

**THURSTON COUNTY  
SUPERIOR COURT  
LOCAL COURT RULES  
2017**

*Effective September 1, 2017.*

## Contents

<b>LOCAL GENERAL RULES</b> .....	5
LGR 7    LOCAL RULES—FILING AND EFFECTIVE DATE .....	5
LGR 28    JURY SERVICE POSTPONEMENT, EXCUSAL, AND DISQUALIFICATION	5
LGR 29    PRESIDING JUDGE IN SUPERIOR COURT DISTRICT AND LIMITED JURISDICTION COURT DISTRICT .....	6
LGR 30    ELECTRONIC FILING.....	6
LGR 33    REQUESTS FOR ACCOMMODATION UNDER THE ADA.....	7
LGR 34.    WAIVER OF COURT AND CLERK'S FEES AND CHARGES IN CIVIL MATTERS ON THE BASIS OF INDIGENCY [NEW RULE] .....	8
<b>LOCAL CIVIL RULES FOR SUPERIOR COURT</b> .....	9
LCR 1    SCOPE OF RULES .....	9
LCR 3    COMMENCEMENT OF ACTIONS.....	9
LCR 5    SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS .....	10
LCR 7    PLEADINGS ALLOWED; FORMS OF MOTIONS.....	11
LCR 10    FORM OF PLEADINGS AND OTHER PAPERS .....	13
LCR 11    SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS .....	14
LCR 12    DEFENSES AND OBJECTIONS .....	15
LCR 16    PRETRIAL PROCEDURE AND MOTIONS.....	15
LCR 38    JURY TRIAL OF RIGHT .....	16
LCR 40    ASSIGNMENT OF CASES .....	16
LCR 41    DISMISSAL OF ACTIONS.....	20
LCR 42    CONSOLIDATION; SEPARATE TRIALS.....	20
LCR 51    INSTRUCTIONS TO JURY AND DELIBERATION .....	20
LCR 53.2    COURT COMMISSIONERS .....	21
LCR 56    SUMMARY JUDGMENT .....	22
LCR 59    NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS.....	22
LCR 65    INJUNCTIONS.....	22
LCR 77    SUPERIOR COURTS AND JUDICIAL OFFICERS .....	23
LCR 79    BOOKS AND RECORDS KEPT BY THE CLERK .....	23
LCR 80    COURT REPORTERS .....	25
LCR 87    ALTERNATIVE DISPUTE RESOLUTION .....	26
<b>LOCAL RULES FOR MANDATORY ARBITRATION</b> .....	29
LMAR 1.1    APPLICATION OF RULES.....	29
LMAR 1.2    MATTERS SUBJECT TO ARBITRATION .....	29
LMAR 2.1    TRANSFER TO ARBITRATION.....	29
LMAR 2.3    ASSIGNMENT TO ARBITRATOR.....	30
LMAR 3.1    QUALIFICATIONS .....	30
LMAR 3.2    AUTHORITY OF ARBITRATORS .....	31
LMAR 4.2    DISCOVERY.....	31
LMAR 4.4    SETTLEMENT .....	32
LMAR 5.1    NOTICE OF HEARING - TIME AND PLACE - CONTINUANCE .....	32
LMAR 5.2    PREHEARING STATEMENT OF PROOF .....	32

LMAR 6.1	FORM AND CONTENT OF AWARD.....	33
LMAR 7.1	REQUEST FOR TRIAL DE NOVO.....	33
LMAR 8.1	STIPULATIONS.....	33
LMAR 8.6	COMPENSATION OF ARBITRATOR.....	33
<b>LOCAL SPECIAL PROCEEDINGS RULES.....</b>		<b>35</b>
LSPR 94.00	FAMILY AND JUVENILE COURT PROCEEDINGS.....	35
LSPR 94.01	CONCURRENT JURISDICTION OVER FAMILY COURT.....	36
	AND JUVENILE COURT ACTIONS.....	36
LSPR 94.02	MANAGEMENT OF CONCURRENT CASES.....	36
LSPR 94.03A	CASE ASSIGNMENT.....	37
LSPR 94.03B	MOTION PRACTICE.....	37
LSPR 94.03C	EX PARTE REQUESTS.....	39
LSPR 94.03D	SETTLEMENT AND PRETRIAL CONFERENCES.....	40
LSPR 94.03E	TRIALS.....	42
LSPR 94.03F	INFORMAL FAMILY LAW TRIALS [NEW RULE].....	44
LSPR 94.04	FINALIZING FAMILY LAW ACTIONS.....	45
LSPR 94.05	MANDATORY MEDIATION FOR PARENTING PLANS AND RESIDENTIAL SCHEDULES.....	47
LSPR 94.06	PARENTING SEMINARS.....	48
LSPR 94.07	APPOINTMENTS OF GUARDIANS AD LITEM.....	49
LSPR 94.08	JUDICIAL OFFICER TRAINING.....	49
LSPR 94.11	ORIENTATION IN FAMILY LAW MATTERS.....	50
LSPR 94.12	COLLABORATIVE LAW PROCESS.....	51
LSPR 94.13	PARENTING COORDINATION.....	51
LSPR 94.14	MOTIONS FOR RECONSIDERATION AND REVISION.....	53
LSPR 98.04	HEARINGS.....	53
LSPR 98.06	GUARDIANSHIP OF ESTATE REPORTS [New Rule].....	54
LSPR 98.16W	ESTATES – GUARDIANSHIP – SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS.....	54
<b>LOCAL GUARDIAN AD LITEM RULES.....</b>		<b>55</b>
LGALR 5	GUARDIAN AD LITEM APPOINTMENT PROCEDURES.....	55
LGALR 5.1	GAL REPORT REVIEW HEARING – TITLE 26.....	56
LGALR 7	GUARDIAN AD LITEM GRIEVANCE AND COMPLAINT PROCEDURES.....	56
LGALR 8	GUARDIAN AD LITEM REGISTRIES.....	59
LGALR 9	TITLE 26 GUARDIAN AD LITEM REQUIREMENTS.....	60
LGALR 10	CONTINUING REQUIREMENTS FOR TITLE 26 AND TITLE 11 RCW... GUARDIANS AD LITEM.....	61
LGALR 11	EVALUATION OF GUARDIAN AD LITEM WORK.....	61
LGALR 12	TITLE 11 GUARDIAN AD LITEM REPORTS.....	62
<b>LOCAL CRIMINAL RULES.....</b>		<b>63</b>
LCrR 1.5	STYLE AND FORM.....	63
LCrR 2.2	WARRANT OF ARREST AND SUMMONS.....	63
LCrR 3.1	RIGHT AND ASSIGNMENT OF LAWYER.....	63
LCrR 3.2	RELEASE OF ACCUSED.....	64
LCrR 3.2A	PRELIMINARY APPEARANCE.....	65
LCrR 3.3	TIME FOR TRIAL.....	65
LCrR 3.4	PRESENCE OF THE DEFENDANT.....	66
LCrR 3.5	CONFIRMATION.....	66
LCrR 4.2	PLEAS.....	66
LCrR 4.5	PRETRIAL CONFERENCE.....	66

LCrR 4.7	DISCOVERY.....	67
LCrR 4.9	PRETRIAL CONFERENCE [New rule. Recodified from LCrR 4.5.] .....	67
LCrR 6.15	INSTRUCTIONS AND ARGUMENT .....	68
LCrR 7.2	SENTENCING .....	68
<b>LOCAL JUVENILE COURT RULES .....</b>		<b>69</b>
LJuCR 3.6	ANSWER TO PETITION .....	69
LJuCR 4	SETTLEMENT AND PRETRIAL CONFERENCES FOR DEPENDENCY AND TERMINATION CASES.....	69
LJuCR 4.2	PLEADINGS .....	70
LJuCR 12	PETITIONS FOR EMANCIPATION .....	70
<b>LOCAL RULES FOR APPEAL OF DECISION OF .....</b>		<b>71</b>
<b>COURTS OF LIMITED JURISDICTIONS .....</b>		<b>71</b>
LRALJ 10.2	DISMISSAL OF APPEAL .....	71

**THURSTON COUNTY SUPERIOR COURT  
LOCAL COURT RULES  
EFFECTIVE SEPTEMBER 1, 2017**

**LOCAL GENERAL RULES**

***LGR 7 LOCAL RULES—FILING AND EFFECTIVE DATE***

**(d) Availability of Local Rules.** The appendix of forms and appendix of calendar information, referenced throughout these local rules, are available to the public on the Thurston County Superior Court web site, as well as in the Thurston County Superior Court libraries, court administration, and courtrooms at the main campus and Family and Juvenile Court.

[Adopted effective September 1, 2011.]

***LGR 28 JURY SERVICE POSTPONEMENT, EXCUSAL, AND DISQUALIFICATION***

**(b) Delegation of authority to postpone, excuse, or disqualify.**

(1) The Thurston County Superior Court judges delegate to court administration staff the authority to disqualify, postpone, or excuse a potential juror from jury duty for the reasons stated in this local court rule.

**(c) Grounds for postponement of service.** Court administration staff may postpone jury service as provided in GR 28(c).

**(d) Grounds for excusal from service.**

(1) The following are reasons jurors may be granted an excuse from jury duty:

(A) Verified medical condition if documented by a physician's statement, and elderly persons who have a medical or physical condition that prevents service as a juror.

(B) Jury service within the last year as described in RCW 2.36.100(3) ("at least two weeks of jury service within the preceding twelve months.").

(C) Sole care provider for dependent family members.

(D) Undue financial hardship, outlined in writing, when a person is not compensated for jury service by an employer, or self-employed persons who would incur financial hardship.

(E) Employee who is indispensable, as documented by employer with employee's knowledge and agreement, but only if they are unable to be assigned to serve on a short jury trial. College students may have their jury service postponed to a time when courses are not being conducted; and

(F) A showing that excusal from jury service is a public necessity.

(2) The court may require written documentation to support a request for excusal from jury service. Requests to be excused that are not made before the day of jury service must be referred directly to the judge hearing the case.

[Adopted effective September 1, 2014.]

## **LGR 29 PRESIDING JUDGE IN SUPERIOR COURT DISTRICT AND LIMITED JURISDICTION COURT DISTRICT**

### **(a) Election, Term, Vacancies, Removal and Selection Criteria – Multiple Judge Courts.**

(1) *Election.* The Board of Judges shall elect a Presiding Judge and an Assistant Presiding Judge by majority vote at a Board of Judges meeting held during October or November of odd numbered years. Vacancies in the office of Presiding Judge or Assistant Presiding Judge shall be filled by majority vote of the Board of Judges at the first Board of Judges meeting held after the vacancy is known to exist.

### **(g) Executive Committee.**

(1) *Membership.* The judges of the superior court, sitting as a whole as an executive committee, shall advise and assist the Presiding Judge in the administration of the court.

(2) *Liaison Judges.* Each judge shall be assigned responsibility for certain management areas and court functions. The responsibility of the assigned judge is to act as a liaison between the court and others concerned about court management or function. The superior court administrator shall keep a list of the liaison assignments that is available to the public.

[Adopted effective September 1, 2010.]

## **LGR 30 ELECTRONIC FILING**

### **(b) Electronic filing authorization, exception, service, and technology equipment.**

(1) The clerk may accept for filing an electronic document that complies with the court rules and the Electronic Filing Technical Standards. Electronic filing of documents and bench copies with the clerk using the Thurston County Clerk's eFile Service or an electronic service provider that uses the Clerk's eFile Service is permitted if the transmission of documents is done in a manner approved by the clerk. All electronically filed pleadings shall be formatted in accordance with the applicable rules governing formatting of paper pleadings, including GR 14.

(2) A document that is required by law to be filed in non-electronic media may not be electronically filed. The following documents must be filed in paper form, not electronically filed:

- (i) Original wills and codicils;
- (ii) Certified records of proceedings for purposes of appeal;
- (iii) Documents presented for filing during a court hearing or trial;
- (iv) Documents for filing in an aggravated murder case;
- (v) Interpleader or surplus funds petitions;
- (vi) Documents submitted for in camera review under GR 15; and
- (vii) Affidavits for writs of garnishment and writs of execution.

(3) Electronic Transmission from the Court.

(4) *Attorneys.* The court or clerk may electronically transmit notices, orders, or other documents to all attorneys using the electronic mailbox address shown on the Washington State Bar Association's online Attorney Directory. It is the responsibility of all attorneys to maintain

an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

(5) *Other parties.* The court or clerk may electronically transmit notices, orders, or other documents to any party who has filed electronically or has agreed to accept electronic documents from the court by using the electronic address provided to the clerk. It is the responsibility of the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

(6) Documents that are electronically filed do not need to be submitted to the clerk's office for filing on paper, unless paper is required under LCR 30(b)(2). However, parties are required to follow the local court rules regarding judge's copies, LCR 5(k).

**(c) Time for Filing, Confirmation, and Rejection.**

(1) An electronic document is considered filed with the clerk when it is received by the clerk's designated computer during the clerk's business hours. Any document electronically filed with the clerk by 5:00 p.m. Pacific Time on a business day shall be deemed filed with the clerk on that date. A document filed after 5:00 p.m. or on a non-business day shall be considered filed on the next business day.

(3) The clerk may reject a document that fails to comply with applicable electronic filing requirements. The clerk must notify the filing party of the rejection and the reason therefore. The clerk may also reject a document under its faulty documents policy, which can be found on the clerk's web site.

**(d) Authentication of Electronic Documents.**

(3) *Court Facilitated Electronically Captured Signatures* -- Use of electronic filing by a party or attorney shall constitute compliance with CR 11's signature requirement. Documents containing signatures of third-parties (for example, affidavits and stipulations) may also be filed electronically as set forth in GR 30(d)(2). A copy of the electronically filed document with signatures shall be maintained in paper or electronic form by the filing party and made available for inspection by other parties or the court upon request.

**(e) Filing fees, electronic filing fees.**

(1) All statutory filing fees shall be collected and paid for electronically filed documents according to the methods approved by the Thurston County Clerk.

[Adopted effective September 1, 2013; amended effective October 26, 2015, September 1, 2016, September 1, 2017.]

**LGR 33 REQUESTS FOR ACCOMMODATION UNDER THE ADA**

**(b) Process for Requesting Accommodation.**

(1) Requests for accommodation under GR 33 shall be presented to either the Superior Court Administrator or the Assistant Superior Court Administrator, provided, that a need for accommodation that arises less than 48 hours before a scheduled hearing, may be presented to the judicial officer scheduled to hear the proceeding.

[Adopted effective September 1, 2007.]

***LGR 34. WAIVER OF COURT AND CLERK'S FEES AND CHARGES IN CIVIL MATTERS ON THE BASIS OF INDIGENCY [NEW RULE]***

(a) A party may seek waiver of fees to obtain a compact disc or transcript of a hearing if necessary to resolve a motion before the Superior Court. To do so, the party must make a motion to the judge who is assigned to the case or to the motion at issue (such as revision motion). The judge will assess whether the party is indigent under GR 34 and whether the requested service is a condition precedent to the litigant's ability to secure access to judicial relief.

[Adopted effective September 1, 2017.]



# LOCAL CIVIL RULES FOR SUPERIOR COURT

## 1. INTRODUCTORY (Rules 1-2A)

### **LCR 1 SCOPE OF RULES**

These local civil rules do not apply to proceedings heard at Family and Juvenile Court pursuant to LSPR 94.00 unless these rules state otherwise.

[Adopted effective September 1, 2010. Amended effective September 1, 2017.]

## 2. COMMENCEMENT OF ACTION: SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS (Rules 3-6)

### **LCR 3 COMMENCEMENT OF ACTIONS**

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

**(1) *Assignment and Reassignment of Judge.***

**(A)** Cases that are assigned to a judge. All civil cases shall be assigned to a trial judge, unless these rules provide otherwise. The County Clerk 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. The court will not individually notify parties when a case is reassigned because a judge is no longer assigned to the trial department. The court will instead make public notices about such reassignments.

**(B)** Cases that are not assigned to a judge. The clerk will not assign a judge for the following types of cases:

- (i) Unlawful detainer cases;
- (ii) Appeals from a department of licensing revocation;
- (iii) Civil, non-traffic infraction appeal cases;
- (iv) Civil, traffic infraction appeal cases;
- (v) Tax warrants;
- (vi) Petitions for relief from registration as a sex or kidnapping offender;
- (vii) Petitions to restore firearm rights; and
- (viii) Foreign subpoenas.

A party may file a motion to ask for a judge assignment for these cases. The court may also direct the clerk to issue a judge assignment on its own motion.

**(2) *Assignment of Trial Setting Date.*** The County Clerk shall assign a trial setting date to all civil cases subject to this rule, unless it is the following type of case:

- (A) Unlawful detainer cases
- (B) Tax warrants;
- (C) Petitions for relief from registration as a sex or kidnapping offender;

- (D) Petitions to restore firearm rights;
- (E) Transcripts of judgments;
- (F) Subpoenas;
- (G) Abstracts of judgments or filing of a judgment from another jurisdiction;
- (H) Minor settlements; or
- (I) Public Records Act Cases. Public Records Act cases have expedited scheduling under LCR 16, “Pretrial Procedure and Motions.”

(J) *Notice for Ballot Title Appeals.* The clerk shall identify ballot title appeals when they are filed, and shall issue a court-approved “notice of assignment and notice of ballot title appeal deadlines” form for those cases in accordance with the procedures in section (e)(3) above.

The clerk shall also provide an assignment of trial setting date to RALJ appeals. A party requesting a trial de novo shall obtain a trial scheduling date under the procedure outlined in the Local Mandatory Arbitration Rules (LMAR 7.1).

(3) *Notice of Assignment and Notice of Trial Scheduling.* The clerk will prepare and file a “notice of assignment and notice of trial scheduling” in accordance with these rules and court policy, on a form that the court approved. The clerk will provide one copy to the plaintiff or petitioner. The notice of assignment and notice of trial setting will designate the case title and cause number, the date of filing, the judge to whom the case is assigned, and the date for the trial setting.

[Adopted effective September 1, 2010; amended effective September 1, 2011, September 1, 2013, September 1, 2014, September 1, 2017.]

## **LCR 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

### **(d) Filing.**

(1) *Time.* Briefs shall be submitted on the following schedules, unless the court orders otherwise or a state-wide law or rule provides otherwise:

(A) Trial briefs. Trial briefs shall be filed and served at least two days before trial.

(B) Appeals from administrative agency action. The petitioner’s brief shall be filed and served not later than 45 calendar days before oral argument. The respondent’s brief shall be filed and served 25 calendar days before oral argument. The petitioner’s reply brief shall be filed and served not later than 15 calendar days before argument.

(C) Civil motions. Unless otherwise provided in these rules, briefs and all supporting materials for motions shall be filed and served before 12:00 noon, six court days before the hearing. Opposing briefs and materials shall be filed and served before 12:00 noon, three court days before the hearing. Reply briefs shall be filed and served before 12:00 noon, two court days before the date scheduled for hearing.

(D). Dispositive Motions. Motions for summary judgment (CR 56). motions filed under CR 12(b)(6), and motions filed under CR 12(c) shall be filed and served as provided in CR 56 and LCR 56, and shall be scheduled on the court’s dispositive motion calendar.

(E) Motions for Reconsideration. Motions for reconsideration shall be filed and served as provided in these local rules and state rules governing such motions (CR 59 and LCR 59).

(F) Sexually Violent Predator Annual Review Hearings. Annual review hearings regarding sexually violent predators shall be briefed on a schedule provided by the court when the court approves scheduling the hearing under LCR 7(b)(6).

(G) Ballot Title Appeals. Briefs in ballot title appeals shall be filed and served on the following schedule: the petitioner’s opening brief is due by 5:00 p.m. three court days after the

petition is filed, response briefs are due at noon six court days after the petition is filed, and the reply brief is due at noon seven court days after the petition is filed. The petition can serve as the opening brief if it clearly indicates in the petition that no opening brief will be filed.

**(k) Judge's Copy.** A copy of all documents files with the County Clerk shall be provided to court administration at or before the time of filing.

(1) *Generally.* Each judge's copy of a pleading shall be identified as the judge's copy and shall identify the date, time, and the judge before whom or the calendar on which the matter is scheduled to be heard, in substantially the following format in the top left hand corner of the first page. If the documents does not meet these guidelines, it is subject to being recycled:

Hearing date: _____
Hearing time: _____
Judge/Calendar: _____
_____

(2) *Attachments and Exhibits.* Judge's copies that contain attachments and exhibits that cannot be secured with a staple shall be placed in a three-ring binder, with tabs designating the attachments and exhibits.

(3) *Administrative Record.* Judge's copies of brief that cite to an administrative record shall attach the portions of the administrative record that is cited.

(4) *Electronic Copy.* Parties may not submit electronic judge's copies of pleadings or attachments unless the court directs the parties to do so or other rules require electronic copies.

[Amended effective September 1, 1994; September 1, 1997; September 1, 2000; September 1, 2004; September 1, 2005; September 1, 2010; September 1, 2011; September 1, 2013; September 1, 2014; September 1, 2016; September 1, 2017.]

### 3. PLEADINGS AND MOTIONS (Rules 7 - 16)

#### **LCR 7 PLEADINGS ALLOWED; FORMS OF MOTIONS**

##### **(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 and supporting documents.

(B) In-person ex parte presentation. Ex parte matters may be submitted as follows:

(i) by presentation on the ex parte calendar; or

(ii) by presentation at the beginning of the assigned judge's Friday motion calendar.

Motions for temporary restraining orders may be scheduled for a hearing on the assigned judge's civil motion calendar, or presented on the ex parte calendar in compliance with LCR 65.

(C) Alternative presentation by mail or commercial delivery. Agreed orders, orders when notice of presentation is waived, and ex parte orders based on the record in the file may be presented by mail or commercial delivery to the County Clerk. The original order, supporting

materials, and the required fee as set forth in the clerk's fee schedule must be included in the mail or delivery. The materials should identify the assigned judge. If accepted by the clerk, the proposed order will be presented to a judicial officer for consideration. If rejected by the clerk, the proposed order will be returned to the sender for resubmission or in-person presentation as permitted in subsection (B) above. Self-addressed, stamped envelopes, along with copies of the proposed order, must be provided if return of any conformed materials or denial orders is sought.

(5) *Telephonic Argument for Motion Hearings.*

(A) Generally. This rule applies to all matters held in the "main campus" courthouse, including adult criminal matters and civil matters, but does not apply to matters held at the Family & Juvenile Court. Telephonic hearings are disfavored. Telephonic appearances are sometimes appropriate as a disability accommodation or under other extenuating circumstances.

(B) Motion. A party who seeks to request a telephonic appearance shall file a timely motion. Such a motion may be brought by any party to assist a person with limited communications, such as an inmate.

(i) Civil Cases and Trials. Motions for telephonic appearance in civil cases must be presented on the assigned judge's civil motion calendar. The motion to appear telephonically must be noted for hearing at least one week before the matter for which a telephonic appearance is sought. The assigned judge will rule on the motion to appear telephonically without oral argument.

(ii) Criminal Motions. Motions for telephonic appearance for criminal motion calendars must be presented to a criminal division judge. The motion may be made ex parte at the beginning of any criminal calendar. The moving party may also note the motion for consideration on the criminal miscellaneous calendar, and the criminal division judge will rule on the motion to appear telephonically without oral argument.

(C) Procedure. The party who was granted a telephonic hearing may contact the assigned judge's judicial assistant for instructions at least two business days before the telephonic hearing. A party who is granted a telephonic hearing has the same duties as parties who appear in person, including the duties to provide judges' copies of pleadings and to provide a proposed order.

(6) *Civil Motion Calendar.* Civil motions will be heard by the assigned judge on a Friday civil motion calendar unless the court or rules direct otherwise. Motions scheduled on the civil motion calendar are heard with oral argument, unless otherwise directed by the court. The following motions must be scheduled on the dispositive motion calendar of the Friday civil motion calendar:

(A) motions for summary judgment (CR 56);

(B) motions to dismiss for failure to state a claim upon which relief can be granted (CR 12(b)(6)); and

(C) motions for judgment on the pleadings (CR 12(c));

The following types of motions must be specially scheduled by the assigned judge's judicial assistant: Ballot title appeals and Sexually Violent Predator annual reviews. No other matters may be scheduled through the judicial assistant.

(7) *Striking or Continuing Hearing Dates.* The moving party must timely strike or continue any hearing that will not go forward on the scheduled date. This rule applies to all Superior Court matters, including civil, criminal, juvenile, and family court cases. Strikes and continuances must be communicated to the clerk's office through the "notice of hearing continued or stricken/cancelled" form available on the clerk's web page. Bench copies of the notice to strikes or continuance must promptly be provided to the court. Upon receipt of such a notice, the clerk shall then promptly inform the court. If an interpreter has been requested, a party who cancels or continues a hearing shall notify the interpreter coordinator of the change

promptly after knowledge that the matter will not be heard. Violation of this rule may result in sanctions imposed against the moving party or parties. The court may issue a show cause order to consider whether sanctions shall be issued.

(A) **Deadline.** Hearings that must be scheduled on 28 days' notice to the clerk shall be stricken or continued at least five court days before the hearing. All other hearings shall be stricken or continued at least two court days before the hearing.

(B) **Sanctions.** If a party fails to properly strike or continue a hearing under this rule, the court may impose sanctions against that party. The court shall give five days' notice of its motion for sanctions, and the parties may present briefing and oral argument regarding whether sanctions are appropriate. Sanctions may include, but are not limited to, judgment against the moving party for costs and terms relating to the violation and hearing on sanctions, including a reasonable attorney fee and sanctions payable to the court up to \$500.

(C) **Factors in Imposing Sanctions.** Sanctions shall not be imposed upon a showing of good cause or if justice requires foregoing sanctions. Monetary sanctions shall not be imposed upon a showing of indigency or if the sanctions would hamper the party's ability to access the court system. Further, sanctions shall not be imposed when a hearing was not necessary due to settlement or agreement by the parties to resolve the matter outside the court system, unless the settlement or agreement was known to the parties before the deadline to strike the hearing.

(9) **Time for Oral Argument.** Each side will be allowed ten minutes to argue a contested motion, including rebuttal, unless the court allows additional time.

**(e) Ballot Title Appeals.** Challenges to ballot title appeals are subject to a special process that is outlined in LCR 3, LCR 5, and LCR 40.

**\*Commentary:** The purpose of this rule is to provide notice to the parties and the court when motions will not be heard, in consideration of the phase-out of the confirmation process.

[Adopted effective September 1, 2010. Amended effective September 1, 2013; September 1, 2014; September 1, 2015; September 1, 2016; September 1, 2017.]

## **LCR 10 FORM OF PLEADINGS AND OTHER PAPERS**

**(d) Format Requirements.** In addition to the General Rules' requirements for Format for Pleadings and Other Papers (GR 14), all briefs must comply with the following requirements:

(1) **Brief Titles.** Briefs shall be titled with the submitting party's designation (e.g., plaintiff, defendant) and (A) "Opening Brief" or "Brief in Support of Motion . . ."; (B) "Responding Brief" or "Brief Opposing Motion . . ."; or (C) "Reply Brief."

(2) **Length of Brief.** Opening and responding briefs for trials, appeals from administrative agency rulings, Sexually Violent Predator annual review hearings, and motions to dismiss or for summary judgment shall not exceed 25 pages. Reply briefs for these matters shall not exceed ten pages. Opening and responding briefs for non-dispositive motions shall not exceed fifteen pages. Reply briefs for non-dispositive motions shall not exceed eight 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) **Font.** The text of any brief must appear double spaced and in print as twelve 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 ten point or larger type.

(4) *Service and Filing.* Every filed document 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:

Hearing date: _____
Hearing time: _____
Judge/Calendar: _____
_____

[Amended effective September 1, 2002; September 1, 2004; September 1, 2005; September 1, 2010; September 1, 2011; September 1, 2014; September 1, 2017.]

**LCR 11 SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS**

(a)(1) *Required Information.* Each party appearing pro se (*i.e.*, self-represented without an attorney) must state on every pleading and other documents submitted to the court or filed with the county clerk: (1) a telephone or message number, (2) a mailing address where materials may be sent to the party, (3) a physical address where service may be made on that party; and (4) their email address if the person has one. 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.

(2) *Notice to Opposing Parties.* Each party appearing pro se (*i.e.*, 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 county clerk in the same manner required of attorneys in the Civil Rules. All copies must contain the required information identified in subpart (a)(1) 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 who 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 to a party. Any such order or ruling may be reduced to judgment.

[Amended effective September 1, 1994; September 1, 2006; September 1, 2010, September 1, 2016.]

## **LCR 12 DEFENSES AND OBJECTIONS**

**(b) How Presented.** Motions made under CR 12(b)(6) shall be scheduled on the court's dispositive motion calendar at least 28 days before the hearing date and shall follow the briefing schedule set forth in CR 56, regardless of whether the moving party presents matters outside the pleadings to support the motion.

**(c) Motion for Judgment on the Pleadings.** Motions for judgment on the pleadings shall be scheduled on the court's dispositive motion calendar at least 28 days before the hearing date and shall follow the briefing schedule set forth in CR 56, regardless of whether the moving party presents matters outside the pleadings to support the motion.  
[Adopted effective September 1, 2016.]

## **LCR 16 PRETRIAL PROCEDURE AND MOTIONS**

**(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 trial administration, 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.

### **(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 the plaintiff with a notice setting a status hearing 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, the 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 hearing be reset.

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

(E) The status hearing 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 table. In cases with numerous records at issue, or if ordered by the judge, a table shall be submitted as part of the in camera procedure. Any table, grid, or spreadsheet is acceptable if it complies with the terms of this rule. The table must clearly identify which records are claimed entirely exempt and have been withheld and which records have been redacted in part. The table(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 table 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; September 1, 2003; September 1, 2004; September 1, 2006; September 1, 2010; September 1, 2011; September 1, 2013.]

## 6. TRIALS (Rules 38 - 53.4)

### LCR 38 JURY TRIAL OF RIGHT

**(b) Demand for Jury.** The demand for jury trial shall be on a separate document.

[Effective September 1, 2004.]

### **LCR 40 ASSIGNMENT OF CASES**

#### **(b) Methods.**

(1) *Scheduling of Trials and Final Hearings on Appeal.* This rule applies to trials and "final hearings." "Final hearing" means the final adjudication by a Superior Court Judge of an appeal from an administrative agency, District Court, Municipal Court, or other lower tribunal. Trials and final hearings are scheduled through an administrative procedure called a "trial setting date."



Parties do not appear on the trial setting date, and they may not communicate with the court regarding scheduling trials or final hearings in any manner except through the scheduling questionnaire or a motion to the assigned judge. This prohibition applies to cases in which a continuance is sought or granted. On or after the trial setting date, the court will review the case for readiness and will review any scheduling questionnaires that the parties submit. The court will attempt to resolve conflicts administratively. The court will issue a case schedule order if the case is ready, as explained in section (3), and all conflicts are resolved.

(2) *Scheduling Questionnaire.* A scheduling questionnaire is a form that allows parties to present information that is relevant to creating a case schedule order. The form is found on the web sites for the court and county clerk, and at the clerk's office. There is a special scheduling questionnaire for ballot title appeals. Scheduling questionnaires ask questions such as the anticipated length of the trial or final hearing, whether a jury demand has been filed, and dates on which the parties and counsel are unavailable for the trial or final hearing. All parties are strongly encouraged to complete a scheduling questionnaire. The questionnaire is the sole means to communicate with the court about information related to scheduling the trial or final hearing, as well as the deadlines in the case schedule order. Failure to timely file the questionnaire is not grounds to continue the trial setting date.

(A) Service of notice of assignment, notice of trial setting, and blank scheduling questionnaire.

(i) Generally. In all cases subject to this rule except ballot title appeals, the plaintiff or petitioner shall serve the notice of assignment, notice of trial setting, and a blank scheduling questionnaire to all defendants and respondents at least 14 calendar days before the trial setting date for the case. A counterclaimant or cross-claimant shall also serve all responsive parties to the counterclaim or cross-claim at least 14 calendar days before the trial setting date for the case.

(ii) Ballot title appeals. In a ballot title appeal, the petitioner shall serve a "notice of ballot title appeal deadlines" and a blank ballot title scheduling questionnaire within one court day of filing the petition to the attorney general and to the person proposing the measure (i.e., the sponsor) if the appeal is initiated by someone other than that person. For purposes of notice under this rule (LCR 40), the initiative sponsor may be served at the email address that the sponsor provided to the Secretary of State.

(B) Deadlines for completing scheduling questionnaires.

(i) Generally. In all cases subject to this rule except for ballot title appeals, the plaintiff or petitioner must file and serve any completed scheduling questionnaire five court days before the trial setting date. Respondents, defendants, and all other parties must file and serve any completed scheduling questionnaire two court days before the trial setting date by 12:00 p.m. Agreed scheduling questionnaires may also be submitted two court days before the trial setting date by 12:00 p.m. Parties are encouraged to meet and confer about the case scheduling before submitting scheduling questionnaires, and are encouraged to submit agreed scheduling questionnaires.

(ii) Ballot title appeals. In a ballot title appeal, the petitioner must file and serve any completed scheduling questionnaire within one court day of filing the petition. Respondents, sponsors, and all other parties must file and serve any completed scheduling questionnaire four court days after the petition was filed.

(3) *Readiness for Scheduling.* The court will enter a case schedule order only if the case is ready to be scheduled. If a case is not ready on its trial setting date, the court will strike the matter from the administrative docket and will not continue it.

(A) Readiness generally. A case is not ready to be scheduled unless there is timely proof

of service of the scheduling questionnaire on all defendants or respondents. A case may be ready regardless of whether any party has timely completed and filed a questionnaire. The court will enter a case schedule order without input from parties if they have not completed and filed questionnaires.

(B) Civil litigation. Civil litigation is not ready to be scheduled unless:

(i) for each defendant, there is either proof of service or an answer or responsive pleading in the file; and

(iii) at least one answer or responsive pleading has been filed.

(C) Appeals from administrative agencies, district court, and municipal courts. Cases in which the court is sitting in an appellate capacity are ready to be scheduled only after the appellate record has been delivered to the county clerk or the appellant certifies that the record at this court is complete. Additionally, the court may determine that the appeal is not ready if the administrative record was submitted in a form that does not substantially comply with these local court rules.

(D) Mandatory arbitration. Cases subject to the mandatory arbitration rule shall be transferred to mandatory arbitration before the trial setting date for the case, according to the procedure outlined in the local mandatory arbitration rules.

(E) Ballot title appeals. Ballot title appeals will receive a trial setting date six court days after the petition is filed. These appeals are ready to be scheduled if:

(i) the appeal deadline for filing a ballot title appeal has passed; and

(ii) there is proof of service of the notice of assignment & notice of ballot title appeal deadlines on the attorney general and the sponsor, unless the sponsor is also the petitioner.

(4) *Striking Trial Setting Dates.* The court will strike a trial setting date if the case is not ready to be scheduled. The court will not notify parties that the scheduling date has been stricken. A party must consult the case file to determine whether the scheduling date was stricken or to view a case schedule order that the party has not yet received. If a matter is stricken, a party must schedule a new trial setting date in order to receive a case schedule order. The court will not continue trial setting dates on the ground that they are not ready to be scheduled. A party in a ballot title appeal may be sanctioned by the court, after prior notice and an opportunity to be heard, if the case was not ready to be scheduled on the trial setting date. Sanctions may include dismissal of the petition, costs, attorney fees, and other sanctions deemed appropriate by the court.

(5) *Parties May Obtain a Trial Setting Date.* For most cases, the county clerk will issue a trial setting date when the case is filed. A party may also obtain a trial setting date by filing a timely notice of issue form and timely serving the other parties with notice and a blank copy of the scheduling questionnaire. Further, by filing a notice of issue form and proof of agreement or court order, all parties may arrange an earlier date for scheduling than the date provided by the clerk. This procedure also applies when a judge has granted a motion for a continuance. The trial setting date will occur on the date scheduled by the notice of issue or court order, and the judicial assistant will review scheduling questionnaires and any objections to scheduling after that date. A party may also move the court, with notice to other parties, for an order allowing an earlier trial setting date.

(6) *Special Scheduling Procedures and Deadlines.* These local court rules do not replace or modify scheduling procedures or deadlines that are required by law, such as the Land Use Petition Act or Trust and Estate Dispute Resolution Act.

(7) *Entry and Modification of Case Schedule Order.* On or after the trial setting date, the judicial assistant will present the case schedule order to the assigned judge for entry without

further notice. Amendments to the schedule may be obtained only by obtaining an amended case schedule order. Agreed amendments to change any date in the case schedule order may be presented ex parte to the assigned judge. Agreed amendments to change the deadline for any date on the case schedule order other than the trial date must contain the parties' certification that the agreement will not serve as a basis to change the trial date, unless expressly waived by the assigned judge. Contested motions to amend and motions to amend the deadline for dispositive motions, alternative dispute resolution, or trial must be ruled on by on the assigned judge. Contested motions must be noted on the assigned judge's civil motion calendar, while agreed motions may either be noted or presented the ex parte. The court may amend deadlines affecting the court, including the trial date, on its own motion. In that event, the judicial assistant will prepare, file, and serve the amended case schedule order.

(8) *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.

**(e) Continuances.**

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

(2) *Presentation of Motion.* A motion to continue a deadline on the case schedule order must be presented in the manner described in this rule regarding "entry and modification of case schedule order."

(3) *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. If the trial is continued, a new trial date must be established in an amended case schedule order.

(4) *Obtaining a New Trial Date.* If a motion for continuance is granted, parties may obtain a new trial date by following the procedure outlined above in the section entitled "parties may obtain a trial setting date." The general prohibition on contacting judicial assistants on trial setting matters applies to continuances.

**(f) Change of Judge.** If a timely affidavit of prejudice under RCW 4.12.050 is filed, the superior court scheduling coordinator shall assign a new judge. Notice of the new assignment and trial setting date shall be provided to all parties and attorneys of record.

[Amended effective September 1, 1994; March 4, 1996; September 1, 1997; September 1, 2006; September 1, 2008; September 1, 2010; September 1, 2011; September 1, 2013; September 1, 2016; September 1, 2017.]

## **LCR 41 DISMISSAL OF ACTIONS**

### **RULE RESCINDED**

[Adopted effective September 1, 1997; amended effective September 2, 2010, rescinded effective September 1, 2016.]

## **LCR 42 CONSOLIDATION; SEPARATE TRIALS**

**(a) Consolidation.** Consolidated actions shall be consolidated into the case that was filed first. Motions to consolidate must be presented to the judge who was assigned to the case that was filed first. The court may waive these requirements for good cause.

[Adopted effective September 1, 2014.]

## **LCR 51 INSTRUCTIONS TO JURY AND DELIBERATION**

### **(b) Submissions.**

(1) *Time for Submission.* Unless otherwise ordered by the court, proposed jury instructions shall be filed and served no later than at noon, one business day before trial.

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

(A) *To the Clerk:* A set of instructions numbered and with citations, and a set that is numbered and without citations, shall be filed with the county clerk. The numbered and unnumbered proposed instructions may be submitted together as one document.

(B) *To Attorneys:* A set of instructions numbered and with citations shall be served on every other attorney or self-represented party appearing in the case.

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

(i) a set of instructions numbered and with citations and a set of instructions without numbers and citations in electronic format submitted via e-mail to the judge's assistant, preferably in Word for Windows format, with all proposed instructions in a single computer file; and

(ii) a hard copy set of printed instructions numbered and with citations; and

(iii) a hard copy set of printed instructions without numbers or citations.

**(c) Form.** Proposed jury instructions shall be submitted to the Judge, shall be typed and double spaced, and each proposed jury instruction shall be on a separate letter-size sheet of paper. 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; September 1, 2010; September 1, 2017.]

## **LCR 53.2 COURT COMMISSIONERS**

### **(e) Revision by Court.**

(1) *Scope of Rule.* This rule applies to all motions for revision, whether the court commissioner presided over a hearing at the Main Campus Courthouse or at Family & Juvenile Court.

(2) *Filing and Service Deadline.* A motion for revision must be filed within ten days after the commissioner's order or judgment is entered (RCW 2.24.050) and must be served in the manner and time required by CR 5 and CR 6.

#### (3) *Findings of Fact and Conclusions of Law.*

(A) A party moving for revision shall either:

(i) 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; or

(ii) provide a copy of the transcript of the Court Commissioner's ruling, which will constitute findings of fact and conclusions of law.

(B) The Administrative Office of the Court-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.

(4) *Form of Motion.* A party moving for revision is encouraged to specify each alleged error and identify each document in the court file related to the issues raised by the motion for revision.

(5) *Hearing on Motion.* At the time a motion for revision is filed, the moving party shall schedule a hearing 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.

(A) Motions at Family & Juvenile Court. Revision motions for matters heard at the Family & Juvenile Court shall be scheduled on the Family & Juvenile Court revision calendar.

(B) All Other Motions. Revision motions for matters that were not heard at the Family & Juvenile Court shall be scheduled on the assigned judge's civil motion calendar if a judge is assigned. If the case does not have a judge assignment, the motion shall be scheduled on the civil miscellaneous calendar.

#### (6) *The Record.*

(A) The motion for revision shall be heard upon the record before the court commissioner.

(B) A transcript is required for all motions for revision in which there was live testimony. A party moving for revision is responsible for ensuring that the transcript of the proceedings is filed with the court at least five court days before the hearing for the motion. To order the transcript, the moving party must contact the official court reporter who is assigned to Family and Juvenile Court within five days of filing the motion for revision. The moving party is responsible for paying for the transcript or obtaining a fee waiver if he or she is indigent.

(7) *Scope of Motion.* The court may revise any order or judgment that 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 that are not related to the motion for revision without a separate motion, except:

(A) the court may consider requests for attorney 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 for an order denying a motion for reconsideration.

#### (8) *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 or judgment shall be effective upon entry of an order or judgment unless stayed by court order pending hearing on a motion for revision.

[Adopted effective September 1, 2015. Amended effective September 1, 2016; September 1, 2017.]

## 7. JUDGMENT (Rules 54-63)

### LCR 56 SUMMARY JUDGMENT

**(c) Motion and Proceedings.** The adverse party to a summary judgment motion may file and serve opposing affidavits, memoranda of law, or other documentation not later than 12 calendar days before the hearing. Rebuttal documents are due 6 calendar days before the hearing. If the date for filing either the response or rebuttal falls on a Saturday, Sunday, or legal holiday, then it shall be filed and served not later than the next day nearer the hearing which is neither a Saturday, Sunday, or legal holiday.

[Amended effective September 1, 1994; September 1, 2010; September 1, 2017.]

### LCR 59 NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

#### **(b) Time for Motion; Contents of Motion.**

(1) *Procedures for Orders for Reconsideration.* Briefs and affidavits or declarations in support of a motion for reconsideration shall be filed and served when the motion is filed. At the time of filing, the moving party shall provide judge's copies of the motion, brief, affidavit, proposed order, and notice of issue to court administration. Each judicial officer reserves the right to strike the hearing and decide the motion without oral argument. Moving parties shall comply with the state-wide rule governing reconsideration, CR 59. Briefs and materials opposing a motion for reconsideration, and reply briefs and materials shall be filed in accordance with the local rule for "service and filing of pleadings and other papers" (LCR 5).

[Amended effective September 1, 1994; September 1, 1997; February 9, 1999; September 1, 2000; September 1, 2003; September 1, 2004; September 1, 2007; September 1, 2010; September 1, 2011; September 1, 2013; September 1, 2014; September 1, 2017.]

## 8. PROVISIONAL AND FINAL REMEDIES (Rules 64-71)

### LCR 65 INJUNCTIONS

#### **(b) Temporary Restraining Order; Notice; Hearing; Duration.**

(1) *Procedure.* A party seeking a temporary restraining order (TRO) shall appear on the civil ex parte calendar. The judicial officer will assess whether the matter should be heard by the assigned judge. The matter may be heard immediately on the ex parte calendar if appropriate, or may be scheduled for a later time or date. If the TRO is heard on the ex parte calendar, it will not be on the record. Judge's copies of TROs on the ex parte calendar are not required and will not be considered.

[Adopted effective September 1, 2010. Amended effective September 1, 2016; September 1, 2017.]

## 10. SUPERIOR COURTS AND CLERKS (Rules 77-80)

### LCR 77 SUPERIOR COURTS AND JUDICIAL OFFICERS

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

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

(A) Criminal Division. The Criminal Division will hear all criminal pretrial proceedings, including but not limited to preliminary appearances, arraignments, omnibus hearings and pretrial conferences, pretrial motions, changes of plea, sentencing, and noncompliance. The Criminal Division 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.

(B) Family and Juvenile Court. The Family and Juvenile Court division will hear all matters brought pursuant to RCW Titles 11, 13, and 26, and truancy petitions filed in Superior Court. Other cases may be heard by the Family and Juvenile Court division as set forth in the Local Rule for Family and Juvenile Court Proceedings (LSPR 94.00).

(C) Trial. The Trial division will hear all civil matters except cases designated as Family & Juvenile Court cases and those special proceedings assigned to a different division by these rules or court order. A judge in this division will hear all matters in the cases assigned to the judge, except for ex parte matters appropriately resolved by another judicial officer or other matters which, in the discretion of the assigned judge, may be resolved otherwise.

(D) The court retains discretion to reassign matters.

(2) *Retaining Assignment of Case.* A judge may, at his or her discretion, retain assignment of a case after being reassigned to a different division.

[Amended effective September 1, 1997; September 1, 2010; September 1, 2011; September 1, 2013; September 1, 2016; September 1, 2017.]

### LCR 79 BOOKS AND RECORDS KEPT BY THE CLERK

**(a) Clerk of Court Schedule of Charges.** The clerk of the court will maintain a schedule of charges authorized by law for clerk's services. The schedule is available for public inspection and will be maintained in the clerk's office and on the clerk's web site.

#### **(b) Files.**

(1) *Filing by Clerk of Court.* All original pleading or other papers with proper caption and cause number will be file stamped, docketed and secured in the legal file by the Clerk in the order received.

(2) *Action Documents.* All pleadings that require action by the clerk, other than file stamping and docketing, shall contain the language "CLERK'S ACTION REQUIRED" in the caption beneath the case number on the first page of the document.

(3) *Conformed Copies.* All requests to the clerk for a response to an inquiry about a court file or for return of conformed copies of pleadings must be accompanied by a self-addressed, stamped return envelope.

(4) *Sealed Papers.* The county clerk shall seal and not permit examination of records sealed by court order or by operation of law (GR 15, GR 22). If sealed, papers may be unsealed only by

court order, by motion and with notice, in conformity with GR 15.

**(c) Exhibits.**

(1) *Exhibit Files.* The exhibits in all cases shall be kept by the clerk separate from the files of the case.

(2) *Exhibit Inspection.* Exhibits may be inspected in the clerk's office only in the presence of the clerk of the court or a deputy clerk.

(3) *Court Records as Exhibits.* No original court record shall be admitted as an exhibit, but a copy may be admitted.

(4) *Substituted Copies of Exhibits.* For cause shown, the court may permit a copy of any document admitted in evidence to be substituted for the original.

(5) *Exhibit Packaging and Labeling.* Exhibits containing blood borne pathogens, drugs, firearms or dangerous weapons shall be properly packaged and labeled before acceptance by the court. To meet packaging and labeling requirements, exhibits shall conform to the following criteria when presented:

(A) Blood borne pathogens shall be packaged in sturdy plastic containers. If contained in a vial or hypodermic, each shall be placed in an individual sturdy plastic container. All items shall be labeled to identify the contents as potentially biologically hazardous material.

(B) Drugs shall be placed in sealed containers to prevent or reduce emissions from the container. Plainly visible labels shall identify the contents.

(C) Firearms shall be unloaded, any breech mechanism or cylinder shall be open, and a secured trigger lock shall be in place.

(D) Dangerous weapons shall have any sharp or pointed portions sheathed in a manner to prevent injury or contact with the sharp or pointed portions.

(E) Paper bags alone will not constitute proper packaging.

(6) *Videotaped Depositions.* Videotaped depositions published in open court shall be treated as court exhibits, with the same retention standards. A party who wishes to make a published videotaped deposition part of the court file must submit a certified transcript of the deposition.

(7) *Unsuitable Materials as Exhibits.* Whenever there is presented to the clerk of the court for filing any paper or material that the clerk of the court determines to be improper or inappropriate for filing, the clerk of the court shall affix a file mark thereto and apply to the court for a determination of the propriety of filing the material presented. If the court determines that the paper or material should not be made part of the file, an order shall be entered converting the material to an exhibit, and the clerk of the court shall retain the material as an exhibit to the cause. If the court determines that the material warrants being sealed, the court shall direct the clerk of the court to give notice to all parties to the cause and shall conduct a hearing on the court's motion to seal the material pursuant to GR 15.

**(d) Withdrawal of Files and Exhibits.**

(1) *Form of Administrative Records.* Unless the court orders otherwise, administrative records shall be submitted in hard copy format, consecutively paginated with Bates numbers, bound in volumes not to exceed 200 pages, and submitted with an index of the administrative record. Any party may present a motion to the assigned judge to request that the record is submitted in a different format, including electronic format.

(2) *Exhibits; Temporary Withdrawal.* Exhibits may be withdrawn temporarily from the clerk's office only by:

(i) The judge having the case under consideration.

(ii) Official court reporters for use in connection with their duties, without court order.

(iii) An attorney of record, upon court order.

The clerk shall take an itemized receipt for all exhibits withdrawn, and upon return of the exhibits they shall be checked by the clerk against the original receipts. The clerk shall keep all



receipts for such exhibits for the period of three years from date of withdrawal or return.

(3) *Failure to Return Exhibits; Sanctions.* In the event that an attorney or other person fails to return within the time required an exhibit which was temporarily withdrawn, and fails to comply with the clerk's request for its return, the clerk may, without notice to the attorney or other person concerned, apply to the court for an order for the immediate return of such exhibit. A certified copy of such order, if entered, shall then be served upon the attorney or other person involved.

(4) *Permanent Withdrawal of Exhibits.* After final judgment and expiration of the time for appeal, the court may order the permanent withdrawal of an exhibit and delivery thereof to any party or other person entitled to possession.

(5) *Return of Contraband Exhibits.* When contraband, alcoholic beverages, tobacco products or controlled substances are being held by the clerk as part of the records and files in any criminal case, and all proceedings in the case have been completed, the court may order the clerk to deliver such contraband or substances to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. The clerk shall then deliver the contraband or substances and take from the law enforcement agency a receipt which shall be filed in the case. The clerk shall also file any certificate issued by an authorized federal or state agency and received by the clerk showing the nature of such contraband or substances.

(6) *Return of Exhibits and Unopened Depositions.* When a civil case is finally concluded, and upon stipulation of the parties or court order, the clerk may return all exhibits and unopened depositions, or destroy the same.

(7) *Return of Administrative Records.* When a case for review of an administrative record is finally completed, the clerk shall return the administrative record to the officer or agency certifying the same to the court, or, upon written authorization from the officer or agency, the clerk shall destroy the record certifying same to the court.

(8) *Verbatim Report of Proceedings.* A verbatim report of proceedings shall not be withdrawn from the clerk's office except by court order.

(10) *Transcripts.* A request for a copy of a transcript prepared by a court reporter in the possession of the clerk of the court, shall be referred to the appropriate court reporter.

[Amended effective September 1, 1994, September 1, 2005; September 1, 2011, September 1, 2012, September 1, 2016.]

## LCR 80 COURT REPORTERS

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

### **(e) General Reporting Requirements.**

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

(2) *Matters Reported.* Unless otherwise ordered by the court, all court proceedings will be reported by a court reporter or electronic means. Settlement conferences will not be reported or recorded except for the settlement agreement.

(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 that 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.

(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 that have been 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.

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

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

**(g) One Official Reporter.** Only one official reporter may report the proceedings in court.

[Amended effective September 1, 1994; September 1, 2000; September 1, 2001; September 1, 2004; September 1, 2010; September 1, 2017.]

## 11. GENERAL PROVISIONS (Rules 81-87)

### **LCR 87 ALTERNATIVE DISPUTE RESOLUTION**

**(a) Alternative Dispute Resolution Choices.** Thurston County Superior Court encourages resolution of disputes without trial. To this end, the Court makes Alternative Dispute Resolution (ADR) available for civil cases in the form of settlement conferences and mediation through the program outlined in this rule. A panel of attorneys and mediators has agreed to facilitate ADR at economical, court approved rates for all parties. Alternatively, the parties may mutually agree to participate in private ADR of their choice.

**(b) Family Law Cases.** Family law cases are not covered by this rule. Settlement conferences and mediation in family law cases are addressed in LSPR 94.03(f) and 94.05.

**(c) Definitions.**

(1) *Civil case* includes all civil cases except those enumerated in LSPR 94.00.

(2) *Settlement conference attorney* means an attorney registered on the panel of ADR settlement conference attorneys maintained by the Court under this rule. See Section (g) for qualifications.

(3) *Mediator* means a person registered on the panel of ADR mediators maintained by the Thurston County Local Court Rules – 2017 – Page 26

Court under this rule. See Section (g) for qualifications.

(4) *Facilitator* means a settlement conference attorney or mediator on the appropriate panel for the type of ADR selected.

(5) *Private ADR* means mediation or other ADR privately arranged and paid for by the parties.

**(d) ADR and the Case Schedule Order.**

(1) When ADR is a requirement of the Case Schedule Order, at the time of entry of the Case Schedule Order, the type of ADR shall be selected and identified on the Order (Court settlement conference, Court mediation, or private ADR) and a deadline for completion of ADR shall be set

(2) In the event the Court's ADR program is chosen and identified in the Case Schedule Order, at any time, but no later than 60 days before the ADR deadline, the requesting party shall request that the ADR Coordinator assign a facilitator from the panel maintained by the Court by filing and serving a Request to Participate in ADR and providing a copy to the ADR Coordinator. The parties may stipulate to a facilitator from the panel maintained by the Court.

(3) Within 14 days of being notified of the appointment of the facilitator, the requesting party or its attorney shall schedule the ADR with the facilitator.

**(e) Procedures for the Court's ADR program.**

(1) *Scope of this section.* The requirements of this section and the remainder of this rule apply only to the Court's ADR program, and not to private ADR. The Court's ADR program may be requested independent from, and in addition to, the Case Schedule Order.

(2) *Requests for ADR.* When the Court's ADR program has not been identified in the Case Schedule Order, any party desiring to participate in the Court's ADR program shall file a Notice of Request to Participate in ADR and provide a copy to the ADR Coordinator (see Forms Appendix). The Notice shall designate the ADR model selected (settlement conference or mediation).

(3) *Notice.* A party requesting to participate in the Court's ADR program shall serve a copy of the Notice of Request to Participate in ADR and a copy of this rule on all parties, counsel and the ADR Coordinator.

(4) *Participation Required.* All parties and counsel notified shall be required to participate in the Court's ADR program, unless an objection is made pursuant to Section 6 below and the Court grants a waiver.

(5) *Selection of Facilitator.* The ADR Coordinator shall select a facilitator from the panel maintained by the Court. The parties will be notified as soon as the facilitator has been appointed. Alternatively, the parties may stipulate to a facilitator from the panel maintained by the court.

(6) *Objection and Waiver.* Any party objecting to participation in the Court's ADR program shall immediately notify all other parties. If the objection is not resolved between the parties within 14 days from the notice of the Request to Participate in ADR, the requesting party shall request that the judicial assistant for the assigned department schedule a teleconference between the parties and the assigned judge. The judge may require ADR or waive participation.

**(f) ADR Session.**

(1) *Scheduling.* When the Court's ADR program is included in the Case Schedule Order, the requesting party shall schedule the ADR directly with the facilitator. When ADR results from a Request to Participate, the requesting party shall also schedule the ADR. Scheduling shall be done within 14 days from assignment of the facilitator. ADR may be conducted at the facilitator's private office, the courthouse, or any other agreed upon and available location.

(2) *Statements.* At least three days before the ADR session, each party shall deliver to the facilitator and all other parties or counsel a statement containing a concise discussion of all relevant factual and legal issues presented by the lawsuit. Written statements are not required for mediations conducted by the Thurston County Dispute Resolution Center.

(3) *Fees.* A fee of \$100 per participating party will be charged for the first two hours of the ADR session. The fee is payable to the facilitator by check or money order at the start of the ADR session. Facilitators will charge for additional sessions or time at their customary rates. The initial two-hour session fee may be waived by the Court on proof of indigency.

(4) *Participation.* All parties and counsel shall attend the ADR session.

(5) *ADR Report.* Within 5 days after the completion of ADR, the facilitator shall file an ADR Report indicating whether the case has been resolved. A copy of the ADR Report shall be provided to the judicial assistant of the assigned judicial department and to the ADR Coordinator.

**(g) Qualifications.**

(1) *Settlement Conference Panel.* Settlement conferences shall be conducted by attorneys. To conduct a settlement conference under this rule, an attorney must be a member of the Washington State Bar Association who has been admitted to the Bar for a minimum of 10 years and who has included the type of case assigned in the attorney's areas of practice for at least 10 years.

(2) *Mediator Panel.* To mediate under this rule, a mediator must have completed a recognized program with at least 40 hours of instruction or training and be approved by the Court.

[Effective September 1, 1997; amended effective December 30, 1999; June 1, 2000; amended effective September 1, 2004, September 1, 2005, September 1, 2007.]

# LOCAL RULES FOR MANDATORY ARBITRATION

## 1. SCOPE AND PURPOSE OF RULES

### **LMAR 1.1 APPLICATION OF RULES**

The purpose of mandatory arbitration of civil actions under chapter 7.06 RCW, as implemented by the Mandatory Arbitration Rules, is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of \$50,000 or less. The Mandatory Arbitration Rules, as supplemented by these local rules, are not designed to address every question which may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

[Effective April 1, 1984, amended May 1, 1990; amended effective September 1, 2000, September 1, 2007, September 1, 2011.]

### **LMAR 1.2 MATTERS SUBJECT TO ARBITRATION**

Claims valued up to \$50,000, exclusive of interest and costs, are subject to arbitration.

[Effective September 1, 2011.]

## 2. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

### **LMAR 2.1 TRANSFER TO ARBITRATION**

**(a) Transfer Procedure.** A party to a civil case should file and serve a completed notice of arbitration setting at least 10 calendar days before the trial scheduling date. The notice of arbitration setting shall be in the form prescribed by the court. If all parties do not agree to the notice of arbitration setting, an objecting party shall file and serve an objection to arbitration before the trial scheduling date. Objections will be addressed on the date the case is noted for transfer to arbitration. If no party objects, the case shall be transferred to arbitration after payment of any required fee. Mandatory arbitration fees are subject to General Rule 34, and shall not be required from indigent parties. After assignment of an arbitrator, a party may object to arbitration only by motion to the court.

**(b) Effect of Transfer.** The assigned judge will retain the assignment after the case is transferred to arbitration.

[Effective April 1, 1984; amended effective May 1, 1990, September 1, 1997, September 1, 2000, September 1, 2008, September 1, 2011, September 1, 2013.]

### **LMAR 2.3      ASSIGNMENT TO ARBITRATOR**

**(a) Generally; Stipulations.** When a case is set for arbitration, a list of five proposed arbitrators shall be furnished to the parties. A list of other approved arbitrators shall be available on the Thurston County Superior Court web site and at court administration. The parties are encouraged to stipulate to an arbitrator. In the absence of the stipulation within 14 days after a case is transferred to arbitration, the arbitrator shall be chosen from among the five proposed arbitrators in the manner defined by this rule.

(1) *Response by Parties.* Within 14 days after a list of proposed arbitrators is furnished to the parties, each party shall nominate one or two arbitrators and strike two arbitrators from the list. If both parties respond, an arbitrator nominated by both parties shall be appointed. If no arbitrator has been nominated by both parties, an arbitrator shall be appointed from among those not stricken by the either party.

(2) *Response by Only One Party.* If only one party responds within 14 days, an arbitrator shall be appointed from that party's response.

(3) *No Response.* If neither party responds within 14 days, the arbitrator shall be randomly appointed from the five proposed arbitrators.

(4) *Additional Arbitrators for Additional Parties.* If there are more than two adverse parties, all represented by different counsel, two additional proposed arbitrators shall be added to the list for each additional party so represented with the above principles of selection to be applied. The number of adverse parties shall be determined by the arbitration department, subject to review by the presiding judge.

[Effective April 1, 1984; amended May 1, 1990, September 1, 2011.]

## 3. ARBITRATORS

### **LMAR 3.1      QUALIFICATIONS**

**(a) Arbitration Panel.** There shall be a panel of arbitrators in such numbers as the superior court judges may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the court. A list showing the names of arbitrators available to hear cases and brief biographies shall be available for public inspection on the Thurston County Superior Court web site and at court administration. The oath of office on the form prescribed by the court must be completed and filed prior to an applicant being placed on the panel.

**(b) Refusal; Disqualification.** The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the arbitration coordinator immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Canon 3(C) governing the disqualification of judges. If disqualified, the arbitrator must immediately return all materials in a case to the arbitration administrator.

[Effective April 1, 1984; amended effective May 1, 1990, September 1, 2011.]

### **LMAR 3.2      AUTHORITY OF ARBITRATORS**

An arbitrator has the authority to:

(a) Determine the time, place and procedure to present a motion before the arbitrator.

(b) Require a party or attorney advising such party or both to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney or both to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the clerk of the court, with proof of service on each party. The aggrieved party shall have 10 days thereafter to appeal the award of such expense in accordance with the procedures for revision of a court commissioner's ruling (see RCW 2.24.050). If within 10 days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under MAR 6.3.

(c) Award attorney's fees as authorized by these rules, by contract or by law.

[Effective April 1, 1984, amended May 1, 1990, September 1, 2007, September 1, 2011.]

## 4. PROCEDURES AFTER ASSIGNMENT

### **LMAR 4.2      DISCOVERY**

**(a) Permitted by Arbitrator.** In determining when additional discovery beyond that directly authorized by MAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise that may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the civil rules except that motions concerning discovery shall be determined by the arbitrator.

**(b) Permitted Interrogatories.** Notwithstanding the foregoing subsection (a), the following interrogatories may be submitted to any party:

- (1) State the amount of general damages being claimed;
- (2) State each item of special damages being claimed and the amount thereof;
- (3) List the name, address and phone number of each person having knowledge of any facts regarding liability;
- (4) List the name, address and phone number of each person having knowledge of any facts regarding the damages claimed;
- (5) List the name, address and phone number of each expert witness you intend to call at the arbitration. For each such expert, state the subject matter on which the expert is expected to testify; state the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

(6) Provide the name, address and phone number of all health care providers, including physicians, chiropractors, dentists, physical therapists, osteopaths, hospitals, and all others who have treated you in the last seven years and the reason for the treatment. Only the foregoing interrogatories, with the exact language as set out above, are permitted, except as permitted by subsection (a). Interrogatory (6) is permitted only in cases alleging personal injury.

**(c) Effect of Limitation.** The restrictions upon discovery set out in MAR 4.2 and LMAR 4.2 shall take effect upon the filing of a statement of arbitrability.

[Effective April 1, 1984; amended effective September 1, 1997, September 1, 2011.]

#### **LMAR 4.4 SETTLEMENT**

**(a) Notice of Settlements.** If a case is settled after it has been assigned to an arbitrator, it shall be the duty of the attorneys or of any party appearing pro se to notify the court and arbitrator *promptly* of the settlement. Notice of settlement shall be in writing to the Arbitration Coordinator within 10 court days of the settlement, with a copy to the arbitrator and the assigned judge. If the settlement is made within five days before the trial date, the arbitrator shall promptly deliver a judge's copy of the notice of settlement to the assigned judge.

**(b) Procedure after Settlement.** After notice of settlement to the court as provided above, the plaintiff must promptly present a motion to dismiss the case.

[Effective September 1, 1997. Amended effective September 1, 2011; September 1, 2017.]

### 5. HEARING

#### **LMAR 5.1 NOTICE OF HEARING - TIME AND PLACE - CONTINUANCE**

An arbitration hearing may be scheduled at any reasonable time and place chosen by the arbitrator. The arbitrator may grant a continuance without court order. The parties may stipulate to a continuance only with the permission of the arbitrator. The arbitrator shall give reasonable notice of the hearing date and any continuance to the arbitration coordinator.

[Effective April 1, 1984; amended May 1, 1990, September 1, 2011.]

#### **LMAR 5.2 PREHEARING STATEMENT OF PROOF**

In addition to the requirements of MAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file that the party deems relevant.

[Effective April 1, 1984. Amended effective September 1, 2011; September 1, 2017.]



## 6. AWARD

### **LMAR 6.1 FORM AND CONTENT OF AWARD**

**(a) Form.** The award shall be prepared on the form prescribed by the court.

**(b) Return of Exhibits.** When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.

[Effective April 1, 1984.]

## 7. TRIAL DE NOVO

### **LMAR 7.1 REQUEST FOR TRIAL DE NOVO**

Cases transferred to the arbitration calendar shall be stricken from their positions on the trial calendars. Unless otherwise ordered by the court, no trial date will be assigned in cases that are subject to arbitration. Requests for trial de novo shall include a trial scheduling date that is within 30 days of service of the request, as provided in the LMAR forms. The judge initially assigned to the case retains the assignment when trial de novo is requested.

[Effective April 1, 1984, amended May 1, 1990; September 1, 1997; amended effective September 1, 2011, September 1, 2013.]

## 8. GENERAL PROVISIONS

### **LMAR 8.1 STIPULATIONS**

If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation and court order, the arbitrator may grant any relief that could have been granted if a judge determined the case.

[Effective April 1, 1984; amended effective September 1, 2011.]

### **LMAR 8.6 COMPENSATION OF ARBITRATOR**

**(a) Generally.** Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the Thurston County Superior Court; provided, however, that the portion of the compensation received from Thurston County shall not exceed \$500.00 for any case unless prior approval is granted by the presiding judge for good cause shown.

**(b) Compensation.** Compensation shall be allowed for time related to decision making functions, including review of the file, research, hearings and preparation of the decision. In addition, an arbitrator is permitted to bill for up to one hour of administrative time to schedule hearings in the proceeding.

[Effective April 1, 1984; amended effective May 1, 1990, March 1, 1995, September 1, 1997, September 1, 2003, September 1, 2005.]

# LOCAL SPECIAL PROCEEDINGS RULES

## 1. FAMILY AND JUVENILE COURT

### ***LSPR 94.00 FAMILY AND JUVENILE COURT PROCEEDINGS***

**(a) Proceedings in the Family and Juvenile Court.** The following categories of proceedings shall be heard at the Family and Juvenile Court:

- (1) All actions under Title 26 RCW, including:
  - (i) dissolution of marriages;
  - (ii) dissolution of registered domestic partnerships;
  - (iii) petitions concerning the validity of marriage;
  - (iv) petitions concerning the validity of a registered domestic partnership;
  - (v) paternity actions;
  - (vi) non-parental custody actions; and
  - (vii) adoptions.
- (2) All actions under Title 13 RCW, including:
  - (i) dependency and related proceedings;
  - (ii) termination of parental rights;
  - (iii) juvenile offender actions;
  - (iv) Youth at Risk proceedings; and
  - (v) Children in Need of Services proceedings.
- (3) Other actions, including:
  - (i) domestic violence petitions (chapter 26.50 RCW);
  - (ii) anti-harassment petitions that are heard by the superior court, rather than district court (RCW 10.14.150);
  - (iii) Sexual Assault Protection petitions (chapter 7.90 RCW);
  - (iv) truancy actions (chapter 28A.225 RCW);
  - (v) actions arising from meretricious relationship;
  - (vi) name change petitions that are heard by the superior court, rather than district court, because the person seeking a name change is a domestic violence victim and moves to seal the name change record (RCW 4.24.130(5)); and
  - (vii) actions regarding the abuse of vulnerable adults (chapter 74.34 RCW).
- (4) All actions under Title 11 RCW, including: probate, guardianship, and trusts, except that trials under the Trust and Estate Dispute Resolution Act (chapter 11.96A RCW) shall be conducted at the main campus courthouse.

**(b) Location of Actions.**

- (1) *Generally.* A case may be relocated from the main campus courthouse to Family and Juvenile Court, or vice versa, upon motion by a party by filing a motion and supporting declaration, or by a judge by entry of an order.
- (2) *Reasons to Relocate an Action.* The following types of cases may be relocated from the main campus to the Family and Juvenile Court, if the court finds good cause for such a relocation:
  - (i) actions for the division of marital property interests not previously distributed in a dissolution action;
  - (ii) actions in which any party alleges a committed intimate relationship; and
  - (ii) any other action involving a party or child with another case in Family and Juvenile Court.

**(c) Court Files, Hearings and Filing of Pleadings.**

(1) *Hearings.* Hearings in matters assigned to the Family and Juvenile Court shall be held at the Family and Juvenile Court building, unless otherwise directed by the Court.

(2) *Filing of Pleadings.* Initial pleadings commencing a case shall be filed at the courthouse to which that type of case is normally assigned. Only cases identified in sections (a)(1), (2), (3), and (4) may be commenced at the Family and Juvenile Court. All others must be commenced at the Superior Court, main campus, Building Two. All subsequent pleadings in a case may be filed at either courthouse.

[Amended effective February 9, 1999; September 1, 2006; September 1, 2008; September 1, 2011; September 1, 2017.]

**LSPR 94.01 CONCURRENT JURISDICTION OVER FAMILY COURT  
AND JUVENILE COURT ACTIONS**

**(a) Contemporaneous Actions.** Contemporaneous actions are actions filed in Family and Juvenile Court involving the same family or child and having court action within the previous twelve (12) months.

**(b) Concurrent Jurisdiction by Rule.** The Family and Juvenile Court shall have concurrent jurisdiction over any contemporaneous action under chapters 13.32A or 13.34 RCW or title 26 RCW, except chapter 26.33 RCW and 26.50 RCW, unless a party shows good cause why the Court should not exercise concurrent jurisdiction, or, unless on its own motion, the Court determines that concurrent jurisdiction should not be exercised.

**(c) Concurrent Actions by Court Order.** Actions filed under chapter 26.33 RCW, chapter 28A.225 RCW, title 13 RCW, and any other action assigned to Family and Juvenile Court may be subject to concurrent jurisdiction upon a showing of good cause. An order shall be entered identifying any case subject to concurrent jurisdiction that is not identified in subsection (b).

**(d) Case Information Cover Sheet.** To assist in the identification of concurrent actions, a Case Information Cover Sheet shall be completed upon filing of any action in the Family and Juvenile Court.

**(e) Exception for Court Commissioner Rotations.** When a Court Commissioner rotates to another position, contemporaneous actions do not apply to the cases the Court Commissioner was previously hearing, absent a motion to maintain jurisdiction.

[Amended effective February 9, 1999; September 1, 2017.]

**LSPR 94.02 MANAGEMENT OF CONCURRENT CASES**

**(a) Assignment of Cases.** To the extent practical, and taking into account the use of court commissioners and schedules for judges' rotations, the same judicial officer will be assigned the concurrent actions of a family as identified in LSPR 94.01. The judicial officer first hearing the

family's case will be assigned all subsequent concurrent actions, unless there is good cause for a different assignment. Generally, court commissioners will hear pre-trial matters, except motions for revision and settlement conferences.

**(b) Scope of Concurrent Jurisdiction.**

(1) *Access to Court Files.* The Court, after notice, hearing, and entry of an appropriate protective order, may authorize to parties and their attorneys in a concurrent case access to concurrent case court records and files and any files or records maintained by the Guardians ad Litem unless prohibited by law.

(2) *Party Status.* A finding of concurrent jurisdiction shall not automatically confer party status in one action on any party in another action.

(3) *Guardians ad Litem.* The Guardian ad Litem in one proceeding may be appointed Guardian ad Litem in any concurrent action.

(4) *Parenting Plans.* Entry of a parenting plan in any concurrent case shall be conditioned upon the filing of a proper motion in a Title 26 RCW action.

(5) *Applicability of Other Rules.* In concurrent jurisdiction actions, the Superior Court Civil Rules, Juvenile Court Rules, and the Local Rules will be applicable to each action.

[Amended effective February 9, 1999.]

**LSPR 94.03A CASE ASSIGNMENT**

**(a) Master Calendar.** Cases under title 26 RCW (family law) are tried under a master calendar system.

**(b) Early Assignment of Judge.** Upon motion by any party, or upon the court's own motion, the court may direct assignment of an appropriate case to a single judge for all purposes, including trial.

**(c) Affidavits of Prejudice.** An affidavit of prejudice should be filed with the county clerk as soon as possible after the assignment of a judge has been made. The family court judicial assistant shall assign the case to a new department.

[Adopted effective September 1, 2010.]

**LSPR 94.03B MOTION PRACTICE**

**(a) Court Calendars.**

(1) *Limits on Calendars.* The court may direct the clerk to limit the number of motions to be heard on a particular calendar. Motions may be scheduled on a full calendar only by court order. The clerk will inform the moving or petitioning party if a hearing is noted for a calendar that is already full.

(2) *Scheduling Hearings.*

(A) Appendix of Calendar Information. The schedules for family law calendars and ex parte matters are contained in the Appendix of Calendar Information available on the court web site and in the courthouses. The schedule for these calendars may be changed throughout the

year. Parties and counsel who are not familiar with Thurston County practice are advised to confirm calendar schedules before noting matters for hearings. Incorrectly scheduled matters will be stricken.

(B) Commissioners' Calendars. All motions in family law cases, except those identified below, shall be noted for hearing before the assigned court commissioner. Motions may not be noted for a hearing before filing the motion, briefs, and all supporting documents.

(C) Judges' Calendars. Motions for revision, dispositive motions, motions to continue trial, objections to relocation, and motions in cases where all court commissioners are unable to hear the case shall be noted for hearing before a judge.

(D) Change of Venue Motions. Motions for change of venue shall be heard by a judge unless, before the hearing, the parties to the case provide a written waiver of the ability to move for revision of the commissioner's decision. If a waiver is filed, a court commissioner may hear the motion for change of venue.

(E) Domestic Violence Cases. Parties petitioning for temporary protection orders in domestic violence cases shall be heard on a daily basis at a time specified at the time of filing. If the party can demonstrate a need for an earlier hearing, the matter may be heard pursuant to ex parte procedures.

**(b) Filing Requirements and Deadlines.**

(1) Motions, briefs, and all supporting documents must be filed and served before 12:00 noon five court days before the motion calendar day (for example, by noon on Tuesday of the week preceding a Tuesday calendar). Motions may not be noted for a hearing before filing the motion and any declarations. Upon objection, motions that violate this requirement may be stricken or continued. This rule does not affect the notice requirements of the Civil Rules or any statute.

(2) All responding documents must be filed and served before 12:00 noon two court days before the motion calendar day (for example, by noon Friday for a Tuesday calendar).

(3) All reply documents must be filed and served before 12:00 noon, one court day preceding the motion calendar day (for example, by noon Monday for a Tuesday calendar). Upon objection, late filing of responding and reply documents may result in striking the documents or a continuance and terms.

(4) A party applying for or responding to an application for child support, maintenance, attorney's fees, or other financial relief must serve and file with the motion a completed mandatory financial declaration form. The party shall also file and serve complete individual (or joint) tax returns for the past two calendar years together with all schedules, 1099's, W-2s, and similar statements of income; complete partnership and/or corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five per cent or greater; and all pay stubs showing income for the past six months or since January 1 of the current calendar year, whichever period is longer. If applying for child support, the party shall also prepare, serve and file Support Schedule Worksheets as appropriate. The parties or their attorneys may also file and serve a proposed Order of Child Support, provided that the proposed document be entitled "Proposed Child Support." The clerk will accept these proposals for filing, if entitled in this manner.

(5) *Judge's Copy.*

(A) A copy of all briefs, attachments and exhibits shall be provided to court administration at or before the time of filing the originals with the clerk.

(B) Each judge's copy shall be identified as the judge's copy and shall identify the date, time, and the judge or commissioner before whom the matter is scheduled to be heard in the top left hand corner of the first page. Briefs with multiple attachments and exhibits that cannot be secured with a staple must be tabbed and in a binder.

(C) Judge's copies are not accepted by electronic means except as provided in this rule.

(D) If the brief or other material does not meet these guidelines, it is subject to not being considered.

**(c) Strikes and Continuances.** Parties must strike or continue all matters that will not be heard at least two court days before the hearing date, as provided in LCR 7(b)(8).

**(d) Submission Requirements.**

(1) *Document Requirements.* All declarations and affidavits filed shall be legible and printed or typewritten in black or dark blue ink on paper suitable for scanning. Declarations and affidavits shall be one-sided only.

(2) *Page Limits.*

(A) Absent prior authorization from the court as set forth in (D) below, the entirety of all declarations and affidavits from the parties and any non-expert witnesses in support of motions, including any reply, shall be limited to a sum total of 20 pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of 20 pages. The court will disregard every page after the first 20 pages if the court has not authorized the party to exceed the page limit.

(B) Exhibits Included In Page Limits. All exhibits that consist of declarations or affidavits will count toward the above page limits, unless listed in (C) below or authorized as set forth in (D).

(C) Exhibits Not Included In Page Limits. The following are not included in the 20 page limit:

- (i) financial declarations and supporting financial documents;
- (ii) declarations, affidavits, or reports from guardians ad litem and expert witnesses;
- (iii) copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience in lieu of the court file; and
- (iv) if parties and attorneys quote only the relevant parts of the e-mails, journals, or depositions in the declaration or brief and attach the full version of e-mail, journal or deposition as an exhibit for context, the full version of the materials will not count against the page limit if labeled as such for that limited purpose.

(D) Authorization. A party seeking authorization to exceed the page limit may do so on the *ex parte* calendar with notice to opposing counsel or a self-represented party. Opposing counsel or the self-represented party may appear telephonically for the authorization hearing.

**(e) Hearings - Time for Argument.** Each side may be allowed up to ten minutes to argue a contested motion, including rebuttal.

[Adopted effective September 1, 2010. Amended effective September 1, 2011; September 1, 2013; September 1, 2014, September 1, 2015, September 1, 2016; September 1, 2017.]

### **LSPR 94.03C EX PARTE REQUESTS**

**(a) Ex Parte Departments.** Ex parte matters will be heard at the Family and Juvenile Court on a schedule set forth in the Appendix of Calendar Information. In addition, a call for ex parte matters will be made at the beginning of each morning and afternoon calendar in each courtroom and at such other times when the court's schedule can accommodate a matter. Ex parte matters should be presented to the most appropriate department in session.

**(b) Presentation of Order.** Ex parte orders presented for entry must be accompanied by a written motion and the original supporting documents.

**(c) Presentation in Self-Represented Cases.** Any ex parte motion and order to be presented by a self-represented party shall be reviewed by and approved for form and completeness by an attorney, Limited License Legal Technician, the Courthouse Facilitator, or the Thurston County Volunteer Legal Clinic before the motion is submitted to a judicial officer for consideration.

**(d) Alternative Presentation by Mail or Drop Box.**

(1) *What is allowed.*

(A) By mail. 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.

(B) By drop box. 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 court receptionist for presentation.

(2) *Who may present.* Except for good cause, these alternative methods of presentation are available only to counsel licensed to practice law.

(3) *Required documents.* A person presenting an order under this rule must send the original order, supporting materials, and the required fee in the clerk's fee schedule (LCR 79(a)) to the county clerk. Self-addressed, stamped envelopes, along with copies of the order to be signed, shall also be provided for return of any conformed materials or rejected orders.

(4) *Judicial procedure.* Orders will be directed to the ex parte judicial officer. When accepted, the court 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 same judge.

[Adopted effective September 1, 2010; September 1, 2017.]

## **LSPR 94.03D SETTLEMENT AND PRETRIAL CONFERENCES**

**(a) Settlement Conferences.**

(1) *Requirement.* All contested family law cases shall be set for settlement conference before assignment of a trial date, unless otherwise ordered by the court. Upon filing of notice for settlement conference setting, the court shall assign the earliest available date. The case must be at issue before the settlement conference setting. In dissolution actions, paternity, and nonparental custody actions, if a settlement conference setting has not been requested within four months from the date the action was filed, the court may order a settlement conference setting with notice to the parties or counsel of record.

(2) *Scheduling.*

(A) To initiate the setting of a settlement conference, the moving party must file a Note for Settlement Conference and set the matter for hearing in accordance with the court's calendar. The scheduling shall occur within 120 days of the filing of the first responsive pleading, unless required mediation has not been completed. The Note for and Response to Settlement Conference setting may be found in the forms appendix. The note for hearing must be filed fourteen days before the date scheduled for the hearing.

(B) The responding party to a Note for Settlement Conference Setting must file a Note for and Response to Settlement Conference Setting seven days before the date scheduled for the



hearing. The Note for and Response to Settlement Conference Setting may be found in the forms appendix.

(C) A party may object that a case is not ready for a settlement conference by filing and serving an objection no later than noon, three court days preceding the date noted. The matter shall then be referred to a judge to determine whether the case is ready for a settlement conference. The court may require a hearing. If the matter is determined to be ready for settlement conference setting, the case will be returned to the case scheduler for settlement conference assignment. Otherwise, the judge may order a date by which the case shall be made ready for settlement conference setting. The court may also determine, on its own motion, that the case is not ready for a settlement conference.

(3) *Attendance and Preparation Required.* The parties and their attorneys shall personally attend the settlement conference unless other arrangements are approved by the court prior to the settlement conference. At the settlement conference, each party shall be prepared to address the unresolved issues and negotiate settlement of the case in good faith.

(4) *Mandatory Discovery.* Parties shall exchange, as appropriate, the following documents no later than fourteen days before the conference. If a document is not produced, a brief explanation of why it is not produced is required:

(A) complete individual or joint tax returns for the past two calendar years, together with all schedules, 1099s and similar statements of income, and W-2s;

(B) complete partnership and/or corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five per cent or greater;

(C) all pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is longer;

(D) a copy of the most recent statements and a copy of statements current as of the date of the parties' separation, of balances due on mortgages, real estate purchase contracts, deeds of trust, installment purchase contracts, time payment accounts, credit cards, and other debt owed by or to the parties;

(E) the most recent employers' Employee Retirement Income Security Act (ERISA) statement and a statement of contributions since that statement of any pension plan of either party; the most recent statements, and statements as of the date of separation, for any Individual Retirement Account (IRA), Simplified Employee Pension plan (SEP), deferred compensation account, or other defined contribution "retirement" account;

(F) a written appraisal of any real estate and/or personal property of special, unusual, or extraordinary value, or a summary of the evidence that will be relied upon to value such items;

(G) the most recent National Automobile Dealers Association (N.A.D.A.) Official Used Car Guide, or other similar vehicle appraisal guide showing both average loan or wholesale and retail values for any automobiles;

(H) a summary of the source and tracing of any property asserted to be the separate property of either party;

(I) a statement from each life insurance company issuing a policy of insurance on the life of either party as to its cash value and any loans against its cash value;

(J) a written appraisal/business evaluation of any proprietorship, partnership, or closely held corporation of the parties, or a summary of the evidence that will be relied upon to value the same; and

(K) expert witnesses shall be disclosed no later than at the time of the discovery exchange.

(5) *Settlement Conference Statement.* Each party shall serve upon the other party and provide to the court a settlement conference statement no later than fourteen calendar days prior to the settlement conference, unless the parties agree to a shorter period of time. The shorter period for exchange shall not be less than seven calendar days before the settlement conference.

The settlement conference statement should be in a form similar to that contained in the Forms Appendix - Family and Juvenile Court Forms. Parties may supplement the information provided in the preferred form with a written statement further describing the issues.

(6) *Sanctions*. If a party fails to comply with the provisions of (3), (4), and (5) above, then the court may immediately impose sanctions not to exceed \$500.

(7) *Other Documents*. If child support or a parenting plan is at issue in the action, a proposed child support worksheet and a proposed final parenting plan shall be attached to the settlement conference statement of each party.

(8) *Negotiations Before Settlement Conference*. After the settlement conference statements are served, the parties are encouraged to negotiate and exchange additional documentation. Parties may file supplemental settlement conference statements at any time prior to the settlement conference if the party's analysis or proposal to resolve all issues has changed after reviewing the other party's settlement conference statement. If the parties are able to resolve all issues prior to the settlement conference, they should appear at the conference prepared to present testimony and enter final orders completing the dissolution or to put the settlement agreement on the record.

(9) *Completion*. At the completion of a settlement conference, the court shall schedule a hearing for presentation of final papers if settlement is achieved, schedule a continuation of the settlement conference if warranted and time is available, or schedule the matter for trial.

(10) *Negotiations After Settlement Conference*. If the settlement conference does not result in complete resolution of the case, each party shall submit to the other a written settlement proposal addressing all unresolved issues. This offer shall be submitted within 30 days after the settlement conference, but not less than 21 days before trial.

#### **(b) Pretrial Conferences**

(1) *Requirement*. All family law (RCW titles 26.09, 26.10, and 26.26), dependency, and termination of parental rights actions shall have a pretrial conference with the trial judge prior to trial. Other cases set for an evidentiary hearing at Family and Juvenile Court may have a pretrial conference if requested by the trial judge. This rule does not apply to juvenile offender proceedings.

(2) *Scheduling*. The pretrial conference shall be held within three weeks of trial. The date of the pretrial conference shall be included on the Case Schedule Order in dependency and termination cases.

(3) *Subjects for the Conference*. The pretrial conference shall address:

- (A) the length of the trial, including opening and closing;
- (B) confirmation of witnesses and coordination of scheduling;
- (C) identification of exhibits and agreement on admission where possible; and
- (D) discussion of anticipated pretrial motions or problems.

(4) *Attendance*. Attorneys for the State and the parents shall be required to attend the pretrial conference in dependency and termination cases. Attorneys for the parties and the parties shall be required to attend the pretrial conference in family law cases.

[Adopted effective September 1, 2010. Amended effective September 1, 2011; September 1, 2013.]

### **LSPR 94.03E TRIALS**

**(a) Trial Date Priorities.** Cases involving the relocation of children, determination of dependency, or termination of parental rights where children are not in the care of a parent shall be accorded the highest priority in setting a trial date.

**(b) Assignment for Trial.**

(1) In cases where a settlement conference is required, a trial date shall be set at the conclusion of the conference if settlement is not reached.

(2) In cases where a settlement conference is not required, a party or counsel may schedule the matter for trial setting by filing a note for trial setting for hearing on the calendar for settlement conference settings, as shown in the Appendix of Calendar Information. The note for trial should be filed 14 days before the time for hearing on the calendar and should indicate the nature of the case, the number of expected factual witnesses, the number of expert witnesses, the expected length of trial, and available dates. The responding party may file a response to this note for trial setting not less than seven days prior to the hearing, providing similar information for that party's case. If the responding party objects to trial setting, the matter shall be referred to a judge for determination of whether the case is ready for trial setting. The objection shall be filed not later than three days before the date scheduled for trial setting. If the judge determines the matter is ready for trial, the case will be referred back to the case scheduler for trial setting. If the judge determines the matter is not ready for trial setting, the judge may enter an order determining when the case shall be ready for trial setting.

(3) Cases set for trial will be assigned to a week for trial. No specific starting date will be assigned, except early assignment of a judge may be ordered in appropriate cases under these Local Special Rules of Proceeding's rule regarding case assignments (LSPR 94.03A). During a week of trial, priorities among the cases scheduled will be determined at scheduling conference. In those cases where a date certain for trial is necessary due to out-of-state parties or other limited circumstances, a party may move for a trial starting on a date certain prior to the time of trial setting. Failure to seek a date certain trial prior to the time the matter is set for trial shall constitute a waiver of the right to a date certain trial.

**(c) Scheduling Conference.** Each case which has been scheduled for trial but which has not settled will have a scheduling conference on the Thursday before the week for trial. If the day for scheduling conference is a legal holiday, the scheduling conferences will be held on the Wednesday before the week for trial. The purpose of this conference will be to assist the court in determining priorities among cases set for trial the following week, the issues for trial, and the length of trial.

**(d) Trailing Trial Week.** Any case that is not called for trial during its assigned week shall trail to the last week of that month for trial. The trailing week shall be the last week of a month that contains the last Wednesday of that month.

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

(1) *Form of the Motion.* A motion for continuance of trial shall be filed, served and heard by a judge before the scheduling conference. A motion for continuance must (i) contain written acknowledgment of the motion by the client, and (ii) be accompanied by an affidavit giving the specific reasons necessitating a continuance.

(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. Any case that is continued will be immediately referred to the case scheduler for a new trial date.

**(f) Trial Briefs and Required Information.** In all dissolution and legal separation trials where property or liabilities are at issue, each party shall submit a proposed division of assets and liabilities. In any family law matter where child support, maintenance, attorney fees, or costs are at issue, each party shall prepare a current Financial Declaration (Washington Pattern Form DR 01.0550), attaching, if necessary, the materials identified in the LSPR regarding motion practice (LSPR 94.03B). If child support is at issue, each party shall prepare the Washington State Child Support Worksheets. In any family law matter where a parenting plan is at issue, each party shall prepare a proposed parenting plan. The above information shall be submitted as a bench copy to the judge and served on opposing counsel or self-represented party by noon two judicial days prior to trial. Additionally, each party shall file a trial brief with the clerk and serve a copy on opposing counsel or self-represented party by noon two judicial days before trial.

**(g) Exhibits.** Before trial convenes, each party shall provide the other parties an opportunity to review all exhibits to be offered, and the other parties shall review such exhibits to determine which exhibits may be admitted by stipulation.

**(h) Proposed Final Orders.** Each party to a family law trial may provide proposed findings of fact and conclusions of law and proposed decrees to be used as trial exhibits. In proceedings involving children, each party shall provide a proposed parenting plan and a proposed order of child support and child support worksheets for use as trial exhibits.

**(i) Attorney Fees and Costs.** In considering a request for an award of attorney fees and costs at trial based on bad faith or intransigence, the court may consider settlement proposals that have been communicated in writing before trial. However, these settlement proposals shall not be submitted to the court or referred to in argument until a ruling on all other issues has been rendered.

[Adopted effective September 1, 2010; amended effective September 1, 2011.]

### ***LSPR 94.03F INFORMAL FAMILY LAW TRIALS [NEW RULE]***

**(a) Scope.**

(1) *Generally.* Informal Family Law Trials (IFLT) may be held to resolve all issues in original actions or modifications for dissolution of marriage, paternity, parenting plans, child support, and non-parental custody.

(2) *How a case is set for Informal Family Law Trial.* The parties must state in writing at the pre-trial conference, on a form provided by the Court, whether they elect to proceed with an IFLT or a traditional trial. The Court may refuse to allow the parties to utilize the IFLT procedure at any time and may also direct that a case proceed with a traditional trial even after an IFLT has commenced, but before the court has ruled. A party who has previously agreed to proceed with an IFLT may file a motion to opt out of the IFLT provided that this motion is filed not less than seven calendar days before the week of trial. This time period may be modified or waived by the Court upon a showing of good cause. A change in the type of trial to be held may result in a change in the trial date.

**(b) Procedure.** The IFLT will be conducted as follows:

- (1) At the pretrial for an IFLT the parties will be asked to affirm that:
  - (i) They understand the rules and procedures of the IFLT process; and,
  - (ii) They are agreeing to this process freely and voluntarily and that they have not been threatened or promised anything for agreeing to the IFLT process.

(iii) The case does not need more than one day to be heard.

(2) The Court may ask the parties or their lawyers for a brief summary of the issues to be decided.

(3) The moving party will speak to the Court under oath concerning all issues in dispute. The party is not questioned by lawyers, but may be questioned by the Court to develop evidence required by any statute or rule.

(4) The Court will ask the moving party (or the moving party's attorney if the party is represented) whether there are any other areas the party wishes the Court to ask about. The Court will ask questions of the identified areas if requested and relevant.

(5) The process above is then repeated for the other party.

(6) Expert reports will be entered into evidence as the Court's exhibit. If either party requests and arranges, the expert will be sworn and then questioned by counsel, the parties, and/or the Court.

(7) The parties may offer any documents they wish for the Court to consider. The Court will determine what weight, if any, to give each document. The Court may order the record to be supplemented. Letters or other submissions by the parties' children that are intended to suggest custody or parenting preferences will not be considered.

(8) The parties will then be offered the opportunity to respond briefly to the testimony of the other party.

(9) The parties (or a party's attorney if the party is represented) will be offered the opportunity to make a brief closing argument.

(10) At the conclusion of the case, the Court shall give a ruling. The Court may take the matter under advisement, but best efforts will be made to issue prompt rulings.

(11) The Court retains jurisdiction to modify these procedures as justice and fundamental fairness requires.

[Adopted effective September 1, 2017.]

## **LSPR 94.04 FINALIZING FAMILY LAW ACTIONS**

### **(a) Uncontested Dissolutions.**

(1) *Calendar.* Any uncontested dissolution action may be brought on for final hearing by noting it for the calendar for final dissolutions with attorneys or the calendar for final dissolutions without attorneys, as appropriate.

(2) *Note for Final Dissolution Calendar.* A notice of hearing for the calendar for final dissolutions must be filed with the clerk no later than five court days before the hearing on the calendar for final dissolutions.

(3) *Self-Represented Parties.* Self-represented parties are encouraged to note the matter for final hearing and to provide proposed final papers to the clerk more than thirty days before the hearing. Matters shall be placed on this calendar only if the file shows the following:

(A) The petitioner's opponent has joined in the petition for dissolution of marriage; or

(B) The respondent has agreed in writing to entry of the proposed final papers; or

(C) An order of default has been entered or is appropriate and available for entry at the time of hearing.

**(b) Final Testimony.** In cases in which neither party is represented by an attorney (LSPR 94.04(c)(5)), brief testimony shall be required before entry of a Decree of Dissolution of Marriage, a Decree of Dissolution of Registered Domestic Partnership, a Decree of Legal Separation, a Declaration Concerning Validity of Marriage, a Declaration Concerning Validity of Registered Domestic Partnership, a Judgment and Order Establishing Residential Schedule and Child



County of Thurston )

\_\_\_\_\_ (name) being first duly sworn on oath deposes and says:

I am the Petitioner or Respondent in this case and I have read the foregoing findings of fact and conclusions of law, parenting plan, support order, and related documents, if included herein, and they are true and accurate to the best of my knowledge. If this is a default, I am not seeking any relief beyond that specifically requested in the petition. The support requested, if any, is in compliance with the Washington State Child Support Schedule.

(s) \_\_\_\_\_  
Petitioner's or Respondent's Signature

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(s) \_\_\_\_\_  
Notary Public for the State of Washington,  
residing at \_\_\_\_\_. My commission expires \_\_\_\_\_.

(6) *Mailing of Final Documents.* Following the entry of final documents by default in a family law matter, the moving party or attorney for the moving party shall immediately deliver or mail to the other party, at his or her last known address, a conformed copy of all final pleadings.

**(d) Non-Parental Custody Actions.** In all actions for non-parental custody, at the time the Temporary Order is entered, the court shall set a review hearing six (6) months from the entry of the Temporary Order. If a matter is not ready to be finalized at the six (6) month review hearing, then the matter shall immediately be set for a settlement conference.

[Amended effective February 9, 1999; September 1, 2006; September 1, 2008; September 1, 2014; September 1, 2016.]

#### LSPR 94.05 MANDATORY MEDIATION FOR PARENTING PLANS AND RESIDENTIAL SCHEDULES

**(a) Scope.** This rule applies to any proceeding before the court in which a parenting plan or residential schedule is at issue, except juvenile court dependency proceedings. A copy of the form entitled "Mandatory Parenting Plan Mediation Program" shall be served with the petition and included on the affidavit of service. The form is available on the Thurston County Superior Court web site and in the courthouse.

**(b) Mediation Required.** All parenting plan and residential schedule issues shall be submitted to mandatory mediation within 120 days after the Respondent files a pleading. The mediation requirement may be waived by the court in cases involving domestic violence or in other cases upon a showing of good cause. A motion for waiver shall be noted before the court commissioner. An Order Waiving Mediation shall be filed with the court prior to the case being set for settlement conference or trial.

**(c) Superior Court Jurisdiction and Other Rules - Show Cause Hearings.** The requirement for mediation shall not prevent the judicial officer from entering temporary orders.

**(d) Mediators.** The court maintains a list of approved family law mediators, including the Thurston County Dispute Resolution Center. If the parties do not agree on a mediator, the court will assign a mediator upon request.

**(e) Authority of Mediator.** The mediator has the authority to determine the time, place and duration of mediation. In appropriate cases, the mediator shall have the authority to terminate the mediation prior to completion.

**(f) Attendance.** Mediation sessions shall normally include the parties only, but may, by agreement of the parties, include other persons. Further, the court may authorize the presence of an advocate during mediation, under the court's discretion or under RCW 26.09.016. Attendance at mediation sessions is mandatory.

**(g) Declaration of Completion.** Within seven days of completion, a declaration of completion shall be filed by the mediator. The mediator shall advise the court only whether an agreement has been reached.

**(h) Noting for Settlement Conference and Trial Setting.** Either party may request a settlement conference at the commencement of mediation if issues in addition to a parenting plan or residential schedule are disputed. In cases in which a parenting plan or residential schedule are the ONLY issues, the parties may request a trial date after the case has been in mediation for a period of 60 days, or sooner if a Declaration of Completion has been filed. The period shall begin when a mediator is appointed.

**(i) Confidentiality.** The work product of the mediator and all communications during mediation may be admissible for limited purposes (RCW 26.09.015). The mediator shall not appear or testify in any court proceedings except by court order (RCW 26.09.015).

[Effective April 1, 1987; amended May 1, 1990, February 1, 1994, July 1, 1998, February 9, 1999, September 1, 2012; September 1, 2014.]

## **LSPR 94.06 PARENTING SEMINARS**

**(a) Applicable Cases.** This rule shall apply to all cases filed after December 1, 1994 under Ch. 26.09 and Ch. 26.26 RCW which require a parenting plan for minor children; including dissolutions of marriage with children, dissolutions of registered domestic partnerships with children, legal separations, major modifications, and paternity actions in which paternity has been established. A copy of the form entitled "Information for Persons Involved in a Custody Action" shall be served with the petition and included in the affidavit of service. The form is available in the Appendix of Forms.

**(b) Mandatory Attendance.** All parties involved in cases governed by this rule shall complete an approved four-hour parenting seminar, except parties who have previously attended the parenting seminar within the last two years. Standards for parenting seminars shall be established by the Court and providers shall be approved by the Court.

**(c) Timing.** Parties required by this rule to participate in a parenting seminar shall complete an approved parenting seminar within 45 days after service of the petition or motion initiating the action which is subject to this rule. Parties should file proof of completion of the parenting seminar as soon as possible after completion. In the case of paternity actions initiated by the prosecuting



attorney's office, the parenting seminar shall be required only when paternity is established or acknowledged and a parenting plan is requested.

**(d) Fees.** Each party attending a seminar shall pay a fee charged by the approved provider and sanctioned by the Court. The Court may waive the fee for indigent parties.

**(e) Special Consideration/Waiver.**

(1) In no case shall opposing parties be required to attend a seminar together.

(2) Upon a showing of domestic violence or abuse which would not require mutual decision-making, pursuant to RCW 26.09.191, or that a parent's attendance at a seminar is not in the children's best interest, pursuant to Ch. 26.12 RCW, the Court shall either:

(A) waive the requirement of completion of the seminar; or

(B) allow participation in an alternative voluntary parenting seminar for battered spouses.

(3) The Court may waive the seminar requirement for good cause shown.

**(f) Failure to Attend/Sanctions.** Willful failure to participate in a parenting seminar or willful delay in completion of a parenting seminar by any party may constitute contempt of court and result in sanctions, including, but not limited to, imposition of monetary terms, striking of pleadings, or denial of affirmative relief to a party not in compliance with this rule.

[Amended effective July 1, 1998, September 1, 2006, September 1, 2008.]

#### ***LSPR 94.07 APPOINTMENTS OF GUARDIANS AD LITEM***

**(a) Supplemental Order.** In all family law cases in which a Guardian ad Litem is appointed for a minor, the Court shall enter an "Order Appointing Guardian ad Litem (Supplemental)" in addition to the mandatory "Order Appointing Guardian ad Litem" form. The form of the Supplemental Order may be found in the Forms Appendix.

**(b) Order Authorizing Release (Criminal History Release).** In all family law cases in which a Guardian ad Litem is appointed for a minor, the Court shall enter an "Order Authorizing Release of Criminal History Records and CPS Records To Guardian ad Litem (Criminal History Release)." Each party and adult residing in a party's household shall attach a legible copy of their current drivers' license or State Identification to the Order Authorizing Release of Criminal History Records and CPS Records to Guardian ad Litem, which may be found in the Forms Appendix.

[Effective February 1, 1999, amended effective September 1, 2006.]

#### ***LSPR 94.08 JUDICIAL OFFICER TRAINING***

**(a) Initial Training.** All judicial officers assigned to Family and Juvenile Court for six months or more in a calendar year shall complete training including the subject areas of childhood development, domestic violence, cultural awareness, child abuse and neglect, chemical dependency, and mental illness. The training requirement may be satisfied by training programs attended within 12 months prior to the assignment or within six months after beginning the assignment.

**(b) Continuing Training.** Subsequent to initial training, judicial officers assigned to Family and Juvenile Court under paragraph (a) above shall annually attend a minimum of eight hours of continuing education on subjects relevant to families and children in the court.

**(c) Training for Court Commissioners and Pro Tempore Judges.** To serve as a court commissioner or pro tem judge at Family and Juvenile Court on a regular or substitute assignment, an attorney shall have completed the Guardian ad Litem training curriculum or its equivalent, except for good cause, and any other training required by the court.

[Effective September 1, 2000; amended effective September 1, 2011.]

## **LSPR 94.11 ORIENTATION IN FAMILY LAW MATTERS**

**(a) Description.** In an effort to promote less adversarial choices for parties with children beginning family law actions, the Thurston County Superior Court provides an Orientation Program. This Orientation may include:

- (1) information from a courthouse facilitator on court processes,
- (2) an introduction to the Parenting Seminar regarding how children are affected by their parents' separation, and an opportunity to schedule an appointment for the Seminar required under the local rule regarding parenting seminars (LSPR 94.06), and
- (3) a video presentation on mediation and an opportunity for schedule a mediation appointment through court administration.

Following completion of the Orientation, and mediation, if applicable, any unresolved motions or show cause issues that have been properly filed and scheduled will be heard by the Court.

**(b) Requirement.**

(1) *Dissolutions/Legal Separations with Children.* In dissolutions of marriage with children, legal separations with children, and dissolutions of registered domestic partnerships with children, the parties to the action shall be required to complete an Orientation to the Family Court System.

(2) *Out of State Resident.* A party residing outside the State of Washington shall be excused from attending the Orientation if attendance would be a hardship.

(3) *Out of County Residents.* A party residing outside of Thurston County may be excused from attending the Orientation if attendance would be a hardship.

(4) *Represented Parties.* Attendance at the Orientation shall be excused for a party who is represented by an attorney upon filing a declaration that the party shall attend the Parenting Seminar in compliance with these local rules (LSPR 94.06(c)) and mediation shall be scheduled for disputed issues related to the parenting plan within 30 days from the date of filing or service. If an attorney withdraws from a case without substitution of new counsel, then the notice of withdrawal under Washington State Civil Court Rules (CR 71) shall provide notice of the party's responsibility to attend the Orientation. The withdrawing attorney shall file a Notice of Issue scheduling the Orientation for the party. This requirement for completion of the Orientation may be excused as otherwise permitted. A petitioner shall be required to schedule the Orientation for the respondent and serve notice as otherwise required by this rule.

(5) *Good Cause.* Participation in the Orientation Program may be excused or modified upon a showing of good cause.

**(c) Renewal.** The court may renew the requirement of attendance at the Orientation Program at any time in cases where attendance was previously excused.

**(d) Scheduling.** At the time an action requiring Orientation is filed, the petitioner shall schedule attendance at the Orientation Program for both parties to occur within 30 days of filing. The parties shall not be required to attend the same Orientation session. The summons and petition for dissolution shall not be accepted for filing by the County Clerk unless the notice of issue scheduling the Orientation for both parties is filed at the same time, or attendance at Orientation is excused under the “requirement” section of this rule. Any party requesting a hearing, and any party responding to a request for hearing, shall attend the Orientation before the hearing. Attendance at the Orientation Program is not required prior to emergency hearings.

**(e) Service.** The petitioner shall serve the notice of issue scheduling the Orientation Program on the respondent at the time the Summons and Petition is served. In the event a joinder in the petition is filed, the petitioner shall serve the notice of issue scheduling the Orientation Program on the respondent within seven days of filing.

[Adopted effective January 1, 2004. Amended effective September 1, 2005; September 1, 2006; September 1, 2008; September 1, 2011; September 1, 2017.]

### ***LSPR 94.12 COLLABORATIVE LAW PROCESS***

**(a) Commencement.** Parties to a family law action may enter a Collaborative Law Participation Agreement, and upon filing of a Notice of Participation in Collaborative Law by both parties, the action may be removed from case management processes by court order.

**(b) Effect.** Upon removal of a family law action from case management processes, the parties to the action may be excused by court order from orientation, settlement conferences, and mediation, for a period of nine months from the date the Petition for Dissolution was filed, or the date the Notice of Participation in Collaborative Law was filed. Entry into a Collaborative Law Participation Agreement shall not excuse completion of the Parenting Seminar required by LSPR 94.06 by parties with children. If the parties return to the case management processes, the parties’ participation in Collaborative Law shall serve to satisfy mediation requirements.

**(c) Termination.** Upon completion or termination of the Collaborative Law process, a Notice of Withdrawal from Participation in Collaborative Law shall be filed with the court.

[Adopted effective September 1, 2006.]

### ***LSPR 94.13 PARENTING COORDINATION***

**(a) Purpose.** In order to better serve high conflict families who are subject to parenting plans, the court may appoint parenting coordinators to provide timely intervention in parenting disputes. The parenting coordinator will assist parents in making decisions regarding their children in accordance with the parenting plan, without involving the children or the court.

**(b) Qualifications of Parenting Coordinators.** Individuals serving on the Thurston County Title 26 Guardian ad Litem or Mediation Registries may request to serve as a parenting

coordinator. An applicant shall complete an interview and court-approved parenting coordination training and is subject to court approval. Parenting coordinators shall be listed on a separate registry.

**(c) Appointment.**

(1) A parenting coordinator may be appointed at any time after entry of a temporary or final parenting plan.

(2) A parenting coordinator may be appointed upon the request of a party, an attorney, the guardian ad litem, or on the court's own determination.

(3) An initial appointment of a parenting coordinator shall be for no more than ten hours. Appointments may be extended by agreement of the parties in writing or court order.

**(d) Payment.** The costs of a parenting coordinator shall be paid by the parties in such proportions as determined by the court. A parenting coordinator shall bill for no more than three hours of background preparation done upon appointment, including initial parent interviews.

**(e) Authority of the Parenting Coordinator.**

(1) A parenting coordinator will assist the parties in resolving disputed issues by clarifying misunderstandings, interpreting the parenting plan, working on compromise where appropriate, and making recommendations for resolution.

(2) A parenting coordinator will not have authority to order the parents to do anything unless the parties grant this authority in writing.

**(f) Responsibilities of Parents.**

(1) Each parent shall sign releases of records for the parenting coordinator.

(2) Each parent shall contact the parenting coordinator within seven days of the appointment.

(3) Each parent shall attempt to resolve parenting disputes through the parenting coordinator before initiating court action, except on issues of safety.

**(g) Responsibilities of the Parenting Coordinator.**

(1) The parenting coordinator shall meet with each parent after appointment.

(2) The parenting coordinator shall review the current parenting plan, any restraining or protection orders, and any guardian ad litem report.

(3) The parenting coordinator shall determine whether any hearings are scheduled and may request the hearings be postponed.

(4) The parenting coordinator shall maintain a log of contacts, agreements, recommendations, and follow-through of the parties.

(5) The parenting coordinator is not required to attend hearings unless requested by the court. If there is a contested hearing related to parenting issues during the time of the appointment, the parenting coordinator shall file with the court the relevant portions of the service log or a summary report of no more than two pages.

**(h) Terminating from Parent Coordination.** In the event a party or attorney believes the services of a parent coordinator are not beneficial, he or she may request the court terminate the parent coordinator's appointment. The court may terminate a parent coordinator's appointment for good cause.

[Effective September 1, 2009; amended effective September 1, 2010.]

## **LSPR 94.14 MOTIONS FOR RECONSIDERATION AND REVISION**

**(a) Motions for Reconsideration.** Motions for reconsideration of family law matters shall comply with the procedure in the Thurston County Local Court Rules for motions for reconsideration (LCR 59).

**(b) Motions for Revision of Court Commissioner's Order or Judgment.** Motions for revision are governed by Local Court Rule 53.2.

[Adopted effective September 1, 2010; rescinded effective September 1, 2012; readopted effective September 1, 2013; amended effective September 1, 2014, September 1, 2015.]

## 2. ESTATES—PROBATE—GUARDIANSHIPS

### **LSPR 98.04 HEARINGS**

**(a) Ex Parte Hearings.** All probate matters that are not contested, and in which notice is not required by statute, rule, or a duly filed request for notice under RCW 11.28.240, or where such notice has been waived, may be heard ex parte. Ex parte probate matters may be presented by mail in compliance with the requirements of LCR 16(g)(3).

**(b) Testimony.** Testimony required to open a proceedings may be presented orally, by affidavit or by verified petition.

**(c) Bonds to be Signed by Principal.** All bonds required of personal representative shall be signed by the principal and sureties.

**(d) Order for Production of Wills.** Upon filing a petition showing jurisdictional facts as to the estate of a deceased person and alleging that a will exists and is in a safety deposit box to which the deceased had access, any person having control of such safety deposit box may be directed by court order to open such box in the presence of the petitioner. If a document purporting to be a will of the deceased is found, the custodian of such safety deposit box shall deliver the same to the County Clerk. The clerk, on demand, and on payment of fees, shall issue a receipt for the same, attaching a copy of the will. The fees and mileage to the custodian for such delivery shall be the same as those for any witness and shall be paid by the petitioner, together with expenses incurred.

**(e) Probate Homesteads; Prior Claims.** In all cases where a petition for allowance in lieu of homestead is filed by the surviving spouse, vouchers showing payment of funeral expenses, expenses of last sickness and of administration including fees of appraisers, or that such payment has been provided for, must be filed at or before the time of the hearing.

[Effective October 1, 1982; amended May 1, 1990; March 1, 1995; September 1, 2017.]

**LSPR 98.06      GUARDIANSHIP OF ESTATE REPORTS [New Rule]**

When a guardian for the estate of an incapacitated person whose liquid assets exceed \$10,000.00 files a periodic report, in addition to providing the financial information required by statute, the guardian shall attach supporting documentation to the accounting. At a minimum, the supporting documentation shall include monthly bank statements for at least the first and last month of the reporting period, or, if the guardian of the estate is a bank or trust company, it may file a statement of account instead of monthly bank statements. The court retains discretion to require additional supporting information from the guardian, or to waive this requirement for an individual report or, through a court order, future reports.

[Adopted effective September 1, 2017.]

**LSPR 98.16W      ESTATES – GUARDIANSHIP – SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS**

**(a) Hearing.**

(1) The party who is petitioning for approval of a settlement under this rule must nominate a Settlement Guardian ad Litem and present the nominee's qualifications to the court. The motion to appoint a SGAL may be presented ex parte.

(2) Petitions for approval of settlements shall be noted on the Friday Motion Calendar of the assigned judge, absent good cause for immediate action. The court may excuse the appearance of counsel at its discretion.

(3) Judge's copies of the guardian ad litem's or independent counsel's report and the petition for approval of the settlement shall be submitted to the court not later than noon seven calendar days before the scheduled hearing.

[Effective September 1, 2002; amended effective September 1, 2011, September 1, 2015.]

# LOCAL GUARDIAN AD LITEM RULES

## **LGALR 5            GUARDIAN AD LITEM APPOINTMENT PROCEDURES**

### **(a) Appointment of Guardians ad Litem – Title 26.**

(1) *Joint Recommendation.* The parties or their attorneys may agree to jointly recommend a GAL from the registry. The court may adopt the joint recommendation or require the parties to use the procedures set forth in (2), below.

(2) *By Rotation.* If the parties are not in agreement to a GAL from the registry, then the court will direct the parties to contact the Registry Manager for a list of the next three names from the GAL registry.

(A) If after reviewing the three names the parties agree upon a GAL from the list, then they may present an Order of Appointment to the court for approval by stipulation.

(B) If after reviewing the three names the parties cannot agree, each party may strike one name from the list of three. The court will appoint as GAL the first remaining name on the strike list. The Registry Manager will notify the parties or attorneys of the GAL appointed. If the court chooses a GAL other than from the list provided to the parties, then the court shall make findings on the record.

(3) *Failure of Guardian ad Litem to Accept Appointment.* A GAL chosen to serve by stipulation or from the rotational list who chooses not to serve shall go to the bottom of the rotational list.

(4) *Indigent Parties.* If either of the parties are found to be indigent, then the court shall determine whether to appoint the Family Court Investigator or a GAL from the registry at whole or partial county expense. The court may require either or both parties to contribute to the cost of the GAL investigation.

**(b) Appointment of Guardians ad Litem – Title 11.** Appointment of GALs in Title 11 RCW cases is a strict rotation selection. The party seeking appointment of a GAL shall contact the Registry Manager for the next name on the register. The party shall be responsible for contacting that GAL to determine if the GAL is able to take the case. If the GAL is unavailable for whatever reason, the party shall contact the Registry Manager for the next name on the register.

**(c) Appointment of Guardians ad Litem – Title 13.** These GAL rules do not apply to appointment or management of Title 13 RCW GALs or CASAs. The CASA program is managed separately.

**(d) Complaints from Guardians ad Litem.** Complaints from guardians ad litem regarding registry or appointment matters shall be made in writing and be addressed to the GAL Coordinator. A response to the complaint shall be provided within fifteen working days of receipt of the complaint.

[Adopted effective September 1, 2002, Amended as emergency rule December 30, 2003, April 2, 2004; amended effective September 1, 2004, amended effective September 1, 2007]

## **LGALR 5.1 GAL REPORT REVIEW HEARING – TITLE 26**

**(a) Scheduling Review Hearings.** When a Guardian ad Litem is appointed, an Order shall be entered setting a court hearing to review the Guardian ad Litem report.

**(b) Continuances.** In the event the GAL report is not completed on the date of the review hearing, the hearing may be continued for up to two weeks by agreement of the parties. Any request for a longer delay shall be presented on the record to the judicial officer at the scheduled hearing.

**(c) Review Hearing.** A GAL Report Review hearing will not be stricken without a court appearance unless a parenting plan has been agreed upon and entered. In the event there is no appearance at the hearing and no new parenting plan has been filed, the matter shall be continued for up to two weeks for follow up by Court Administration.

**(d) Confirmation.** No confirmation is required for GAL Report Review hearings. The hearing may only be stricken once there is confirmation of payment of the retainer.

[Effective September 1, 2009.]

## **LGALR 7 GUARDIAN AD LITEM GRIEVANCE AND COMPLAINT PROCEDURES**

### **(a) General Terms.**

(1) *Complaint Review Board.* A Thurston County Complaint Review Board (the Board) is created. The Board shall consist of the Superior Court Administrator or designee, two Thurston County citizens, a member of the Thurston County Bar Association (selected by the County Bar), and one *guardian ad litem* who is active on the Thurston County *Guardian ad Litem* registry and who has not received any sanctions pursuant to a *guardian ad litem* complaint procedure in the past three years, selected by the Judicial Administrative Officer. The *guardian ad litem* representative shall be from the applicable Title 11, Title 13 or 26, or CASA registry. Service on the board is a voluntary service for the good of the community, and is made without receipt of any additional compensation from this service on the board.

(2) *Application of Rules.* These rules shall apply to *guardians ad litem* and Court Appointed Special Advocates (CASAs) appointed on any case heard by this court under Titles 11, 13, and 26 of the Revised Code of Washington (RCW).

(3) *Filing of Complaint.* Any person may file a complaint against a *guardian ad litem*. The complaint must be submitted in writing and filed with the Superior Court Administrator under Titles 11, 13 and 26. The complaint must state the specific *guardian ad litem* act or failure to act of concern to the complaining person and shall include the following information:

(A) The name, mailing address, telephone number, and e-mail address of the person filing the complaint;

(B) The status of any underlying case including the case number and case name;

(C) Whether the complaining person told the *guardian ad litem* about the complaint;

(D) What action, if any, the *guardian ad litem* has taken to address the complaint;

(E) Which section(s) of the Thurston County Superior Court Guardian ad Litem Code of Conduct was violated and the specific facts involved for each violation. A copy of the Code of Conduct is available from the Superior Court Administrator or the CASA Program Coordinator.

(F) Which provision(s) in the Order of Appointment the complaining person feels the *guardian ad litem* has violated and the specific facts supporting each alleged violation;

(G) What the complaining person would like done to fix the problem which is the subject



of the complaint.

The complaint shall not exceed ten pages in length without prior permission for an overlength complaint having been given by the Superior Court Administrator or designee. The complaint may be accompanied by exhibits and attachments without limitation on length.

(4) *Limitation on Filing Complaints.* Complaints filed under this rule must be filed within one year from the date of occurrence of the matters complained of.

(5) *Removal.* If the guardian ad litem is removed from the Court registry, the Court shall enter findings of fact and an order of removal. Upon removing a guardian ad litem from the registry, the Court shall forward a copy of the Order to the Office for the Administrator of the Courts for circulation to other counties.

(6) *Confidentiality.* The complaint, and the Board's initial decision, shall be kept confidential from everyone but the complaining person, unless the Board finds cause to proceed with the complaint. Any requests to disclose information from complaint or guardian ad litem files are subject to redaction of case identifying information, including party names and case numbers; any information that could endanger a victim of domestic violence; and any information prohibited by law from disclosure.

(A) No cause to proceed. If the Board finds no cause to proceed with the complaint, no record of the complaint will be kept in the guardian ad litem's file, although a copy may be kept in separate complaint files with safeguards for confidentiality. After three years, the complaint documents shall be destroyed, with a notation in the file including the names of the complaining person and guardian ad litem, the filing date of the complaint, and that the Board found no cause to proceed with the complaint. However, if a complaining person discloses to a third party that a complaint has been filed, the guardian ad litem may see a copy of the complaint and the Board's decision in the matter and may file a written response to be placed in the confidential file.

(B) Cause to proceed. If the Board finds cause to proceed, the complaint and all relating documents shall be kept in a guardian ad litem complaint file, including copies of the initial and final decisions, and any judicial decisions regarding the complaint.

(7) *Extension of Timelines.* Timelines stated herein can be extended by the Board or by a Judicial Officer for good cause.

**(b) Grievance Procedure.**

(1) *Motion in Court.* At any time, a party may bring a motion in court to address the issues raised by a complaint pursuant to LGAL 7(a).

(A) Such a motion shall be heard by a Judicial Officer other than the one making rulings in the underlying case(s) at issue in the complaint. A Judicial Officer who has heard a motion regarding a *guardian ad litem* complaint shall not make further rulings in the case except those necessary to resolve the issues raised in the *guardian ad litem* complaint.

(B) If such a motion is brought by the complaining party during or after a complaint has been filed with the Board, the party shall disclose to the Court the status of the Board's involvement. A decision by the Board is not binding on the Judicial Officer.

(2) *Initial Review by Board.* Within 10 working days after the Superior Court Administrator receives the written complaint, the Board shall review the complaint and make an initial determination of whether there is cause to proceed.

(A) The initial decision shall be in writing and state whether the Board finds cause to proceed with the complaint and the reasons for that decision.

(B) The Board shall mail the initial decision to the complaining person within 10 working days after receipt of the complaint by the appropriate administrative officer.

(C) At its discretion, the Board may request additional information from the complaining person. The Board may also extend the time to respond if needed. The extension shall not be for more than a total of 10 additional working days. The failure of a complaining person to provide

more information requested by the Board may be a factor in whether the Board finds cause to proceed.

(D) If the Superior Court Administrator determines that the complaint concerns a case currently pending before the court, the Superior Court Administrator shall refer the complaint to the Family Court Presiding Judge in titles 13 and 26 RCW cases and to the Presiding Judge in title 11 RCW cases, and shall so inform the complaining person in writing.

(3) *Review of Determination of No Cause to Proceed.* If the Board finds no cause to proceed, the complaining person may seek review of that decision by bringing a motion before a Judicial Officer consistent with the provisions of this rule.

(4) *Procedure Following Determination of Cause to Proceed.* If the Board finds there is cause to proceed, the Board shall notify the guardian ad litem in writing at the same time the complaining person is notified of the Board's finding of cause to proceed. The notice to the guardian ad litem shall include a copy of the complaint and a copy of the Board's initial decision.

(A) The guardian ad litem shall respond in writing to the Board within 15 days of the mailing of the decision.

(B) The guardian ad litem shall mail a copy of the guardian ad litem's response to the complaining person.

(5) *Board's Authority Following Determination of Cause to Proceed.* After reviewing the guardian ad litem's response, and any replies, the Board shall have the authority to do the following:

(A) find that, based on the information provided, the guardian ad litem did not violate applicable laws, rules, or policies;

(B) issue a written reprimand;

(C) issue an advisory letter to the guardian ad litem summarizing concerns for the guardian ad litem to take notice and/or address;

(D) refer the guardian ad litem to additional training;

(E) require the guardian ad litem to take corrective action to remedy the matters complained about or mitigate the harm caused by those matters;

(F) require the guardian ad litem to bring or support a motion to add, seal, or remove information to/in/from the court file or to/in/from the guardian ad litem report;

(G) recommend to the Judicial Officer hearing an underlying case that it remove the guardian ad litem from the case; and/or

(H) recommend to the Court that the guardian ad litem be removed or suspended from the registry;

(6) *Decision.* Following consideration of all material submitted, the Board shall issue its final decision within 10 working days following receipt of the guardian ad litem's response or passage of the time allowed for response.

(A) The Board shall mail the final decision to the complaining person, the guardian ad litem, and all parties in any underlying case.

(B) The Court shall ensure that the final decision is placed in the guardian ad litem's file and the guardian ad litem complaint file.

(7) *Judicial Review of Board Decisions.*

(A) Two methods of Review. There shall be two methods for seeking judicial review of a Board decision.

(i) Appeal. The right to appeal a decision of the Board finding misconduct shall be available only to the *guardian ad litem*, and only in cases where the decision of the Board recommends removal or suspension of the *guardian ad litem* from the registry.

(ii) Discretionary Review. Decisions of the Board which do not recommend suspension or removal from the registry are subject to review by the Court only through discretionary review. Discretionary review will be accepted only in cases involving significant questions of law or allegations that there was no substantial evidence in the record to support a

material finding of fact upon which the decision of the Board was based. Either a *guardian ad litem* or a complaining person may seek discretionary review of a Board decision.

(B) Procedure on Filing Review. Judicial review of a Board decision must be commenced by filing a petition for judicial review with the clerk of the court and serving the petition on the Judicial Administrative Officer, all parties to the underlying action, the complaining person, and the *guardian ad litem*. Filing and service must be obtained within 20 days of the mailing date of the final decision by the Board. The Superior Court Administrator shall assign the petition for judicial review to a Judicial Officer who has not heard matters in any underlying case at issue in the complaint.

(i) *Costs*. The person seeking judicial review shall be responsible for any filing fees, and costs associated with producing the record for review.

(C) Response and Argument.

(i) *Appeal*. Any response to an appeal of right shall be filed within 10 days of the filing and service of a notice of appeal of right. Oral arguments will be scheduled by the Judicial Officer.

(ii) *Discretionary review*. No response is required and no oral argument will be had unless otherwise directed by the Judicial Officer. If written response or oral argument is directed, the briefing schedule and the date for argument will be set by the Judicial Officer.

(D) Scope of Review. The Judicial Officer shall review the written record and any oral argument, if permitted, to determine whether the *guardian ad litem* violated any applicable laws, rules, and/or policies and if so, the appropriate remedy. The Judicial Officer shall issue findings and a decision on the issues in the complaint based on an independent review of the record.

(E) Consideration of Prior Complaints. If the Judicial Officer determines that a violation occurred, the Judicial Officer may, in fashioning a remedy, consider any prior complaints against the *guardian ad litem* where the Board found cause to proceed.

[Emergency rule effective June 8, 2000; amended effective September 8, 2000, September 1, 2003, September 1, 2004, September 1, 2005.]

## **LGALR 8            GUARDIAN AD LITEM REGISTRIES**

**(a) Maintenance of Registry.** The Family and Juvenile Court shall maintain and administer guardian ad litem (GAL) registries for actions under title 26 RCW and for actions under title 11 RCW. Both registries shall be managed by a Registry Manager at Family and Juvenile Court.

**(b) Maintenance of Guardian ad Litem Files.** The Family and Juvenile Court shall maintain a file for each GAL listed on a current registry. The GAL's application form, writing sample, resume or curriculum vitae, and other records pertaining to the GAL shall be maintained in his or her file. These documents shall be available for public inspection.

**(c) Guardian ad Litem Registry Committee.** The Guardian ad Litem Registry Committee shall consist of the GAL Coordinator and two other individuals designated by the Chief Judge at Family and Juvenile Court. The Chief Judge shall have discretion to appoint two separate Registry Committees for Title 26 and Title 11 GALs. The Registry Committee shall be responsible for approving any applicant's request to be placed on the GAL Registries, shall ensure that an interview with GAL applicants is conducted and shall conduct an annual review of each GAL as set forth below in LGALR 11(b).

[Adopted effective September 1, 2007; amended effective September 1, 2010; September 1, 2017.]

## **LGALR 9 TITLE 26 GUARDIAN AD LITEM REQUIREMENTS**

**(a) Initial Application Requirements.** New applicants may apply for placement on the GAL Registries between January 1-31 of each year, and at other times that the court may designate. To be qualified for consideration for placement on a GAL Registry, in addition to statutory requirements, an applicant must:

- (1) have a four year degree from an accredited institution of higher education;
  - (2) provide a current resume or curriculum vitae;
  - (3) complete the GAL application form provided by the GAL Coordinator;
  - (4) complete the Background Check Information/Authorization Form provided by the GAL Coordinator;
  - (5) provide a sample GAL report of three to five pages in length, double spaced, based on a fact scenario to be provided by the GAL Coordinator;
  - (6) complete an interview as directed by the Registry Committee;
  - (7) if an attorney, be a member in good standing of the Washington State Bar Association;
- and
- (8) complete the required state and local GAL training courses as set forth in LGALR 10 (note: completion of the mentoring component is not required for application but is required prior to appointment to a case).

**(b) Practicum.** All applicants must provide proof of four completed GAL assignments for any Washington State Superior Court within the last five years or proof of successful completion of two supervised GAL assignments as follows:

- (1) One GAL assignment done in conjunction with a mentor GAL that includes accompanying the mentor on all visits, attendance at all interviews, participation in preparation of a report, and attendance at all court hearings. The mentor is the GAL of record and this assignment is without compensation to the applicant; and
- (2) One GAL assignment done under the supervision of the same mentor GAL that includes more active participation on the part of the applicant, such as requesting documents, conducting interviews, and preparing reports under the supervision of the mentor. The mentor is the GAL of record and this assignment is without compensation to the applicant.

**(c) Selection process.** The Registry Committee shall review all information provided by the applicants, including the sample GAL report, and ensure the conduct of interviews and reference checks as deemed appropriate. The Registry Committee shall issue a letter to each applicant by March 31 of each year indicating whether the applicant's request to be placed on the GAL Registry is accepted or declined.

[Adopted effective September 1, 2007; amended effective September 1, 2010; September 1, 2017.]

**LGALR 10 CONTINUING REQUIREMENTS FOR TITLE 26 AND TITLE 11 RCW  
GUARDIANS AD LITEM**

**(a) Title 26 RCW Guardians Ad Litem**

(1) *Continuing Training.* The court may periodically sponsor or approve training programs that title 26 RCW guardians ad litem (GALs) are required to attend to maintain and improve their level of proficiency. Local continuing training may be offered periodically and the curricula may include: instruction using examples of reports, pleadings, and fee agreements; billing procedure and format information; court procedures; information on local resources; and other topics from the state curriculum.

(2) *Annual Update.* Any person who is currently listed on the Title 26 GAL Registry and who desires to remain on the registry shall provide an annual update by February 28 of each year by completing the annual update form and the criminal background check authorization, as well as providing an updated resume or curriculum vitae. The annual update form and updated resume or curriculum vitae shall be available for public inspection.

**(b) Title 11 RCW Guardians Ad Litem**

(1) *Continuing Requirements.* By February 28 in even numbered years, GALs shall provide an update to the court on a form provided by the court. The update shall include:

- (A) current resume;
- (B) signed criminal background check authorization;
- (C) proof of attendance at eight hours of continuing education related to guardianship work during the past two calendar years; and
- (D) disclosure of any complaints related to the GAL's work during the past two calendar years in any jurisdiction.

(2) *Failure to Fulfill Continuing Requirements.* A GAL may be dropped from the registry for failure to meet the continuing requirements above.

**(c) Leave from the Registry.** A GAL on a registry shall notify the court of periods in which he or she is unavailable to accept appointments.

[Adopted effective September 1, 2007; amended effective September 1, 2010; September 1, 2017.]

**LGALR 11 EVALUATION OF GUARDIAN AD LITEM WORK.**

**(a) Case Evaluations.** When a guardian ad litem (GAL) is discharged from a case, every attorney and self-represented party and judicial officer involved in the case is encouraged to submit an evaluation of the GAL on a form approved by the court. The completed evaluations will be returned to Family Court Administration. The GAL may review and respond to the evaluations in writing. Any responses shall be placed in the GAL's file. The purpose of these evaluation forms is to assist the court in maintaining a registry of qualified GALs.

**(b) Annual Evaluations.** The Registry Committee shall review the complete file of every GAL in February of each year.

(1) *Presenting Issues.* The Registry Committee shall determine if there are specific concerns from the evaluations that should be addressed with each GAL and shall issue a written

report regarding any specific concerns. If a written report is issued, the GAL will have seven days to respond in writing to the report. The Registry Committee shall then conduct an in-person review with the GAL to discuss the report and appropriate remedial actions, if any, the GAL should take. The Registry Committee may (A) allow the GAL to remain on the registry with no further action; (B) suspend the GAL from the registry, subject to the GAL completing requirements as set forth by the committee; or (C) remove the GAL from the registry. The GAL shall be notified in writing within seven days of the in-person review. In the event the committee recommends removal from the registry, the GAL shall have ten days to appeal the decision in writing to the Chief Judge at Family and Juvenile Court. A written decision on the appeal from the Chief Judge shall be issued within fourteen days of receipt of the appeal.

(2) *No Presenting Issues.* If no specific concerns are identified for a GAL, then a written report and in-person review is not required.

[Adopted effective September 1, 2010. Amended effective September 1, 2017.]

## ***LGALR 12 TITLE 11 GUARDIAN AD LITEM REPORTS***

[Rescinded.]

[Adopted effective September 1, 2010. Rescinded effective September 1, 2017.]

## LOCAL CRIMINAL RULES

### 1. SCOPE, PURPOSE AND CONSTRUCTION

#### **LCrR 1.5     STYLE AND FORM**

The court has local forms for pleadings. Some forms are mandatory, in which case pleadings must be filed in a form substantially similar to the mandatory form. Forms are available on the web site for Thurston County Superior Court.

[Effective January 11, 1993; amended effective September 1, 2004; September 1, 2017.]

### 2. PROCEDURES PRIOR TO ARREST AND OTHER SPECIAL PROCEEDINGS

#### **LCrR 2.2     WARRANT OF ARREST AND SUMMONS**

[Rescinded.]

[Adopted effective October 1, 1982. Rescinded effective September 1, 2017.]

### 3. RIGHTS OF DEFENDANTS

#### **LCrR 3.1     RIGHT AND ASSIGNMENT OF LAWYER**

(e) (i) *Withdrawal of Lawyer.* In cases where an attorney is attempting to withdraw because of ethical issues, a motion must be made and notice given to all involved parties. The court may hold a hearing on the record in open court with all attorneys present and may further hold a hearing on the record in chambers with only the defense attorney present. The record of the latter may be sealed in appropriate cases until after the case has been completed.

(ii) *Substitution of Lawyer.* In cases where a new lawyer wishes to substitute for a current attorney, the substituting attorney must file a motion asking for substitution. A Notice of Appearance or Notice of Substitution and Withdrawal is insufficient to allow substitution once a case has been set for trial. Notice must be given to all other attorneys of record and the client. A hearing shall be set and all parties shall appear. However, if all parties are in agreement and the trial date is not affected, or all parties are in agreement to continue the trial with the requested substitution, agreed orders may be presented *ex parte* in accordance with *ex parte* procedures for criminal cases.

At the hearing requesting substitution, the court, mindful of the right to an attorney of one's own choosing, will address the substituting attorney's ability to assume representation. The court will consider (1) whether the substituting attorney is prepared to proceed to trial on the current case schedule and (2) whether other parties and alleged victims are agreeable to any trial continuance or are subject to any substantial adverse impact.

Approval from the court will usually be granted in cases involving conflicts of interest or in cases involving a disability that prevents an attorney from proceeding with the case.

In appropriate cases, the court reserves the right to deny withdrawal and substitution.

**(f) Services Other Than a Lawyer.**

(2) The Director of Thurston County Public Defense shall authorize the assigned attorney to obtain services provided for under CrR 3.1(f) on behalf of a defendant upon a showing that the services are necessary and that the defendant is financially unable to obtain these services. This authorization shall be obtained prior to the procurement of the necessary services.

**(g) Privately Retained Lawyer.** Attorneys retained by defendants in criminal cases must serve prompt written notice of their appearance upon the prosecuting attorney and file the same with the clerk.

[Effective October 1, 1982; amended effective December 19, 1988; May 1, 1990; September 1, 2007; September 1, 2017.]

**LCrR 3.2 RELEASE OF ACCUSED**

**(p) Pretrial Services Report.** A defendant arrested on a felony charge who is not released before the defendant's preliminary appearance in court shall be interviewed by a representative of the Thurston County Pretrial Services Department before the defendant's preliminary appearance. A report shall be filed and provided to the prosecuting attorney's office, the presiding judge, and to the Thurston County Public Defense for the court-appointed attorney or any retained attorney.

**(q) Approving Bail.**

Bail bondsmen, who have justified their qualifications to the Superior Court in the manner set forth hereafter, shall be deemed approved to provide bail bonds to defendants in criminal cases in an amount not exceeding the limits prescribed in the order of justification. The justification of a bail bondsman shall continue to exist until revoked, provided, that the court shall no less frequently than once a year review the qualifications of any justified bail bondsman. Upon failure of a bondsman to pay into the court, within ten days, the amount of any bond forfeited by order of the court, the justification of said bail bondsman shall be immediately revoked. The sum so deposited shall be held in the registry of the court for 60 days and should the person for whose appearance the bond was given be produced within said period, the judge may vacate the order and judgment forfeiting the bond on such terms as may be just and equitable. Anyone seeking to provide bond for a defendant in any case where the bondsman has not previously justified qualification, the bond must be submitted to and approved by the presiding judge or the judge's designee. In order to obtain prior justification and approval of the court to provide bonds as an individual surety the following requirements shall be met:

(1) Provide the court verifiable documentary evidence of qualification, including but not limited to a current financial statement.

(2) Provide a current list of all bonds on which the bondsman is obligated in any court of this state, including on the list the name of the court and defendant and the amount of the bond.

In the case of individuals seeking prior justification to write bail bonds on behalf of a corporate surety, the applicant must provide the court with the following:

(1) A certified copy of a power of attorney showing authorization of the applicant to act for the corporate surety.



(2) A letter from the Insurance Commissioner of Washington State indicating that the corporate surety is authorized to do business in this state.

The presiding judge or his or her designee, may approve and justify any bail bondsman upon receipt of the above information. The court shall provide notice by January 31 of each year to the Thurston County Prosecuting Attorney, the Thurston County Public Defense, the Thurston County Sheriff, and the Chiefs of Police of any incorporated cities within the county of the bail bondsman previously qualified and the extent of their authority to write bonds. Further, the court shall notify these agencies promptly after there is a major change in the list of qualified bail bondsmen, such as a disqualification or newly justified bail bondsman. In the event of disqualification, the bail bondsman shall be promptly notified and may seek a hearing before the judge or judges of the court on the issues of qualification.

**(r) Posting of Justified Bondsmen in Jail.** The Sheriff of Thurston County is required to post in a conspicuous location in the jail booking area, the names and telephone numbers of all justified bondsmen.

[Effective April 4, 1983. Amended effective May 1, 1990; February 1, 1994; September 1, 2002; January 26, 2011; September 1, 2011; September 1, 2013; September 1, 2017.]

### ***LCrR 3.2A PRELIMINARY APPEARANCE***

[Rescinded.]

[Effective October 1, 1982; amended May 1, 1990. Rescinded effective September 1, 2017.]

### ***LCrR 3.3 TIME FOR TRIAL***

#### **(f) Continuances.**

(1) Agreed or stipulated continuances shall be presented in the form of the Stipulation and Order for Continuance and shall be signed by the presiding judge or the judge assigned to the case.

#### **(i) Status Hearings**

(1) A hearing shall be held during the week before trial to determine if the case is ready to proceed to trial. Attorneys for all parties shall appear and advise the court of the expected length of trial, any restrictions as to particular days of the week, and readiness for trial. Attorneys shall be notified the following day of the trial department and the day of the week on which trial shall commence.

(2) Evidentiary hearings, including CrR 3.5 and CrR 3.6 issues, shall be scheduled on a regularly-scheduled criminal motion calendar. Any CrR 3.5 or CrR 3.6 hearing requiring argument shall be confirmed before noon two court days before the hearing. If the hearing will not take place, the party noting the hearing must promptly file a notice to strike or continue the hearing with the Clerk's Office and email a copy of the notice to the criminal judicial assistant. Any hearing not confirmed for argument may be continued at the court's discretion.

[Adopted effective October 1, 1982. Amended effective May 1, 1990; January 11, 1993;

September 1, 2007; September 1, 2016; September 1, 2017.]

### **LCrR 3.4 PRESENCE OF THE DEFENDANT**

#### **(d) Video Conference Proceedings**

(2) *Agreement.* In criminal matters, proceedings may be conducted by video conference if specifically authorized by the state-wide criminal court rule regarding video conference proceedings. (CrR 3.4(d)(1)). Additionally, criminal trial court proceedings may be conducted by video conference only by agreement of the parties either in writing or on the record and upon the approval of the judge. The court retains discretion to order video conference proceedings on its own motion.

[Adopted effective September 1, 2012. Amended effective September 1, 2017.]

### **LCrR 3.5 CONFIRMATION**

[Rescinded and recodified to LCrR 3.3(i)(2).]

[Adopted effective January 11, 1993; amended September 1, 2000, September 1, 2016. Rescinded effective September 1, 2017.]

## 4. PROCEDURES PRIOR TO TRIAL

### **LCrR 4.2 PLEAS**

(h) **Time for entry.** Change of pleas shall not be set for entry later than one court day before the trial status hearing. Witnesses shall not be released until after the court has accepted a change of plea.

[Adopted effective September 1, 2007. Amended effective September 1, 2017.]

### **LCrR 4.5 PRETRIAL CONFERENCE**

[Rescinded and recodified to LCrR 4.9.]

[Effective October 1, 1982; amended January 11, 1993; September 1, 2000; September 1, 2016. Rescinded and recodified to LCrR 4.9 September 1, 2017.]

## **LCrR 4.7 DISCOVERY**

(i) **Discharge of Obligations.** At least one full week before the hearing date each party shall fully discharge the responsibilities imposed by CrR 4.7(a) Prosecutor's Obligations and CrR 4.7(b) Defendant's Obligations; provided, however:

(1) Agreement. The parties may agree to a post-hearing schedule for disclosure and discovery. Said schedule shall be made part of the Consolidated Omnibus Order.

(2) Disagreement. In the event of disagreement over the rights and responsibilities of CrR 4.7, only disclosure and discovery of the items of disagreement may be delayed and the issue raised in the omnibus portion of the hearing.

(3) Protective Order. In the event a party seeks a protective order authorized by CrR 4.7, disclosure and discovery of the items for which protection is sought may be delayed until court order at the omnibus portion of the hearing. A motion for protective order shall be made and served in advance of the hearing, in the manner required by court rules.

[Adopted effective January 11, 1993. Amended effective September 1, 2017.]

## **LCrR 4.9 PRETRIAL CONFERENCE [New rule. Recodified from LCrR 4.5.]**

(a) **When Required.** In every case where a Not Guilty Plea is entered the criminal scheduling coordinator shall set a pretrial conference on a date not later than three weeks before trial.

(b) **Pre-Hearing Disclosure and Discovery.** The attorneys for both parties shall comply with LCrR 4.7.

(c) **Procedure.** The pretrial conference hearing shall be a time for the parties and the court to consider and resolve omnibus issues and schedule evidentiary matters, if necessary. The defendant must personally appear for this hearing unless the parties agree otherwise and defendant files in advance of the hearing a written waiver of his right to be present. The parties shall inform the court of the status of the case following their negotiations. If necessary, the court will consider omnibus issues, hear simple motions or set a future time for more involved issues to be heard.

(d) **Order.** Either a Consolidated Omnibus Order or Pretrial - Plea Order shall be entered memorializing the matters agreed upon by the parties and ordered by the court. A change of plea may be heard at that time if the court's schedule permits. Either order shall be in a form which substantially conforms to the orders illustrated in the forms appendix (LCrR 1.6). Forms will be available at the clerk's station.

(e) **Waiver of Hearing.** The pretrial conference may not be stricken unless an agreed Pretrial - Plea Order or Consolidated Omnibus Order shall be entered beforehand or other good cause is shown.

[Recodified from LCrR 4.5 September 1, 2017.]

## 6. PROCEDURES AT TRIAL

### **LCrR 6.15      INSTRUCTIONS AND ARGUMENT**

**(a) Time for Submission.** Unless otherwise ordered by the court, proposed jury instructions shall be filed and served no later than at noon one business day before trial.

**(b) Format.** Proposed jury instructions submitted to the Judge shall be typed and double spaced, and each proposed instruction shall be on a separate letter size sheet of paper. A cover sheet with a case caption which reads, "Court's Instructions to the Jury" shall be included.

**(c) Submissions.** Sets of proposed instructions shall be submitted as follows:

(1) *To the Clerk:* A set of instructions numbered and with citations, and a set that is number and without citations, shall be filed with the clerk. The numbered and unnumbered instructions may be submitted together as one document.

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

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

(A) A set of instructions numbered and with citations and a set of instructions without numbers and citations in electronic format via e-mail to the judge's assistant, preferably in Word for Windows format, with all proposed instructions in a single computer file; and

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

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

[Adopted effective September 1, 1997. Amended effective September 1, 2004; September 1, 2017.]

### **LCrR 7.2      SENTENCING**

RULE RESCINDED

[Effective January 11, 1993; amended September 1, 2000; rule rescinded September 1, 2016.]

# LOCAL JUVENILE COURT RULES

## **LJuCR 3.6 ANSWER TO PETITION**

**(a) Response Required.** The parents or other respondents shall file a response to a petition for dependency in accordance with time requirements for other civil actions.

**(b) Nature of Responses.** The response shall specifically address and admit or deny each allegation in the petition or indicate there is not sufficient knowledge or information to form a belief as to the truth of the allegation.

**(c) Signature Required.** The response shall be signed by the parent or other respondent or their attorney. If the response is signed only by the attorney, the response shall include a certification that the specific admissions and denials have been discussed by the attorney with the represented parent or respondent.

[Adopted effective September 1, 2010.]

## **LJuCR 4 SETTLEMENT AND PRETRIAL CONFERENCES FOR DEPENDENCY AND TERMINATION CASES**

**(a) Settlement Conferences for Termination Cases.**

(1) *Request for Conference.* Settlement conferences will be scheduled upon the request of any party to a termination action. The settlement conference should be requested when the trial date is set at the first-set appearance, or within 30 days.

(2) *Timing of Conference.* The settlement conference shall be held at least 30 days before the scheduling conference for the termination trial.

(3) *Settlement Conference Statements.* Settlement conference statements shall be required from all parties and shall contain:

- (A) a brief history of the case;
- (B) reasons for or against termination of parental rights; and
- (C) any relevant legal authority.

(4) *Statement Length.* Settlement conference statements shall not exceed three pages in length. The person conducting the settlement conference will also be provided the dependency and termination files.

(5) *Statement Due Date.* Settlement conference statements shall be provided to the court, other counsel, and the court appointed special advocate (CASA) and/or guardian ad litem (GAL) seven calendar days before the conference.

(6) *Confidentiality.* Settlement conference statements are confidential and will not be filed. Settlement conference negotiations are confidential and shall not be used at trial.

(7) *Required Attendance.* Any parent contesting termination, the currently assigned social worker, the social worker's supervisor, counsel for all parties, and the CASA or GAL shall be required to attend the settlement conference. Others may be present at the conference with the approval of the judicial officer.

(8) *Judicial Officer.* Any judicial officer presiding over a settlement conference shall be disqualified from subsequent hearings in the same case.

**(b) Settlement Conferences for Dependences Cases.** Settlement conferences may be ordered by the court in dependency cases, subject to the requirements of section (a) of this rule.

**(c) Pretrial Conferences.** Termination cases are subject to pretrial conferences in accordance with these local rules' requirement for pretrial conferences in family law cases (LSPR 94.03D).

[Adopted effective September 1, 2009; amended effective September 1, 2010, September 1, 2011.]

#### ***LJuCR 4.2 PLEADINGS***

**(c) Answer.** The parents or other respondents shall respond to a petition for termination in accordance with LJuCR 3.6.

[Adopted effective September 1, 2010.]

#### ***LJuCR 12 PETITIONS FOR EMANCIPATION***

Petitions for emancipation of minors shall be made through the Family and Juvenile Court. The petition shall be made using the form approved by the Administrative Office of the Court and available on the Washington Courts web site. Before the hearing on the emancipation petition, the petitioner shall be interviewed by a probation counselor of the Juvenile Department of the Superior Court, who may offer a recommendation to the Court.

[Adopted effective October 1, 1982. Amended February 9, 1999; September 1, 2017.]

**LOCAL RULES FOR APPEAL OF DECISION OF  
COURTS OF LIMITED JURISDICTIONS**

LRALJ 10.2 DISMISSAL OF APPEAL

[Repealed.]

[Adopted effective September 1, 1997. Rescinded effective September 1, 2017.]