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**EVALUATION OF THE EFFECTIVENESS OF THE  
EXISTING COURT-ANNEXED ARBITRATION PROGRAM**

**AND**

**DEVELOPMENT OF A PLAN FOR IMPLEMENTATION OF A  
COMPREHENSIVE CASEFLOW MANAGEMENT SYSTEM  
USING ADR OPTIONS**

Institute for Court Management  
Court Executive Development Program  
Phase III Project  
May 1998

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## ACKNOWLEDGMENTS

This project was well on its way down the road originally mapped out, until a corner was turned in its development that required a different course be taken with minimal time remaining. The recharted course provided a much more meaningful and useful foundation for the Snohomish County Court system to build on in 1998. This was accomplished with the involvement of the following people lending their many talents, expertise and commitment to the quality and usefulness of the project:

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Special thanks and appreciation to my husband Ned and children, Michelle and Derek, for their patience, love and understanding.

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## ABSTRACT

The Snohomish County Superior Court, located in Everett, Washington, suffers from a burgeoning caseload due to rapid county growth, a 40% increase in criminal filings in 1996 over the previous year and increased *pro se* litigants. These increases have caused courtroom congestion, costly delays in civil and domestic matters as well as access to justice issues. This project examines the need to consider development of a long range plan for implementation of a comprehensive caseload management system involving a solid complement of ADR options. It further examines the effectiveness of the 14 year-old court-annexed arbitration program currently in place, as no information exists regarding litigant and attorney satisfaction with the arbitration process and why they file requests for trial de novo after an arbitration decision has been rendered. Evaluation of the existing arbitration program is necessary in order to build a foundation to proceed with a long range plan for implementation of other ADR options.

The long range strategic vision associated with this effort is to develop a plan for implementation of a comprehensive caseload management system involving ADR options that would address the increasing caseload and court congestion issues of the Snohomish County Superior Court. The primary goal of this project was to discover the reasons underlying the attorneys' or litigants' appealing the arbitration awards. The secondary benefit realized in this project was that the proportion of arbitration awards appealed is not fully consistent with the judicial view that the program is marginally effective. Examination of attorney and party reasons for appealing arbitration awards could be useful for improving efficacy of the Snohomish County arbitration program.

Review of Snohomish County Superior Court arbitration case data and materials and data from other court-annexed ADR program designs provided an initial basis for the current research project. Attorneys and party litigants who appealed their arbitration award for 1996 through 1997 cases were mailed a self-administered questionnaire to (1) assess various aspects of their satisfaction with the arbitration process and (2) determine the reasons for their filing requests for trial de novo.

Analysis of the available information indicated that approximately 70% of the civil and domestic cases accepted the arbitration awards. Within the 30% of civil and domestic cases that filed a request for trial de novo after receiving the arbitration decision, both the attorneys and the parties indicated substantial satisfaction with the arbitration process. While additional research may bear more specific motives for appealing arbitration decisions, it appears that litigants simply thought they could derive a better outcome by returning to court.

The data demonstrate that the current court-annexed arbitration program is largely effective and that no significant problem is perceived by attorneys and litigants in this study. It is recommended that a plan be developed to implement a comprehensive caseload management system using ADR options in the Snohomish County Superior Court.



## INTRODUCTION

Snohomish County Superior Court, located in Everett, Washington, has utilized court-annexed arbitration since the fall of 1984. It is mandatory in (1) civil matters where the only relief sought is a money judgment up to \$35,000; (2) domestic matters where the only relief sought is the establishment, termination or modification of maintenance or child support payments or arrearages; or (3) a small claims matter is appealed from District Court.

The increasing caseload and delays of civil and domestic matters give cause for Snohomish County Superior Court to consider development of a long range plan for implementation of a comprehensive caseload system involving other ADR options. Due to the number of requests for trial de novo filed and trials scheduled, some of the judiciary have indicated they believe the current arbitration alternative is only marginally effective.

In order to build a foundation to proceed with the long range plan for implementation of other ADR options, it is necessary to understand the effectiveness of the current court-annexed arbitration program. Do the litigants and attorneys believe the arbitration process and/or program are effective? To date, the current mandatory arbitration program's effectiveness in reducing the court's civil and domestic caseload has not been researched. Meanwhile, the caseload grows and delays continue in the courtrooms. The need for a long range plan for implementation of a comprehensive caseload system using ADR options continues to be necessary.

Background:

Snohomish County, Washington, is the third most populace county in the state situated on the western border of Puget Sound. The neighboring counties to the south, King County (Seattle) and Pierce County (Tacoma) are the first and second largest counties respectively.

The population of Snohomish County is one of the fastest growing in the nation, with a current population of 560,000. It is projected that Snohomish County's population will increase 10% by the year 2000. Likewise, the Snohomish County Superior Court caseload is also growing rapidly.

While attempting to manage the growing caseload, the county's operating budget is not in sync with its growth. Consequently, Snohomish County Superior Court operates with 13 judges and 3 court commissioners, while the 1986 Weighted Caseload Analysis by the Office Administrator for the Courts in Olympia, Washington indicated the need for 22.79 judicial officers. Twelve years later, the court only meets two-thirds of that need. Meanwhile, demands for court services continue to increase.

In 1996 there was a 40% increase over the previous year in criminal cases filed in Snohomish County Superior Court reducing available trial departments for civil and domestic cases. In 1996 there were 7,695 civil cases filed, 3,353 domestic cases filed, and 1,309 probate cases filed. Both civil and family law attorneys have shared their frustration regarding the inability to get their cases into the trial courtroom. Rescheduling has caused much expense and havoc for them, their clients and witnesses. An added delay factor exists because 1,182 of the civil cases filed involved litigants representing themselves who further contributed to the increased length of trials. These *pro se* litigants also experience extreme frustration with courtroom congestion and delays as their cases move through the

system. Congestion on court calendars and delay to trial is costly both in dollars and in the public's access to justice and contributes to declining confidence levels in our justice system.

The Snohomish County Superior Court bench has been actively involved in developing case management tools including serving on various case management committees at the state level. They are acutely aware of the case backlog that they have to live with on a daily basis and have implemented several processes to address the congestion problems. Caseload management data are collected to identify cases that do not move or reach timely resolution to assess the most effective way to bring these matters to resolution and reduce case backlog. Time standards have been implemented to set reasonable times for the processing of cases from filing to resolution. Notices are sent at certain points in the litigation process to compel litigants to comply with timelines.

Snohomish County's Court-Annexed Mandatory Arbitration Program:

Snohomish County has mandatory, court-annexed arbitration of civil cases where (1) the sole relief sought is a money judgment not to exceed \$35,000; (2) involves the establishment, termination or modification of maintenance or child support payments or arrearages; (3) the parties waive any claim in excess of \$35,000, to have the case arbitrated or it is a Small Claims matter appealed from District Court.

Other Washington County ADR Programs:

Thurston, Spokane, Pierce and Kitsap Counties have developed models that would be an effective "first step" in developing a program in Snohomish County. During the week-long spring and fall judicial conferences held each year, they provide events entitled: Spring and Fall ADR Week, Spring and Fall Settlement Week, Spring and Fall Mediation Days and Fall Mediation Conference

Week. While the judges are out of town at their judicial conference, the vacant courtrooms are used for voluntary mediation and arbitration of matters by use of local resources: local bar members and dispute resolution centers where available. Each of these events provide free or low cost ADR services to litigants. They are a low risk way to encourage early and affordable litigation alternatives for appropriate cases.

Also, the King County Bar Association offers a Free Settlement Conference Program providing free settlement conferences in family law cases. Over 90 attorneys volunteer and conduct settlement conferences in the security of courtrooms in the King County Courthouse throughout the year.

#### LONG RANGE PLAN:

Snohomish County Superior Court is suffering from a burgeoning caseload which, with its anticipated population increase, will only increase in the years to come. A solid complement of three ADR programs (mediation, arbitration and judicial settlement conferences) that are well structured for the local legal culture would be a positive step to help deal with current and future court congestion, in conjunction with other attempts to address trial court performances.

In an attempt to more expeditiously process cases to manage the growing caseload, reduce court congestion, meet citizen needs and Trial Court Performance Standards, it is clear the time has come for Snohomish County Superior Court to consider a work plan that includes other ADR options. Currently Snohomish County Superior Court does not have a comprehensive caseload system using a variety of alternative dispute resolution (ADR) options. These options would be in addition to the current mandatory arbitration program which will be discussed later.

Three ADR processes commonly used in connection with civil litigation which would have a significant impact on the Snohomish County Superior Court's congestion and growing caseload include:

**Mediation:** A process in which a neutral third party (the mediator) facilitates communication between the parties in order to help the parties resolve the dispute.

**Arbitration:** A neutral third party or panel hears arguments, reviews evidence, and makes a decision regarding a dispute. In contrast to mediation, the neutral third party arbitrator acts as an adjudicator, not merely a facilitator.

**Judicial Settlement Conferences:** A judicial officer, generally a judge/court commissioner, serves as a neutral and explores options with counsel and/or parties in an attempt to settle a dispute.

ADR can potentially produce significant benefits in at least five key areas:

**Quality of the Litigation Process:** By tailoring ADR referrals to the characteristics of the case, an integrated system improves the quality of case processing. Early case screening, an essential component of an integrated system, promotes better attorney preparation, a more informed discussion of disputed issues, and a better understanding of the factors that facilitate selection of the appropriate ADR technique. Selection of the appropriate ADR process can also result in a case-appropriate disposition that is more responsive to litigant needs and concerns.

**Reduced Litigant Costs:** Earlier case disposition results in fewer discovery-related motions. Limitations on the amount of discovery in selected cases referred to ADR may reduce litigation costs. The number of appearances resulting from continuances, as well as events that do not

meaningfully contribute to case disposition, may also be significantly decreased with early ADR referrals.

**Faster Resolution of Cases:** ADR can enhance the case disposition process and reduce the time to disposition. The impact of timely ADR referrals on case processing time is particularly apparent in those cases that do not require a trial. Since 90% or more of civil cases filed are disposed of without trial, earlier attention to these cases can have a marked effect on the court's overall time to disposition.

**Better Utilization of Court Resources:** An integrated civil caseflow system enables a court to make better use of judicial and staff resources. Early screening identifies cases that require substantial judicial involvement and more preparation time; cases that require less judicial intervention and preparation time; and cases that are appropriate for referral to ADR. By tailoring the process to the management needs of cases filed, court resources can be used more efficiently. Judges' time can be reserved for functions that require a judge's expertise and staff can be substantively involved in screening and referral of cases to ADR. Also, effective timing of ADR may achieve earlier disposition by removing the case from the system earlier, thereby reducing judge and staff workload.

**Litigation Satisfaction/Improved Public Perception of the Court:** Integrating ADR processes into civil caseflow management significantly increases the likelihood that the issues in a legal dispute will be addressed in an appropriate fashion, and that this will happen faster and at less cost than in the traditional litigation process. The results: increased litigant satisfaction with the process, coupled with enhanced credibility of the court with the legal community and the public.

In summary, mediation, arbitration and settlement conferences would address the court and user issues such as:

From the court system perspective:

- \* Reduce backlog of older civil cases
- \* Reduce time to disposition
- \* Expedite domestic case types through the system
- \* Save judicial time spent on motions, hearings, trials
- \* Streamline the litigation process

From the court user perspective:

- \* Reduce costs to litigants
- \* Produce litigant, attorney and judicial satisfaction
- \* Provide a forum to address litigant issues and interests
- \* Provide an opportunity for the bench, bar and public to problem solve and administer justice

Upon completion of the current research on the court's mandatory arbitration program and ultimate pursuit of a comprehensive caseload management system as described above, a policy committee will need to be created. This committee would be involved in planning an integrated caseload system with ADR options. The policy committee would involve the judiciary, the Court Administrator and designated staff, the County Clerk and designated staff, the Snohomish County Bar Association, the Dispute Resolution Center of Snohomish and Island Counties, the Snohomish County Legal Services, litigants, mediators and the public. They would develop overall program goals and objectives followed by development of a detailed program plan. This committee would also be

involved in evaluating the effectiveness of the program.. It would be charged with the duty of identifying and monitoring the use of ADR options including:

- \* Determine if the actual life span of eligible civil cases decreases since the implementation of the program
- \* Evaluate whether the number of scheduled court appearances have been reduced during the life of the litigation
- \* Measure if there are any decreases in the number of case dispositions by a judge or jury
- \* Over time, measure the number of cases that return for adjudication after reaching settlement utilizing ADR options
- \* Satisfaction of litigants, attorneys and the judiciary regarding the process, policies and procedures
- \* Determine cost and time reductions
- \* Evaluate the effectiveness of ADR providers
- \* Identify whether ADR has had a positive impact on the way ADR participants deal with other conflicts

Changes in political and demographic environments as well as laws and court rules, would be taken into consideration in the measurement of the effectiveness of ADR options.

#### SHORT TERM PROGRAM:

Establishing a comprehensive ADR program is of particular importance given the political climate of Snohomish County. At the Executive Branch level, funding is a primary issue. The law and justice segment of the county's annual budget (Sheriff, Clerk, Courts [limited jurisdiction and superior, including juvenile court], and Corrections) comprises 67% of the total budget.



At the Judicial Branch level, there is sincere concern for the increasing caseloads and court congestion by the judiciary and an interest in exploring other ADR options.

Discussions with the Snohomish County bench about a long range plan involving ADR options have disclosed their interest in pursuing other ADR options. However, they have also disclosed their apprehension to such a plan given their view that the existing mandatory arbitration program is only marginally successful.

Before pursuing a long range plan, the following questions arise: Is it logical to add court-annexed voluntary mediation and settlement conference components until we better understand the current arbitration program's effectiveness? To what extent has mandatory arbitration not been effective? To what extent have those who filed requests for trial de novo been due to disapproval or dissatisfaction with the arbitration process and/or arbitration results? To date, no information exists regarding the process experienced with arbitration and why litigants file requests for trial de novo.

More information is needed to understand the factors that lead to the request for trial de novo.

## LITERATURE REVIEW

The similarity of court-annexed arbitration to traditional adjudication, coupled with familiarity among the bench and bar with commercial arbitration, may account for the relatively early rise in the popularity of court-annexed arbitration in state and federal courts. Since its introduction in Pennsylvania in 1952, over half of the states, the District of Columbia, and 10 federal courts have experimented with court-annexed arbitration. A few of the programs have been abandoned (Colorado), others have been reincarnated in new forms (New Hampshire, Nevada), and nearly all have been modified. The 1980's saw the greatest growth in programs, but the rate of program adoption has dropped off steeply since 1990.

The only constant among the rules is that the right to a trial de novo is preserved through an appeal or rejection process. An appeal or rejection of the award places the case back on the trial docket. The uniformity among programs ends here, however, because some programs provide disincentives to appeal, such as appeal fees and penalties if the appealing party does not achieve an improved outcome at trial.

Appeal rates in most jurisdictions fall within 40% to 60%, but the range is great. The high is 83% in Sacramento, California and the low is 9% in North Carolina. The evaluators in North Carolina attributed this low appeal rate to overall litigant satisfaction with the arbitration result, low expectations of improving their position through appeal and the costs of appeal. In contrast to the relatively high rates of appeal, the proportion of appealed cases going to trial is low everywhere because the vast majority settle before trial.

Litigants and attorneys generally think that both the arbitration process and its outcomes are fair and satisfactory. In most studies, attorneys view arbitration as fair and satisfactory, but traditional

litigation also fares well in their ratings. Among litigants, winners generally are happier with arbitration than are losers.<sup>1</sup>

Hawaii's Court-Annexed Arbitration Program (CAAP) is a mandatory, non-binding arbitration procedure for tort cases with a probable jury award of \$150,000 or less. The program has the highest dollar jurisdiction of any mandatory state arbitration program in the country. Approximately 1,500 such Hawaii tort cases are eligible for CAAP each year.

The CAAP program seeks to eliminate unnecessary pretrial discovery and setting time deadlines for arbitration. The volunteer arbitrators are lawyers with five or more years of practice experience. The program encourages the early settlement of cases and yet offers litigants a low-cost "day-in-court" in the form of an arbitration hearing. Litigants who are not satisfied with the arbitration award may "appeal" the award and request a trial de novo.

Assuming that there are 1,425 cases filed each year in the First Circuit, CAAP would service 856 cases per year with the following dispositions: 50% settlements; 22% awards; 28% exempted, dismissed or removed, 50% awards appealed.

The majority of lawyers (78%) were satisfied with CAAP although plaintiff's lawyers were more satisfied (91%) than were defense lawyers (46%). Lawyers were generally more satisfied with settlements than awards. Defense lawyers were less satisfied with both settlements and awards than were plaintiffs' lawyers.<sup>2</sup>

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<sup>1</sup> Keilitz, Susan, (ed.), Court-Annexed Arbitration, National Symposium on Court-Connected Dispute Resolution Research: A Report on Current Research Findings--Implications for Courts and Future Research Needs (Williamsburg, VA: National Center for State Courts, 1994)

<sup>2</sup> Barkai, John, and Kassebaum, Gene. Hawaii's Court-Annexed Arbitration Program Final Evaluation Report, Program on Conflict Resolution. PCR Working Paper Series. U. of Hawaii at Manoa, 1992.

Since 1979, counties in Washington state have had a local option to implement mandatory arbitration pursuant to RCW 7.06. Introduced into King County in 1980 with a jurisdictional limit of \$10,000 (upped to \$15,000 two years later), initially some 33% of all civil, non-domestic cases were diverted into arbitration. By 1989, the year following the last increase to \$35,000, half of all civil, non-domestic cases went to arbitration.

A recent survey by the WSBA ADR Section Arbitration Committee found that 98% of plaintiffs' attorneys and 96% of defendants' attorneys regarded the arbitration hearing as fairly conducted. Of cases referred to mandatory arbitration, nearly 97% were resolved without a trial de novo in superior court--and in nine or ten months, rather than 17 months for cases in court. Regarding civil cases resolved more than 150 days after filing, however, only 3.6% of those in the arbitration track went on to a trial de novo, as opposed to 6.6% of the non-arbitrated cases.

Trials de novo could be reduced further by increasing the disincentives for appeal: permit recovery by the prevailing party of all attorneys' fees (not just post-appeal fees under current rules); redefine "prevailing party" by requiring a trial to improve upon the arbitration award by more than 20% (rationale: increased system costs and delay should be considered, not just *de minimus* individual gain); and add an additional filing fee (for appeal), which could burden the litigious without reducing access to other claimants.<sup>3</sup>

In 1994 the Arbitration Committee of the ADR Section of the Washington State Bar Association faced the issue of the King County Superior Court's Mandatory Arbitration program quality. They wanted to know if there were specific areas in need of improvement. The Committee conducted a survey of all attorneys representing parties in cases where an arbitration award was filed

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<sup>3</sup> Gordon, Randolph I. "How Much Justice Can We Afford?", Washington State Bar News, Vol. 50 No. 10, (October 1996): 15.

during the period beginning November 1, 1995 and ending January 31, 1996. The Committee's two page questionnaire sought to elicit perceptions about five program components: (1) administration; (2) arbitrator performance; (3) evaluation of the process; (4) expansion of the program; and (5) arbitrator training and qualifications. Program administration and arbitrator performance were measured on a five point rating scale. The arbitration process, program expansion and arbitrator training and qualifications were rated on ordinal (yes-no) scales.

The questionnaire did not elicit the names of the respondents. It did, however, provide them with the opportunity to disclose whether they had represented plaintiffs or defendants, won or lost, or appealed. The survey results were uniformly favorable.

Few respondents indicated they had appealed their arbitration awards. Only 7% of plaintiffs' attorneys and only 15% of defendants' attorneys reported filing an appeal. It is not possible to conclude from the survey data why the appeal rate is so low. It may be a result of a genuinely high level of satisfaction with the process. It may also be the result of barriers to further litigation, such as time, money and a need for closure. All of these possibilities merit further investigation.<sup>4</sup>

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<sup>4</sup> Feinsod, Paul and Zatkovich, Joan. "Survey of Lawyers Shows Mandatory Arbitration Highly Valued in King County," Bar Bulletin, Vol. 14 Issue 12 (August 1996).

## METHODOLOGY

The effectiveness of the existing court-annexed arbitration program was researched using a static-group comparison. Quantitative data were obtained from the Superior Court Office Management Information System (SCOMIS) of Snohomish County arbitration cases to identify cases for research. This included a longitudinal review of the civil and domestic cases that filed for court-annexed arbitration, received an award and requested a trial de novo for the period January 12, 1995, through December 9, 1997.

### Cases that filed for court-annexed arbitration:

697 civil matters where the only relief sought is a money judgment up to \$35,000; and 330 domestic matters where the only relief sought is the establishment, termination or modification of maintenance or child support payments or arrearages. These cases filed a Note for Trial Setting and Initial Statement of Arbitrability acknowledging that the case applies to the mandatory arbitration rule: Revised Code of Washington (RCW) 7.06.020 and Snohomish County Local Mandatory Arbitration Rule (SCLMAR) 1.2;

### Cases that accepted the arbitration award:

438 (63%) civil cases and 259 (78%) domestic cases accepted the arbitration decision;

### Cases that appealed the arbitration award:

259 (37%) of the 697 civil cases filed a request for trial de novo after an arbitration decision had been rendered; 71 (22%) of the 330 domestic cases filed a request for trial de novo after an arbitration decision had been rendered;

**Cases that settled after appealing the arbitration award:**

153 (59%) of the civil cases and 51 (72%) of the domestic cases settled after an arbitration decision and request for trial de novo, but before trial;

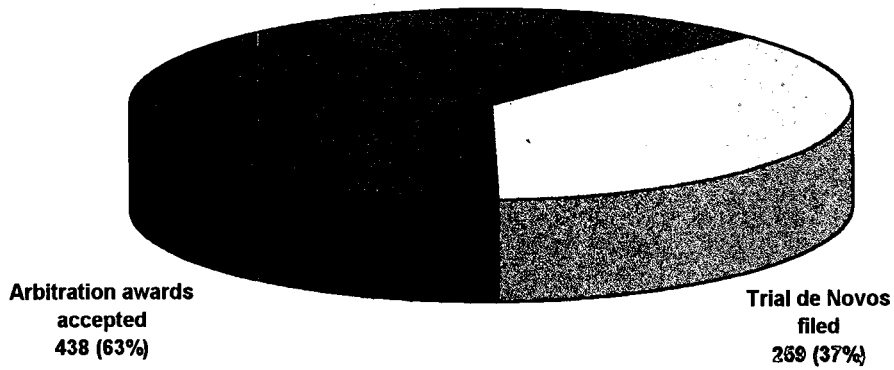
**Cases that appealed the arbitration award and went to trial:**

27 (10%) of the civil cases went to trial after filing a request for trial de novo. To date, no domestic cases had gone to trial during this period of time;

**Cases pending trial dates:**

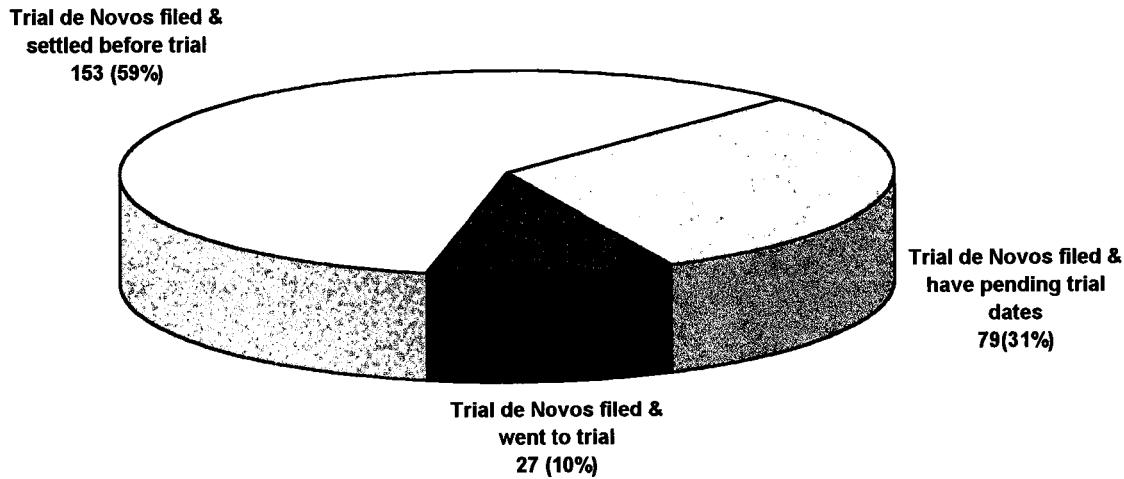
79 (31%) of the civil cases and 17 (24%) of the domestic cases have pending trial dates and 3 (4%) domestic cases are pending issuance of trial dates. (See charts on pages 18 & 19)

**CIVIL CASE TYPE**  
**697 REQUESTS FOR ARBITRATIONS**



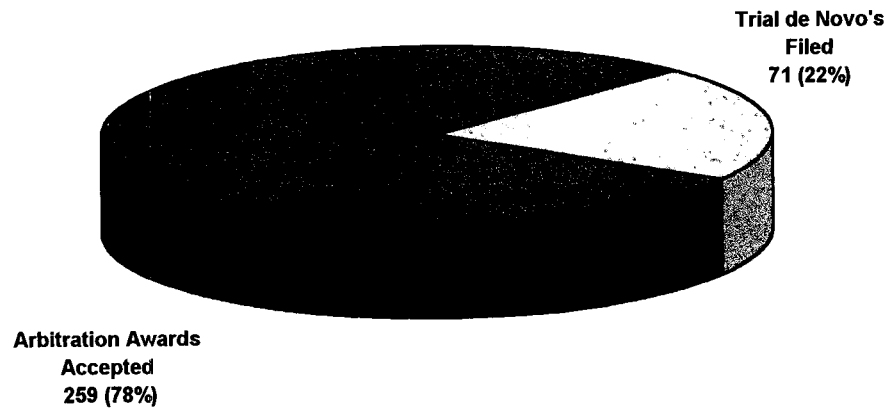
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**CIVIL CASE TYPE**  
**259 CASES FILED TRIAL de NOVOS**



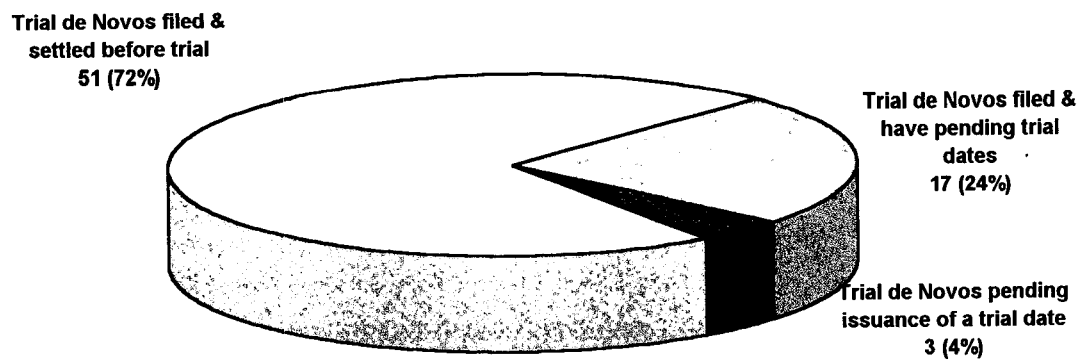


**DOMESTIC CASE TYPE  
330 REQUESTS FOR ARBITRATION**



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**DOMESTIC CASE TYPE  
71 CASES FILED TRIAL de NOVO**



The research instrument used was a census primary questionnaire survey to measure opinions and/or beliefs of the attorneys and litigants involved in the arbitration process. Because the survey focused on those cases that filed requests for trial de novo, (indicating dissatisfaction with the arbitration decision), it did not disseminate the data to the levels of civil and domestic case types.

The questionnaire did not elicit the names of the respondents; however it did provide them with the opportunity to disclose the type of case and whether they represented plaintiffs or defendants in the case. Litigants were able to identify if they were represented by an attorney or not, if the arbitration decision was rendered at the end of the arbitration and if they would consider arbitrating disputes in the future with closed-ended (yes/no) questions. Attorneys were able to identify if they were involved in the scheduling of the hearing, if an arbitration award was rendered at the end of the arbitration and if so, if the attorney and their client believed it was within reasonable boundaries, if the arbitrator gave reasons for the decision, if the case was appropriate for arbitration, or if mediation or a settlement conference would have been appropriate using closed-ended (yes/no) questions.

The survey also sought to identify levels of attorney satisfaction with the arbitrator, the arbitration process and the decision by scaled responses of 1 (poor), 2 (fair), 3 (good), 4 (very good) and 5 (excellent). Litigants identified their levels of satisfaction by scaled responses of 1 (strongly disagree), 2 (disagree), 3 (not sure), 4 (agree), and 5 (strongly agree). Open-ended responses were sought to probe beyond the closed-ended responses with the use of multiple choice questions regarding (1) reasons a new trial date was requested after the arbitration decision; (2) how the arbitration process could have been different so they would have accepted the arbitration decision; and (3) how the arbitration program could be improved. See Attorney Survey Form, Appendix 1; See Party/Litigant Survey Form, Appendix 2.

In the interest of time, a formal pilot of the survey questionnaires was not done. Questionnaires prepared by the National Institute for Dispute Resolution and the Arbitration Committee of the ADR Section of the Washington State Bar Association served as models for the development of the Snohomish County Clerk's Office surveys. Further, Richard Croll, Director of the Dispute Resolution Center of Snohomish and Island Counties conducted an informal review of the questionnaires prior to mailing.

A census primary survey was used because the sample size of the civil (259) and domestic (71) case groups who had filed requests for trial de novo was small enough to be manageable, yet thorough. Further, because the state database does not provide for addresses of parties when represented by attorneys, there was concern for the difficulty of getting the surveys to those represented parties via their attorneys. Thus, the survey would not be restricted with a smaller sample size. In addition, anonymity was possible, enabling honest responses and increased response rate.

The attorney survey was mailed with a cover letter which identified the attorney name, case name and case number. The letter explained the purpose of the survey and, its confidentiality, and requested input, a self-addressed postage paid envelope was included. The letter requested the attorney forward the party survey to his/her client, as that information is not available in cases with attorney representation. A copy of the party/litigant survey was enclosed for the attorney's information. (See Attorney Cover Letter, Appendix 3)

The party/litigant survey was also attached to a cover letter which contained the same information as the attorney's letter. (See Litigant Cover Letter, Appendix 4)

On February 11, 1998, the Clerk's Office mailed the surveys to 508 attorneys and 458 litigants in the identified civil and domestic cases that received arbitration decisions and then filed requests for

trial de novo during the period 1996 through 1997. The 1995 cases were not included in the mailing due to concern for the attorneys' ability to accurately recall the arbitration experience and be able to contact the client to forward the party/litigant survey to them due to the age of the case.

A total of 142 attorneys (28%) and 36 litigants (8%) responded to the surveys. The low response rate of the litigants is likely attributable to the fact that the research instrument for litigants was at the mercy of whether or not it was forwarded to the litigant by the attorney.

Responses were requested by February 25, 1998. This short two-week turnaround was requested for two reasons: (1) individuals will generally respond to shorter deadlines; and (2) to allow adequate time to process and evaluate the data.

During that two week period of time, a database was created in conjunction with the county's Department of Information Services to efficiently manage the incoming data.

To interpret the data, Microsoft Access Database software was used. It took approximately six hours to input the data into the database. The database was set up with two tables, one for the Attorney surveys and one for the Party/Litigant surveys. The columns and/or fields were set up to correspond with the surveys. Queries were then built to filter and/or sort the information. Summary reports were then generated by using the queries. One obstacle encountered was the low response rate of the litigants to obtain significant data. Had the surveys been built identical rather than each survey having different questions and different response formats the database could have been relational rather than flat, making the data easier to compare. The other obstacle was the time factor to develop, send and receive the surveys, and then manage and analyze the data.

## FINDINGS

To assess the various aspects of the attorneys' and litigants' satisfaction with the court's existing arbitration process and discover the reasons underlying their appealing the arbitration decision by filing a request for trial de novo, data was compiled from 178 responses (18% of the surveys mailed) from attorneys and litigants who appealed arbitration decisions in civil and domestic cases in 1996 and 1997. Of the total surveys mailed to the attorneys and litigants, a total of 142 (28%) responses were received from attorneys and 36 (8%) responses were received from litigants.

Each survey identified respondent as "attorney" or "party/litigant," and the respondent was asked to identify case type (civil or domestic) and party designation (plaintiff or defendant). Due to insufficient data provided by respondents regarding the case type and party designation, for purposes of these findings, data will be reported based on attorney and litigant data received.

Data obtained from attorneys regarding arbitrator performance and the arbitration process were rated on a scale of 1 (poor), 2 (fair), 3 (good), 4 (very good) and 5 (excellent). Of the attorneys responding, the highest percentage gave a rating of 5 (excellent) for each question regarding arbitrator performance. Responses regarding whether the arbitrator controlled and managed the process, demonstrated his/her presence well, remained impartial and was prepared, received an overall mean rating of 3.9 on a scale of 4 (very good). More varied data regarding the arbitrator's performance were obtained from the attorneys legal process perspectives, presentation of their case to the arbitrator, the arbitrator's ability to understand the facts and legal issues, and whether the arbitrator ruled on motions and objections. The attorneys' overall mean rating of the arbitrator's performance with respect

to these legal processes was 3.8 on a scale of 4 (good). Of the 131 respondents, the highest number 57 (40%), gave a rating of 5 (excellent) regarding their level of satisfaction with the arbitrator in their case.

Attorney data pertaining to the arbitration process (how well the arbitration process was explained, level of satisfaction with the arbitration process, and level of satisfaction with the arbitrator's decision) received an overall mean rating of 3.5 (a rate between good and very good). More specifically, of the 131 attorneys who responded, the highest number 43 (30%), gave a rating of 5 (excellent) regarding their level of satisfaction with the arbitrator's decision in their case.

(See table on page 25(a))

Data obtained from litigant surveys regarding arbitrator performance and the arbitration process were rated on a scale of 1 (strongly disagree), 2 (disagree), 3 (not sure), 4 (agree) and 5 (strongly agree). In keeping with the attorney data, of the 36 litigants responding, the highest percentage gave a rating of 5 (strongly agree) for each question regarding arbitrator performance.

Responses regarding the ability to fully present their case to the arbitrator, feeling the arbitrator was attentive and listened to their side of the case, appropriate questions were asked, the arbitrator understood the issues, and the arbitrator was neutral treating each party equally, received an overall mean rating of 3.9 on a scale of 4 (agree).

However, like the attorney respondents, the litigant respondents' overall mean rating of the arbitration process was lower 3.4 (not sure they can agree) than their overall mean rating of the arbitrator performance 3.9 (on a scale of 4, agree). Of the litigants responding to the arbitration process questions, their 3.9 rating that the arbitrator clearly explained the process was not dissimilar to the attorney's 3.7 (good to very good) rating. The litigants also rated the arbitrator's handling of the process effectively lower, at a mean of 3.5 (mid-point between not sure and agree). The data indicate

they were not sure that the arbitration process met their needs (3.0) or that the decision by the arbitrator was fair (3.1). (See table on page 25(b))

Through closed-ended survey questions (yes/no), additional data were obtained regarding the attorney and litigant levels of satisfaction with arbitrator performance and arbitration process. Attorney response data regarding arbitrator performance revealed that of the 131 responding, 99 (75%) did not obtain an arbitrator's award at the hearing and 32 (24%) did obtain an award. Of the 131 attorneys responding to the follow-up question: if they did obtain an award at the hearing, was it within reasonable boundaries of the case, 62 (85%) said yes. Of the 129 attorneys responding, 74 (57%) indicate that their clients also believed the arbitrator's award was within reasonable boundaries and 55 (43%) did not. Perhaps this above-average rating is attributed to the fact that arbitrators gave reasons for their decisions in 107 (84%) of the hearings of those who responded.

With regard to the arbitration process, the majority of the 128 attorneys that responded 116 (91%) were involved in scheduling the hearings. More importantly, a significant number of the 130 attorneys responding, 124 (95%) believed arbitration was appropriate for their case and only 6 (5%) did not. In the follow-up question, if they did not believe arbitration was appropriate whether mediation would have been an option, of the 31 who responded, it was a draw (15, 48% yes, 16, 52% no). When asked if a settlement conference would have been an option, of the 49 respondents, it was also a draw (24, 49% yes, 25, 51% no). No real information regarding whether attorneys have an opinion about the use of mediation or a settlement conference for their case can be drawn from this data. (See chart on following page.)

Attorney Responses						
Scaled Survey Questions						
1 = Poor; 2 = Fair; 3 = Good; 4 = Very Good; 5 = Excellent						
Arbitrator's Performance Question	Rating 1	Rating 2	Rating 3	Rating 4	Rating 5	Mean Rating
2. Were you given an opportunity to fully present your client's case?	2 (1%)	4 (3%)	21 (15%)	28 (20%)	85 (60%)	4.3
3. To what extent did the arbitrator understand the factual issues involved in your case?	2 (1%)	9 (6%)	26 (18%)	33 (23%)	70 (49%)	4.1
4. To what extent did the arbitrator understand the legal issues involved in your case?	6 (4%)	6 (4%)	28 (20%)	31 (22%)	68 (48%)	4.0
5. To what extent did the arbitrator control and manage the hearing process?	1 (1%)	6 (4%)	24 (17%)	48 (34%)	61 (43%)	4.1
6. To what extent did the arbitrator rule on motions in your case?	4 (3%)	7 (5%)	29 (20%)	31 (22%)	37 (26%)	2.9
7. To what extent did the arbitrator rule on objections in your case?	5 (4%)	6 (4%)	31 (22%)	38 (27%)	47 (33%)	3.5
8. How well was the arbitrator's presence demonstrated (e.g., tone, body language, demeanor)?	1 (1%)	5 (4%)	28 (20%)	46 (32%)	58 (41%)	4.0
9. Did the arbitrator remain impartial (treat both sides equally)?	3 (2%)	6 (4%)	26 (18%)	37 (26%)	67 (47%)	4.1
10. How prepared was the arbitrator for the hearing?	3 (2%)	12 (8%)	23 (16%)	48 (34%)	53 (37%)	3.9
13. To what extent were you satisfied with the arbitrator?	9 (6%)	12 (8%)	19 (13%)	34 (24%)	57 (40%)	3.6
Evaluation of Process Question	Rating 1	Rating 2	Rating 3	Rating 4	Rating 5	Mean Rating
1. How well was the arbitration process explained to you by the arbitrator?	2 (1%)	4 (3%)	47 (33%)	41 (29%)	41 (29%)	3.7
11. To what extent were you satisfied with the arbitration process?	11 (8%)	11 (8%)	29 (20%)	43 (30%)	46 (32%)	3.7
12. To what extent were you satisfied with the arbitrator's decision in your case?	25 (18%)	15 (11%)	22 (15%)	26 (18%)	43 (30%)	3.1



<b>Litigant Responses</b>							
<b>Scaled Survey Questions</b>							
<b>1 = Strongly Disagree; 2 = Disagree; 3 = Not Sure; 4 = Agree; 5 = Strongly Agree</b>							
<b>Arbitrator's Performance Question:</b>	<b>Rating 1</b>	<b>Rating 2</b>	<b>Rating 3</b>	<b>Rating 4</b>	<b>Rating 5</b>	<b>Total Responses</b>	<b>Mean Rating</b>
2. The arbitrator let me/my attorney fully present my side of the case	2 (6%)	2 (6%)	3 (8%)	9 (25%)	20 (56%)	36 (100%)	4.2
3. The arbitrator was attentive and listened to my side of the case.	3 (8%)	0 (0%)	4 (11%)	13 (36%)	16 (44%)	36 (100%)	4.1
4. Appropriate questions were asked by the arbitrator to determine the facts and issues of the case.	4 (11%)	6 (17%)	3 (8%)	7 (19%)	16 (44%)	36 (100%)	3.7
5. It was clear to me that the arbitrator clearly understood the issues in dispute.	7 (19%)	1 (3%)	4 (11%)	5 (14%)	19 (53%)	36 (100%)	3.8
6. The arbitrator was neutral, treated all parties equally.	6 (17%)	1 (3%)	2 (6%)	7 (19%)	20 (56%)	36 (100%)	3.9
<b>Evaluation of Process Question:</b>	<b>Rating 1</b>	<b>Rating 2</b>	<b>Rating 3</b>	<b>Rating 4</b>	<b>Rating 5</b>	<b>Total Responses</b>	<b>Mean Rating</b>
1. The arbitrator clearly explained the process, I knew what to expect during the arbitration.	2 (6%)	5 (14%)	1 (3%)	13 (36%)	15 (53%)	36 (100%)	3.9
7. Overall, the arbitration process met my needs.	10 (28%)	5 (14%)	4 (11%)	4 (11%)	5 (12%)	35 (97%)	3.0
8. Overall, the arbitrator handled the arbitration hearing effectively.	5 (14%)	6 (17%)	2 (6%)	7 (19%)	15 (42%)	35 (97%)	3.5
9. The decision by the arbitrator was fair.	10 (28%)	4 (11%)	1 (3%)	4 (11%)	15 (42%)	34 (94%)	3.1

Survey Questions Regarding Fixed Alternatives (Yes or No)			
Attorney Responses			
Performance	Yes Responses # (%)	No Responses # (%)	Total Responses # (%)
15. Was an award made by the arbitrator at the hearing?	32 (24%)	99 (75%)	131 (92%)
16. If you answered yes to question 15, was the award within reasonable boundaries of the case?	62 (85%)	11 (15%)	73 (51%)
17a. Did your client believe the award was within reasonable boundaries?	74 (57%)	55 (43%)	129 (91%)
17b. Did the arbitrator give reasons for their decision/award?	107 (84%)	20 (16%)	127 (89%)
Process	Yes Responses # (%)	No Responses # (%)	Total Responses # (%)
14. Were you consulted by the arbitrator in the scheduling of the hearing?	116 (91%)	12 (9%)	128 (90%)
18. Was arbitration appropriate in this case?	124 (95%)	6 (5%)	130 (92%)
19. If you answered no to question 18, would you have considered mediation as another ADR option in this case?	15 (48%)	16 (52%)	31 (22%)
20. If not, would a settlement conference have been another ADR option in this case?	24 (49%)	25 (51%)	49 (35%)

Based on 24 (71%) of the 34 litigant responses and 99 (75%) of the 131 attorney responses, the data show that the majority of arbitrators do not render arbitration awards at the hearing. However, 107 (84%) of the attorney responses and 14 (70%) of the litigant responses indicate the majority of the arbitrators do give reasons for their decisions. The data also shows that 28 (80%) of the 35 litigants who responded were represented by an attorney; however, 5 (71%) of the 7 responding that they represented themselves *pro se*, found the process difficult. According to the response data, approximately 21 (66%) of the 32 responding litigants indicated they would consider arbitration in the future. (See table above and on following page)

Survey Questions Regarding Fixed Alternatives (Yes or No)			
Litigant Responses			
	Yes Responses # (%)	No Responses # (%)	Total Responses # (%)
<b>Performance</b>			
C. At the end of the arbitration, did the arbitrator announce their decision?	10 (29%)	24 (71%)	34 (94%)
D. If so, did they explain their reasons?	14 (70%)	6 (30%)	20 (56%)
<b>Process</b>			
A. Were you represented by an attorney?	28 (80%)	7 (20%)	35 (97%)
B. If not, was it difficult representing yourself?	5 (71%)	2 (29%)	7 (19%)
E. Would you consider arbitration in the future?	21 (66%)	11 (34%)	32 (88%)

To probe further into the reasons for appealing arbitration decisions by filing a request for trial de novo, data were compiled from fixed multiple choice questions posed to attorneys and litigants. However, the method applied was insufficient to elicit the specific details sought by the survey questions as reflected in the data. Of the choices posed in the survey, minimal information was gleaned from the response data. Of the 141 attorneys responding, 16 (11.3%) and 5 (14%) of the 36 responding litigants believed they could get a better result by a judge; 29 (21%) of the attorneys indicated the client was dissatisfied with the award. Of the 141 responding attorneys 89 (63%) and 28 (78%) of the 36 responding litigants selected "other" from the multiple choices provided, with no further definition or detail for the term. Space was available on the survey form to fill-in-the-blank-space, however no lines were drawn or directions given for the responder to elaborate. Thus, the data for "other" appears to correlate with attorney and litigant dissatisfaction with the arbitration decision to an unknown extent. (See table on following page)

### **Trial de Novo Process Fixed Responses (Multiple Choice)**

#### **Attorney Responses**

21. What was the reason you filed a Note for Trial de Novo after the arbitration decision was rendered?

	Responses	
	#	%
Arbitration didn't meet needs of this case.	1	1%
Case strategy.	6	4%
Client was dissatisfied with the award.	29	21%
Could get a better result by a judge.	16	11%
Other.	89	63%
Total Responses	141	99%

22. How could the arbitration process have been different so you would not have filed a Note for Trial de Novo after the arbitration decision was rendered?

	Responses	
	#	%
More knowledgeable arbitrator.	4	3%
More experienced arbitrator.	0	0%
More realistic (just) award.	28	20%
Other.	109	77%
Total Responses	141	99%

When asked how the arbitration process could have been different so the decision would not have been appealed, very minimal informational data were obtained for the same reasons stated above. More realistic (just) award was the only significant data gleaned from the attorneys 28 (20%). Again, 109 (77%) of the attorneys and 30 (84%) of the litigants responded to the "other" multiple choice option without providing any further data. The only correlation that can be drawn from the data regarding the arbitration process is that both the attorneys and litigants were dissatisfied with the arbitration decision to an extent unknown. (See table above and on following page)

### **Trial de Novo Process Fixed Responses (Multiple Choice)**

#### **Litigant Responses**

10. What were the reasons you/your attorney requested a new trial date after the arbitration decision was rendered?

	Responses	
	#	%
More knowledgeable arbitrator.	1	3%
The process didn't allow me to participate.	2	5%
Could get a better result by a judge.	5	14%
Other.	28	78%
Total Responses	36	100%

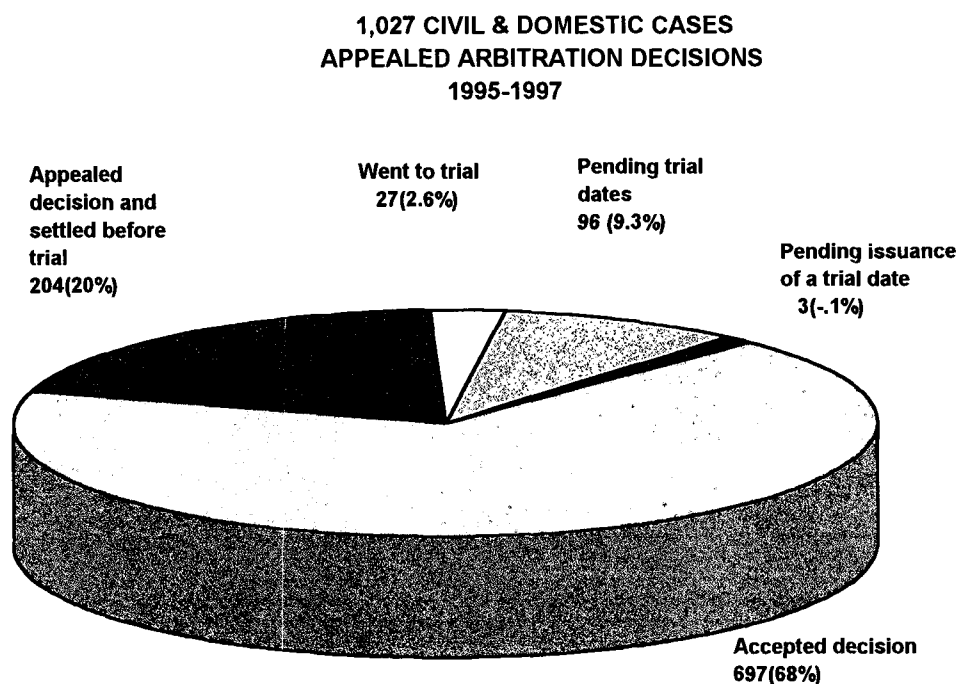
11. How could the arbitration process have been different so you would not have requested a new trial date after the arbitration decision was rendered?

	Responses	
	#	%
More personal involvement in the process.	3	8%
More information about the process before the hearing.	3	8%
Other.	30	84%
Total Responses	36	100%

The response quantitative rates were markedly better than respondents taking the time to comment on how the program can be improved (qualitative data). Among the comments expressed regarding the arbitration process, several suggested that current information on available arbitrators be sent with the arbitration package and that there was a need for more arbitrators from other counties to prevent conflicts of interest. Regarding the arbitration process, several commented that it is standard procedure for insurance companies (with unlimited resources) to file a trial de novo if they don't like the arbitration award. A suggestion was made to have mandatory settlement conferences prior to arbitration which would save time and fees. A comment regarding arbitrator performance was that arbitrators feel they have to give something to both sides to avoid trial de novo, and also to insure attorney fees are paid.

In an effort to evaluate the proportion of arbitration awards accepted and appealed, the data from the Clerk's Office SCOMIS database revealed that of the 1,027 civil and domestic cases that filed for arbitration during the years 1995 through 1997, 697 (68%) cases accepted the arbitration decision.

The data also disclosed that 204 (20%) cases filed requests for trial de novo and settled before their trial date; only 27 (2.6%) cases went to trial with 96 (9.3%) cases pending trial dates and 3 (-.1%) cases pending issuance of trial dates. Thus, to date, the data indicates that 88% of the cases that filed for arbitration never went to trial and 9.4% of the cases that filed for arbitration are pending trial or possible settlement. (See chart below)



The objective of this project was to obtain substantial data that would reveal why arbitration decisions are appealed with the filing of a request for trial de novo and its correlation to the judicial perspective that the current court-annexed arbitration program is marginally effective in reducing the court's civil and domestic caseload and delays in the courtroom.

A review of the survey responses and caseload statistics have provided substantial data to assess the various aspects of attorney and litigant satisfaction with the arbitrators and the process of the Snohomish County Superior Court arbitration program. The data also supports the effectiveness of the arbitration program with regard to the proportion of arbitration decisions that are accepted and the appealed decisions that actually go to trial. However, the response data do not adequately determine or sufficiently validate the reasons attorneys and litigants appeal arbitration decisions by filing a request for trial de novo. The lack of sufficient data is directly attributable to the inadequate method developed in the survey to elicit specific data to support an informed analysis. The data reflect dissatisfaction with arbitration decisions, and the process provides litigants the opportunity to have "their day in court," however, the data do not provide specific reasons for appeal. Further research is necessary to obtain more data to discover the specific motives for appealing arbitrator decisions.

## CONCLUSION

The data demonstrate that the current court-annexed arbitration program in the Snohomish County Superior Court is largely effective. Based on responses from 28% (142) of the attorneys and 8% (36) of the litigants surveyed, arbitrator performance was rated good by the attorneys and the litigants agreed. Of the 129 attorneys responding, 74 (59%) indicated that their client believed the arbitrator's award was within reasonable boundaries.

The attorneys' satisfaction level for the arbitration process was very good to excellent and 95% of those responding believed arbitration was appropriate for their case. While 10 of the 36 responding litigants strongly disagreed that the arbitration process met their needs, approximately 21 (66%) of them indicated they would consider arbitration in the future.

The data do not meet the objective of providing more detailed information as to (1) the reasons attorneys and litigants appeal arbitration decisions; or (2) how the process could have been different to prevent the need for appeal. The only correlation that can be derived is that they were dissatisfied with the arbitration decision and believed they could get a better award in a courtroom.

Due to the lack of response, no conclusion can be drawn from the data that would reveal the attorneys' level of interest in using other alternatives (mediation or a settlement conference) to resolve their case. Conversely, the data does not indicate a strong opinion against the use of mediation or settlement conferences to resolve cases. Therefore, it would be appropriate to convene a policy committee to develop a plan for implementation of a comprehensive caseflow management system using ADR options.



Analysis of the available information indicated that approximately 88% of the civil and domestic cases that filed for arbitration never went to trial (accepted the arbitration decision or settled before going to trial), with only 2.6% of the cases actually going to trial. The remaining 9.4% of the cases are pending trial dates or possible settlement. The data significantly supports the effectiveness of the arbitration program.

Overall, this initial study was very informative about the arbitration program's effectiveness. Some enhancements can be made to gather more details about the reasons underlying arbitration decisions being appealed.

For the first time since it's inception 14 years ago, data is available regarding Snohomish County Superior Court's court-annexed arbitration program. The data demonstrates that the program is largely effective. From the available information, the levels of attorney and litigant satisfaction appear to be reasonably met with regard to the performance of the arbitrators and the arbitration process. The attorneys and litigants in this study have no significant problem with the program and the attorneys gave no reason to not provide them with other ADR options to resolve their disputes. Therefore, it is recommended that a policy committee be created to develop a plan to implement a comprehensive caseload management system using ADR options in the Snohomish County Superior Court.



Arbitration User Survey Form  
FOR COMPLETION BY ATTORNEY

Please promptly complete this form and return it in the enclosed, self-addressed, stamped envelope by February 24, 1998. Your input is important and all information will be kept confidential; please do not sign your name.

Case Type:	Domestic	<input type="checkbox"/>	Civil (Tort, Contract, etc.)	<input type="checkbox"/>
Represented:	Plaintiff	<input type="checkbox"/>	Defendant	<input type="checkbox"/>

Please answer the following questions by circling the number that best describes your overall opinion:

1-poor   2-fair   3-good   4-very good   5-excellent

1. How well was the arbitration process explained to you by the arbitrator?  
1      2      3      4      5
2. Were you given an opportunity to fully present your client's case?  
1      2      3      4      5
3. To what extent did the arbitrator understand the factual issues involved in your case?  
1      2      3      4      5
4. To what extent did the arbitrator understand the legal issues involved in your case?  
1      2      3      4      5
5. To what extent did the arbitrator control and manage the hearing process?  
1      2      3      4      5
6. To what extent did the arbitrator rule on motions in your case?  
1      2      3      4      5
7. To what extent did the arbitrator rule on objections in your case?  
1      2      3      4      5
8. How well was the arbitrator's presence demonstrated (e.g., tone, body language, demeanor)?  
1      2      3      4      5
9. Did the arbitrator remain impartial (treat both sides equally)?  
1      2      3      4      5
10. How prepared was the arbitrator for the hearing?  
1      2      3      4      5
11. To what extent were you satisfied with the arbitration process?  
1      2      3      4      5

Over please

12. To what extent were you satisfied with the arbitrator's decision in your case?

1      2      3      4      5

13. To what extent were you satisfied with the arbitrator?

1      2      3      4      5

14. Were you consulted by the arbitrator in the scheduling of the hearing?      ☐ Yes      ☐ No

15. Was an award made by the arbitrator at the hearing?      ☐ Yes      ☐ No

16. If you answered yes to question 15, was the award within reasonable boundaries of the case?      ☐ Yes      ☐ No

17. Did your client believe the award was within reasonable boundaries?      ☐ Yes      ☐ No

17. Did the arbitrator give reasons for their decision/award?      ☐ Yes      ☐ No

18. Was arbitration appropriate in this case?      ☐ Yes      ☐ No

19. If you answered no to question 18, would you have considered mediation as another ADR option in this case?      ☐ Yes      ☐ No

20. If not, would a settlement conference have been another ADR option in this case?      ☐ Yes      ☐ No

21. What was the reason you filed a Note for Trial de Novo after the arbitration decision was rendered? (Circle one.)

Arbitration  
didn't meet  
needs of this case.

Case Strategy.

Client was dissatisfied  
with the award.

Could get a  
better result  
by a judge.

Other

22. How could the arbitration process have been different so you would not have filed a Note for Trial de Novo after the arbitration decision was rendered? (Circle one.)

More knowledgeable  
Arbitrator.

More experienced  
Arbitrator.

More realistic  
(just) award.

Other

How can the arbitration program be improved? (Please be brief.)

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Arbitration User Survey Form  
FOR COMPLETION BY PARTY/LITIGANT

To assist the Snohomish County Clerk's Office in evaluating the Superior Court's Arbitration Program, please take a few minutes to complete this form and return it in the enclosed, self-addressed, stamped envelope by February 24, 1998. **Your input is important and all information will be kept confidential; please do not sign your name.**

**Case Type:**              Child Support ☐              Civil Claim ☐

**Were you the:**              Plaintiff ☐              Defendant ☐

Were you represented by an attorney?              \_\_\_\_ Yes              \_\_\_\_ No

If not, was it difficult representing yourself?              \_\_\_\_ Yes              \_\_\_\_ No

At the end of the arbitration, did the arbitrator announce his/her decision?              \_\_\_\_ Yes              \_\_\_\_ No

If so, did they explain their reasons?              \_\_\_\_ Yes              \_\_\_\_ No

Would you consider arbitration of disputes in the future?              \_\_\_\_ Yes              \_\_\_\_ No

**Please circle the number which best represents how you feel about each of the following statements:**

**1-strongly disagree   2-disagree   3-not sure   4-agree   5-strongly agree**

1.      The arbitrator clearly explained the process. I knew what to expect during the arbitration.

1              2              3              4              5

2.      The arbitrator let me/my attorney fully present my side of the case.

1              2              3              4              5

3.      The arbitrator was attentive and listened to my side of the case.

1              2              3              4              5

4.      Appropriate questions were asked by the arbitrator to determine the facts and issues of the case.

1              2              3              4              5

5.      It was clear to me that the arbitrator clearly understood the issues in dispute.

1              2              3              4              5

6.      The arbitrator was neutral; treated all parties equally.

1              2              3              4              5

**Over please**

7. Overall, the arbitration process met my needs.

1      2      3      4      5

8. Overall, the arbitrator handled the arbitration hearing effectively.

1      2      3      4      5

9. The decision by the arbitrator was fair.

1      2      3      4      5

10. What were the reasons you/your attorney requested a new trial date after the arbitration decision was rendered?

More knowledgeable  
Arbitrator.

The process didn't  
allow me to  
participate.

Could get a  
better result  
by a judge.

Other

11. How could the arbitration process been different so you would not have requested a new trial date arbitration decision was rendered?

More personal  
involvement in  
the process.

More information  
about the process  
before the hearing.

Other

12. How can the arbitration program be improved? (Please be brief.)

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April 29, 1998

**Re: Time Sensitive Mandatory Arbitration Program Survey**

Dear Counselor:

The Snohomish County Clerk's Office is conducting a study of the Snohomish County Superior Court court-annexed Arbitration program between the years 1995 and 1997. The purpose of this survey is to evaluate the program in an ongoing effort to meet your needs and assist the court in management of its caseload.

Our records show that you were involved in an arbitration before a Snohomish County MAR arbitrator during that period of time. We would appreciate your taking a few minutes to evaluate the process in the above referenced case. Your input will be kept confidential. A stamped, self-addressed envelope is enclosed for your convenience.

We have also enclosed a party/litigant survey envelope with the request that you or your staff forward the same to your client. A copy of this questionnaire is enclosed for your information.

In order to include your valuable input in this survey, we must request that you return it to our office no later than Wednesday, February 25th. Your prompt attention to this survey is greatly appreciated. Thank you, in advance for taking time from your busy schedule to share your arbitration experience with the Clerk's Office.

Sincerely,

Pam L. Daniels  
Snohomish County Clerk

Enclosures



April 29, 1998

**Re: Time Sensitive Mandatory Arbitration Program Survey**

The Snohomish County Clerk's Office is conducting a study of the Snohomish County Superior Court Arbitration program between the years 1995 and 1997. The purpose of this survey is to evaluate the program in an ongoing effort to meet your needs and assist the court in management of its caseload.

Our records show that you were involved in a matter before a Snohomish County arbitrator during that period of time. We would appreciate your taking a few minutes to evaluate the process in the above referenced case. Your input will be kept confidential. A stamped, self-addressed envelope is enclosed for your convenience.

In order to include your valuable input in this survey, we must request that you return it to our office no later than Wednesday, February 25th. Your prompt attention to this survey is greatly appreciated. Thank you, in advance for taking time from your busy schedule to share your arbitration experience with the Clerk's Office.

Sincerely,

Pam L. Daniels  
Snohomish County Clerk

Enclosures



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