may file a Certificate of Settlement Without Dismissal with the Clerk of the Superior Court.

### II. CERTIFICATE

2.1 The undersigned counsel for all parties certify that all claims have been resolved by the parties. The resolution has been reduced to writing and signed by every party and every attorney. Solely for the purpose of enforcing the settlement agreement, the Court is asked not to dismiss this action.

2.2 The original of the settlement agreement is in the custody  
of: \_\_\_\_\_  
at: \_\_\_\_\_.

2.3 No further Court action shall be permitted except for enforcement of the settlement agreement. The parties contemplate that the final dismissal of this action will be appropriate as of : \_\_\_\_\_.

Date: \_\_\_\_\_

### III. SIGNATURES

\_\_\_\_\_  
Attorney for Plaintiff/Petitioner  
WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant/Respondent  
WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Attorney for Plaintiff/Petitioner  
WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant/Respondent  
WSBA No. \_\_\_\_\_

### IV. NOTICE

The filing of this Certificate of Settlement Without Dismissal with the Clerk automatically cancels any pending due dates of the Case Schedule for this action, including the scheduled hearing date.

On or after the date indicated by the parties as appropriate for final dismissal, the Clerk will notify the parties that the case will be dismissed by the Court for want of prosecution, unless within 14 days after the issuance a party makes a written application to the Court, showing good cause why the case should not be dismissed.

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### V. HEARING

#### **~~LMAR~~ LCAR 5.1 NOTICE OF HEARING-TIME AND PLACE-CONTINUANCE**

An arbitration hearing may be scheduled at any reasonable time and place chosen by the arbitrator. **~~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.~~** The arbitrator may grant a continuance without court order. The parties may stipulate to a continuance only with the permission of the arbitrator. The arbitrator shall give reasonable notice of the hearing date and any continuance to the Supervisor.

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#### **~~LMAR~~ LCAR 5.2 PREHEARING STATEMENT OF PROOF-DOCUMENTS FILED WITH COURT**

In addition to the requirements of **~~MAR~~ SCCAR 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.

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### VI. AWARD

## **~~LMAR~~ LCAR 6.1 FORM AND CONTENT OF AWARD**

**(a) Form.** The award shall be prepared on the form prescribed by the Court.

**(b) Return of Exhibits.** After an award is filed, the arbitrator shall make available to, and parties shall collect, any exhibits offered during the hearing.

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## **~~LMAR~~ LCAR 6.2 FILING OF AWARD**

**(a) Extension of Time.** A request by an arbitrator for an extension of time for the filing of an award under ~~LMAR~~ SCCAR 6.2 shall be presented in writing to the Supervisor, ex parte. The Supervisor may grant or deny the request, subject to review by the Presiding Judge. The arbitrator shall give the parties notice of any extension granted.

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## **~~LMAR~~ LCAR 6.3 JUDGMENT ON AWARD**

**(a) Presentation.** A judgment on an award shall be presented to the Ex Parte Department, by any party, on notice in accordance with ~~LMAR~~ SCCAR 6.3.

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## **VII. TRIAL DE NOVO**

### **~~LMAR~~ LCAR 7.1 REQUEST FOR TRIAL DE NOVO-CALENDAR-JURY DEMAND**

**(a) Assignment of Trial Date.** If there is a request for a trial de novo, the Court will assign an accelerated trial date ~~no later than 240 days from date of assignment. A request for trial de novo may include a request for assignment of a particular trial date or dates, provided that the date or dates requested have been agreed upon by all parties and are between 60 and 120 days from the date the request for trial de novo is filed.~~

**(b) 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.

**(c) Case Schedule.** Promptly after the request for trial de novo is filed, the Court will issue to all parties a Notice of Trial Date together with the Trial De Novo Case Schedule, which will govern the case until the trial de novo. The Amended Case Schedule will include the following deadlines:

	Weeks Before Trial
Disclosure of Possible Witnesses (LCR 26): .....	12
Discovery Cutoff (LCR 37(g)): .....	7
ADR Requirement: .....	4
Pretrial Conference (individual calendar option only) (LCR 16): .....	
..... [may be ordered by preassigned Judge]	
Exchange of Witness and Exhibit Lists and Documentary Exhibits (LCR 4): ..3	
Deadline for Hearing Dispositive Pretrial Motions (LCR 56):.....	2

Joint Statement of Evidence (LCR 4): .....	1
Trial (LCR 40): .....	0

**(d) Motion to Change Trial Date.** No later than 21 days after the date of the filing of the Notice of Trial Date, any party may move to change the trial date, but no such motion will be granted unless it is supported by a showing of good cause. If a motion to change the trial date is made later than 21 days after the filing of the Notice of Trial Date, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice.

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## VIII. GENERAL PROVISIONS

### ~~LMAR~~ LCAR 8.1 STIPULATIONS-EFFECT ON RELIEF GRANTED

If a case not otherwise subject to ~~mandatory~~ 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.

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### ~~LMAR~~ LCAR 8.4 TITLE AND CITATION

These rules are known and cited as the King County Superior Court ~~Mandatory~~ Civil Arbitration Rules. ~~LMAR~~ LCAR is the official abbreviation.

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### ~~LMAR~~ LCAR 8.5 COMPENSATION OF ARBITRATOR

**(a) Generally.** Arbitrators shall be compensated in the same amount and manner as Judges pro tempore of the Superior Court. Hearing time and reasonable preparation time are compensable.

**(b) Form.** When the award is filed, the arbitrator shall submit to the Supervisor a request for payment on a form prescribed by the Court. The Supervisor shall determine the amount of compensation to be paid. The decision of the Supervisor will be reviewed by the Presiding Judge at the request of the arbitrator.