

**Thurston County Local Court Rules
Publication for Comment
June 2010**

2. LOCAL SUPERIOR COURT CIVIL RULES

LCR 0.1 DEPARTMENT NUMBERS (Repealed)

[Amended effective January 10, 2005, amended effective November 29, 2006.]

LCR 0.2 COURT MANAGEMENT AND ORGANIZATION [Recodified to LGR 29.]

[Amended effective September 1, 1994; Amended September 1, 2000, Amended May 2, 2002; Amended effective September 1, 2003, amended effective September 1, 2006.]

LCR 0.3 STANDING AND SPECIAL COMMITTEES (RESERVED) (Repealed)

LCR 0.4 SPECIAL DEPARTMENTS OR DIVISIONS (Repealed)

[Amended effective September 1, 1997; Amended effective September 1, 2003.]

LCR 0.5 DEPARTMENTS AND DIVISIONS OF THE COURT, ASSIGNMENTS AND SCHEDULES [Recodified to LCR 77.]

[Amended effective September 1, 1997; September 1, 2000, amended effective January 1, 2007.]

LCR 0.6 SPECIAL PROCEEDINGS (Repealed)

[Amended effective September 1, 1997, amended effective January 1, 2007.]

LCR 1. SCOPE OF RULES (New Rule)

These local civil rules do not apply to those proceedings heard at Family and Juvenile Court pursuant to LSPR 94.00.

LCR 3 COMMENCEMENT OF ACTIONS

~~(d)~~ **(e) Procedures** ~~Actions at Time of Filing.~~ The following procedures shall be followed when an ~~IC~~ civil case is filed, unless a special procedure applies or otherwise directed by the court:

(1) ~~Notice of Assignment and Reassignment Of Judge / Notice of Status Conference.~~ The clerk of the court will assign the case by random selection to a judge in the trial department, who will hear and decide all issues in the case unless the assigned judge or the court's presiding judge directs otherwise. The case will be reassigned if the assigned judge recuses, is disqualified from hearing the case, or is no longer assigned to the trial department.

(2) ~~Notice of Assignment/ Notice of Status Conference.~~ The clerk of the court will shall prepare and file a Notice of Assignment/ Notice of Status Conference and will provide one copy to the plaintiff.

(A) ~~The Notice of Assignment/ Notice of Status Conference shall~~ will designate the case title and cause number number of the case, the name of the case, the date of filing, the department judge to whom assigned to the case is assigned, and the date of for the status conference; and shall conform substantially to a form approved by the court.

(B) ~~The clerk of the court shall~~ will establish a date for the status conference not earlier than the first Friday which that falls 90 days after the date of filing; provided, where the assigned department judge is not unavailable on the first Friday, the clerk shall will select the next Friday available to the assigned judge department. The status conference for appeal from an administrative agency ruling will occur after the administrative record has been filed with the clerk of the court; the status conference may be continued by the court for this purpose. The status conference for appeal from a district or municipal court judgment will occur after the lower court record has been filed with the clerk of the court; the status conference may be continued by the court for this purpose.

(C) ~~All parties by agreement may schedule an earlier status conference; A party may also move the court, with notice, for an order scheduling an earlier status conference.~~

(2) ~~Service of Notice of Assignment/ Notice of Status Conference. ((A))~~ The pPlaintiff may shall serve one copy of the Notice of Assignment/ Notice of Status Conference to the on each defendant along with the initial pleadings. ((B)) ~~Otherwise, the plaintiff shall serve the Notice of Assignment/ Notice of Status Conference on the defendant within not later than 10 days of the filing after receipt of the first pleading by the from that defendant. The Notice may be served with original service of process~~

~~(e)~~ **(f) Status Conference.** A status conference shall be held in each case subject to this rule. The purpose of the status conference is to address all issues in the Case Schedule Order and to enter the Order.

(1) *Procedure.* The parties or their lead counsel of record shall appear at court at the office of the judicial assistant for the assigned department judge on the day scheduled for the status conference to enter a case schedule order, ~~unless excused by the assigned department.~~ Prior to the date of the status conference, the parties or their attorneys shall communicate with one another regarding the Topics for Discussion listed in subsection

(2) below.

(2) *Topics for Discussion.* Persons attending the ~~S~~-status ~~C~~-conference shall be prepared to discuss the following topics with the judicial assistant or assigned judge:

- (i) the trial date;
- (ii) the length of the trial;
- (iii) anticipated issues at trial;
- (iv) anticipated issues in discovery; and
- (v) recommendations for alternative dispute resolution.

(3) *Form of Case Schedule Order.* The Case Schedule Order shall be substantially in the form found in the Forms Appendix. The parties or the court may include or omit any item listed.

(4) *Mandatory Arbitration.* Cases subject to the mandatory arbitration rule shall be transferred to mandatory arbitration before the status conference ((according to the Local Mandatory Arbitration Rules.)) ((See LMAR 2.1.))

(5) *Entry and Modification of Case Schedule Order.* After the status conference, the judicial assistant will present the Case Schedule Order to the assigned judge for entry without further notice. Amendments to the schedule may be had only by an amended Case Schedule Order. Agreed amendments may be presented to the judicial assistant with a written explanation for the proposed change and its affect on the trial date, if any. Contested motions to amend should be noted before the assigned judge. Deadlines affecting the court, including the trial date, may be amended by the court. In that event the judicial assistant will prepare, file, and serve the amended Case Schedule Order.

~~The department assigned to a case shall, upon agreement of the parties or by decision at the status conference, enter a case schedule as an order of the court. The court, upon motion of either party or its own initiative, may modify any date in the Case Schedule Order for good cause. If modification is ordered, an Amended Case Schedule Order shall be promptly prepared and presented for entry, with service upon all parties to the cause. Preparation, filing and service shall be the responsibility of the party who sought the modification to the schedule. If a Case Schedule Order is modified on the court's own motion, then the judicial assistant will prepare, file and serve the Amended Case Schedule Order.~~

(6) *Additional Parties.* Any party who joins an additional party to an action shall be responsible for serving the additional party with a current Case Schedule Order, together with all other pleadings required by law.

~~(((7) *Earlier Status Conference.* Parties may schedule a status conference before the 90 day status conference by filing a notice of issue for a status conference.))~~

[Amended effective September 1, 1994; September 1, 1997; May 4, 1998; September 1, 1999; September 1, 2000; amended effective September 1, 2003; amended effective September 1, 2004, amended effective September 1, 2006.]

LCR 4 SERVICE ADDRESS REQUIRED (Repealed)

~~All attorneys appearing in an action must provide a physical address where service may be made on that attorney. The designation of a post office box, mail stop, or the like shall not be sufficient. If it is not possible for an attorney to provide a physical address, then that attorney must provide a reasonable alternative to personal service, such as a fax number at which the attorney agrees to accept service.~~

[Adopted effective September 1, 2006]

LCR 5 SERVICE AND FILING OF ((PLEADINGS AND OTHER PAPERS))
((BRIEFS AND MEMORANDA))

(a) (d) Filing.

~~(1) Time. Unless the court orders a different briefing schedule than that established by this rule, briefs shall be submitted as follows:~~

~~(A) Trial Briefs. (1) Trials. Each party who submits a brief for trial shall file and serve the same Trial briefs shall be filed and served at least two days before trial.~~

~~(2) (B) Appeals from Administrative Agency Rulings Administrative Reviews. The petitioner's trial brief shall be filed and served not later than 45 calendar days before oral argumenttrial. The respondent's brief shall be filed and served 25 calendar days before oral argumenttrial. The petitioner's reply brief shall be filed and served not later than 15 calendar days before argumenttrial. A working copy of each brief shall be submitted to the court at the time of filing.~~

~~(3) IC Cases. The court may order a briefing schedule different than that established by this rule, upon the motion of either party or the court. A working copy of each brief shall be submitted to the court at the time of filing.~~

~~(4) Post trial Briefs. Post trial briefs shall be filed and served according to the schedule provided for non-dispositive motions, LCR 5(b)(2). A working copy of each brief shall be submitted to the court at the time of filing.~~

~~(b) Motion Briefs and Supporting Material.~~

~~(1) (C) [[Non-dispositive Civil Motions. Briefs and all supporting materials for motions other than CR 56 motions for summary judgment and CR 12(b) motions to dismiss a motion which is not dispositive shall be filed and served before 12:00 noon, five court days before the hearing. Opposing briefs and materials shall be filed and served before 12:00 noon, two court days before the hearing. Reply briefs and materials shall be filed and served before 12:00 noon, one court day before the date scheduled for hearing. A working copy of each brief and other material shall be submitted to the court at the time of filing.]]~~

~~(D) Dispositive Civil Motions. CR 56 motions for summary judgment and CR 12(b)(6) motions to dismiss, and all supporting briefs and other materials, shall be filed and served not later than 28 calendar days before the hearing. Opposing briefs and materials shall be filed and served not later than 11 calendar days before the hearing. Reply briefs and materials shall be filed and served not later than 5 calendar days before~~

the hearing. ~~A working copy of each brief and other material shall be submitted to the court at the time of filing. Refer to LCR 16(f) for scheduling requirements.~~

(2)

(e) (2) Working Copy. A working copy of all briefs, attachments and exhibits shall be provided to the judge's judicial assistant at or before the time of filing of the originals with the clerk.

(A) Each working copy of a brief or other material shall be identified as the judge's copy and shall identify the date, time and the judge before whom the matter is scheduled to be heard, in substantially the following format in the top left hand corner of the first page. If the brief or other material does not meet these guidelines, it is subject to being returned:

<input type="checkbox"/> EXPEDITE
<input type="checkbox"/> No hearing set
<input type="checkbox"/> Hearing is set
Date: _____
Time: _____
Judge/Calendar: _____

[[NEW SECTION]] (B) The court encourages submission of an additional working copy of briefs in electronic form to aid the court's preparation and research. An electronic copy should be attached to an e-mail transmitted to the assigned judge's judicial assistant; it should be in word processing format, not .pdf format. Electronic copies must be an exact duplicate of the brief or other material filed with the court, and should be in addition to, and not a replacement for, working copies submitted on paper. The court may request submission of electronic copies for briefs on dispositive motions or appeal from administrative agency rulings.

[Amended effective September 1, 1994; September 1, 1997; September 1, 2000; September 1, 2004, September 1, 2005.]

LCR 7 PLEADINGS ALLOWED; FORMS OF MOTIONS [Recodified from LCR 16.]

(b) Motions and Other Papers.

(1) *How Made.*

(A) Documents Necessary for Ex Parte Presentation. Ex parte orders presented for entry must be accompanied by a written motion, original supporting documents, and the case file from the clerk of the court.

(B) In-Person Ex Parte Presentation Departments. Ex parte matters should be presented to the department assigned to the case. When the assigned department is not available, application may be made to the court's receptionist for an available judge.

~~(B) Presentation of Orders. Ex parte orders presented for entry must be accompanied by a written motion, original supporting documents, and the case file from the clerk of the court. may be submitted as follows:~~

~~(i) By delivery in person to superior court administration by a party or representative of a party for presentation to a judicial officer. Delivery must occur on the schedule for ex parte presentation published by the court.~~

~~(ii) By presentation in person to the assigned judge by a self-represented party or counsel for a party on the judge's Friday motion calendar.~~

~~(iii) When time sensitive materials must be presented to the assigned judge, special presentation may be arranged with the assigned judicial assistant.~~

~~(C) Alternative Presentation By —Mail or Commercial Delivery.; Drop Box. Counsel may present a Agreed orders, orders when notice of presentation is waived, and ex parte orders based upon the record in the file may be presented by mail or commercial delivery by mailing the original order, supporting materials, and the required fee as set forth in the clerk's fee schedule (LCR 79(a)) to the clerk of the court. The ordinal order, supporting materials, and the required fee as set forth in the clerk's fee schedule (LCR 79(a)) must be included in the mail or delivery. The materials should identify the assigned judge. When If accepted by the clerk, the proposed order will be presented to the assigned judge for consideration. If rejected by the clerk, the proposed order will be returned to sender for resubmission or presentation as permitted in subsection (B) above. the judge assigned will sign the order and cause it to be entered. When rejected, the papers will be returned by mail to the counsel sending them, without prejudice to presentation by counsel in person to the assigned department. Self-addressed, stamped envelopes, along with copies of the proposed order, to be signed, shall must be provided if for return of any conformed materials or rejected orders is sought. Agreed orders and orders when notice of presentation is waived, and which do not require reference to the case file, may be left at the desk of the judicial assistant for presentation to the assigned department. Ex parte orders left with a judicial assistant must be accompanied by clear and adequate instructions for handling of the order once signed, disposition of the materials if denied, and special handling instructions if such are sought. Conformed copies will not be returned unless copies of the proposed order are provided by the counsel presenting it, or special arrangements have been previously made. Except for good cause, these alternative methods of presentation are available only to counsel licensed to practice law.~~

~~(f) Motion Practice.— Unless otherwise ordered, all motions will be heard by the assigned department.~~

~~(1) (6) Motion Calendar. Motions will be heard by the assigned judge (A) Each department will schedule any motion related to a case assigned to that department during a Friday motion calendar. Each department will maintain its own calendars.~~

~~—(B) Motions in the following categories must be scheduled and noted for hearing in consultation with the judicial assistant for of the assigned judge:~~

- ~~(i) motions for summary judgment;~~
- ~~(ii) motions to dismiss;~~
- ~~(iii) contested discovery motions;~~
- ~~(iv) motions for class certification.~~

~~(C) Petitions for approval of minor settlements shall be heard by the assigned judge~~

during a Friday motion calendar. [See TCLS PR 98.16W].

~~(2) (7) Confirmations.~~ All matters contested motions to be considered on a judge's Friday M motion C calendar must be confirmed. Confirmation that a hearing on a contested motion will occur as scheduled permits the judge to prepare for the hearing. Contested motions not confirmed may be postponed by the court until adequate preparation can be had. Motions not confirmed will be stricken or continued at the discretion of the court.

(A) Confirmations must be made with the clerk of the court before 12:00 noon three court days before the motion calendar day, e.g., by noon Tuesday for a Friday Motion Calendar.

(B) If the deadline for confirmation falls on a court holiday, confirmations shall be made before 12:00 noon on the last court day before the holiday.

~~(3) Files.~~ The clerk of the court shall deliver all motion calendar files which have not been stricken or continued by parties or attorneys to the court not later than 9:00 am two court days before a calendar, e.g. by 9:00 am Wednesday for a Friday Motion Calendar. If this day falls on a court holiday, the clerk shall deliver the files before 12:00 noon the last court day before the holiday.

(4) ~~(8) Time for Oral Argument.~~ Each side will be allowed 10 minutes to argue a contested motion, including rebuttal, unless the court allows additional time.

~~(h) (e) Show Cause Returns.~~ Orders to show cause, summons containing return dates and citations shall be returnable to the appropriate Family and Juvenile Court calendar or the assigned department judge's Friday motions calendar.

(i) ~~Temporary Restraining Order.~~

~~(1) Procedure.~~

~~(A) New Filings.~~ The clerk of the court shall assign a department when application is made and execute the Notice of Assignment/ Notice of Status Conference. Upon notice of assignment to a department, the applicant must contact the judicial assistant of that department to establish a time certain for presentation, and be able to summarize the relief requested and the form of the evidence to be presented. If the assigned judge is not available, the judicial assistant for that judge will arrange for the matter to be heard by an available judge.

~~(B) Existing Causes of Action.~~ All parties must comply with LCR 16(g)(1). If the assigned department is not available, application shall be coordinated through the judicial assistant for the assigned department; provided, notice of the application must be provided to the opposing party when the assigned department is not available.

~~(2) Compliance with Civil Rules.~~ All parties shall comply with CR 65.))

((~~(3) Family Law and Domestic Violence Cases.~~ This rule does not apply to family law cases or domestic violence cases.))

(j) ~~Pretrial Conference.~~ A pretrial conference shall be held in each case subject to this rule. Lead counsel for each party shall attend the pretrial conference. The assigned

judge shall set the agenda and may consider any matter relating to the administration of the trial, even if not provided in this rule. The conference shall be conducted in chambers or as a hearing in open court if matters of record are argued and decided. At the conclusion of the conference, a Pretrial Order, including any discretionary supplemental orders, may be entered.

LCR 10. FORM OF PLEADINGS AND OTHER PAPERS

(d) Format Requirements.

(1) ~~Motion Briefs.~~ In addition to the General Rules' requirements for Format for Pleadings and Other Papers (GR 14), all briefs submitted in support or opposition to a motion shall must comply with the following requirements:specifications

(1) Brief Titles. Briefs shall be titled with the submitting party's designation (e.g., Plaintiff, Defendant, etc.) and 1) "Opening Brief" or "Brief in Support of Motion . . ."; 2) "Responding Brief" or "Brief Opposing Motion . . ."; or 3) "Reply Brief."

(2) Length of Brief. Opening and responding briefs for trials, appeals from administrative agency rulings, and dispositive motions (CR 56 and CR 12 motions) shall not exceed 25 pages. Reply briefs for these matters shall not exceed 10 pages in length. Opening and responding briefs for non-dispositive motions shall not exceed 15 pages. Reply briefs for non-dispositive motions shall not exceed 8 pages. For the purpose of determining compliance with this rule, the title sheet, table of contents, and table of authorities are not included. For compelling reasons, the court may grant a motion to file an over-length brief. Motions for over-length briefs must be timely filed to allow a decision before the date the brief is due.

(3) (A) Font. The text of any brief must appear double spaced and in print as 12 point or larger type in the following fonts or their equivalent: Times New Roman, CourierArial, CG Times, or ArialCourier, Times New Roman. Footnotes may be single spaced in print as 10 point or larger type.

(4) Service and Filing. Every document filed shall contain the following information in substantially the following format in the top left hand corner of the first page. If the document does not meet these guidelines, it is subject to being returned:

<input type="checkbox"/> EXPEDITE
<input type="checkbox"/> No hearing set
<input type="checkbox"/> Hearing is set
Date: _____
Time: _____
Judge/Calendar: _____

~~(B) Length.~~ A brief in support or opposition to a dispositive motion shall not exceed 25 pages. A reply brief to a dispositive motion shall not exceed 10 pages in length. A brief in support or opposition to a non-dispositive motion shall not exceed 15 pages. A

~~reply brief to a non-dispositive motion shall not exceed 8 pages in length. For good cause, the court may grant a motion to file an over length brief. Motions for over length briefs shall be timely filed to allow a decision before the date the brief is due.~~

~~(C) — Titles. The briefs shall be titled (1) “Opening Brief” or “Brief in Support of =”; (2) “Responding Brief”; and (3) “Reply Brief.”~~

~~(D) — Judges’ Working Copies. Attachments and exhibits to judge’s working copies shall be given side or bottom tabs for ease of locating the item. Certain departments have published written preferences regarding the color of paper to be used with working copies.~~

~~(2) — Trial Briefs. In addition to the requirements of GR14, trial briefs shall comply with the following specifications:~~

~~————— (A) — Font. The text of any brief must appear double spaced and in print as 12 point or larger type in the following fonts or their equivalent: Times New Roman, Courier, CG Times, or Arial. Footnotes may be single spaced in print as 10 point or larger type.~~

~~————— (B) — Length. Trial briefs should comply with the length requirements for dispositive motions, but the court may grant a motion for an over length brief upon a showing of good cause.~~

~~(C) — Bench Trials. In civil trials to the court, all parties shall file at the time trial briefs are due complete proposed Findings of Fact and Conclusions of Law. This requirement does not apply to matters subject to LSPR 94.00 et seq. (family law), or matters brought before the court in its appellate capacity (RALJ and APA type cases).~~

~~(e) **Format Recommendations.** Some judges have published, written preferences regarding working copies. These preferences can be found at the Thurston County Superior Court web site or obtained from the assigned judge’s judicial assistant.~~

~~Every document filed shall contain the following information in substantially the following format in the top left hand corner of the first page. If the document does not meet these guidelines, it is subject to being returned:~~

<input type="checkbox"/> EXPEDITE
<input type="checkbox"/> No hearing set
<input type="checkbox"/> Hearing is set
Date: _____
Time: _____
Judge/Calendar: _____

[Amended effective September 1, 2002; Amended effective September 1, 2004, September 1, 2005.]

LCR 11. SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS PARTIES WITHOUT ATTORNEYS — FILING PAPERS

(a)(1) *Required Information.* Each party appearing pro se (self-represented without an attorney) must state on every pleading and other documents submitted to the court or filed with the clerk of the court, (1) a telephone or message phone number, (2) a mailing address where materials may be sent to the party and (3) a physical address where service may be made on that party. The designation of a post office box, mail stop, or the like shall not be sufficient. If the party cannot provide a physical address, then the party must provide a reasonable alternative to personal service, such as a fax number at which the party agrees to accept service.

(b)(2) *Notice to Opposing Parties.* Each party appearing pro se (self-represented without an attorney) must deliver or mail to each opposing party or attorney a copy of every pleading or other document submitted to the court or filed with the clerk of the court, in the same manner required of attorneys in the Civil Rules. All copies must contain the required information identified in subpart (a) of this rule.

(3) Sanctions. The Court on its own initiative or on motion of a party may order a party or counsel who uses these rules for purposes of delay, or, fails to comply with these rules, to pay terms or compensatory damages to any other party who has been harmed by the delay or the failure to comply. The Court may condition a party's right to participate further in the matter on compliance with terms of an order or ruling including payment of an award which ordered paid by the party and any such orders or rulings may be reduced to judgment.

~~(e) — Court File to Identify Pro Se Appearance. When a party appears pro se (self-represented without an attorney) without filing a pleading or other paper, the clerk of the court shall cause to be filed a special notice that the party has appeared without an attorney. The notice shall contain the required information identified in subpart (a) of this rule. The pro se party, not the clerk, shall have the responsibility of notifying each opposing party or attorney of the pro se party's appearance.~~

[Amended effective September 1, 1994, amended effective September 1, 2006.]

LCR 16 PRETRIAL PROCEDURE AND MOTIONS

~~(e) Actions at Time of Filing. The following procedures shall be followed when an IC case is filed:~~

~~—(1) Notice of Assignment/ Notice of Status Conference. The clerk of the court shall prepare and file a Notice of Assignment/ Notice of Status Conference and will provide one copy to the plaintiff.~~

~~—(A) The Notice of Assignment/ Notice of Status Conference shall designate the number of the case, the name of the case, the date of filing, the department assigned to the case, and the date of the status conference; and shall conform substantially to a form approved by the court.~~

~~—(B) The clerk of the court shall establish a date for the status conference not earlier than the first Friday which falls 90 days after the date of filing; provided, where the assigned department is unavailable on the first Friday, the clerk shall select the next Friday available to the assigned department.~~

~~—(2) *Service of Notice of Assignment/ Notice of Status Conference.*~~

~~—(A) The plaintiff may serve one copy of the Notice of Assignment/ Notice of Status Conference to the defendant along with the initial pleadings.~~

~~—(B) Otherwise, the plaintiff shall serve the Notice of Assignment/ Notice of Status Conference on the defendant within 10 days of the filing of the first pleading by the defendant.~~

~~(d) *Status Conference.* A status conference shall be held in each case subject to this rule. The purpose of the status conference is to address all issues in the Case Schedule Order and to enter the Order.~~

~~—(1) *Procedure.* The parties or their lead counsel of record shall appear at court at the office of the judicial assistant for the assigned department on the day scheduled for the status conference to enter a case schedule order, unless excused by the assigned department. Prior to the date of the status conference, the parties or their attorneys shall communicate with one another regarding the Topics for Discussion listed in subsection (2) below.~~

~~—(2) *Topics for Discussion.* Persons attending the Status Conference shall be prepared to discuss the following topics with the judicial assistant or assigned judge:~~

~~—(i) the trial date;~~

~~—(ii) the length of the trial;~~

~~—(iii) anticipated issues at trial;~~

~~—(iv) anticipated issues in discovery; and~~

~~—(v) recommendations for alternative dispute resolution.~~

~~—(3) *Form of Case Schedule Order.* The Case Schedule Order shall be substantially in the form found in the Forms Appendix. The parties or the court may include or omit any item listed.~~

~~—(4) *Mandatory Arbitration.* Cases subject to the mandatory arbitration rule shall be transferred to mandatory arbitration before the status conference. See LMAR 2.1.~~

~~—(5) *Entry and Modification of Case Schedule Order.* The department assigned to a case shall, upon agreement of the parties or by decision at the status conference, enter a case schedule as an order of the court. The court, upon motion of either party or its own initiative, may modify any date in the Case Schedule Order for good cause. If modification is ordered, an Amended Case Schedule Order shall be promptly prepared and presented for entry, with service upon all parties to the cause. Preparation, filing and service shall be the responsibility of the party who sought the modification to the schedule. If a Case Schedule Order is modified on the court's own motion, then the judicial assistant will prepare, file and serve the Amended Case Schedule Order.~~

~~—(6) *Additional Parties.* Any party who joins an additional party to an action shall be responsible for serving the additional party with a current Case Schedule Order, together with all other pleadings required by law.~~

~~—(7) *Earlier Status Conference.* Parties may schedule a status conference before the 90-day status conference by filing a notice of issue for a status conference.~~

~~(f) Motion Practice. Unless otherwise ordered, all motions will be heard by the assigned department.~~

~~(1) Motion Calendar.~~

~~(A) Each department will schedule any motion related to a case assigned to that department during a Friday motion calendar. Each department will maintain its own calendars.~~

~~(B) Motions in the following categories must be scheduled and noted for hearing in consultation with the judicial assistant of the assigned judge:~~

~~(i) motions for summary judgment;~~

~~(ii) motions to dismiss;~~

~~(iii) contested discovery motions;~~

~~(iv) motions for class certification~~

~~(C) Petitions for approval of minor settlements shall be heard by the assigned judge during a Friday motion calendar. [See TCLSPR 98.16W].~~

~~(2) Confirmations. All matters to be considered on a judge's Friday Motion Calendar must be confirmed. Motions not confirmed will be stricken or continued at the discretion of the court.~~

~~(A) Confirmations must be made with the clerk of the court before 12:00 noon three court days before the motion calendar day, e.g., by noon Tuesday for a Friday Motion Calendar.~~

~~(B) If the deadline for confirmation falls on a court holiday, confirmations shall be made before 12:00 noon on the last court day before the holiday.~~

~~(3) Files. The clerk of the court shall deliver all motion calendar files which have not been stricken or continued by parties or attorneys to the court not later than 9:00 am two court days before a calendar, e.g. by 9:00 am Wednesday for a Friday Motion Calendar. If this day falls on a court holiday, the clerk shall deliver the files before 12:00 noon the last court day before the holiday.~~

~~(4) Time for Argument. Each side will be allowed 10 minutes to argue a contested motion, including rebuttal, unless the court allows additional time.~~

~~(g) Ex Parte Procedures.~~

~~(1) Ex Parte Departments. Ex parte matters should be presented to the department assigned to the case. When the assigned department is not available, application may be made to the court's receptionist for an available judge.~~

~~(2) Presentation of Orders. Ex parte orders presented for entry must be accompanied by a written motion, original supporting documents, and the case file from the clerk of the court.~~

~~(3) Alternative Presentation Mail; Drop Box. Counsel may present agreed orders, orders when notice of presentation is waived and ex parte orders based upon the record in the file by mailing the original order, supporting materials, and the required fee as set forth in the clerk's fee schedule (LCR-79(a)) to the clerk of the court addressed to the assigned department. When accepted the judge assigned will sign the order and cause it to be entered. When rejected, the papers will be returned by mail to the counsel sending them, without prejudice to presentation by counsel in person to the assigned department. Self-addressed, stamped envelopes, along with copies of the order to be signed, shall be provided for return of any conformed materials or rejected orders. Agreed orders and~~

~~orders when notice of presentation is waived, and which do not require reference to the case file, may be left at the desk of the judicial assistant for presentation to the assigned department. Ex parte orders left with a judicial assistant must be accompanied by clear and adequate instructions for handling of the order once signed, disposition of the materials if denied, and special handling instructions if such are sought. Conformed copies will not be returned unless copies of the proposed order are provided by the counsel presenting it, or special arrangements have been previously made. Except for good cause, these alternative methods of presentation are available only to counsel licensed to practice law.~~

~~(h) Show Cause Returns. Orders to show cause, summons containing return dates and citations shall be returnable to the appropriate Family and Juvenile Court calendar or the assigned department Friday motions calendar.~~

~~(i) Temporary Restraining Order.~~

~~(1) Procedure.~~

~~(A) New Filings. The clerk of the court shall assign a department when application is made and execute the Notice of Assignment/ Notice of Status Conference. Upon notice of assignment to a department, the applicant must contact the judicial assistant of that department to establish a time certain for presentation, and be able to summarize the relief requested and the form of the evidence to be presented. If the assigned judge is not available, the judicial assistant for that judge will arrange for the matter to be heard by an available judge.~~

~~(B) Existing Causes of Action. All parties must comply with LCR 16(g)(1). If the assigned department is not available, application shall be coordinated through the judicial assistant for the assigned department; provided, notice of the application must be provided to the opposing party when the assigned department is not available.~~

~~(2) Compliance with Civil Rules. All parties shall comply with CR 65.~~

~~(3) Family Law and Domestic Violence Cases. This rule does not apply to family law cases or domestic violence cases.~~

(j) Pretrial Conference. (a) **Hearing Matters Considered.** A pretrial conference shall be held in each case subject to this rule. Lead counsel for each party shall attend the pretrial conference. The assigned judge shall set the agenda and may consider any matter relating to the administration of the trial, even if not provided in this rule. The conference shall be conducted in chambers or as a hearing in open court if matters of record are argued and decided. At the conclusion of the conference, a Pretrial Order, including any discretionary supplemental orders, may be entered.

[New Section] (c) Public Records Act Cases.

(1) Identification and Scheduling of Public Records Act Cases.

(A) Every case filed under the Public Records Act shall be clearly identified as a Public Records Act case on the front page of the first filed pleading and noted on the Case Information Cover Sheet as a Public Records Act (PRA) cause of action.

(B) At the time the case is filed, the clerk's office will provide plaintiff with a notice setting a status conference within 21 days. The plaintiff shall provide this notice to all

parties when the complaint or motion is served. If service of the complaint or motion is completed before the case is filed, plaintiff shall provide the notice by delivery, mail, facsimile, or e-mail within five days after filing the case.

(C) In the event a Public Records Act case is not identified at filing, the defendant or intervenor may make the identification and request the status conference be reset.

(D) If a defendant or intervenor has not been served by the time of the status conference, the status conference may be continued up to 21 days.

(E) The status conference will be held before the assigned judge and will be used to:

(i) Identify issues in dispute;

(ii) Set a hearing date and briefing schedule for resolution of issues.

(iii) Determine whether in camera review is likely to be needed and, if necessary, order the protocol for submission of the records to be reviewed; and

(iv) Refer to mediation if appropriate.

(F) Nothing in this rule affects the right of any party to schedule a hearing to show cause or enjoin, or any other hearing authorized by law or rule.

(2) *In Camera Review of Public Records Act Cases.*

(A) When commenced. In a Public Records Act case, in camera review will occur only if the assigned judge enters an order requiring such review. Agreement between parties or submission of records to the assigned judge, without an appropriate order, will not trigger in camera review.

(B) Electronic records. Records for in camera review shall be submitted in an electronic form unless the court orders otherwise on a showing of good cause.

(C) Identification of records. Records for in camera review must have a unique identifying number, such as a Bates number. The system for numbering and the placement of page numbers must be uniform for all records.

(D) Allegedly entirely exempt documents. If a record is claimed entirely exempt, it must be clearly designated as exempt or withheld on the first page of the record for in camera review.

(E) Identification of redactions. Records redacted in part must be presented to the judge in a manner that will permit the judge to read the entire record and immediately understand which parts were withheld by redaction and which parts were produced. For example, the redactions may be outlined or indicated with a shaded or colored overlay.

(F) Submission of spreadsheet. In cases with numerous records at issue, or if ordered by the judge, a spreadsheet shall be submitted as part of the in camera procedure. The spreadsheet must clearly identify which records are claimed entirely exempt and have been withheld and which records have been redacted in part. The spreadsheet(s) shall list the following information in separate fields or columns: (1) the unique identifier for the record or page being reviewed, such as a Bates number; (2) descriptive information that accurately identifies the record, including author(s), recipient(s), and date(s) (or if descriptive information is protected, other means of sufficiently identifying particular records without disclosing protected content); (3) identification of a specific exemption claimed and an explanation of how it applies to the record; and (4) an expandable cell for the court's notes. The spreadsheet shall be filed and served on all parties and also shall be submitted to the court in electronic form.

(G) Basis for exemption. The basis for the claim of exemption may appear on the

document if doing so would not obliterate text or other information necessary for the Court's review.

[Amended effective September 1, 1994; September 1, 1997; May 4, 1998; September 1, 1999; September 1, 2000; amended effective September 1, 2003; amended effective September 1, 2004, amended effective September 1, 2006.]

LCR 40 ASSIGNMENT OF CASES TRIAL ASSIGNMENT PROCEDURE

~~(d)(e) Continuances. A case shall proceed to trial when called or it shall be dismissed, unless a continuance is ordered by the court.~~

~~(1) Form of the Motion. A motion to continue a trial must for continuance shall be timely filed, and served and heard more not less than than 10 calendar days before the trial date. A motion for continuance must (i) contain written acknowledgment of the motion by the client, (ii) be accompanied by an affidavit or declaration containing specific reasons necessitating a continuance, and (iii) if agreed or uncontested, contain written acknowledgment of the motion by all parties to the case.~~

~~(2) Conditions of Order for Continuance. A continuance will be ordered only for good cause. The court may impose terms upon a party or counsel who is not prepared for trial. When a continuance is sought after a jury has been summoned, and where the cause for continuance was or should have been known earlier, terms may be imposed to defray the court's costs incurred in summoning a jury for trial. Cases will be continued to a date certain. If the trial is continued, a new trial date must be established in an amended Case Schedule Order.~~

~~(f) Change of Judge;~~

~~Affidavits of Prejudice. An affidavit of prejudice should be filed with the clerk of the court as soon as possible after the assignment of a judge has been made. The Superior Court scheduling coordinator shall assign a new department and a status conference to the case. (See also LSPR 94.03(a)(3)). Notice of the new assignment and status conference shall be provided to all parties and attorneys of record.~~

~~(g) Trial Setting of Civil Cases. Civil cases shall be set for trial as provided in LCR 16. Assignment of civil cases is governed by LCR 0.5(b)(4) and (e)(3).~~

~~(h) Administrative Review Cases. Petitions for Review brought pursuant to Chap. 34.05 RCW or Chap. 36.70C RCW shall be set for trial as provided in LCR 16 after a certified copy of the record and transcript of the administrative proceeding is filed with the clerk of the court. The transcript and record shall be numbered and shall state the total number of pages.~~

~~(i) Appeals from Courts of Limited Jurisdiction. Cases appealing decisions from~~

~~district and municipal courts shall be set for review as provided in LCR 16 and the Rules of Appeal from Courts of Limited Jurisdiction (RALJ) after a certified copy of the record has been filed by the clerk of the court of limited jurisdiction.~~

~~(j) Dissolution of Marriage and Family Law Cases. Cases brought pursuant to Title 26 RCW are referred to the Family and Juvenile Court Division. Trials shall be set as provided in LSPR 94.03(f)-(g).~~

~~[Amended effective September 1, 1994; March 4, 1996; September 1, 1997, September 1, 2006; September 1, 2008.]~~

LCR 41 DISMISSAL OF ACTIONS

(e) Notice of Settlements.

~~(1) Procedure After Settlement. After notice of settlement to the court of settlement as provided in CR 41(e), the parties shall cause to be entered a final judgment or order concluding the case. After 45 days, the court may on its own motion order that the parties show cause why such final judgment or order should not be entered.~~

~~[Effective September 1, 1997.]~~

LCR 43 EVIDENCE (Repealed)

~~(a) Testimony—Witness. A witness under subpoena is excused from further attendance as soon as the examination of the witness has been completed, unless a party requests in open court that the witness remain in attendance or be subject to recall. Witness fees shall not be allowed on subsequent days unless the court has required the witness to remain in attendance, which fact shall be noted by the clerk.~~

~~—(e) Evidence on Motions. Unless otherwise ordered, motions shall be decided only on the pleadings, affidavits, declarations, published depositions and other documents duly filed and served. Oral testimony will not be permitted. Oral argument may be permitted, but is not evidence.~~

~~[Amended effective September 1, 1994]~~

LCR 47 JURORS (Repealed)

~~(a) Selection Method. Unless otherwise directed by the trial court, the struck jury method shall be used to select jurors in all civil jury trials. Jury selection will proceed generally as set forth in the Struck Jury Handbook. Counsel and pro se litigants shall become familiar with the procedures and other information contained in the handbook in advance of trial. The Struck Jury Handbook is available from the Jury Administrator, Thurston County Court House, 2000 Lakeridge Dr. SW, Olympia, WA 98502. Telephone (360) ((754-4108)) ((786-5558)). Fax (360) 754-4060. The procedures and information in the handbook may be updated from time to time.~~

~~(b) Selection of Alternate Jurors. After selection of the six or twelve person jury, including exercise of peremptory challenges, the next unexcused juror (or jurors if more than one alternate is selected) shall be designated the alternate juror. The litigants may then exercise the peremptory challenges available for the alternate juror in the same manner as for the regular jury.~~

~~(c) Master Jury List — Electronic Selection. The Thurston County Superior Court shall employ a properly programmed electronic data processing system to make a random selection of jurors as authorized by RCW 2.36.063 and 2.36.093. The presiding judge and superior court administrator are empowered to take any necessary action, on behalf of the court, to comply with the aforementioned statute.~~

[Effective October, 1982; amended January 11, 1993; amended effective September 1, 1996; September 1, 2000; September 1, 2003.]

LCR 51 INSTRUCTIONS TO JURY AND DELIBERATION JURY
INSTRUCTIONS

~~(a) — Time for Submission. Unless otherwise ordered by the court, proposed jury instructions shall be filed and served no later than when the case is called for trial.~~

~~(b) — Format. Proposed jury instructions shall be printed or typewritten, double spaced, each on a separate letter size sheet of paper which bears no markings identifying the submitting party or counsel. A cover sheet with a case caption which reads, "Court's Instructions To The Jury" shall be included.~~

(e) (b) Submissions.

(1) Time for submission. Unless otherwise ordered by the court, proposed jury instructions shall be filed and served no later than when the case is called for trial.

(2) Proposed instructions. Sets of proposed instructions shall be submitted as follows:

~~(1)~~(A) To the Clerk: A set of instructions numbered and with citations shall be filed with the clerk.

~~(2)~~(B) To Counsel: A set of instructions numbered and with citations shall be served on each other counsel or pro se party appearing in the case.

~~(3)~~(C) To the Judge: A set of instructions shall be provided to the judge as follows:

~~(A)~~(i) A set of instructions numbered and with citations in electronic word processing format, not .pdf format, submitted via e-mail attachment to the assigned judge's judicial assistant, or on disk, preferably in Word for Windows format but acceptable in WordPerfect format, with all proposed instructions in a single computer file; and

~~(B)~~(ii) a hardcopy set of printed instructions numbered and with; and

~~(C)~~(iii) a hardcopy set of printed instructions without numbers or citations.

(c) Form. Proposed jury instructions shall be printed or typewritten, double spaced, each on a separate letter size sheet of paper which bears no markings identifying the submitting party or counsel. A cover sheet with a case caption which reads, "Court's Instructions To The Jury" shall be included.

[Amended effective February 1, 1994; September 1, 1997; September 1, 2004.]

LCR 54 JUDGMENTS AND COSTS – ORDERS (Repealed)

~~(f) Presentation.~~ When judgment is sought by default or when notice of presentation has been waived by all other parties, counsel may present a judgment for entry by the alternative presentation procedures provided in LCR 16(g)(3).

[Amended effective September 1, 1994; September 1, 1997.]

LCR 56 SUMMARY JUDGMENT

~~(a) Identification of Evidence.~~ The moving party shall specifically identify in the motion the documentary evidence upon which the motion relies, including deposition pages.

~~(b)(i) Appeals from Administrative and Industrial Insurance Rulings~~ *Reviews and Industrial Insurance Appeals.* Summary judgment motions will not be heard in administrative review cases or industrial insurance appeals if reference to the administrative record or transcript of the administrative proceedings is required.

[Amended effective September 1, 1994.]

LCR 59 NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS ~~MOTIONS FOR RECONSIDERATION / REVISION~~

~~(a) Motions for Reconsideration.~~

(b) Time for Motion; Contents of Motion.

(1) *Procedures for (A) Civil and Criminal Orders for Reconsideration.* At the time a motion for reconsideration is filed, working copies of the motion, brief, affidavit, proposed order, and notice of issue shall be provided to the judge's judicial assistant. All briefs and materials in support of a motion for reconsideration shall be filed at the time the motion is filed. At the time of filing, the motion for reconsideration shall be noted for a hearing to be held within 14 days. Briefs and materials in opposition to a motion for reconsideration, and reply briefs and materials shall be filed in accordance with the local rule for serving and filing non-dispositive motions LCR 5(b)(2). Each judge reserves the right to strike the hearing and decide the motion without oral argument. At the time of filing, the clerk of the court shall provide a copy of the first page of all motions for reconsideration to the judicial assistant for the assigned judge.

~~(B) *Family Law Orders* At the time a motion for reconsideration is filed and served, working copies of the motion, brief, affidavit/declaration and proposed order shall be provided to court administration for delivery to the appropriate judicial officer. All briefs and materials in support of a motion for reconsideration shall be filed at the time the motion is filed. At the time of filing, the motion for reconsideration shall be noted for a hearing to be held within 14 days. Briefs and materials in opposition to a motion for reconsideration and reply materials shall be submitted in accordance with LCR 5(b)(2). Each judge reserves the right to strike the hearing and decide the motion without oral argument.~~

~~(2) *Timing.* A motion for reconsideration of a judicial officer's order must be filed and served within 10 days after the written order is entered.~~

~~(3) *Standards.* Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.~~

~~(b) *Motions for Revision of Court Commissioners' Orders.*~~

~~— (1) *Filing and Service Deadline.* A motion for revision must be filed and served within 10 days after the commissioner's written order is entered.~~

~~— (2) *Findings of Fact and Conclusions of Law.*~~

~~— (A) A party moving for revision shall present to the court commissioner proposed findings of fact and conclusions of law to support the order or judgment. Other parties may submit their proposals at the time for presentation.~~

~~— (B) Findings of fact and conclusions of law shall be entered before the hearing on the motion for revision.~~

~~— (C) The AOC approved form Order of Child Support and Child Support Worksheets may constitute findings of fact and conclusions of law for motions for revision on issues of child support.~~

~~— (3) *Form of Motion.* A motion for revision shall:~~

~~— (A) Specify each alleged error; and~~

~~— (B) Identify each document in the court file related to the issues raised by the motion for revision~~

~~— (4) *Hearing on Motion.* At the time a motion for revision is filed, the moving party shall schedule a hearing on the Family and Juvenile Court revisions calendar by filing a notice of issue. The hearing on the motion for revision shall be scheduled to occur within 30 days after the motion for revision is filed.~~

~~— (5) *The Record.*~~

~~— (i) The motion for revision shall be heard upon the record before the court commissioner. No new factual material may be filed without permission of the court for good cause shown.~~

~~— (ii) In all juvenile offender proceedings and other proceedings for which a electronic recording of live testimony is made, the party moving for revision shall make arrangements through the Family and Juvenile Court Supervisor for a transcript or a copy of the electronic recording of the proceedings to be provided to the court within 5~~

~~calendar days after filing the motion. A transcript shall be required if the electronic recording is more than 20 minutes in length. Where a transcript is required, the party moving for revision shall be responsible for arranging for payment for the transcript and ensuring that the transcript of proceedings is filed with the court not later than 5 calendar days before the scheduled hearing.~~

~~(6) *Scope of Motion.* The court may revise any order or judgment which is related to the issues raised by the motion for revision, for example, all issues related to child support or all issues related to the parenting plan. The court will not consider issues which are not related to the motion for revision without a separate motion, except:~~

~~—— (A) The court may consider requests for attorneys' fees by either party for the revision proceedings; and~~

~~—— (B) The court may consider issues in the original order when the motion for revision is filed as to a motion denying a motion for reconsideration.~~

~~(7) *Effect of Motion.*~~

~~—— (A) When a motion for revision is timely filed, the court commissioner loses jurisdiction to conduct further proceedings or enter orders on issues that are the subject of the revision proceeding until the revision proceeding is completed, except findings of fact and conclusions of law required by this rule.~~

~~—— (B) A court commissioner's order shall be effective upon entry of a written order unless stayed by court order pending hearing on a motion for revision.~~

[Amended effective September 1, 1994; September 1, 1997; February 9, 1999; September 1, 2000; Amended Effective September 1, 2003; Amended Effective September 1, 2004, Amended effective September 1, 2007.]

LCR 65 INJUNCTIONS [Recodified from LCR 16]

(b) (i) Temporary Restraining Order; Notice; Hearing; Duration.

(1) *Procedure.* A party seeking a temporary restraining order shall promptly contact the assigned judge's judicial assistant to schedule a hearing at the first opportunity.

~~—— (A) *New Filings.* The clerk of the court shall assign a department when application is made and execute the Notice of Assignment/ Notice of Status Conference. Upon notice of assignment to a department, the applicant must contact the judicial assistant of that department to establish a time certain for presentation, and be able to summarize the relief requested and the form of the evidence to be presented. If the assigned judge is not available, the judicial assistant for that judge will arrange for the matter to be heard by an available judge.~~

~~—— (B) *Existing Causes of Action.* All parties must comply with LCR 16(g)(1). If the assigned department is not available, application shall be coordinated through the judicial assistant for the assigned department; provided, notice of the application must be provided to the opposing party when the assigned department is not available.~~

~~—— (2) *Compliance with Civil Rules.* All parties shall comply with CR 65.~~

~~—— (3) *Family Law and Domestic Violence Cases.* This rule does not apply to family law cases or domestic violence cases.~~

[Amended effective September 1, 1994; September 1, 1997; May 4, 1998; September 1, 1999; September 1, 2000; amended effective September 1, 2003; amended effective September 1, 2004, amended effective September 1, 2006.]

LCR 77 SUPERIOR COURTS & AND JUDICIAL OFFICERS [Recodified from LCR 0.5.]

~~(d) **Court Hours.** The hours of Superior Court shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays or unless otherwise ordered by the court.~~

(o) **Department and Divisions of the Court, Assignments and Schedules.**

(1) *Departments.* A department is created for each judicial officer. Judges occupy numbered departments; court commissioners occupy commissioner departments.

(2) *Divisions.* The divisions of the court are:

(A) Criminal Presiding Department. The Criminal Presiding Department division will hear all criminal pretrial proceedings, including preliminary appearances, arraignments, omnibus hearings and pretrial conferences, pretrial motions, changes of plea, and sentencings, and petitions for noncompliance. The Criminal Presiding Department will also hear unlawful detainer hearings and trials, writs of habeas corpus in criminal matters, petitions for certificates of rehabilitation, and other matters as assigned.

~~(2) *Criminal Trial.* A Criminal Trial division will hear all matters in a criminal case after the case is called for trial and until the case is completed or released back to the criminal department division by the trial judge.~~

~~(3) (B) Family and Juvenile Court.~~ The Family and Juvenile Court division will hear all matters brought pursuant to RCW Titles 11, 13, and 26, Revised Code of Washington, and truancy petitions filed in Superior Court. The following types of cases may be transferred to be heard at the Family and Juvenile Court, if the court finds good cause for such a transfer:

(i) Actions for the division of marital property interests not previously distributed in a dissolution action.

(ii) An action where any party alleges a meretricious relationship.

(iii) Any other action involving a party or child with another case in Family and Juvenile Court.

~~(4) (C) Civil Department and Criminal Trial. A The Civil Department and Criminal Trial division will hear all matters in a criminal case after the case is called for trial until the case is completed or released back to the Criminal Presiding division by the trial judge and all civil matters (including trial) except those cases designated as Family and Juvenile Court cases and those special proceedings assigned to a different division by these rules or court order. A department judge in this sitting as a civil department division will hear all matters in the civil cases assigned to the judgeit.~~

~~(3) Assignments to Divisions.~~

~~(A) Judges will be assigned to the Criminal Presiding and Civil and Criminal Trial divisions on an annual basis. The judges assigned to the Family and Juvenile Court division will be on a staggered rotation of not less than two years.~~

~~(B) Criminal trial schedules and criminal hearing schedules will be maintained on a master calendar by the Superior Court Administrator or designee. Criminal cases will be assigned to a trial judge just before the time of trial.~~

LCR 80 COURT REPORTERS ING

(a) ~~(d)~~ **Scope of Rule.** The provisions of this rule shall apply to official court reporters, visiting judge court reporters and court reporters pro tempore.

(b) ~~(e)~~ **General Reporting Requirements.**

(1) *Separate Civil and Criminal Notes.* Court reporters shall keep separate notes for civil and criminal cases.

(2) *Matters Not Reported.* Unless a request for a court reporter is received by the judicial assistant two days in advance of the court proceedings, or ordered by the court, the following matters may not be reported.

(i) Opening statements and closing arguments in civil cases, both jury and non-jury.

(ii) Voir dire in civil jury cases.

(iii) Informal discussions in chambers relating to proposed jury instructions.

(iv) Arguments of counsel on pretrial motions in civil matters.

(v) Jury verdicts.

~~(vi) Civil motion calendars.~~

(vii) Special set hearings scheduled before departments in civil matters.

(viii) Family law motions

~~(ixviii)~~ Initial involuntary commitment hearings and alcoholic commitment hearings.

(3) *Electronic and Tape Recorder Reporting.* All Family and Juvenile Court proceedings heard by court commissioners may be reported by electronic or tape recording.

(4) *Oral Rulings and Decisions.* Oral decisions of the court which are transcribed for any purpose, from court reporter notes or electronic recording, shall be prepared by a court reporter and submitted to the judge for review and correction prior to delivery of the transcript. ~~A final copy shall be furnished to the judge.~~

(5) *Transcripts and Statement of Facts.*

(A) Transcripts; Notice to Opposing Counsel. Subject to making satisfactory arrangements for payment of costs, court reporters shall furnish promptly all transcripts ordered by counsel. Upon request by one party for transcripts of any portion of the record, the court reporter shall give prompt notice of the request to all other parties.

(B) Statements of Fact (Verbatim Report of Proceedings); Ordered in Writing. An order for verbatim report of proceedings shall be in writing and shall be timely.

Subject to making satisfactory arrangement for payment of the cost, court reporters shall furnish promptly all verbatim reports ordered.

(C) **Substitute Court Reporters.** Substitute court reporters, prior to being placed on the pro tempore court reporter roster, must have the approval of the judicial administrative officer. In the event there is a substitution of court reporter, a party may order the transcript or verbatim report of proceedings from the court reporter first assigned, who shall notify the substitute court reporter of the order.

NEW SECTION (D) Electronic Recordings. To constitute an official record, transcripts of court proceedings electronically recorded shall be produced by an official court reporter or other court-approved designee.

(e) (f) **Filing Notes.** A court reporter shall file his or her notes with the clerk of the court within 30 days after the conclusion of the trial or proceedings. Notes from civil and criminal cases shall be filed separately.

(d) (g) **One Official Reporter.** Only one official reporter may report the proceedings in court. Private reporters and tape or electronic recording are not permitted.

[Amended effective September 1, 1994; September 1, 2000; September 1, 2001; September 1, 2004.]

LCR 83 LOCAL RULES OF SUPERIOR COURT (Repealed in part and recodified in part.)

~~(a) — Amendments From time to time, the Thurston County Superior Court may amend these rules. The amendment process shall be conducted pursuant to GR 7 and CR 83. Notice of proposed rule changes shall invite members of the bar and the public to submit any comments.~~

~~(b) — Sanctions.~~

~~(1) — In General. The Court on its own initiative or on motion of a party may order a party or counsel who uses these rules for purposes of delay, or, fails to comply with these rules, to pay terms or compensatory damages to any other party who has been harmed by the delay or the failure to comply. The Court may condition a party's right to participate further in the matter on compliance with terms of an order or ruling including payment of an award which ordered paid by the party and any such orders or rulings may be reduced to judgment.))~~

~~(2) — Failure to Appear in Criminal Matters. Counsel's failure to timely appear for hearings set in criminal matters shall result in the issuance of an order directing counsel to appear and show cause why monetary terms should not be imposed. Terms of \$50 shall be imposed for absences without good cause, except that a second and additional absences shall result in terms of no less than \$100 per occurrence~~

[Amended effective September 1, 1994; September 1, 1997; Amended effective September 1, 2007]