
SENATE BILL 5560

State of Washington

66th Legislature

2019 Regular Session

By Senators Padden and Pedersen

1 AN ACT Relating to mediation of disputes between elected
2 officials; and adding a new section to chapter 42.17A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17A
5 RCW to read as follows:

6 (1) Before a lawsuit may be commenced in disputes between elected
7 officials, as the term "elected official" is defined in subsection
8 (6) of this section, in their official capacity, the party bringing
9 the claim must first notify in writing the other parties to the
10 claim. The notice must:

11 (a) Request mediation to occur;

12 (b) Notify all interested parties that mediation must take place
13 within ninety days of providing notice; and

14 (c) Include a copy of this section.

15 (2) After the notice of mediation has been provided to all
16 interested parties, unless otherwise agreed to by the parties, all
17 interested parties must mediate pursuant to the process set forth in
18 this section within ninety days or by the date set in subsection (4)
19 of this section. If any party refuses to mediate, fails to mediate in
20 good faith, or if mediation does not resolve the claim, the party
21 bringing the claim may commence a lawsuit on the claim upon the

1 passage of the 90th day from the date of notice or the day following
2 the date set in subsection (4) of this section, whichever is later.

3 (3) The mediator shall be agreed upon by the parties. If the
4 parties cannot agree upon a mediator, any party may petition for the
5 appointment of a mediator. Once a party petitions for the appointment
6 of a mediator, no other party may petition for the appointment of a
7 mediator. The petition shall be filed in the superior court of the
8 county in which one of the parties serves as a county official. If
9 one of the parties in the action is a superior court judge, then the
10 petition may not be filed in the superior court in which that judge
11 serves. If any party is a superior court judge and all the parties
12 serve in the same county, the action shall be filed in an adjacent
13 county.

14 (4) Upon designation of a mediator by the parties or the court,
15 the mediator and the parties or the parties' representatives shall
16 establish a date for the mediation. If a date cannot be agreed upon
17 within ten days of the designation or appointment of the mediator, a
18 party may petition the court, as set forth in subsection (3) of this
19 section, to set a date for the mediation. The mediation shall occur
20 within ninety days from the day the notice is provided under
21 subsection (1) of this section, or on a later date if agreed to by
22 all parties and the mediator or as scheduled by the court.

23 (5) Costs of the mediation, including reasonable compensation for
24 the mediator's services, shall be paid equally by the parties unless
25 the superior court determines otherwise in its order appointing the
26 mediator. The details of those costs, and the compensation of the
27 mediator, must be set forth in a mediation agreement between the
28 mediator and all parties, or in the order appointing the mediator.
29 Unless otherwise agreed, and except for sharing the costs of the
30 mediator, each party shall bear its own costs and expenses, including
31 legal fees and witness expenses, in connection with the mediation
32 proceeding. If the matter is not resolved by mediation and the
33 parties cannot agree as to how costs are assessed among the parties,
34 the court that resolves the matter shall determine how costs are
35 assessed among the parties.

36 (6) For the purposes of this section, "elected official" means:

37 (a) Any elected or appointed county officer as enumerated in RCW
38 36.16.030;

39 (b) Equivalent positions whether elected or appointed in charter
40 counties; and

1 (c) Superior, district, and municipal court judges located within
2 the county.

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