

Chapter 7.06 RCW
ARBITRATION OF CIVIL ACTIONS

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Rules of court: See *Superior Court Mandatory Arbitration Rules (MAR)*.

RCW 7.06.010 Authorization. In counties with a population of more than one hundred thousand, arbitration of civil actions under this chapter shall be required. In counties with a population of one hundred thousand or less, the superior court of the county, by majority vote of the judges thereof, or the county legislative authority may authorize arbitration of civil actions under this chapter. [2018 c 36 § 1; 2005 c 472 § 1; 2002 c 338 § 1; 1991 c 363 § 7; 1984 c 258 § 511; 1979 c 103 § 1.]

Applicability—Effective date—2018 c 36: See notes following RCW 7.06.043.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

RCW 7.06.020 Actions subject to civil arbitration—Court may authorize mandatory arbitration of maintenance and child support. (1) All civil actions, except for appeals from municipal or district courts, which are at issue in the superior court in counties which have authorized arbitration, where the sole relief sought is a money judgment, and where no party asserts a claim in excess of fifteen thousand dollars, or if approved by the superior court of a county by two-thirds or greater vote of the judges thereof, up to one hundred thousand dollars, exclusive of interest and costs, are subject to civil arbitration.

(2) If approved by majority vote of the superior court judges of a county which has authorized arbitration, all civil actions which are at issue in the superior court in which the sole relief sought is the establishment, termination, or modification of maintenance or child

support payments are subject to mandatory arbitration. The arbitrability of any such action shall not be affected by the amount or number of payments involved. [2018 c 36 § 2; 2005 c 472 § 2. Prior: 1987 c 212 § 101; 1987 c 202 § 127; 1985 c 265 § 3; 1982 c 188 § 1; 1979 c 103 § 2.]

Rules of court: MAR 1.2.

Applicability—Effective date—2018 c 36: See notes following RCW 7.06.043.

Application—2005 c 472 § 2: "Section 2 of this act applies to any case in which a notice of arbitrability is filed on or after July 24, 2005." [2005 c 472 § 3.]

Effective date—1987 c 212 §§ 101 and 102: "Sections 101 and 102 of this act shall take effect July 1, 1988." [1987 c 212 § 1902.]

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 7.06.030 Implementation by supreme court rules. The supreme court shall by rule adopt procedures to implement mandatory arbitration of civil actions under this chapter. [1979 c 103 § 3.]

RCW 7.06.040 Qualifications, appointment, and compensation of arbitrators. (1) The appointment of arbitrators shall be prescribed by rules adopted by the supreme court. An arbitrator must be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge.

(2) (a) A person may not serve as an arbitrator unless the person has completed a minimum of three credits of Washington state bar association approved continuing legal education credits on the professional and ethical consideration for serving as an arbitrator. A person serving as an arbitrator must file a declaration or affidavit stating or certifying to the appointing court that the person is in compliance with this section.

(b) The superior court judge or judges in any county may choose to waive the requirements of this subsection (2) for arbitrators who have acted as an arbitrator five or more times previously.

(3) The parties may stipulate to a nonlawyer arbitrator. The supreme court may prescribe by rule additional qualifications of arbitrators.

(4) Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the superior court. [2018 c 36 § 5; 1987 c 212 § 102; 1979 c 103 § 4.]

Applicability—Effective date—2018 c 36: See notes following RCW 7.06.043.

Effective date—1987 c 212 §§ 101 and 102: See note following RCW 7.06.020.

RCW 7.06.043 Hearing—Time, date, and place. 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 twenty-one days, nor later than seventy-five days, from the date of the assignment of the case to the arbitrator. The hearing shall take place in appropriate facilities provided or authorized by the court. [2018 c 36 § 3.]

Applicability—2018 c 36: "This act applies to all cases filed on or after September 1, 2018." [2018 c 36 § 8.]

Effective date—2018 c 36: "This act takes effect September 1, 2018." [2018 c 36 § 9.]

RCW 7.06.047 Discovery. After the assignment of a case to the arbitrator, a party may conduct discovery as follows: (1) Request from the arbitrator an examination under CR 35; (2) request admissions from a party under CR 36; and (3) take the deposition of another party. A party may request additional discovery from the arbitrator, including interrogatories, and the arbitrator will allow additional discovery only as reasonably necessary. [2018 c 36 § 4.]

Applicability—Effective date—2018 c 36: See notes following RCW 7.06.043.

RCW 7.06.050 Decision and award—Appeals—Trial—Judgment. (1) Following a hearing as prescribed by court rule, the arbitrator shall file his or her decision and award with the clerk of the superior court, together with proof of service thereof on the parties. Within twenty days after such filing, any aggrieved party may file with the clerk a written notice of appeal and request for a trial de novo in the superior court on all issues of law and fact. The notice must be signed by the party. Such trial de novo shall thereupon be held, including a right to jury, if demanded.

(a) Up to thirty days prior to the actual date of a trial de novo, a nonappealing party may serve upon the appealing party a written offer of compromise.

(b) In any case in which an offer of compromise is not accepted by the appealing party within ten calendar days after service thereof, for purposes of MAR 7.3, the amount of the offer of compromise shall replace the amount of the arbitrator's award for determining whether the party appealing the arbitrator's award has failed to improve that party's position on the trial de novo.

(c) A postarbitration offer of compromise shall not be filed or communicated to the court or the trier of fact until after judgment on the trial de novo, at which time a copy of the offer of compromise shall be filed for purposes of determining whether the party who appealed the arbitrator's award has failed to improve that party's position on the trial de novo, pursuant to MAR 7.3.

(2) If no appeal has been filed at the expiration of twenty days following filing of the arbitrator's decision and award, a judgment shall be entered and may be presented to the court by any party, on notice, which judgment when entered shall have the same force and

effect as judgments in civil actions. [2018 c 36 § 6; 2011 c 336 § 164; 2002 c 339 § 1; 1982 c 188 § 2; 1979 c 103 § 5.]

Applicability—Effective date—2018 c 36: See notes following RCW 7.06.043.

RCW 7.06.060 Costs and attorneys' fees. (1) The superior court shall assess costs and reasonable attorneys' fees against a party who appeals the award and fails to improve his or her position on the trial de novo. The court may assess costs and reasonable attorneys' fees against a party who voluntarily withdraws a request for a trial de novo if the withdrawal is not requested in conjunction with the acceptance of an offer of compromise.

(2) For the purposes of this section, "costs and reasonable attorneys' fees" means those provided for by statute or court rule, or both, as well as all expenses related to expert witness testimony, that the court finds were reasonably necessary after the request for trial de novo has been filed.

(3) If the prevailing party in the arbitration also prevails at the trial de novo, even though at the trial de novo the appealing party may have improved his or her position from the arbitration, this section does not preclude the prevailing party from recovering those costs and disbursements otherwise allowed under chapter 4.84 RCW, for both actions. [2002 c 339 § 2; 1979 c 103 § 6.]

RCW 7.06.070 Right to trial by jury. No provision of this chapter may be construed to abridge the right to trial by jury. [1979 c 103 § 7.]

RCW 7.06.080 Application date for request under RCW 7.06.050 and 7.06.060. RCW 7.06.050 and 7.06.060 apply to all requests for a trial de novo filed pursuant to and in appeal of an arbitrator's decision and filed on or after June 13, 2002. [2002 c 339 § 3.]

RCW 7.06.910 Effective date—1979 c 103. This act shall take effect July 1, 1980. [1979 c 103 § 10.]