

VIII. LOCAL SUPERIOR COURT CIVIL ARBITRATION RULES (LSCCAR)

Local Superior Court Civil Arbitration Rule 1 SCOPE AND PURPOSE OF RULES

- A. Authority & Purpose.** These rules implement and supplement Washington's Superior Court Civil Arbitration Rules (SCCAR) and RCW 7.06 for civil mandatory arbitration in Benton & Franklin Counties.
- B. Applicability.** These rules apply to all civil cases subject to or transferred to arbitration under SCCAR and these local rules, unless otherwise ordered by the Court.
- C. Program Administration.** The Court Administrator, under the supervision of the Presiding Judge or Arbitration Presiding Judge, shall administer all arbitration procedures, including maintaining forms, managing deadlines, and supporting arbitrator assignments.
1. *Arbitration Judge.* The Presiding Judge or Arbitration Presiding Judge shall:
 - a. Supervise the Court Administrator;
 - b. Select and appoint attorneys to the arbitrator panel;
 - c. Remove panel members when appropriate;
 - d. Establish selection procedures consistent with rules and RCWs;
 - e. Review the arbitration program periodically and implement improvements.

Local Superior Court Civil Arbitration Rule 2 TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

- A. Transfer to Arbitration.** Following commencement of the action, and no later than the date set forth in the case schedule order, any party may complete and file a Statement of Arbitrability, with payment of the required fee to the Clerk.
1. *Form.* The Statement of Arbitrability shall be filed on the court prescribed form found on the Court's Website. The filing party must file the statement with the clerk, delivery a duplicate to the Judicial Assistant and serve all parties.
 2. *Failure to File.* A party failing to timely file a Statement of Arbitrability is deemed to have waived arbitration and may subject the matter to arbitration only upon leave of court for good cause and payment of the filing fee.
 3. *Responses & Objections.* Any party objecting to arbitrability must file and serve a Response within 10 court days and note any objection for hearing. Absent such Response, the Statement of Arbitrability is deemed correct.
 4. *Case Schedule Impact.* Upon filing a Statement of Arbitrability indicating the case is subject to arbitration, any civil case schedule order is stricken, unless an objection to arbitrability has been noted.
 5. *Assignment of Arbitrator.* Not less than 90 days following filing and service of the Statement of Arbitrability, the Judicial Assistant shall provide parties a list of five (5) proposed arbitrators.

6. *Arbitrator Panel.* A master list of approved arbitrators shall be publicly available on the Court's website.
7. *Selection & Strikes.* Each party may select one or two names and strike one or two names from the list within 10 court days of mailing.
8. *Appointment Rules.* If both parties respond, an arbitrator selected by both parties shall be appointed.
 - a. If no mutual selection exists, the Judicial Assistant appoints the first name remaining on the random strike list.
 - b. If only one party responds, the first arbitrator nominated by that party is appointed.
 - c. If neither party responds, the Judicial Assistant appoints the first name on the random strike list.
9. *Multiple Adverse Parties.* If more than two adverse parties exist, two additional arbitrators will be added to the list. The Judicial Assistant, at the direction of the presiding judge, determines the number of adverse parties, subject to court review.
10. *Confidentiality.* Parties do not serve their selections on each other. Returned lists are retained until expiration of the trial de novo period.

Local Superior Court Civil Arbitration Rule 3 ARBITRATORS

- A. Qualification and Appointment.** Arbitrators shall be active members of the Washington State Bar in good standing, with the experience required under SCCAR.
- B. Authority of Arbitrator.** Arbitrators have all powers granted by SCCAR, RCW 7.06, and these LSCCAR, including issuing scheduling orders, managing hearings, and ruling on evidence.
- C. Removal or Disqualification.** An arbitrator may be disqualified under SCCAR 3.2 or removed by the Presiding Judge for good cause.

Local Superior Court Civil Arbitration Rule 4 PROCEDURES AFTER ASSIGNMENT

- A. Discovery Limitations.** Discovery is limited under SCCAR and LSCCAR unless expanded by stipulation or court order.
- B. Permitted Interrogatories.**
 1. The following interrogatories are the only interrogatories allowed:
 - a. State the amount of general damages.
 - b. State each item and amount of special damages.

- c. List liability witnesses and contact information.
 - d. List damages witnesses and contact information.
 - e. List experts and state opinions, bases, and subject matter.
 - f. Describe present physical condition if claiming bodily injury.
 - g. Provide health-care providers (10 years prior and post-incident).
 - h. Identify any applicable insurance agreements and coverage documents.
 - i. Identify parties not properly served.
- C. Medical Records.** Records identified in Interrogatory 1 must be produced unless the requester is provided a medical authorization sufficient to obtain records independently.
- D. Depositions Upon Written Questions.** Parties may use CR 31 to obtain records through written-question depositions.
- E. Prehearing Exchange.** Exhibits and witness lists must be exchanged as required by SCCAR, LSCCAR, or the arbitrator's order.
- F. Information Not Provided to Arbitrator.** Discovery materials shall not be provided to the arbitrator unless necessary to resolve bona fide issues of coverage, offset, or setoff.

Local Superior Court Civil Arbitration Rule 5 HEARING

- A. Scheduling.** The arbitrator shall set the date, time, and place of the hearing and provide reasonable written notice. Hearings must be held no sooner than 21 and no later than 75 days after appointment unless extended for good cause.
- B. Continuances.** Any hearing date beyond 120 days from appointment, or any continuance exceeding 60 days from the original date, must be approved by the Presiding/Arbitration Judge. Short continuances may be granted by the arbitrator for good cause.
- C. Settlement.** Notice of Settlement must be filed within 5 days of settlement, or before the arbitration hearing, whichever is sooner. Any party may file the notice if the plaintiff does not.
- D. Dismissal.** Dismissal orders must be entered within 60 days of filing the Notice of Settlement, the scheduled hearing date, or a written request for proof of settlement whichever is earlier.

Local Superior Court Civil Arbitration Rule 6 AWARD

- A. Filing of Award.** All arbitration awards shall be filed under seal with the Clerk. The arbitrator must give Notice of Filing to the Executive Assistant and all parties.
- B. Time for Filing.** The arbitrator may request an extension to file the award by presenting an ex parte request to a Superior Court Judicial Officer and must notify all parties if granted.

- C. Fees, Costs, and Interest.** Requests for attorney fees, costs, or interest shall be made and determined under SCCAR and applicable law. If granted after the initial award, the arbitrator shall file an amended award.

**Local Superior Court Civil Arbitration Rule 7
TRIAL DE NOVO**

- A. Request.** A party seeking a trial de novo must comply with this rule. Upon timely filing, the Court will assign a trial date.
- B. Attorney-Fee Motions.** If a party moves for attorney fees, the 20-day trial de novo period does not begin until the arbitrator has filed and served the amended award or written denial of attorney fees.
- C. Amended Case Schedule.** Upon a request for trial de novo, a new case schedule will be issued by the Judicial Assistant with the default deadlines (from date of issuance).

1. *Default Deadlines:*

- a. Plaintiff's witness disclosures/1 month
- b. Defendant's witness disclosures/3 months
- c. Plaintiff's rebuttal/4 months
- d. Defendant's rebuttal/5 months
- e. Discovery cutoff/5.5 months
- f. Settlement position statements/6 months
- g. Dispositive motions heard/6 months
- h. Settlement conference/6.5 months
- i. Trial management report/7 months
- j. Pretrial conference/7 months
- k. Trial documents (motions in limine, jury instructions, etc.)/2 weeks before trial
- l. Trial priority hearing/1 week before trial
- m. Trial/9 months

- D. Jury Demand.** Jury demands must be filed and served in compliance with CR 38.

**Local Superior Court Civil Arbitration Rule 8
LOCAL RULES**

- A. Dismissal on Court's Own Motion.** If dismissal is not timely entered under LSCCAR 5(D), The Judicial Assistant, at the direction of the presiding judge, may file a motion for dismissal for want of prosecution, with notice of hearing to attorneys of record and arbitrator.

[Adopted Effective September 1, 2026]