

SENATE BILL REPORT

ESHB 1248

As of February 15, 2016

Title: An act relating to court proceedings.

Brief Description: Concerning court proceedings.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Shea, Sawyer, Rodne, Jinkins, Walkinshaw, Fitzgibbon, Kilduff and Pollet).

Brief History: Passed House: 2/19/15, 78-19; 2/03/16, 85-12.

Committee Activity: Law & Justice: 2/18/16.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Melissa Burke-Cain (786-7755)

Background: The Legislature limits the district court's jurisdiction based on the case's value, or the amount at issue, in specific civil cases. The Legislature periodically adjusts this case value limit. In 2008, the most recent change, the Legislature raised the civil case jurisdiction from \$50,000 per case to \$75,000 per case exclusive of interest, costs, and attorneys' fees.

Mandatory superior court arbitration is required in counties with more than 100,000 persons, and voluntary for less-populous counties. Mandatory arbitration applies to all claims for money damages, except appeals from municipal and district courts, up to a case value limit of \$15,000 per party. Currently, in counties where mandatory arbitration is required or authorized, a county's superior court judges may raise the mandatory arbitration limit up to \$50,000 by a two-thirds vote.

A \$25 fee must be charged for filing a water rights statement. Water rights statement is not a defined term or a term found in the water rights law.

Summary of Bill:

- The district court amount in controversy is not increased. The case value limit for mandatory arbitration may be increased to \$75,000 when approved by a two-thirds vote of a county's superior court judges.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Mandatory arbitration arbitrators must complete a one-time training of a minimum of three Washington State Bar Association-approved continuing legal education credits on the professional and ethical considerations for serving as an arbitrator. A newly-appointed arbitrator must supply the court with a declaration that the training is completed within 10 days of appointment.
- Arbitrators must set the time, date, and place of an arbitration hearing and must give parties reasonable notice of the arbitration date.
- The arbitration date must be between 21 days and 75 days from the date the arbitrator is assigned, unless the parties stipulate otherwise or good cause is shown for a different date.
- Parties may conduct limited pre-arbitration discovery. In personal injury cases, defendants may demand a statement of damages. Parties may request a physical and mental health examination, request admissions, or take another party's deposition.
- The arbitrator may allow additional pre-arbitration discovery when reasonably necessary.
- A party appealing an arbitration award must sign a written notice of appeal.
- The filing fee for mandatory arbitration is \$250. The filing fee for a trial de novo after arbitration is \$350. From each of these filing fees, \$30 dollars must fund indigent defense in the county where the arbitration is filed.
- A \$25 filing fee must be charged for a water rights" adjudication claim."
- The act takes effect on January 1, 2017 and applies to all cases filed on or after that date.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2017.