

**RCW 7.04A.140 Immunity of arbitrator—Competency to testify—Attorneys' fees and costs.** (1) An arbitrator or an arbitration organization acting in that capacity is immune from civil liability to the same extent as a judge of a court of this state acting in a judicial capacity.

(2) The immunity afforded by this section supplements any other immunity.

(3) If an arbitrator does not make a disclosure required by RCW 7.04A.120, the nondisclosure does not cause a loss of immunity under this section.

(4) In any judicial, administrative, or similar proceeding, an arbitrator or representative of an arbitration organization is not competent to testify or required to produce records as to any statement, conduct, decision, or ruling occurring during the arbitration proceeding to the same extent as a judge of a court of this state acting in a judicial capacity. This subsection does not apply:

(a) To the extent necessary to determine the claim of an arbitrator or an arbitration organization or a representative of the arbitration organization against a party to the arbitration proceeding; or

(b) If a party to the arbitration proceeding files a motion to vacate an award under RCW 7.04A.230(1) (a) or (b) and establishes prima facie that a ground for vacating the award exists.

(5) If a person commences a civil action against an arbitrator, an arbitration organization, or a representative of an arbitration organization arising from the services of the arbitrator, organization, or representative or if a person seeks to compel an arbitrator or a representative of an arbitration organization to testify in violation of subsection (4) of this section, and the court decides that the arbitrator, arbitration organization, or representative of an arbitration organization is immune from civil liability or that the arbitrator or representative of the organization is incompetent to testify, the court shall award to the arbitrator, organization, or representative reasonable attorneys' fees and other reasonable expenses of litigation. [2005 c 433 s 14.]