

# YAKIMA COUNTY SUPERIOR COURT LOCAL CIVIL ARBITRATION RULES Effective September 1, 2020

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## LCAR 1.1 SCOPE AND PURPOSE OF RULES

**(a) Purpose.** The purpose of mandatory arbitration of civil actions under [chapter 7.06 RCW](#) as implemented by the [Superior Court Civil Arbitration Rules \(SCCAR\)](#) is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of monetary disputes. The Superior Court Civil Arbitration Rules, as supplemented by these local rules, are not designed to address every question which may arise during the arbitration process. The rules give considerable discretion to the arbitrator, which the arbitrator should not hesitate to exercise. Arbitration hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

**(b) "Director" Defined.** In these rules, "Director" means the Court Administrator’s Office for the Yakima County Superior Court.

[Adopted effective January 14, 1991; Amended effective September 1, 2006; September 1, 2020.]

**LCAR 1.2**  
**MATTERS SUBJECT TO ARBITRATION**

A civil action, other than an appeal from a court of limited jurisdiction, is subject to arbitration under these rules if the sole relief sought is a money judgment and if no party asserts a claim in excess of \$100,000, exclusive of attorney's fees, interest and costs, or if the parties stipulate to arbitration.

[Adopted effective January 14, 1991; Amended on an emergency basis effective August 12, 2005; Amended on a permanent basis effective September 1, 2006; September 1, 2020.]

**LCAR 2.1**  
**TRANSFER TO ARBITRATION**

**(a) Statement of Arbitrability.** In every civil case subject to arbitration pursuant to [chapter 7.06 RCW](#), any party may complete a Statement of Arbitrability, using the form found on the court's [Current Local Rules website](#). Within 14 days after the Statement of Arbitrability has been served and filed, any party disagreeing with the Statement of Arbitrability or unwilling to stipulate to arbitration shall serve and file a response to the Statement of Arbitrability. In the absence of such response, the Statement of Arbitrability shall be deemed correct, and the case shall be designated an arbitration case. If a party asserts that its claim exceeds \$100,000.00, or seeks relief other than a money judgment, the case is not subject to arbitration except by stipulation.

**(b) Failure to File – Amendments.** A party failing to serve and file an original response within the time prescribed may later do so only upon leave of the court. A party may amend the 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.

[Adopted effective January 14, 1991; Amended effective April 14, 1994; September 1, 2006; September 1, 2018; September 1, 2020.]

**LCAR 2.3**  
**ASSIGNMENT TO ARBITRATOR**

**(a) Generally; Stipulations.** 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. The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the five proposed arbitrators in the manner defined by this rule.

**(b) Response by Parties.** Each party may, within 14 days after a 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 Director will randomly appoint an arbitrator from among those not stricken by either party.

**(c) Response by Only One Party.** If only one party responds within 14 days, the Director will appoint an arbitrator nominated by that party.

**(d) No response.** If neither party responds within 14 days, the Director will randomly appoint one of the five proposed arbitrators.

**(e) Additional Arbitrators for Additional Parties.** If there are more than two adverse parties, all represented by different counsel, two additional proposed arbitrators shall be added to the list for each additional party so represented with the above principles of selection to be applied. The number of adverse parties shall be determined by the Director, subject to review by the Presiding Judge.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

### **LCAR 3.1 QUALIFICATIONS**

**(a) Arbitration Panel.** There shall be a panel of arbitrators in such numbers as the Superior Court judges may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the court. A list showing the names of arbitrators available to hear cases and the information sheets will be available for public inspection in the Director's office. 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.

**(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 Director 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 [Code of Judicial Conduct Canon 2](#), Rule 2.11 governing the disqualification of judges. If disqualified, the arbitrator must immediately return all materials in a case to the Director.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

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

An arbitrator has the authority to:

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

**(b)** Award attorney's fees as authorized by these rules, by contract, or by law.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

#### **LCAR 4.2 DISCOVERY**

In determining when additional discovery beyond that directly authorized by [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.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

#### **LCAR 5.1 NOTICE OF HEARING**

An arbitration hearing may be scheduled at any reasonable time and place chosen by 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 Director.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

#### **LCAR 5.2 PREHEARING STATEMENT OF PROOF**

In addition to the requirements of [SCCAR 5.2](#), each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

#### **LCAR 5.3 CONDUCT OF HEARING – WITNESSES – RULES OF EVIDENCE**

**(b) Recording.** The hearing may be recorded electronically or otherwise by any party at his or her expense.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**LCAR 6.1**  
**FORM AND CONTENT OF AWARD**

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

**(b) Exhibits.** The arbitrator shall return all exhibits to the parties.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**LCAR 6.2**  
**FILING OF AWARD**

A request by an arbitrator for an extension of time for the filing of an award under [SCCAR 6.2](#) may be presented to the court ex parte. The arbitrator shall give the parties notice of any extension granted.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**LCAR 7.1**  
**REQUEST FOR TRIAL DE NOVO**

**(a) Service and Filing.** A copy of the request for a trial de novo shall be served upon the Yakima County Superior Court Administrator. However, failure to do so shall not affect the validity of the request for the trial de novo.

**(e) Trial date; Jury Demand.** Every case transferred to the arbitration calendar shall maintain its position on the trial calendar as if the case had not been transferred to arbitration. A case that has been given a trial date will not lose that date by reason of being transferred to arbitration. The case shall be stricken from the trial calendar after the 20-day period within which a party may request a trial de novo has elapsed. A jury demand can be filed and the fee paid at the time the trial de novo is requested. The non-appealing party shall have 14 days from the date of filing of the request for trial de novo to file a jury demand. If no jury demand is timely filed, it is deemed waived.

[Adopted effective January 14, 1991; Amended effective September 1, 2020.]

**LCAR 8.1  
STIPULATIONS**

**(b)** If a case not otherwise subject to mandatory 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.

[Adopted effective January 14, 1991; Amended effective September 1, 2010; September 1, 2020.]

**LCAR 8.4  
TITLE AND CITATION**

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

[Adopted effective January 14, 1991; Amended effective September 1, 2010; September 1, 2020.]

**LCAR 8.6  
COMPENSATION OF ARBITRATOR**

**(a) Generally.** Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the superior court; except that said compensation shall not exceed \$1,000.00 for any case unless prior approval is granted by the Presiding Judge. Hearing time and reasonable preparation time are compensable.

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

[Adopted effective January 14, 1991; Amended effective September 1, 2010; September 1, 2020.]

**LCAR 8.7  
ADMINISTRATION**

The Director, under the supervision of the Superior Court judges, shall supervise arbitration under these rules and perform any additional duties which may be delegated by the judges.

[Adopted effective January 14, 1991; Amended effective September 1, 2010; September 1, 2020.]