

SENATE BILL REPORT

ESB 5063

AS PASSED SENATE, FEBRUARY 17, 1992

Brief Description: Setting an award cap for mandatory arbitration.

SPONSORS: Senators Nelson, Hayner and Thorsness.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, L., Madsen, Newhouse, and Rasmussen.

Staff: Richard Rodger (786-7461)

Hearing Dates: January 29, 1991

BACKGROUND:

The judges of the superior court in each judicial district may authorize the use of mandatory arbitration in civil cases where no party asserts a claim in excess of \$15,000. The judges may, by two-thirds vote, increase the arbitration level up to \$35,000.

It has been suggested that the arbitration law should be amended to prohibit a plaintiff from using arbitration, when the plaintiff seeks damages for more than one claim or from more than one defendant and the total damages exceed \$35,000. The suggested prohibition would also extend to situations where more than one plaintiff seeks recovery for damages arising out of the same occurrence, and the total damages for all plaintiffs exceeds \$35,000.

There is currently no statute that provides immunity, or grants confidentiality, to arbitrators who conduct the mandatory civil arbitration proceedings.

SUMMARY:

Cases subject to arbitration are all those in which the total value of claims does not exceed \$35,000, regardless of the number of claims, plaintiffs, or defendants.

Arbitrators who are appointed to conduct mandatory civil arbitrations are immune from civil actions based on the proceedings, except for acts of willful or wanton misconduct. The arbitrators' memoranda, notes, and files are confidential and privileged.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

This bill is necessary to clarify the original intent of the Legislature.

TESTIFIED AGAINST: None

TESTIFIED: William Mays, Washington Defense Trial Lawyers (pro)