

August, 2010

Summary of Early Mediation Pilot Project

By Judges Paris K. Kallas, John P. Erlick, James Doerty

When civil cases settle early, the parties and the court system benefit. Under the Court's existing ADR requirements, settlement may occur well after the parties have incurred substantial expenditure of fees and costs and the court has expended substantial judicial resources. Thus, although over 95% of all civil cases ultimately settle, a concern exists regarding timing of settlement.

Recognizing the benefits of early settlement, the trustees of the King County Bar Association, based on work of the KCBA's Judiciary and Courts Committee, recommended that King County Superior Court adopt an early mediation requirement for most civil cases. After careful consideration, the King County Superior Court has agreed to a pilot project to evaluate the benefits of early mediation.

The pilot project will proceed as follows. Beginning September 2010, randomly selected civil cases that would generally receive an 18-month civil case schedule will instead receive a modified case schedule. The pilot project random selection process will continue approximately 2 months in order to capture 1,800 cases. This represents 10% of the cases that normally receive the 18 month civil case schedule on an annual basis, which is a statistically significant sample.

The pilot project case schedule is set forth below. In essence, the pilot project case schedule will add two deadlines: 1) filing a mediation plan 17 weeks after filing; and, 2) completing mediation 21 weeks before trial. These new deadlines occur before the discovery cut-off deadline.

The KCBA and the Court are hopeful that the proposed early mediation rule will encourage early settlement and reduce the number of cases that settle close to the date of trial, thus providing cost savings to the parties and allowing the Court to focus its resources on the cases that will actually be tried.

Questions about the pilot project may be addressed to Barbara Miner, Clerk of the Court, at [Barbara.Miner@kingcounty.gov](mailto:Barbara.Miner@kingcounty.gov) or 206.296.2910.

CASE EVENT	EVENT DATE
Case Filed and Schedule Issued.	Filed Date
<b>DEADLINE to file Early Mediation Plan [See General Order, pilot procedures]</b>	<b>F + 120</b>
√ Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See <i>KCLMAR 2.1(a) and Notices on Page 2</i> ]. <b>\$220 arbitration fee must be paid</b>	F+161
√ <b>DEADLINE</b> to file Confirmation of Joinder if not subject to Arbitration [See <i>KCLCR 4.2(a) and Notices on Page 2</i> ].	F+161
<b>DEADLINE</b> for Hearing Motions to Change Case Assignment Area [ <i>KCLCR 82(e)</i> ].	F+175

<b>DEADLINE for Completing Early Mediation [See General Order, procedures attached]</b>	T-168
<b>DEADLINE</b> for Disclosure of Possible Primary Witnesses [ <i>See KCLCR 26(b)</i> ].	T-154
<b>DEADLINE</b> for Disclosure of Possible Additional Witnesses [ <i>See KCLCR 26b</i> ].	T-112
√ <b>DEADLINE</b> for Jury Demand [ <i>See KCLCR 38(b)(2)</i> ].	T-98
<b>DEADLINE</b> for a Change in Trial Date [ <i>See KCLCR 40(d)(2)</i> ].	T-98
<b>DEADLINE</b> for Discovery Cutoff [ <i>See KCLCR 37(g)</i> ].	T-49
<b>DEADLINE:</b> Exchange Witness & Exhibit Lists & Documentary Exhibits [ <i>KCLCR 4(j)</i> ].	T-21
<b>DEADLINE</b> to file Joint Confirmation of Trial Readiness [ <i>See KCLCR 16(a)(2)</i> ]	T-21
<b>DEADLINE</b> for Hearing Dispositive Pretrial Motions [ <i>See KCLCR 56; CR 56</i> ].	T-14
Joint Statement of Evidence [ <i>See KCLCR 4 (k)</i> ]	T-7
<b>DEADLINE</b> for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file proposed Findings of Fact and Conclusions of Law with the Clerk)	T-7
Trial Date [ <i>See KCLCR 40</i> ].	T (17.5 mo)