

# SENATE BILL REPORT

## SB 6616

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As Reported By Senate Committee On:  
Judiciary, February 6, 2004

**Title:** An act relating to actions subject to mandatory arbitration.

**Brief Description:** Increasing the monetary limit for actions subject to mandatory arbitration.

**Sponsors:** Senators Kline, McCaslin, Parlette, Regala, Doumit and Winsley.

**Brief History:**

**Committee Activity:** Judiciary: 2/5/04, 2/6/04 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Hargrove, Haugen, Kline and Roach.

**Staff:** Lidia Mori (786-7755)

**Background:** In counties which have authorized arbitration, all civil actions in superior courts, except for appeals from municipal or district courts, are subject to mandatory arbitration if the only relief sought is a money judgment and no party asserts a claim of more than \$15,000 or up to \$35,000 if approved by the superior court of a county by two-thirds or greater vote of the superior court judges.

The mandatory arbitration limit of \$35,000 was the result of Substitute Senate Bill 6048, which was passed by the Washington State Legislature in 1987.

**Summary of Bill:** In counties which have authorized arbitration, all civil actions in superior courts, except for appeals from municipal or district courts, are subject to mandatory arbitration if the only relief sought is a money judgment and no party asserts a claim of more than \$15,000 or up to \$50,000 if approved by the superior court of a county by two-thirds or greater vote of the superior court judges.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Mandatory arbitration has been around for about 23 years and over 3000 cases per year are resolved through this mechanism. It saves a huge amount of docket and court time. It is a fast, fair, and efficient mechanism. It leaves intact the right to trial by jury. The ceiling of \$35,000 was put in place in 1987.

**Testimony Against:** The district court limit is \$50,000 and that is where these cases should go. As cases become more complex, they do not resolve well in front of an arbitrator with very limited discovery. In superior court, a large number of people can be deposed but in arbitration it is discouraged. \$35,000 to \$50,000 represents a significant jump in the complexity of the cases.

**Testified:** Larry Shannon, WA State Trial Lawyers (pro); James Macpherson, WA Defense Trial Lawyers; Garret Ayers, Burgess Fitzer (con); George McLean, State Farm (con).