

SAMPLE ARBITRATOR'S MEMO

TO: ATTORNEYS _____
FROM: ARBITRATOR _____
RE: HEARING PREPARATION: ___(case name and number)

SCHEDULE

- a) Date and time of hearing _____
- b) Hearing location _____
- c) Estimated length of hearing _____ hour / days
- d) Deadline for filing the prehearing statement under MAR 5.2 with the arbitrator _____
- e) Contact person _____ Phone No. _____
- f) A party who fails to participate, without good cause, waives the right to a trial de novo. (MAR 5.4)
Terms may also be imposed under LMAR 3.2.

SUGGESTIONS, REQUESTS, AND DIRECTIONS TO COUNSEL IN ARBITRATION

1. **MOTIONS AND OTHER CONTACTS WITH ARBITRATOR:** Prehearing motions should be directed to the arbitrator with the exception of MOTIONS REGARDING ARBITRABILITY (MAR 2.1, 2.2). The court shall decide these motions. Any motion or other pretrial discussion shall be arranged through (**contact person**) of my office. All contacts of any kind with me, including motions, may be done by conference call. My preference is to conduct such a call at (**time**) if possible.
2. **PREHEARING STATEMENT, FILING, and EVIDENCE:** Please provide me with copies of all relevant documents; I WILL NOT have the court file. I would urge you to take advantage of MAR 5.3 (d), which presumes certain documents admissible if served upon all parties at least 14 days prior to the hearing along with your prehearing statement. (See MAR 5.3 (d) for the exact steps necessary to comply.) I will accept all documents served in compliance with this rule as your exhibits with no need to supply originals or special marking. They will come into evidence as a packet at the commencement of the hearing, and I will not return them after the hearing unless specifically requested to do so.
3. **BRIEFING:** Briefs together with highlighted copies of cited authorities should be provided to me no later than _____ working days prior to the hearing.
4. **LENGTH OF HEARING:** Unless informed otherwise, I anticipate approximately _____ hour / days as the maximum time necessary for the hearing on this matter.

Any help counsel can provide in preparing and presenting evidence by stipulation will aid in saving hearing time, attorney's fees and reducing the time required for decision.

5. **TECHNOLOGY:** Please make arrangements in advance for any equipment needs you may have.
6. **SETTLEMENT:** Please advise my office and the Arbitration Department by calling 477-4402, if a settlement is reached prior to the scheduled hearing date.
7. **ATTORNEY FEES:** The arbitrator has the power to award attorney fees by contract or by law, (LMAR 3.2). If the facts of your case provide the right to an award of attorney's fees, please bring documentary support, including your affidavit and time records, to the hearing and present it with your final argument. The attorney fee award will be made as part of the arbitrator's decision.

If you intend to implement RCW 4.84.250, pursuant to an offer of settlement, the procedures outlined here will apply unless you have requested a delay in filing the decision to allow for this issue, in which case I will:

- a) Announce my award by letter to counsel **within (5) days of the hearing.** You should then advise promptly that the case involves a 4.84.250 award. I will then schedule a conference call hearing for the 4.84.250 argument, which will not be more than **(7-10) days** after the hearing date.
 - b) You must deliver to my office by 5:00 p.m. on the day prior to the 4.84.250 hearing all written and documentary support of your right to such an award.
 - c) The award of attorney fees, if any, will be included in the formal arbitration award, which must be **filed fourteen (14) days** after the arbitration hearing itself.
8. **POST TRIAL MOTIONS:** The arbitrator is restricted under MAR 6.2 to issues related to attorney fees and correction of obvious errors, the Arbitrator has no power to reconsider the award.

Dated: _____, 20_____

Arbitrator