

**LOCAL RULES  
OF THE  
SUPERIOR COURT OF WASHINGTON  
FOR JEFFERSON COUNTY**

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**Brandon Mack  
Judge**

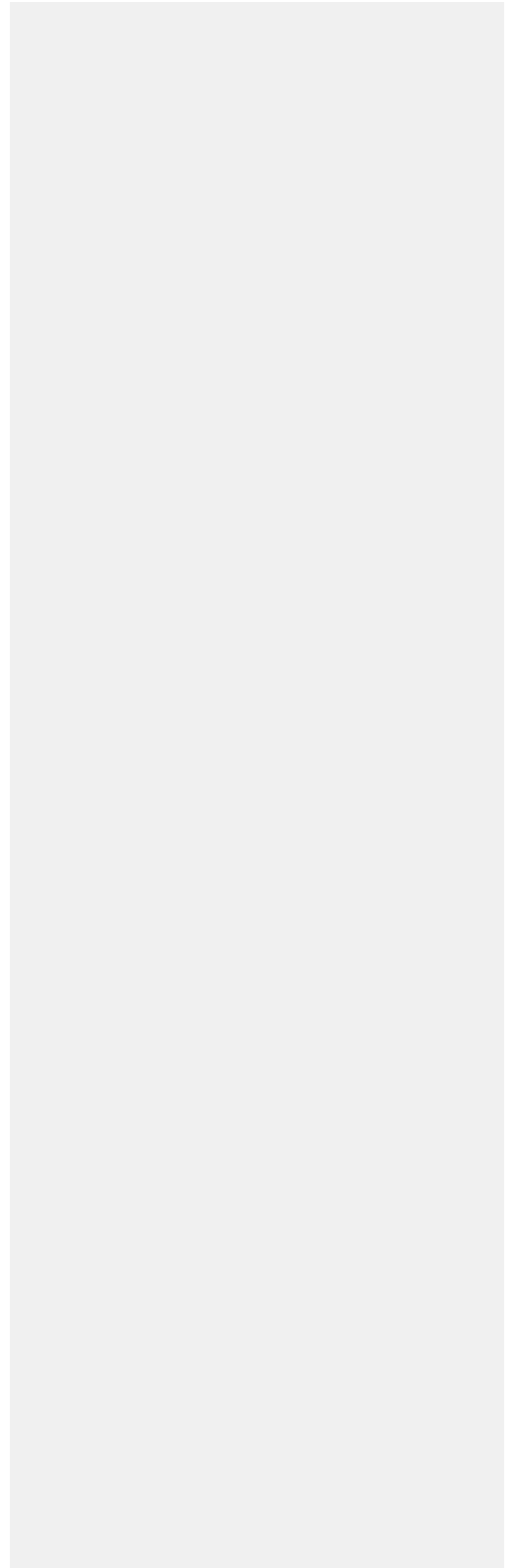
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**Sophie Nordstrom  
Court Administrator**

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**Amanda Hamilton  
County Clerk**

(With Amendments and Revisions effective September 1, 2023)



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LCR 1 SCOPE OF RULES

- (a) **Authority.** These local rules are promulgated pursuant to CR 83.
- (b) **Application of Local Rules.** Unless specifically designated otherwise, all local rules apply to all parties be they self-represented or represented by an attorney.
- (c) **Suspension of Local Rules.** The court may modify, remove or suspend the application of any of these local rules, in any given case, upon good cause being shown therefore or upon the court’s own motion.
- (d) The local civil rules apply to all cases in superior court unless contradicted in other local rules, statute or other court rule.

LCR 3 CASE SCHEDULE

- (a) **Civil (Non-Family) Cases Not Receiving a Scheduling Order at Trial Setting.** The following case types do NOT receive an Order Setting Civil Case Schedule (Appendix 11):
  - (1) Change of name;
  - (2) Civil Protection Orders (RCW 7.105);
  - (3) Guardianships;
  - (4) UIFSA actions (RCW 26.21A);
  - (5) Foreign judgments;
  - (6) Abstract or transcript of judgment;
  - (7) Civil commitment;

- (8) Proceedings under RCW 10.77 (Criminally Insane - Procedures); and
- (9) Proceedings under RCW 70.96A (Treatment for Alcoholism, Intoxication, and Drug Addiction).
- (b) **Civil (Non-Family) Cases Receiving an Order Setting Case Schedule at Trial Setting.** When a new civil, non-family case of a type not specifically identified in section (a) above is set for trial, the court administrator shall issue an Order Setting Civil Case Schedule and shall provide one copy to the plaintiff/petitioner and one copy to defendant/respondent. The Order Setting Civil Case Schedule shall contain the case heading and otherwise be as set forth in Appendix 11.
- (c) **Amendment of Case Schedule.** The court, either on motion of a party or on its own, may modify any date in the Order Setting Civil Case Schedule for good cause. If an Order Setting Case Schedule is modified, the court shall prepare and file the Order Amending Civil Case Schedule which shall be promptly provided to the parties. Alternatively, the court may order the parties to present proposed Amended Civil Case Schedules. Cases which are transferred to civil arbitration pursuant to LCAR 2.1 will have their existing case schedule stricken upon transfer.
- (d) **Service of Additional Parties Upon Joinder.** A party who joins an additional party in an action shall be responsible for serving the additional party with the current Order Setting Civil Case Schedule.
- (e) **Form of Case Schedule.**
  - (1) **Original Case Schedule.** The Order Setting Civil Case Schedule is set forth in Appendix 11.
  - (2) **Amended Case Schedule.** An Order Amending Civil Case Schedule shall be in the same form as the original Order Setting Case Schedule except it shall be titled Order Amending Civil Case Schedule. Additional dates may be added to the Order Amending Case Schedule upon order of the court.
- (f) **Discovery.** Civil, non-domestic cases shall have a discovery cutoff of 12 weeks prior to trial. Discovery shall be completed by the discovery cutoff date. Written discovery shall be propounded to allow for completion prior to the discovery cutoff date.
- (g) **Time Intervals for Cases Receiving an Order Setting Civil Case Schedule.** The case events and case event dates included in the original Order Setting Civil Case Schedule shall be measured in weeks before the trial date as follows:

**CASE SCHEDULE – Measured in Weeks Before Trial**

<b>DEADLINE</b> for Disclosure of Possible Primary Witnesses	34
<b>DEADLINE</b> for Disclosure of Possible Additional Primary Witnesses	26
<b>DEADLINE</b> for Discovery Cutoff	12
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<b>DEADLINE</b> to Exchange Witness and Exhibits Lists	3
<b>DEADLINE</b> for hearing Motions in Limine	2
<b>DEADLINE</b> for Joint Statement of Evidence	1
<b>DEADLINE</b> to file Trial Briefs and Proposed Jury Instructions	1

- (h) **Enforcement.** The court on its own initiative or on motion of a party, may impose sanctions or terms for failure to comply with the Order Setting Civil Case Schedule established by these rules. If the court finds that an attorney or self-represented party has failed to comply with the Order Setting Civil Case Schedule and has no reasonable excuse, the court may order the attorney or party to pay monetary sanctions to the court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the court may impose such other sanctions as justice requires. As used in this rule, "terms" means costs, attorney's fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

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

**5.1 Documents Not To Be Filed.** Photocopies of reported cases, statutes or texts shall not be filed as an appendix to a brief or otherwise, but may be furnished directly to the judge hearing the matter, and to all other parties. Documents or copies produced during discovery, including interrogatories, and other items that should properly be received as exhibits shall not be included in the court file. Documents in a digital or video format are not acceptable for filing.

**5.2 By Mail.** Counsel may present agreed orders and ex parte orders based upon the record in the file by use of the United States mail addressed to the court, and submission of the ex-parte fee set by the clerk. When signed, the order shall be filed with the clerk. When rejected, the papers shall be returned by mail to the counsel sending them, without prejudice to presentation by counsel in person to the same judge. Self-addressed, stamped envelopes, along with copies of the order to be signed, shall be provided for return of any conformed materials and/or rejected orders.

**5.3 Facilitator Review.** The courthouse facilitator prior to submission to the court shall review all final pro se ex-parte or non-contested domestic relations documents.

**5.4 Filing and Scheduling of Motions and Responses.**

**(a) Filing and Scheduling of Motions.** Notwithstanding any provision of CR 6(d) to the contrary, a party filing any motion shall serve and file such motion no later than seven (7) days prior to the date noted for argument on the motion. Motions requiring a longer period of notice pursuant to court rule or statute shall be filed as required by the applicable court rule or statute. All documents supporting the motion shall be filed and served with the motion.

Unless other arrangements are made with the court administrator (see LCR 7.10), all motions shall be scheduled for the appropriate motion docket. Unless otherwise ordered by the court, hearings on any motion shall not include live testimony and argument may be limited in time. A notice of issue or note for motion docket identifying the nature of the motion, names of the parties, the names of the attorneys if any, and the date and time for argument on the motion shall be filed and served with the motion.

(i) Filing Methods as Alternatives to In Person Filing

- 1) "Liquidfile"- electronic filing- contact the ~~Chief Deputy Clerk~~ clerk's office, ~~Lori Bailey~~ to facilitate set up. Electronic signatures are acceptable.
- 2) Facsimile per GR 17
- 3) United States Postal Service to- Jefferson County Clerk's Office, P.O. Box 1220, Port Townsend, WA. 98368

**(b) Response Documents.** Any party opposing a motion or any part thereof shall file all original responsive documents and serve copies upon all parties not later than 12:00pm two court days prior to the scheduled date for argument on the motion.

**(c) Reply to Response Documents.** All reply documents to the response documents as provided for in (b) of this rule shall be filed and served on all parties not later than 12:00pm one court day prior to the date set for argument on the motion. No additional documents shall be filed, served or considered by the court after that date and time.

**(d) Affidavits and Declarations.** Affidavits and declarations in support of or in the opposition to any motion or part thereof shall be made only on personal knowledge, shall set forth only such facts as would be admissible in evidence, and shall show affirmatively that the affiant or declarant is competent to testify to the specific matters set forth therein. Argument, comment, and non-expert opinion shall be excluded from affidavits and declarations.

**(e) Hearing on short notice.** All motions and orders shortening time shall detail why the seven (7) day window should be reduced and indicate how service was made on the other parties. Such motions, orders, and notes for motion docket shall be filed and served on all parties not later than 12:00pm two court days prior to the desired date on which the expedited hearing is requesting to be set.

**(f) Terms.** Terms and sanctions may be imposed for failure to comply with this rule, including the striking of any documents filed in violation of this rule.

**LCR 7 MOTIONS AND REMOTE APPEARANCES**

**7.1 Motion Days.** Motions shall be noted at the time and place stated in Local Rule 77(k)(1).

**7.2 Ex-Parte Fee.** Any ex-parte or agreed application presented without a note for motion docket will be subject to the mandatory ex-parte fee of \$30.00.

**7.3 Note For Motion Calendar.** The notice of issue must be on a form approved by the court such as that in Appendix 3.

Bench copies for the judge, labeled "bench copy", shall be emailed to [courtadmin@co.jefferson.wa.us](mailto:courtadmin@co.jefferson.wa.us) at least 48 hours prior to the motion hearing. The subject line shall contain the name of the judge hearing the motion, the date of the hearing, the case name and cause number. The body of the email shall include by whom these papers are being delivered. The court administrator will notify the parties if hard copies are required by the court.

**7.5 Reapplication on Same Facts.** When an order has been refused in whole or in part (unless without prejudice) or when an order has been granted conditionally and the condition has not been performed, the same motion may not be presented to another judge.

**7.6 Reapplication on Different Facts.** If a subsequent motion is made upon an alleged different statement of facts, the moving party must show by affidavit what motion was previously made, when and to what judge, what order or decision was made on it, and what new facts are claimed to be shown. For a failure to comply with this requirement, any order made upon such subsequent motion may be set aside.

**7.7 Sanctions.** The court may impose sanctions or terms for any frivolous motion, non-appearance, or in granting a continuance of any matter.

**7.10 Attorneys Fees and Costs.**

(a) A party requesting that the court award attorney's fees or order payment of fees in any case shall itemize in affidavit form the time expended, services rendered, or other basis for the fees requested. All claims of a party for attorney's fees and expenses must be submitted in the form of a motion and order. All claims for services must be submitted within 30 days of completion of the case, or they may be denied.

(b) Appointed counsel submitting claims for services shall also itemize expenses incurred, i.e., long distance telephone and photocopy expenses. Extraordinary expenses by counsel will not be allowed without prior approval of the court. No expenses for third party services or experts shall be allowed without prior approval of the court.

Contested pretrial motions shall be noted according to the civil case schedule and in accordance with LCR 77(k)(1). The parties shall contact the court administrator to specially set a motion hearing that will require more than 10 minutes of oral argument per side or will require the introduction of evidence and/or testimony. The court reserves the right to deny a party's request for special setting.

**7.12 Change of Judge.** In the event that a motion is scheduled for hearing before a superior court judge on a specified court day and a Notice of Disqualification is filed against that judge, or a recusal is made by the sitting judge, the scheduled motion will be referred for hearing to the court administrator for a superior court commissioner or visiting judge for a time to be determined.

**7.13 Length of Argument.** No more than ten minutes to each side for argument shall be allowed unless greater time is specially authorized by the court. If parties require more than 10 minutes per side, refer to LCR 7.10.

**7.14 Remote Appearances**

Download Zoom on your device in advance of your first scheduled appearance. A free version is available at Zoom.us or from the app store on your device. Sign in utilizing the Meeting ID and Passcodes indicated on the Superior Court website for the session you would like to attend. Review the Zoom Rules and the Administrative Order regarding not recording any portion of a remote proceeding. Alternatively, parties may call the designated Zoom phone number and when prompted, enter the meeting ID and passcode.

(a) The hearing will be held on a specific calendar in the usual manner unless the court exercises its discretion to call cases in a different order.

(b) The hearings are conducted in open court. All parties appearing remotely shall join the hearing by the time the calendar is scheduled. Parties shall remain on the video/telephone line and hear the same business that those present in the court may be hearing. Parties not appearing remotely shall appear in person.

(c) Parties appearing remotely shall acquaint themselves on how to mute and unmute their device prior to the hearing. Parties waiting on Zoom shall mute their devices or phones to eliminate background noise until their case is called.

(d) The following link and Zoom information shall be used for all hearings except civil protection orders and any other matters specified by the court: <https://us02web.zoom.us/j/85823314138?pwd=KzI4YUhfblwSnpCTTl4TDdHN0Jsdz09> Meeting ID-858 2331 4138 Passcode- 4567

Subject to the court's right to amend this list, the following matters may be deemed unsuitable for remote appearances:

- A. Judgment Debtor Examinations;
- B. Trials at which oral testimony may be presented; barring agreement of parties and the court

appear in person

(iv)

(g) Existing rules and procedures regarding making of the record by a court reporter or electronic device or obtaining a transcript after the hearing shall apply to hearings at which remote appearances are made.

Parties electing to make a remote appearance shall indicate as such on the Notice of Issue.

(j) Parties appearing remotely shall send an original order with a bench copy directly to the court administrator for presentation during the hearing as described in LCR 7.4 and 10.8.

(m) A party making a remote appearance shall:

(i) Eliminate to the greatest extent all possible ambient noise from the calling locations;

(iv) A party appearing remotely shall state his or her name for the record at the beginning of the hearing and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for an in-person appearance.

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

**10.1 Format Requirements.** All documents presented for filing shall be originals, typed or hand printed legibly using permanent ink on non-translucent paper suitable for laserfiche scanning. The type size shall be no smaller than size 10 font. In all respects, documents shall conform with GR 14 standards. All original pleadings shall be first impressions with original signatures. Every paper other than the original filed with the clerk must be labeled "Copy." Documents presented for filing shall contain no staples.

**10.2 Signature Requirements.** Any order or other paper presented to a judge for signature shall contain a signature on the left-hand side of the page by the individual presenting the document. A place for the judge's signature shall be below the last line of the order or other paper on the right-hand side of the page. Attorneys signing shall include their Washington State Bar Association Membership numbers. Electronic signatures are acceptable.

**10.3 Address of Party** A party appearing shall state on all pleadings filed, (a) the party's mailing address, (b) a street address where service of process and other papers may be made on that party, and (c) a telephone number where the party can be contacted during the business day.

**10.4 Clerk's Action Required.** Pleadings or other papers requiring action on the part of the clerk (other than file stamping, docketing and placing in the court file) shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page of the document, stating 'CLERK'S ACTION REQUIRED' AND applicable paragraph number(s) dictating action based on a clerk's mandate established in statute or court rule. Action documents which do not, on their face, comply with LCR 10.4 may not be processed. Responsibility to pursue a remedy rests with the parties, who may contact the clerk for direction.

**10.5 Civil Bench Warrant.** Any person requesting a civil warrant of arrest shall provide as much of the following information as possible on the person to be served the warrant to the clerk of the court: full name, date of birth, height, weight, race, gender, eye color, hair color and last known address.

- (a) Proposed orders received by the clerk's office prior to a hearing will be filed and should clearly state "proposed order." These orders should only be filed when required or necessary to create a record. This includes child support worksheets and parenting plans.
- (b) Proposed orders for consideration by the court and not to be filed, shall be presented to the court at least 24 hours prior to the scheduled hearing via email to [courtadmin@co.jefferson.wa.us](mailto:courtadmin@co.jefferson.wa.us) . All proposed orders shall also be given to the other parties prior to the scheduled hearing.
- (c) Parties shall present an original final order at the time of the hearing unless appearing remotely.
- (d) Parties may also file an original agreed proposed order for presentation with a \$30 ex parte fee without notice of a hearing.

## 10.7 Electronic Filing

- (a) Parties may electronically file (e-file) documents using the Clerk's e-filing processing unless this rule provides otherwise.
- (b) For information and registration for e-filing, contact [countyclerks@co.jefferson.wa.us](mailto:countyclerks@co.jefferson.wa.us)
- (c) All electronically filed pleadings shall be formatted in accordance with the applicable rules governing formatting of paper pleadings, including GR 14.
- (d) **Documents That Shall Not Be E-Filed:**
  - (i) Proposed Orders (exceptions in 10.6) or Bench Copies; (ii) Interpleader or Surplus Funds Petitions; (iii) Affidavits for Writs of Garnishment or Execution; (iv) Original wills and codicils that do not conform to the Electronic Wills Act;

**Comment:** Negotiable instruments, exhibits, trial notebooks, and proposed orders are examples of items that are not to be filed in the court file either in paper form or by e-filing.

(e) **Bench Copies for E-Filed Documents** – See LCR 7.4

- (f) **Filing and Ex Parte Fees.** Fees shall be paid at the time of electronic filing via the link on the Clerk's website under Services – Superior Court Payment.
- (g) **Time for Filing, Confirmation, Rejection.**
  - (i) An electronic document is considered filed with the clerk when it is received in the clerk's e-file system during regular business hours. Documents filed after 4:30 p.m. PST, or on a non-business day, shall be considered filed on the next business day.
  - (ii) The clerk may reject a document that fails to comply with applicable electronic filing requirements. The clerk will notify the filing party by email the document(s) being rejected and the reason therefore.

## LCR 12 DEFENSES

**12.1 Bankruptcy.** Any party that wishes to assert the protection of the Federal Bankruptcy laws shall, by the next judicial business day after the bankruptcy filing, file a copy of the Bankruptcy Court Notice of Commencement of Case Under Bankruptcy Code, or by a certificate reflecting that the copies are true and accurate, filed under the Superior Court caption for each case to which the matter pertains. A copy shall be served on all other parties, and a copy provided to assigned judge, if any. A claim of bankruptcy protection asserted in an answer or other pleading is not sufficient to advise the clerk or court of the pendency of bankruptcy. The parties will seasonably update the court as to the status of a bankruptcy case.

## LCR 16 PROCEDURES AND SETTLEMENT CONFERENCES

**16.1 Status/Scheduling Conferences.** A status/scheduling conference is a conference at an early state of the litigation held for the purpose of addressing issues such as adequacy of service, discovery, pleadings, need for additional parties, timing of pre-trial motions, and other matters. Status/scheduling conferences shall be scheduled only upon motion by one of the parties to the litigation, or by agreement of counsel.

## 16.2 Settlement Conferences.

(a) **Domestic Relations Settlement Conferences.** In all domestic relations matters, involving children, settlement conferences are mandatory. The presence of the parties and counsel is mandatory unless excused by the court. If a party fails to attend the mandatory settlement conference the settlement commissioner may strike the trial date and the attending party would then be able to move for an order of default and for terms. Each party shall provide his/her proposed parenting plan and pre-trial affidavits are required. If child support or payment for day care is an issue, both parties shall provide their set of Washington State Child Support Schedule Worksheets. Additionally, each parent shall provide:

- (i) Federal income tax returns for the past three tax years;
- (ii) Wage & hour (payroll) statements for the previous three months;
- (iii) Documents establishing medical and/or dental insurance on the child(ren);
- (iv) Documentation for day care expenses for the previous three months.

All documents identified above are to be furnished to the court and opposing party two working days



before the scheduled settlement conference.

Guardian Ad Litem shall not attend mandatory settlement conferences unless ordered by the court.

(b) **Other Settlement Conferences.** Except in domestic relations cases, settlement conferences shall be held only by agreement of the parties, and shall be heard by a court commissioner. Parties wanting to set up a settlement conference shall contact the court administrator for available dates and times.

(c) **Dependency Case Conferences.** In dependency matters a case conference shall be held one month after the shelter care hearing, for the purpose of attempting to develop a written service plan that is acceptable to all parties and consistent with any prior orders of the court. All parties shall attend the case conference, which shall be facilitated by the Department of Children, Youth and Family. First set fact finding shall be set two weeks after the case conference.

**16.3 Pre-Trial Conferences.** Upon motion of either party to the litigation, or upon the court's own motion, a pre-trial conference may be conducted by the trial judge, and shall not be reported unless ordered by the trial judge. Pre-trial conferences shall be held prior to trial, and shall be conducted without interference in the scheduling of any jury. Issues, which should be discussed in the pre-trial conference, include, but are not limited to:

- (a) Hearing of non-dispositive motions;
- (b) Simplification of the issues;
- (c) Necessity or desirability of amendment to pleadings;
- (d) Addressing admissions of fact and admission of documents;
- (e) Limitation of number of expert witnesses;
- (f) Court's estimate of length of trial;
- (g) Proposed jury instructions;
- (h) Scheduling difficulties.
- (i) Possibility of compromise settlement;

(a) **Exchange of Exhibit and Witness Lists.** In cases governed by an Order Setting Civil Case Schedule pursuant to LCR 3, the parties shall exchange: (1) lists of the witnesses whom each party expects to call at trial; (2) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (3) copies of all documentary exhibits except for those items agreed to by counsel and self-represented parties, such as identical copies of items already produced to avoid unnecessary duplication. Counsel and self-represented parties are encouraged to ascertain that each has full and complete copies of any document to be presented at trial to avoid unnecessary duplication expenses. In addition, non-documentary exhibits shall be made available for inspection by all other parties no later than 14 days before trial. Failure to comply with this rule shall be subject to the provisions of LCR (3)(h).

(b) **Pretrial Motions.** All such motions shall be served, filed, and heard pursuant to LCR 7; provided that no pretrial dispositive motions shall be heard after the cutoff date provided in the Order Setting Case Schedule except by order of the court and for good cause shown.

(c) **Joint Statement of the Evidence.** In cases governed by an Order Setting Civil Case Schedule pursuant to LCR 3 the parties shall file a Joint Statement of Evidence containing (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall contain a notation for each exhibit as to whether all parties agree as to the exhibit's authenticity and admissibility. The parties shall work together to avoid duplicate exhibits. Any witness or exhibit not listed in the Joint Statement of Evidence may not be used at trial, unless the court orders otherwise for good cause and subject to conditions, as justice requires.

(d) **Alternative Dispute Resolution.** In cases governed by an Order Setting Civil Case Schedule pursuant to LCR 3, some form of Alternative Dispute Resolution ("ADR") is required. At least 30 days prior to trial the parties shall each submit a certification or declaration that they have participated in one or more types of ADR, including, but not limited to formal negotiations that included an exchange of written proposals, arbitration, or mediation. Upon motion and approval of the court, ADR may be waived for good cause shown. The parties may also request a settlement conference with a court commissioner no later than 16 weeks prior to trial.

(e) **Exhibits.** At least seven days prior to trial, the parties shall deliver their exhibits contained in their Joint Statement of the Evidence in binders with numbered tabs for pretrial processing. An exhibit list for the courtroom clerk shall accompany these binders. An exhibit list in MS WORD shall be email to the clerk. Any photographs shall be listed with a description sufficiently detailed to differentiate the photograph from others on the exhibit list. Exhibits will be pre-marked numerically by the courtroom clerk. The courtroom clerk will work with the parties in facilitating the marking and management of the exhibits.

16.5 **Minor Settlements.** The attorney personally in charge of the case of the minor, if any, the minor child, and at least one parent or legal custodian shall personally appear at any hearing at which application is made for approval of a settlement. Personal attendance for any guardian is required. A receipt for funds deposited in a blocked account shall be filed with the court no later than thirty days from the date the bank receives the funds.

#### LCR 26 DISCOVERY

- (a) **Scope.** This rule shall apply to all cases governed by an Order Setting Civil Case Schedule pursuant to LCR 3.
- (b) **Disclosure of Primary Witnesses.** Each party shall, no later than the date for disclosure designated in the Order Setting Civil Case Schedule, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.
- (c) **Disclosure of Additional Primary Witnesses.** Each party shall, no later than the date for disclosure designated in the Order Setting Civil Case Schedule, disclose all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.
- (d) **Scope of Disclosure.** Disclosure of witnesses under this rule shall include the following information:
  - (1) **All Witnesses.** Name, address and phone number.
  - (2) **Lay Witnesses.** A brief description of the witness's relevant knowledge.
  - (3) **Experts.** A summary of the expert's anticipated opinions and the basis therefore and a brief description of the expert's qualifications or a copy of curriculum vitae if available. For the purposes of this rule, treating physicians shall be considered expert as well as fact witnesses.
- (e) **Discovery Not Limited/Additional Witness Identified.** This rule does not modify a party's responsibility to timely supplement responses to discovery requests or otherwise to comply with discovery before the deadlines set by this rule or by other civil rules.

#### LCR 31 PERSONAL IDENTIFIERS – CHILDREN

31.1-31.11 Renumbered as Local General Rule (LGR) 31.1-31.11

#### LCR 32 USE OF DEPOSITIONS IN COURT PROCEEDINGS

32.1 **Video/Audio Depositions.** When presenting portions of a video or audio deposition, a printed transcript thereof must be filed within 10 days of its presentation. The video or audiotape will be treated as though it were an exhibit and will be returned after the appeal period.

32.2 **Equipment for Viewing.** A party offering testimony or evidence by videotape or audiotape shall arrange for or obtain the proper equipment for viewing or listening.

#### LCR 38 JURY TRIAL

38.1 **Impaneling the Jury.** On the day of trial, the jurors shall sign in on the computer print-out provided by the jury manager. The jury administrator will randomly assign a number to each name. The list of assigned numbers shall be given to the bailiff who will distribute the numbers to the jurors, or in the alternative, jury numbers may be assigned during the jury sign in process. Any jurors wishing to be excused from serving on the trial shall be brought before the judge and examined in the presence of the parties. Those not excused shall be returned to the bailiff, who will then seat the panel in the courtroom in numerical order.

38.2 **Examination of Jurors.** The voir dire examination of the jurors shall be conducted under the direction and control of the court with the following guidelines:

- (a) The court shall ask all general questions and thereafter give leave to the respective parties to ask such supplementary questions as may be deemed proper and necessary by the court. The plaintiff shall begin the questioning and may not re-examine

the panel after the conclusion of the defendant's examination. The questions shall be designed to determine a prospective juror's bias and prejudice, and shall not be used to try a party's case. The parties shall submit all proposed general questions to the court in writing at the pre-trial conference.

(b) The court may intervene without objection in instances of inappropriate questioning and may limit the amount of time each party has to examine a juror or jury panel. It is expected that each party shall conduct its voir dire in one hour or less.

(c) At the conclusion of each party's questioning, the party shall either challenge a particular juror for cause or pass the panel for cause. After both parties have passed the panel for cause, the first twelve (12) jurors, or if appropriate, six (6) jurors, plus alternates, shall be seated in the jury area. Preemptory challenges shall be open unless on motion for good cause shown.

(d) Counsel may submit, and the court may allow, special questionnaires focused to the specific case to be submitted to the jurors to answer on the morning of trial before the voir dire process begins or in the alternative the questionnaires may be incorporated into the Jury Qualification Forms and returned to the Jury Manager. Copies will be made available to counsel during the questioning of the jurors. Counsel must submit proposed questionnaires to the court, file with the clerk and serve copies on opposing counsel at least three days prior to trial or in the alternative review the available questionnaires on the morning of trial.

(e) At the conclusions of voir dire, any juror questionnaires or forms shall be immediately returned to the Court. No questionnaires or information forms shall be copied or removed from the courtroom without express permission of the trial judge. All jury questionnaires will be retained as a court's exhibit until the normal exhibit retention period is complete, after which they shall be destroyed upon the court's order. Pursuant to GR31 individual juror information, other than name is presumed private, and access to jury questionnaires is strictly limited by GR31(j)

**38.3 Alternate Juror.** The alternate juror shall be designated by random drawing to be announced after closing argument.

**38.4 Jury Administrative Reimbursement Fee.** In the event that a trial is cancelled subsequent to the jury call having been processed, counsel or parties to the action may be subject to a jury administrative reimbursement fee equal to the actual costs incurred by the court for jury fee payments or administrative costs in calling the jury panel. Upon a showing of good cause, said fee may be waived by the court.

**38.5 Pretrial Matters** Counsel shall be prepared to present any final pretrial matters to the court. Pretrial matters requiring argument shall be noted for hearing prior to the morning of the trial to avoid inconvenience of the jury pool. Pretrial matters requiring argument shall be heard at least 14 days prior to the trial. Jury trials should be conducted with minimal interruptions of the jury's time. To this end, matters that need to be heard outside the presence of the jury should be anticipated so that they can be considered during jury breaks or before or after the jury's day. Unless otherwise ordered or agreed, plaintiffs shall occupy the counsel table closest to the jury in criminal cases.

**38.6 Witnesses.** Counsel are directed to subpoena their witnesses no earlier than 11:00 a.m. on the first morning of trial to prevent possible jury contamination.

## LCR 40 TRIAL SETTING

**40.1 Administrative Review Cases.** A trial setting involving solely the review of the record of a decision of an administrative agency shall not be set for trial until the record and transcript has been certified and filed with the clerk. The record prepared by the agency shall be numbered and reflect the total number of pages. An index itemizing the documents document number, document name and page number(s) shall be required at the time that the record is submitted to the clerk. If documents in the record have already been scanned a digital copy of the record shall be provided to the court in addition to the paper record. Contact the clerk to arrange transmission of digital record.

### 40.2 Responsibility of Parties.

(a) Any party desiring to bring an issue of fact to trial shall file with the clerk, and serve upon all of the other parties, a Note for Trial Setting (Appendix 6), substantially in the form approved by the court. The party noting the case for trial will provide notice to any guardian ad litem appointed in the case.

(b) A Note for Trial Docket must contain the following information:

- (i) Nature of the case;
- (ii) Estimated length of the trial;

- (iii) Addresses and phone numbers of all attorneys for the parties and pro se parties;
- (iv) Whether it is a jury or non-jury trial;
- (v) Whether the case may be heard by a judge pro tem or commissioner;
- (vi) Counsel's available trial dates and proposed dates for trial;
- (vii) If domestic relations, whether a mandatory settlement conference is required;
- (viii) If there is agreement, the Note for Trial Docket shall reflect in its body that there is agreement of counsel or parties to the dates stated therein;
- (ix) Motion calendar date and time the assignment of trial is to be heard.

**40.3 Response to Note for Trial Docket.** Any attorney or party who objects to a case being set for trial or excepting to the requested trial dates, shall do so by serving on opposing party(s) and filing with the court a response to note for trial setting. The court administrator, prior to the hearing date noted, shall attempt to resolve any scheduling objections. If the administrator is unable to resolve the objections, counsel will be required to appear at the noted hearing date and time, and the judge shall hear the contested trial setting.

**40.4 Setting of Trial Date.**

- (a) **Court Administrator to Assign Dates.** The court administrator shall assign trial dates under the supervision of the judge who shall be in direct charge of the trial calendar. Cases shall be set chronologically according to noting dates, except for cases given statutory preference, or court ordered preference.
- (b) **Motion for Early Trial Date.** Any party who believes the case warrants priority may request an early trial date by serving a motion, together with supporting documents, and note it for hearing before the court.

**40.5 Pre-Assignment of Cases.** No pre-assignment of cases will occur without the filing of a motion for pre-assignment, argument and determination by the court that said case should be pre-assigned.

**40.6 Trials.**

- (a) **Trial Briefs and Jury Instructions.** Seven days prior to trial, counsel must file with the court and serve copies on opposing counsel, any trial briefs or memorandum of authorities, and in the event of a jury trial, a copy of the proposed jury instructions.
- (b) **Reporting for Trial.** All parties shall report to the court at 8:45 a.m. on the date set for trial, unless otherwise notified by the court administrator. If no courtroom is available for immediate trial, the judge shall hold the parties for such time as circumstances dictate, thereby placing the case on "standby" status, or release the parties from the trial date.
- (c) **Calendar Management - Conflict Notification.** The administrator shall not release the attorneys from responsibility for appearing at a trial on the date it is set any earlier than noon the court day before it is set. As to those cases unable to proceed on the date set by reason of court congestion, the parties shall remain available for trial for a reasonable period of time, unless the case is continued or reset.
- (d) **Trial Days.** Normally trials will be held on each court day except Friday.
- (e) **Notice of Settlement.** It shall be the obligation of counsel in all cases to immediately notify the court administrator when a case is settled or otherwise will not come on for trial as scheduled. The court may assess actual costs or other sanctions for a violation of this rule.
- (f) **Consolidation of Cases for Trial.** When two or more cases are consolidated for trial only, all documents shall be submitted with an extra copy for each file so consolidated.
- (g) **Resetting.** When a case is not tried on the date set, the parties are responsible for re-noting the matter for trial setting.

**(h) Dissolution Trials.** In all final hearings or trials in domestic relations matters, each party shall provide to the judge and serve on the opposing party a written statement as to the issues in controversy at least three days prior to trial, which contains the following:

- (i) A brief factual summary;
- (ii) Issues in dispute, whether property, debts or custody;
- (iii) ) Case law, if it will be argued, supporting the party's position;
- (iv) Proposed distribution of assets, debts, liabilities and proposed parenting plan and child support amount, if in dispute; Areas of agreement;
- (v) If seeking maintenance or child support, both parties shall complete a financial declaration;
- (vi) Domestic Relations Information (Appendix 4).

**40.7 Trial Continuances.** When a case has been set for trial, it shall proceed to trial, unless good cause is shown for a continuance. The motion for continuance shall be made in writing, and supported by affidavit or declaration of counsel, and signed by the party requesting the continuance. Such motions shall be heard at least ten days prior to trial.

#### **LCR 49 VERDICTS**

**49.1 Presence of Party or Attorney at Return of Verdict.** Attorneys awaiting a verdict shall keep the clerk advised of where they may be reached by telephone. Attorneys desiring to be present for the verdict shall be present within 10 minutes of telephone notice to the attorney's office, home or other number. The court may proceed to take the verdict in the absence of such party or attorney. In such case the jury shall be individually polled and the identity of the dissenting jurors recorded. In a criminal case, at least one attorney for each party and the prosecuting attorney (or deputy prosecutor) shall be present for the receipt of the verdict, unless excused by the court. The defense attorney is responsible for advising the defendant to be present for the verdict unless the defendant is in custody.

**49.2 Jury Polled.** The court shall order that the jury be polled, unless the parties waive the poll.

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

**51.1 Proposed Instructions.** All parties shall read and follow CR 51. The copy which is filed with the clerk shall be numbered and annotated, and shall include a title page identifying the party who is submitting the proposed instructions. The trial judge shall be given a working copy of the annotated set. A copy of the annotated set shall also be furnished to each party. One unannotated set shall be submitted to the court administrator.

**51.2 Time for Filing and Service.** Proposed jury instructions shall be delivered to the trial court, filed with the clerk and served on all other parties at least ~~three~~ seven days prior to trial.

**51.3 Additional Proposed Instructions.** Supplemental instructions shall have a title page and be numbered.

#### **LCR 52 DECISIONS, FINDINGS AND CONCLUSIONS**

**52.1 Presentation.** In civil cases tried to the court, unless the judge has included formal findings of fact and conclusions of law in a written opinion, or counsel have stipulated that no appeal shall be taken on the case, the prevailing party shall prepare a bench copy of proposed findings of fact, conclusions of law, and a proposed form of order or judgment.

**52.2 Time for Presentation.** Presentation of the findings of fact, conclusions of law and judgment shall be noted within thirty (30) days after the decision or verdict was rendered. Hearing on contested findings, conclusions and judgment may be heard telephonically or in person on a regularly scheduled motions calendar or at a time arranged with the court administrator. Proposed findings & conclusions shall be submitted to the court at the time of filing the notice of presentation.

**52.3 Entry of Dissolution Decree by Declaration of Jurisdictional Facts.** The court may enter an agreed or default decree of dissolution of marriage without a final hearing or oral testimony when the petitioner completes a Request for Entry of Decree and Declaration of Jurisdictional Facts in the form set forth in Appendix 1, and:

- (a) The respondent or respondent's attorney approves all of the final papers including the Request for entry of Decree and Declaration of Jurisdictional Facts; or
- (b) If the respondent is in default, the decree provides for only that relief requested in the petition; or
- (c) If the respondent or co-petitioner joined in the petition and is unavailable to sign the final papers, and the decree provides for only that relief requested in the petition.

#### **LCR 53 REVISION OF COMMISSIONER RULINGS**

**53.1 Validity of Commissioner's Orders.** The filing of a motion for revision does not stay the commissioner's ruling. All orders granted by a court commissioner shall remain valid and in effect pending outcome of the motion for revision, unless stayed upon motion and order properly noted before the commissioner granting the order or before the presiding judge.

**53.2 Contents of Motion.** All motions shall state with specificity any portion of the commissioner's order or judgment sought to be revised. The moving party shall identify those findings of fact or conclusions of law sought to be revised, and cite those portions to the record. Any portion not so specified shall not be revised.

**53.3 Disposition of Motion.** See LCR 59.

#### **LCR 55 DEFAULT AND JUDGMENT**

**55.1 Delivery of Decree to Other Party.** In default dissolution cases, at the time of entry of the decree of dissolution, the moving party or counsel shall immediately deliver to or mail to the other party at their last known address, a conformed copy of the decree. Failure to do so may result in vacating the order of default and decree.

#### **LCR 56 SUMMARY JUDGMENT**

**56.1 Filing and Hearing Date.** All motions for summary judgment shall be noted for hearing on a regularly scheduled motions calendar. However, the court administrator shall not allow more than three summary judgment hearings to be scheduled for any one date. The deadlines for moving, opposing, and reply documents shall be as set forth in CR 56 and the Order Setting Civil Case Schedule.

Bench copies for the judge, labeled bench copy shall be emailed by the parties to the court administrator at [courtadmin@co.jefferson.wa.us](mailto:courtadmin@co.jefferson.wa.us) no later than 48 hours prior to the hearing, and shall contain the name of the judge hearing the motion, the date of the hearing, the case number, and by whom these papers are being delivered. The court administrator will notify the parties if hard copies are required by the court.

**56.3 Scheduling.** Summary judgments shall be heard during the court's regularly scheduled civil motion calendar; provided, if arguments of counsel are anticipated to exceed more than 10 minutes per side or a total of thirty minutes in total, then a special setting may be authorized according to LCR 7.11.

#### **LCR 59 MOTIONS FOR RECONSIDERATION**

(e) **Hearing on Motion.** A motion for reconsideration shall be submitted on briefs and affidavits only, without oral argument, unless the trial judge on application from counsel or on his own motion allows oral argument. The moving party shall file the motion and all supporting affidavits, documents and briefs at the same time, and on the date of filing serve or mail a copy thereof to opposing counsel, and deliver a bench copy thereof to the trial judge, which copy shall show the date of filing. The trial judge will consider the motion and will advise counsel of the ruling or of the desired further proceedings pursuant to CR 59 and this rule.

#### **LCR 77 COURT SCHEDULES**

77(k)(1) **Motion Days Schedules.** Motion calendars or dockets are subject to change without notice. If a particular judge or commissioner is required for a hearing, counsel must call the court administrator to confirm the attendance of that judge or commissioner on that particular docket. Failure to confirm availability can result in the matter not being heard. Normally, matters shall be heard pursuant to the following schedule:

<u>Each Wednesday @ 9:00 &amp; 1:30 pm.</u>	<u>Mandatory Settlement Conferences .</u>
<u>Each Wednesday @ 9:00 a.m.</u>	<u>Civil Protection Order Hearing</u>
<u>Each Tuesday @ 3:00pm</u>	<u>Juvenile Offender</u>
<u>Each Wednesday @ 1:00 p.m.</u>	<u>Adoption Calendar</u>
<u>Each Thursday @ 8:00 a.m.</u>	<u>Drug Court Staffing</u>
<u>Each Thursday @ 9:00am</u>	<u>Drug Court</u>
<u>Each Thursday @ 10:00 a.m.</u>	<u>Family Therapeutic Staffing</u>
<u>Each Thursday @ 10:30 am</u>	<u>Family Therapeutic Court</u>
<u>Each Thursday @ 1:00 p.m.</u>	<u>Juvenile Dependency Calendar</u>
<u>Each Thursday @ 3:00 p.m.</u>	<u>YAR &amp; CHINS Truancy Calendar</u>
<u>Each Friday @ 9:00 a.m.</u>	<u>Adult Criminal Calendar</u>
<u>Each Friday @ 1:00 p.m.</u>	<u>Civil/Guardianship/Probate</u>
<u>Each Friday @ 2:00 p.m.</u>	<u>Domestic/Family Law</u>
<u>Daily @ 11:30 or 11:45 a.m.</u>	<u>Adult Initial Video Calendar</u>

77.1 **Special Christmas Eve Hours.** The superior court, court administrator and clerk's offices shall be open each year on Christmas Eve day from 8:30 a.m. to 12:00 p.m. only, or as otherwise resolved by the board of county commissioners.

#### **LCR 78 DUTIES OF THE CLERK AND COURT ADMINISTRATOR**

78.1 In addition to the other powers and duties prescribed by RCW 2.32.050, 36.18.020, and CR 78, the Clerk and Court Administrator's Office shall have the following powers and duties:

78.2 **Time of Filing.** All original pleadings 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. The clerk shall have all filed papers available for inspection in the legal file within three court days of filing.

78.3 **Correcting Obvious Errors.** The clerk is authorized to correct obvious errors in cause numbers and captions when the error is of a clerical nature, or in instances where the mathematical addition in criminal judgment and sentences is incorrect.

78.4 **Registry of the Court.** Bail is to be returned after the sentencing or dismissal of a criminal case. In all other instances the clerk shall not disburse any funds paid into the registry of the court without a specific written court order, except with bail.

78.5 **Unsuitable Materials.** Whenever any paper or other material is presented to the clerk for filing but is deemed by the clerk that the format is improper or inappropriate for filing, including documents or photographs deemed potentially pornographic in nature, the clerk shall affix the file mark thereto and may forthwith orally apply to the court for a determination of the propriety of the filing format of the material presented. If the court determines that the paper or material should not be made a part of the file, the court may order that file mark be crossed out and the unsuitable material be returned to the submitting party.

78.6 **Inspection of Files.** Parties may inspect files as authorized by statute or court rule. Parties may come into the clerk's office to view and access electronic files, or order public Superior Court documents initiated after January 1, 2010, through the Secretary of State's Digital Archives. Contact the clerk's office for information regarding access to older or confidential records.

78.7 All pleadings, motions and other papers presented for filing with the clerk shall be on 8-1/2 x 11 paper and shall be printed on one side only. The clerk may refuse to file any papers not in conformance with this rule.

78.8 **Facsimile Filing of Pleadings With Clerk.** Documents, including pleadings, may be filed with the clerk by facsimile transmission, in accordance with GR 17, with the following change: In addition to the requirements of a fax transmittal sheet contained in GR 17(b)(2) (Appendix 9), the fax transmittal sheet shall also contain the title and number of pages for each document sent in the transmission (Appendix 8). Payment must be made in advance as per instructions listed on fax transmittal sheet. The standard fee for faxing to or from the clerk shall be \$5.00 for the first page and \$1.00 for each page thereafter.

78.9 Only the following persons shall have access to paternity files of the court when no final judgment and order determining paternity has been entered: the mother, the presumed father, any alleged father who has not been dismissed from the case, an attorney representing any of the foregoing or the child (after filing a notice of appearance), any guardian ad litem appointed in the cause and not discharged, the State of Washington as represented by the attorney general's office or Jefferson County Prosecuting Attorney's office, and any other person granted permission in writing by a Jefferson County Superior Court judge. After entry of the judgment and order determining paternity has been entered, the clerk of the court shall seal all pleadings prior to the judgment and order, but shall allow all subsequent pleadings to be open to the public, and shall open a new type 3 case per administrative order.

78.10 The clerk shall not accept personal checks in criminal or juvenile offender cases.

78.11 The clerk's fee schedule periodically updated by the clerk is hereby adopted.

78.12 The Clerk's Office shall promptly notify appointed counsel of any such court appointment by electronically mailing a copy of the court order. Attorneys shall be informed if their client is in custody.

78.13 The clerk shall maintain a confidential and sealed file of all search warrants and affidavits in support thereof. After the filing of the inventory and a return of service, said records shall be available for public inspection, excluding search warrants which require a court order to unseal the same.

78.14 The clerk shall maintain as confidential those mental health, psychiatric and medical records received directly by the court; except, however, those reports attached to and incorporated therein by counsel or parties are not subject to said confidentiality without a court order.

78.15 The court administrator shall maintain the judges' notes and worksheets as confidential.

78.17 Exhibits.

(a) Prior to trial, when either party will be requiring more than 10 exhibits to be marked, an Exhibit List in MS Word format shall be emailed to the Clerk. The parties shall present to the clerk's office binders containing proposed exhibits.

(b) Documents and other exhibits should be shown to opposing counsel before their use in court. Ordinarily, exhibits should be offered in evidence when they become admissible rather than at the end of counsel's case.

(c) Marking on exhibits should only be made after receiving the court's permission to do so.

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

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

(i) 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 materials.

(ii) Drugs shall be placed in sealed containers to prevent or reduce emissions from the container. They shall be labeled identifying the contents.

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

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

(v) Paper bags alone shall not constitute proper packaging.

(f) GR 20, governing security in handling exhibits shall apply, with proviso the Court may also order withdrawal and substitution on its own merit.

(g) All exhibits, some exceptions apply, will be held by the clerk following trial for safekeeping pending appeal or further court order. Those exhibits that fall under the exception will be returned forthwith to the investigating law enforcement agency pending appeal or further court order.

(h) An 8.5 x 11 reproduction or color copy of each large-scale exhibit must be provided and shall be substituted for marking and filing with permission of the court.



(i) After final disposition of a civil matter, the court, after hearing, may order the clerk to destroy or otherwise dispose of physical evidence, which cannot, because of bulk or weight, be retained in the case file, provided that all parties of record are given thirty days written notice of any such hearing.

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

##### **79 Abstract of Judgment.**

- (a) The abstract of a judgment shall contain (1) the name of the party, or parties, in whose favor the judgment was rendered; (2) the name of the party, or parties, against whom the judgment was rendered; (3) the date of the rendition of the judgment; and (4) the amount for which the judgment was rendered.
- (b) A transcript of a judgment is an abstract, plus an exact copy of the judgment itself. A transcript is required when filing a judgment from a district court or other court of limited jurisdiction in the superior court.

#### **LCR 80 COURT REPORTERS**

**80.1 Transcripts.** The Court Administrator shall make available to parties a list of approved transcriptionists. The party requiring a written transcript shall contact their chosen transcriptionist directly. Payment is made by the party requesting the transcript directly to the transcriptionist.

## **II. LOCAL RULES FOR APPEALS OF COURTS OF LIMITED JURISDICTION**

### **LRALJ 2.6(a)(1) CONTENT OF NOTICE OF APPEAL**

A Notice of Appeal from the District Court shall be (1) titled "Notice of Appeal", (2) identify the party or parties appealing, (3) designate each decision which the party wants reviewed, (4) name the court to which the appeal is taken, (5) provide the name and address of the lawyer for each of the parties represented by a lawyer and the address of the parties who are not represented by counsel, and if a criminal case, it shall include the address of the defendant, (6) state whether the case appealed is criminal (if so, provide RCW for charge), civil or an infraction, and (7) name the court and cause number from which the appeal is taken, and (8) state the name of the judge or commissioner making the original ruling.

### **LRALJ 6.3.1 TRANSCRIPT OF ELECTRONIC RECORD**

(a) Unless the Superior Court orders otherwise, the appellant shall, in District Court, designate and identify the specific portion of the electronic recording of proceedings as provided in section (c) of this rule. The disk of the designated electronic record will be transmitted to the Superior Court Administrator by the District Court. The appellant shall not request or provide a transcript at county expense unless specifically ordered by the Superior Court.

(b) If the respondent wishes to add to or challenge the electronic record as designated by the appellant of the proceedings, then the respondent shall designate and identify the specific portion of the electronic record as provided in section (c) of this rule. The disk of the designated electronic record will be transmitted to the Superior Court Administrator by the District Court. The respondent shall not request or provide a transcript at county expense unless specifically ordered by the Superior Court.

(c) Content of electronic record. The designated record shall contain only those portions of the electronic record necessary to present the issues raised on appeal. The designation filed in District Court shall specify the exact time of the alleged error for the

Superior Court to consider. If the appellant intends to urge that a verdict or finding of fact is not supported by the evidence, the appellant shall include in the designated record all testimony relevant to the disputed verdict or finding. If the appellant intends to urge that the court erred in giving or failing to give an instruction, the appellant shall include all objections to the instructions given and refused and the court's rulings.

#### **LRALJ 8.4 BRIEFING SCHEDULE**

Appeals from Courts of Limited Jurisdiction under RALJ, upon filing with the Superior Court, shall be issued a case schedule setting forth the briefing schedule of the parties and the time designated for oral argument. Parties shall comply with all RALJ rules covering traffic infractions, criminal and civil proceedings.

### **III JUVENILE COURT RULES**

#### **LJUCR 11 FINANCIAL RESPONSIBILITY - JUVENILE COSTS**

**11.1 Assessment of Costs.** The assessment for the cost of detention and publicly funded counsel should not exceed actual costs to the county. The costs shall be assessed and ordered paid in a reasonable time unless a sworn financial statement is presented to the court at a proceeding to justify reduction or elimination of any such assessment, or there are other circumstances recognized by the court for reducing or not imposing the assessment.

**11.2 Notice.** It shall be the duty of the juvenile court services to notify the parent or parents, guardian or other person legally obligated to support the juvenile of this rule prior to said proceeding and to provide all necessary documents in order for such person to adequately prepare for said proceeding.

**11.3 Sanctions.** A show cause hearing with timely notice by the clerk's office to the delinquent person may be held to inquire into the delinquency of the assessment and the sanctions available under RCW 13.16.085.

### **IV. SPECIAL PROCEEDING RULES**

#### **LSPR 94**

#### **NOTICE TO SUPERIOR COURT OF JUVENILE PROCEEDINGS**

All parties to a proceeding involving custody or adoption in the Superior Court are obligated to disclose to said court the pendency of any juvenile proceedings regarding minor children.

- (a) **Definition of Applicable Cases.** This rule applies to all cases filed under Ch. 26.09 or Ch. 26.26 of the RCWs after September 1, 1997, including dissolutions, legal separations, major modifications and paternity actions (in which paternity has been established) where the parties are parents of a child under the age of 18, and where a parenting plan or residential plan is required which involves the care of any child.
- (b) **Parenting Seminars Mandatory Attendance.** Both parents, and such nonparent parties as the court may direct, shall participate in and successfully complete an approved parenting seminar. The seminar shall be completed within 60 days of service of the motion or petition. Successful completion shall be evidenced by a certificate of attendance filed by the provider agency with the court. Information regarding parenting classes is available through the Clerks Office and Superior Court Administrator's. There are on-line options available and fees vary.
- (c) **Fees.** Each party attending the parenting seminar shall pay a fee charged by the approved provider and authorized by the court.
- (d) **Special Consideration Waiver.**
  - (1) In no case shall opposing parties be required to attend a seminar together.
  - (2) The court may, for good cause shown:

(a) waive the seminar requirement for one or both parents, or (b) allow an alternative parenting seminar.

- (e) **Failure to Comply.** Nonparticipation or default by one parent does not excuse participation by the other parent. Respondent's refusal, delay or default will not delay the progress of the case to a final decree; however, respondent will not be allowed to seek affirmative relief in this or subsequent proceedings, except certain temporary orders, on parenting issues until the seminar has been successfully completed. Petitioner's refusal or delay will prevent the case from being tried or any final order affecting the parenting/residential plan being entered in petitioner's favor. Willful refusal or delay by either parent may constitute contempt of court and result in sanctions imposed by the court or may result in the imposition of monetary terms, default, and/or striking of pleadings.
- (f) **Service.** Petitioner, in all applicable cases as defined in Subsection (a) above, shall serve a copy of this Local Court Rule on Respondent. The notice shall be served with the initial pleadings.

**LSPR 96  
LOCAL GUARDIANSHIP PROCEEDINGS**

- (1) **Duties of Judge or Court Commissioner.** The judicial officer presented with an order appointing guardian or approving order of accounting shall set the date of the hearing for presentation of the next accounting and annual personal care plan.
- (2) **Duties of Attorney.** Pursuant to the requirements of RCW 11.88.010(5) the attorney presenting an Order which includes findings that the subject does not have the capacity to vote shall file with the clerk on that same date a Notice of Loss Voting Rights (Appendix 10) providing information necessary to the county auditor.

Should the attorney representing the estate choose to withdraw, the attorney must advise the court of the name and address of the party to be notified, should that be necessary, of a delinquent accounting and annual Personal Care Plan. The notice to the court shall be filed prior to the effective date of the withdrawal of the attorney.

**V GUARDIAN AD LITEM RULES TITLE 11 & 26**

**LGALR LOCAL GUARDIAN AD LITEM/COURT VISITOR PROCEDURES**

1.1 **Registry.** The Jefferson County Superior Court Administrator or designee shall be responsible for maintaining a registry of those qualified to serve as a Guardian ad Litem/Court Visitor in guardianship proceedings as provided in RCW 11.130

1.2 **Qualifications.** All registry applicants must meet the certification and qualifications set forth in the statutes to be considered for placement on the registry. The registry shall be open for new applications one time a year, between January 1<sup>st</sup> and March 1<sup>st</sup>. All required information must be received by the Jefferson County Superior Court Administrator no later than March 1<sup>st</sup> of each year. The registry shall be defined by April 1<sup>st</sup> of each year. All persons on the registry must update their background and qualifications information annually no later than March 1<sup>st</sup> of each year.

1.3 **Notification.** Persons applying will be notified of their placement on the registry and shall then be eligible for appointment as a Guardian ad Litem /Court Visitor

1.4 **File.** The Court Administrator or designee shall maintain a file on each Guardian ad Litem/Court Visitor. Each file shall include the Certificate of Completion of training, Background and Qualification Statement, together with all formal complaints or grievances related to the person's service as a Guardian ad Litem/Court Visitor. Each file for members of the registry shall be open for public review during normal business hours.

1.5 **Code of Conduct.** All applicants shall abide by the Guardian ad Litem/Visitor Code of Conduct, these procedures and the laws of the State of Washington.

**1.6 Appointment of Guardian ad Litem/Court Visitor from Registry.** Application to the Court for appointment of a Guardian ad Litem shall be made by submitting an Order Appointing/Visitor Guardian ad Litem to the Office of the Superior Court Administrator. Parties may agree to the appointment of a qualified guardian ad litem/visitor whose name appears on the rotational list. If the parties are not in agreement, the Superior Court Administrator shall write in the name which is next on the rotational list and initial the same. The Order shall then be submitted to a Judge or Commissioner for signature or such other action as may be appropriate. Any Judge or Commissioner who does not appoint the person next on the rotational list shall make an appropriate record of the reasons for said deviation. The Order, once signed, shall be presented to the Superior Court Administrator. In the event a Judge or Commissioner approves a person who is not next on the rotation list, the appointed person's name shall go to the bottom of the rotation list. In the event the person nominated as Guardian ad Litem/Visitor chooses not to serve, regardless of the reason, his/her name shall go to the bottom of the rotational list just as if he/she had served.

**1.7 Retention on Guardian ad Litem/Court Visitor Registry.** A person shall remain on the registry so long as he/she meets the statutory certification requirements for the registry, and has not been removed.

**1.8 Grievance Procedure.**

1.8.1 Any person may file a complaint against a guardian ad litem/court visitor. The complaint must be in writing and filed with the Court Administrator. The complaint must state the specific act or failure to act of concern to the complaining person and shall include: (a) the name, mailing address, and telephone number of the person filing the complaint; (b) the status of the underlying case including the case number and case name; (c) whether the complaining person told the guardian ad litem/court visitor about the complaint; (d) what action the guardian ad litem /court visitor has taken to address the complaint; (e) which section of the Code of Conduct or Order of Appointment or statute was violated, and the specific facts involved for each violation; and (f) what the complaining person would like done to fix the problem which is the subject of the complaint.

1.8.2 Complaints filed under this rule must be filed within one year from the date of occurrence of the matters complained of.

1.8.3 If it is determined that the grievance concerns a completed case and the person making the grievance is a party to the case, or is their attorney, a copy of the grievance shall be sent to the Guardian ad Litem/Court Visitor and a written response shall be requested from the Guardian ad Litem/Court Visitor. A grievance concerning pending or not completed case shall be directed to the judicial officer presiding over the case.

1.8.4 At the discretion of the Superior Court Judge, the Guardian ad Litem's further participation on the registry may be suspended or denied pending resolution of the grievance.

1.8.5 The Judge or Court Administrator shall decide any grievance, including the decision to suspend or remove any Guardian ad Litem/Court Visitor from the registry, and shall provide written notice of any decision to the complaining person, the guardian ad litem, and any counsel of record. A copy of the decision shall be placed in the file of the guardian ad litem.

1.8.6 A person may have additional, reasonable requirements imposed upon them which permit them to continue to serve as a Guardian ad Litem, they may be denied listing on the registry; or they may be removed from the registry for any other reason that places the suitability of the person to act as a Guardian ad Litem in question.

**1.9 Code of Conduct – Title 11 Guardian Ad Litem /Court Visitor**

1.9.1 The Guardian ad Litem/Court Visitor shall represent the best interests of the persons for whom he or she is appointed.

1.9.2 The Guardian ad Litem/Court Visitor shall make a reasonable inquiry as to the facts and issues in dispute and shall decline the appointment if the Guardian ad Litem is not qualified, competent, or able to complete the matter in a timely manner.

1.9.3 The Guardian ad Litem/Court Visitor shall maintain the ethical principles of the Guardian ad Litem's own profession.

1.9.4 The Guardian ad Litem/Court Visitor shall remain qualified for the registry to which the Guardian ad Litem/Court Visitor is appointed and shall promptly advise the court of any grounds for disqualification or unavailability to service.

1.9.5 The Guardian ad Litem/Court Visitor shall maintain independence and objectivity in the Guardian ad Litem investigation.

1.9.6 The Guardian ad Litem/Court Visitor shall avoid any actual or apparent conflict of interest or impropriety in the conduct of the Guardian ad Litem's duties. The Guardian ad Litem/Court Visitor shall avoid self-dealing or association from which the Guardian ad Litem/Court Visitor might directly or indirectly benefit, other than for compensation as Guardian ad Litem. The Guardian ad Litem/Court Visitor shall act immediately to resolve any potential conflict or impropriety. The Guardian ad Litem shall advise the court and the parties of action taken or resign from the matter as may be necessary to resolve the conflict or impropriety.

1.9.7 The Guardian ad Litem/Court Visitor shall treat the parties with respect, courtesy, fairness, and good faith regardless of race, color, creed, religion, national origin, cultural heritage, gender, age, education, economic status, marital status, sexual orientation or disability.

1.9.8 The Guardian ad Litem /Court Visitor shall make reasonable efforts to become informed about the facts of the case, and locate professional resources, as necessary, to assist in the Guardian ad Litem's evaluation and recommendations.

1.9.9 The Guardian ad Litem/Court Visitor shall inform the court concerning all relevant information disclosed or made available to the Guardian ad Litem.

1.9.10 The Guardian ad Litem/Court Visitor shall not guarantee or create the impressions that any portion of the investigations will remain confidential.

1.9.11 The Guardian ad Litem/Court Visitor shall maintain the privacy of the parties, and shall make no disclosures about the case or investigation except in reports to the court or as necessary to perform the duties of the Guardian ad Litem.

1.9.12 Any Guardian ad Litem/Court Visitor report submitted to the Court **shall** comply with RCW 11.88.090(f)(i) through (viii).

1.9.13 The Guardian ad Litem shall perform his or her duties in a prompt and timely manner. The Guardian ad Litem /Court Visitor shall maintain adequate documentation to substantiate recommendations and conclusions. The Guardian ad Litem /Court Visitor shall keep complete and contemporaneous records of actions taken and the time and expense incurred.

1.9.14 The Guardian ad Litem/Court Visitor shall report to D.S.H.S. and the court, any adult abuse as defined in RCW 74.34.020(2).

#### **1.10 Code of Conduct – Title 26 Guardian Ad Litem/Court Visitor**

1.10.1 The Guardian ad Litem/Court Visitor shall investigate and report to the court, the factors relevant to the parenting and best interests of the person for whom he or she is appointed.

1.10.2 The appointed Guardian ad Litem/Court Visitor shall make a reasonable inquiry as to the facts and issues in dispute and shall decline the appointment if they are not qualified, competent, have a conflict of interest or unable to complete the matter in a timely manner.

1.10.3 The Guardian ad Litem/Court Visitor shall maintain the ethical principles of their own profession.

1.10.4 The Guardian ad Litem/Court Visitor shall remain qualified for the registry to which they are appointed and shall promptly advise the court of any ground for disqualification or unavailability to serve.

1.10.5 The Guardian ad Litem/Court Visitor shall maintain independence and objectivity in their investigation.

1.10.6 The Guardian ad Litem /Court Visitor shall avoid any actual or apparent conflict of interest or impropriety in the conduct of their duties. The Guardian ad Litem/Court Visitor shall avoid self-dealing or association from which the Guardian ad Litem/Court Visitor might directly or indirectly benefit, other than from compensation as Guardian ad Litem/Court Visitor. The Guardian ad Litem/Court Visitor shall act immediately to resolve any potential conflict or impropriety. The Guardian ad Litem/Court Visitor shall advise the court and the parties of action taken, or resign from the matter, as may be necessary to resolve the conflict or impropriety.

1.10.7 The Guardian ad Litem/Court Visitor shall treat the parties with respect, courtesy, fairness and good faith regardless of race, color, religion, national origin, cultural heritage, gender, age, education, economic status, sexual orientation or disability.

1.10.8 The Guardian ad Litem/Court Visitor shall inform the court concerning all pertinent information disclosed or made available to them during the course of their appointment.

1.10.9 The Guardian ad Litem/Court Visitor shall not guarantee or create the impression that any portion of the investigation will remain confidential, and shall inform all witnesses that information gathered by the Guardian ad Litem must be reported to the court.

1.10.10 The Guardian ad Litem /Court Visitor shall maintain the privacy of the parties, and shall make no disclosures about the case or investigation except in reports to the court, to the parties and their attorneys, or as necessary to perform the duties of the Guardian ad Litem/Court Visitor.

1.10.11 The Guardian ad Litem/Court Visitor shall perform his or her duties in a prompt and timely manner, and shall file any report as required by court order or statute.

1.10.12 The Guardian ad Litem/Court Visitor shall maintain adequate documentation of the investigation conducted, to substantiate the reported facts, as well as any recommendations or conclusions.

1.10.13 The Guardian ad Litem/Court Visitor shall keep complete and contemporaneous records of actions taken, time spent, and expense incurred during the investigation.

1.10.14 All records, including time and expense records, of the Guardian ad Litem/Court Visitor shall promptly be made available to the parties and their attorneys for review upon request, without formal discovery request(s) being made. Copies of the records may be made by the parties and their attorneys under circumstances, which assure that the file remains complete, organized and intact.

1.10.15 The Guardian ad Litem/Court Visitor shall not have ex parte contact with any judicial officer involving in a matter in which they are appointed or serving.

1.10.16 The Guardian ad Litem/Court Visitor shall be available to testify.

1.11 **Compensation.** The rate of compensation shall be established by the Court and reviewed on an annual basis. The court administrator shall keep a record of the established rates to be allowed. The Guardian Ad Litem/Court Visitor shall not charge for travel time, however, may bill for mileage at the applicable Washington State reimbursement rate.

1.12 **Notice.** If guardian ad litem/Court Visitor is appointed, the guardian ad litem/Court Visitor is entitled to notice of all proceedings, including trial.

## VI. GUARDIAN AD LITEM RULES TITLE 13

### LGALR ESTABLISHMENT OF LOCAL RULES FOR COURT APPOINTED SPECIAL ADVOCATES

1.1 **Roster.** The Director of Juvenile and Family Court Services, through the GAL Coordinator, shall maintain a roster of volunteer Guardians ad Litem who are currently qualified under the GAL Program.

1.2 **Qualifications.** All volunteer Guardians ad Litem must meet the minimum requirements set out by the GAL Program, and must complete training as prescribed by state law and by GAL Program policy.

1.3 **Swearing In/Eligibility to Serve.** Upon successful completion of the Initial Training and acceptance into the GAL Program by the Director of Juvenile and Family Court Services, the volunteer Guardian ad Litem will be sworn in by the Superior Court Judge or designee, and then will be eligible to serve.

1.4 **Appointment.** Upon receipt of an order appointing the GAL Program as Guardian ad Litem for a child, the GAL Coordinator will assign a volunteer Guardian ad Litem to the case, if one is available, and will notify the court and parties of the assignment, and

the assignment will take effect immediately. The court shall appoint the person recommended by the program. If a volunteer Guardian ad Litem is not available, the GAL Coordinator shall serve as Guardian ad Litem until a volunteer becomes available.

**1.5 File.** The GAL Program shall maintain a file on each volunteer Guardian ad Litem. Each file shall contain the volunteer's Application, Authorization for Background Inquiry, results of Criminal History Check, Background Information Record, and documentation of any instances of removal of a case for cause. At the beginning of each case the GAL Program will provide to the court and parties, through their attorneys, copies of the volunteer GAL's Background Information Record. The BIR will include: Level of Education; Training Related to GAL duties; Number of Years' Experience as a GAL; Number of Assignments as a GAL; Criminal History; Dismissals for Cause. The information in the BIR shall be updated annually.

**1.6 Code of Conduct.** The volunteer GAL shall abide by the Code of Conduct as set out in these Rules, and by GAL Program Policies, as well as the Court Rules of the Courts of the State of Washington, which are incorporated herein.

1.6.1 The volunteer Guardian Ad Litem shall represent the best interests of the child for whom he or she is appointed. If the Guardian ad Litem learns that a conflict exists between the best interests of the child and the child's desires, the GAL will bring this conflict to the court's attention and request an attorney be appointed for the child. 1.6.2 The volunteer Guardian Ad Litem shall complete an independent, thorough investigation of the child's situation.

1.6.3 A volunteer Guardian Ad Litem shall identify himself or herself to parties or other individuals involved in the case as a Guardian ad Litem and shall explain the role of the Guardian ad Litem.

1.6.4 The volunteer Guardian Ad Litem shall complete and submit to the court in a timely manner a written report that addresses the historical and current facts of the child's situations, the GAL's conclusions based on these facts, and the GAL's recommendations in the best interests of the child.

1.6.5 The volunteer Guardian ad Litem shall not guarantee or create the impression that any portion of the investigation will remain confidential, and shall inform all persons interviewed that all pertinent information gathered by the Guardian Ad Litem must be reported to the court.

1.6.6 The volunteer Guardian Ad Litem shall maintain the privacy of parties in a manner consistent with GAL Program Policies.

1.6.7 The volunteer Guardian Ad Litem shall appear in court for all hearings involving the child, unless prior arrangements have been made with the GAL Coordinator to stand in for the GAL.

1.6.8 The volunteer Guardian Ad Litem shall maintain independence, objectivity, and the appearance of fairness in dealing with parties and professionals, both in and out of the courtroom, and shall act in a professional manner.

1.6.9 The volunteer Guardian Ad Litem shall timely report to the court any changes in the situation of the child for whom the GAL is appointed.

1.6.10 The volunteer Guardian Ad Litem shall remain qualified for the GAL Program Roster by passing periodic background checks, meeting continuing education requirements, and by abiding by the policies of the GAL Program.

1.6.11 The volunteer Guardian ad Litem shall avoid actual conflicts of interest or the appearance thereof.

1.6.12 The volunteer Guardian ad Litem shall treat the parties with respect, courtesy, fairness, and good faith regardless of race, color, creed, religion, national origin, cultural heritage, gender, age, education, economic status, sexual orientation or disability.

1.6.13 The volunteer Guardian ad Litem shall maintain adequate documentation of his/her investigation.

1.6.14 The volunteer Guardian Ad Litem shall not have ex parte contact with any judicial officer involving a matter in which they are appointed or serving.

1.6.15 The volunteer Guardian Ad Litem will perform only those duties that are within the scope of the role of the Guardian Ad Litem and included in the GAL job description.

**1.7 Grievance Procedure.** Any party can file a complaint against a volunteer Guardian ad Litem. The complaint should be made in writing, and should be addressed to the Director of Juvenile and Family Court Services, P.O. Box 1220, Port Townsend, WA 98368. The complaint must state the specific act or failure to act of concern to the complaining person and shall include:

- (a) The name, mailing address, and telephone number of the person filing the complaint;
- (b) The status of the underlying case including the case number, if known, and the case name;
- (c) Whether the complaining person told the Guardian ad Litem and/or the Guardian Ad Litem

Coordinator about the complaint;

- (d) What action the Guardian ad Litem or the Guardian ad Litem Coordinator has taken to address the complaint;

violation;

- (e) Which section of the Code of Conduct or statute was violated, and the specific facts of each

complaint.

- (f) What the complaining person would like done to fix the problem which is the subject of the

The Director of Juvenile and Family Court Services will determine whether the complaint is substantive in nature and meets the criteria above. The Director will contact the complaining party for clarification of the complaint as needed. If the person making the complaint is a party to a pending case, or the attorney of a party to the case, a copy of the complaint will be sent to the judicial officer and parties. A copy of the complaint will also be sent to the volunteer Guardian ad Litem, and to the Guardian ad Litem Coordinator, and a written response shall be requested of the volunteer Guardian ad Litem, and the Guardian ad Litem Coordinator if appropriate.

The Director of Juvenile and Family Court Services will investigate the complaint and either the Judge or Director shall decide any grievance that concerns:

- (a) A case that is closed,
- (b) A complaint made by a person not a party to a pending case, or
- (c) A case that is open, and the complaint is brought by a party or his/her attorney, but the

complaining party has not moved the court to decide the matter.

The decision of the Judge or Director may include whether to remove the volunteer Guardian ad Litem from the case or the GAL Program Roster.

Decisions made by the Director of Juvenile and Family Court Services regarding a grievance pertaining to an open case may be brought before the presiding judicial officer for review and resolution of the matter.

Any party to an open case who is filing a grievance may bring the complaint, through proper procedure, to the court's attention and move the court to resolve the complaint and/or dismiss the volunteer Guardian ad Litem from the case.

Removal of a volunteer Guardian ad Litem from the Guardian ad Litem Program Roster pursuant to a grievance shall be decided by the Judge or Director of Juvenile and Family Court Services, in consultation with the GAL Coordinator and the GAL Program Attorney.

A copy of the decision shall be placed in the file of the volunteer Guardian Ad Litem. Dismissals from a case pursuant to a grievance are included in the volunteer Guardian ad Litem's Background Information Record.

Complaints under this rule may be filed at any time during the pendency of a case and up to six months following the dismissal of the case.

## **VIII. CRIMINAL RULES**

### **LCrR 1 SCOPE, PURPOSE AND CONSTRUCTION**

**1.1 Scope.** The Local Civil Rules shall apply in all criminal proceedings when not inconsistent with these rules, the Superior Court Criminal Rules or applicable statutes. See LCR 5.4 Filing and Scheduling of Motions; LCR 7.4 Bench Copies; LCR 40.7 Trial Continuances; and LCR 51.2 Jury Instructions.

### **LCrR 3.2 RELEASE OF ACCUSED**

**3.2. Drug Court Participants.** No drug court participant booked into the Jefferson County Jail on new criminal charges or drug court violations shall be released on bail prior to appearing in drug court the following business day or on the Adult Initial Appearance calendar at 11:30 am. It will be the court administrator's responsibility to keep the participant list current at the Jefferson County Jail.

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

**3.4(a) Video Conference Proceedings – Agreement.** In criminal matters, in addition to those proceedings specifically mentioned in CrR 3.4(d)(1), all court proceedings other than trial may be conducted by video conference. If neither party objects on the record to the proceeding being held by video conference, the participation in the proceeding will constitute "agreement on the record" to the use of video conference for that proceeding. The court maintains the authority to require in-person attendance. In-person attendance will usually be mandatory at evidentiary hearings.



**(b) Necessary Presence of the Defendant**

The defendant shall be present physically or remotely (at the court's discretion) at the following hearings unless the court previously approves the defendant's absence:

- A. The defendant's motion to waive jury trial;
- B. A motion for continuance of trial date and waiver of speedy trial rights;
- C. Any hearing where the court is required to conduct a colloquy with the defendant;
- D. Evidentiary hearings conducted pursuant to CrR 3.5 or CrR 3.6;
- E. Weapon-surrender hearings;
- F. Therapeutic Court review hearings;
- G. Early Case Resolution (ECR) hearings;
- H. Pretrial hearings.

(c) Good cause to excuse a defendant's presence may be found based upon the need for cases to proceed and effective administration of justice, including efficient management of jury and court resources.

**LCrR 3.6 SUPPRESSION HEARINGS**

(a) **Pleadings.** Motions to suppress physical, oral or identification evidence, other than a motion pursuant to rule 3.5, shall be in writing and a bench copy of said motion must be provided for the court at time of filing. Opposing counsel may be ordered to serve and file a memorandum of authorities in opposition to the motion. The court shall determine whether an evidentiary hearing is required based upon the moving papers, or either party may motion the court for an evidentiary hearing. See LCR 5.4 and LCR 7.4.

**LCrR 4.9 CRIMINAL PRETRIAL HEARINGS**

(a) Pretrial hearings shall be set on all felony charges.

(b) Pretrial hearings shall be set on the 9:00 a.m. Friday motion calendar at least ten (10) days prior to the trial date.

(c) The defendant shall be present at the pretrial hearing. Should defendant fail to appear, unless good cause is shown, the trial date may be stricken and a warrant for arrest of the defendant may be issued.

(d) At the pretrial hearing the court shall determine: (i) whether discovery has been completed, (ii) whether a plea offer from the prosecuting attorney has been received by defendant and counsel, (iii) whether defendant is going to change his plea, (iv) whether the defendant is going to petition for Drug Court or Diversion, and (v) such other matters as may be appropriate.

(e) If defendant advises the court that he intends to enter a guilty plea or petition for Drug Court or Diversion, the trial date will be stricken and a date scheduled for entry of plea or Drug Court or Diversion contract. If defendant does not indicate an intent to enter a guilty plea or petition for Drug Court or Diversion, the case will proceed to trial on the charge(s) as filed.

**LCrR 8.10  
COURT COMMISSIONERS IN CRIMINAL CASES**

8.10 In adult criminal cases, any court commissioner appointed to serve in the Jefferson County Superior Court, and qualified under Article 4, Section 23 of the Washington State Constitution, shall have the power, authority and jurisdiction, concurrent with superior court judges, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.634; to accept pleas; appoint counsel; make determinations of probable cause; set, amend and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; and accept waivers of the right to speedy trial.

**LCrR 8.11 CRIMINAL NO CONTACT ORDERS**

8.11 At the time of the entry of any criminal Judgment and Sentence, Judgment of Acquittal, Order of Dismissal or other order disposing of a criminal cause of action, the Office of the Prosecuting Attorney shall enter a new Domestic Violence No Contact Order which reflects the extension of any initial order, or in the alternative, an order that reflects the vacation of any initial order.

**LCrR 8.12 CRIMINAL HEARING CONTINUANCES**

8.12 Criminal motions will only be continued with the consent of the judge and in open court.

**VIII. LOCAL RULES CONFORMING TO GENERAL RULES LGR 31 PERSONAL IDENTIFIERS – CHILDREN**

31.1 **Complete names of children, sealed case types.** The complete names of children shall be used in cases that are deemed confidential pursuant to state or federal statutes; including cases filed pursuant to RCW 13 (excluding offender cases); RCW 4.24; RCW 26.33 (Adoption); and, RCW 71.34 (Mental Health Services for Minors).

31.2 **Confidential Information Form.** The complete names of children and other identifiers shall be included in the Confidential Information Form or similar document for cases filed under Title 26.

31.3 **Domestic Relations Orders.** Court orders concerning the financial support or the custody or residential schedule of a child (including temporary or permanent parenting plans and similar documents) and orders establishing or disestablishing paternity shall include the full name of the child. The date of the birth of a child shall be included in court records only as authorized by General Rule 22.

31.4 **Child who is alleged to be a victim in a crime.** The complete name of a child who is alleged to be a victim of a crime may be included in subpoenas and in jury instructions. Nothing in this rule requires that subpoenas be routinely filed in the court file.

31.5 **Child who is charged with a crime.** The complete name of a child charged with a crime shall be included in any indictment or information filed with the court pursuant to CrR 2.1 or JuCR 7.2, as part of an affidavit or declaration of probable cause or for any other purpose deemed necessary for the prosecution or defense of the criminal or juvenile offender matter.

31.6 **Child who is the subject of minor settlement.** The complete name and date of birth of a child who is the subject of a minor settlement shall be included in the petition and any dispositive orders, pursuant to Rule 98.16W of the Superior Court Rules on Special Proceedings.

31.7 **Orders issued for the protection of a child.** If a child is a person protected by a criminal no contact order issued pursuant to RCW 10.99, an anti-harassment order issued pursuant to RCW 10.14, an order of protection issued pursuant to RCW 26.50 or a restraining order or order of protection issued pursuant to RCW 26.09, RCW 26.10, RCW 26.26, RCW 26.52.020, or any other court order entered for the protection of the child, the child’s full name and other identifiers shall be included on petitions and orders as necessary for entry of the order in the Judicial Information System (JIS) and/or the Washington Crime Information Center (WACIC).

31.8 **Orders on release of criminal defendant.** If access to a child is restricted pursuant to CrR 3.2(d)(1), the court may include the full name of the child on the order if deemed necessary for effective enforcement of order. 31.9 **Orders restraining child from contacting or harassing others.** Whenever a child is named as a respondent in an order listed in (3) above, the child’s full name and other personal identifiers shall be included on the petition and order as necessary for entry of the order in the Judicial Information System (JIS) and/or the Washington Crime Information Center (WACIC)

31.10 **Petitions and Notices filed pursuant to RCW 11.28 (children as heirs to estate).** The full names and ages of children and other information required by RCW 11.28.110 and RCW 11.28.330 shall be included. However, the date of birth may be included only as authorized by General Rule 22.

31.11 **General Authority.** Nothing in this rule shall prohibit a court from authorizing the use of a child’s full name or date of birth when necessary for the orderly administration of justice, consistent with the requirements of General

**IX LOCAL FAMILY LAW RULES**

**LFLR 1 EX PARTE RESTRAINING ORDERS**

Verbal Communication with the court is required if a party requests an *ex parte* order seeking to restrain one party from the family home or to restrain contact with the parties’ children. (Upon filing the paperwork for an *ex parte* submission, a party or their counsel will be required to provide contact information to the Clerk’s office, so that a judicial officer can contact them when reviewing the *ex parte* request.)

Upon the filing of a Summons and Petition for a dissolution of marriage, legal separation, or parenting action, the court shall automatically issue a Temporary Order under the form set forth in Appendix 11. The Petitioner is subject to this order from the time of filing the Petition. The Petitioner shall serve a copy of this order on the Respondent and shall file a declaration of service in the court file. The Respondent is subject to this order from the time the order is served.

**LFLR 2                    FAMILY LAW MOTION PRACTICE**

The following shall apply to all contested motions in which relief is sought:

- (a) **Initial Filing of Motion.** Initial motions and supporting documents shall be filed with the court and delivered to the opposing party or their counsel no later than 4:30 p.m. seven days before the hearing. (Example: For a Friday hearing, the documents must be delivered no later than the Friday before.)
- (b) **Responsive Affidavits.** Responsive affidavits and materials shall be filed with the court and delivered to the opposing party or their counsel no later than **12:00 p.m. (noon)** two court days before the hearing.
- (c) **Reply Affidavits.** Reply affidavits and materials shall be filed with the court and delivered to the opposing party or their counsel no later than 4:30 p.m. one business day before the hearing. Reply affidavits shall be limited to a maximum of three double spaced pages, including any attachments, and shall be in strict reply to the responsive affidavit.
- (d) **Required Attachments and Worksheets.** Financial Declarations shall be filed whenever financial matters are at issue. These financial matters include maintenance/alimony, child support, allocation of debts, or attorney fees. If child support is sought, then proposed child support worksheets shall be filed. (This rule is required by RCW 26.09.)

**LFLR 3                    CHILD SUPPORT**

The Washington State Child Support Schedule as adopted by the legislature shall be applied by the Court and counsel in all matters involving child support, temporary or permanent.

**LFLR 4                    FINAL HEARING ON CONTESTED MATTERS**

By 4:30 p.m. on the day that is one week prior to the scheduled trial date in all final hearings, informal trials, or formal trials in domestic relations matters, each party shall file and serve on the opposing party and the court a written Domestic Relations Information Form.

The Domestic Relations Information Form shall be in the form set forth on Appendix 4 attached to these rules. Mandatory financial declarations and support worksheets as required by RCW 26.09 shall be filed whenever financial matters are at issue.

**LFLR 5                    DEFAULT MARRIAGE DISSOLUTIONS, AGREED MARRIAGE DISSOLUTIONS; DELIVERY OF DECREE TO OTHER PARTY.**

After entry of the Final Divorce Order and other final documents in a Default Marriage Dissolution or Agreed Marriage Dissolution, the party presenting final documents to the court or counsel shall deliver to or mail or e-mail to the other party or to their counsel, a conformed copy of the Final Divorce Order and other final documents with the date of filing indicated on each copy delivered or mailed. If made in person or via email, delivery of these conformed final documents shall be made within three business days of entry. If the hard copies of the documents are sent via U.S.

Mail, UPS, or other delivery agency, then the documents shall be transferred to the delivering agency within three court days of entry.

**LFLR 6 STATUS CONFERENCES/MANDATORY SETTLEMENT CONFERENCES**

- (a) **Status Conferences.** Upon the filing of an action under this section, the Clerk’s office shall set a date for Status Conference to be heard on the domestic relations calendar on the 8<sup>th</sup> Friday following the filing of the Petition. Both parties shall appear at this status conference either in person or via Zoom. The purpose of the status conference is to confirm that the case is on track. The following information will be sought:
  - (1) Has the Respondent received the initial pleadings? If so, has proof of service or a Service Accepted document been filed? If not, then why not?
  - (2) If the Respondent has been served or has filed a Service Accepted document, then has the Response to Petition been filed? If not, then why not, and when will the Response be filed? (Does an appointment need to be made with the Court Facilitator?)
  - (3) Have the parties complied with the initial, mandatory restraints and required exchange of information?
  - (4) If the parties are on track and have exchanged the required information, then a Mandatory Settlement Conference can be scheduled.
  - (5) If the parties are not on track, then the court shall set another Status Conference and require the parties to complete the necessary steps to get on track.
- (b) **Mandatory Settlement Conferences.** In each dissolution, declaration of invalidity, or legal separation, counsel and the parties shall participate in a settlement conference presided over by a court commissioner. Settlement conferences are mandatory. A trial date will not be set until a Mandatory Settlement Conference has been completed.
- (c) **Attendance and Preparation Required.** No later than noon the day prior to a settlement conference that has been scheduled pursuant to section (a)(4), each party shall have submitted to the other party and the Court a completed settlement conference memorandum and a completed “Domestic Relations Form” in the form of Attachment G. The attorneys shall come prepared to discuss in detail and in good faith all unresolved issues in the case and, in addition, all pretrial matters if the case is not settled.
  - (1) Failure to Serve Settlement Conference Memorandum and “Domestic Relations Form”/Attachment G. Failure to serve a completed settlement conference memorandum and a “Domestic Relations Form” in the form of Attachment G and/or an equivalent upon the other parties and provide the original for the settlement conference Commissioner, as required, may, at the discretion of the Commissioner, result in the settlement conference Commissioner striking the scheduled settlement conference and setting a subsequent settlement conference on the Court’s next available date.
- (d) **Mandatory Confirmations.** All settlement conferences must be confirmed in person, by telephoning the Superior Court office at [courtadmin@co.jefferson.wa.us](mailto:courtadmin@co.jefferson.wa.us) or 360-385-9395 no later than 12:00 noon one court day before the mandatory settlement conference, but no earlier than 48 hours in advance. Failure to confirm may result in the imposition of terms and/or sanctions as the Court may deem appropriate.
- (e) **Commissioner Disqualified at Trial or Future Hearing(s).** A Commissioner presiding over a settlement conference shall be disqualified from acting as the trial judge or exercising discretion on any matters left unresolved after the settlement conference.

**LFLR 7 DISCOVERY SCOPE AND LIMITS**

- A. All parties shall exchange the following information prior to their Status Conference:
1. Two years' tax returns, including all attachments such as W-2s and/or 1099 forms;
  2. Up to Six months' pay stubs or evidence of income – from date of filing back to no earlier than January 1 of the current year, so long as prior year's tax returns have been provided;
  3. Monthly (or quarterly, if that is all that is available) statements from any and all financial accounts in which a party has an interest covering the last two years.
  4. Completed and signed Financial Declaration.

Copies may be provided by either hard copies or electronic copies (via thumb drive) or another agreed mode of delivery.

- B. In family law matters, a party may also request additional information beyond the items listed in Section A above via Interrogatories. Those Interrogatories shall be limited to 35 in number and each subpart of an interrogatory shall be counted as a separate interrogatory for purposes of this rule. Additional Interrogatories may be permitted by stipulation of the parties or by order of the Court. There shall be no limit on requests for production or requests for admission.

#### **LFLR 8 CASE PROGRESSION**

- (a) **Note for Settlement Conference and Trial Setting.** Settlement conferences shall be set at the Status Conference. (See 6a above.) Trial dates shall be set at the conclusion of the mandatory settlement conference.
- (b) **Change of Trial or Hearing Date.** Upon written stipulation of the parties, or upon motion of party, the Court may order a change or continuance of the trial date, special set hearing, support modification hearing, or settlement conference date.
- (c) **Support Modifications.** In matters wherein child support modification is the only relief sought, requests for modification will be heard by affidavit, 10 minutes per side for argument unless the Court requests additional affidavits or an order authorizing oral testimony is granted. Petitioner's affidavit shall be submitted not later than 14 days before the hearing. Respondent's affidavit shall be submitted not later than seven days before the hearing. The reply affidavit shall be submitted not later than 12:00 noon two days before the hearing. Settlement conferences are not required for support modifications.

#### **LFLR 9 MANDATORY PARENTING SEMINAR**

- (a) **Scope.** This rule applies to all cases filed under Ch. 26.09, or Ch. 26.26 of the RCW (except those cases brought on behalf of the State of Washington by the Prosecuting Attorney's Child Support Office) filed after January 1, 2005, which require a parenting plan for minor children, including dissolutions, legal separations, and parentage actions. This rule does not apply to petitions to modify custody. In the case of parentage actions involving the Prosecuting Attorney's Child Support Office, the seminar shall be required only in cases that the Court has made a finding that the Parenting Seminar would benefit the parents.
- (b) **Definitions.** As used in these rules, the following terms have these meanings.
- (1) **Parenting Seminar.** Parenting seminar or seminar shall mean a seminar presented by an authorized provider as set forth in section (h) below, with content that meets the requirements specified in section (i) below.
- (c) **Parenting Seminars; Mandatory Attendance.** In all cases referred to in Section (a) above, and in those additional cases arising under Title 26 RCW where the Court makes a discretionary finding that a parenting seminar would be in the best interest of the children, both parents, and such other parties as the Court may direct, shall participate in, and successfully complete, an approved parenting seminar within 90 days after service of a petition on the responding parent. Successful completion shall be evidenced by a certificate of attendance filed with the Court by the provider agency.

**(d) Special Considerations, Waiver.**

- (1) Joint Participation Not Required. In no case shall parents be required to attend a seminar together.
- (2) Grounds for Waiver or Alternative. Upon a showing of any of the following, the Court shall either waive the requirement of completion of the seminar or provide an alternative to the seminar:
  - (A) Domestic violence, abuse, or safety concerns;
  - (B) Allegations of any conduct set forth at RCW 26.09.191; or
  - (C) Any other reason why a parent's attendance at a seminar is not in the children's best interest.
- (3) Waiver. The Court may waive the seminar requirement for one or both parents in any case for good cause shown, including but not limited to default situations.

**(e) Failure to Comply.** Delay, refusal or default by one parent does not excuse timely compliance by the other parent. Unless attendance at the seminar is waived, a parent who delays beyond the 90 day deadline, or who otherwise fails or refuses to complete the parenting seminar, shall be precluded from presenting any final order affecting the parenting/residential plan in this action, until the seminar has been successfully completed. The Court may also refuse to allow the non-complying parent to seek affirmative relief in this or subsequent proceedings until the seminar is successfully completed.

**(f) Finalizing Parenting Plans.** All parents are required to attach to their proposed final parenting plan a true and accurate signed and dated copy of the certificate of completion of the seminar. No final parenting plan shall be entered without said certificate, except in those cases that the Court has waived attendance.

However, one parent's failure to attend the parenting seminar shall not be a basis to deny the other parent the entry of a Final Parenting Plan. As stated in 10(e), the Court may enter the Final Parenting Plan and refuse to allow the non-complying parent to seek affirmative relief in this or subsequent proceedings until the seminar is successfully completed.

**(g) Fee.** Each parent attending a seminar shall pay a fee charged by the provider and sanctioned by the Court. The Court may waive the fee for indigent parents.

**(h) Authorized Providers.**

- (1) Certified Providers. The Jefferson County Court Administrator shall maintain a list of seminar providers who are approved by this Court. The statement of compliance shall certify that the content of seminars offered by the provider meet the requirements set forth in section (i) below.
- (2) Equivalent Providers May be Used. Parents may use equivalent services offered by private agencies or religious organizations, upon approval of the judge or commissioner in the individual case.

When the Court authorized the use of providers or religious organizations which have not previously been accepted, the Court may modify or waive the qualifications for the instructors, as listed as section (j) below, upon a showing of functional equivalency.

(i) **Seminar Content.** The seminar content shall include, at a minimum:

- The developmental stages of childhood;
- Stress indicators in children;
- Age appropriate expectations of children;
- The impact of divorce on children;
- The grief process;
- Reducing stress for children through an amicable divorce;
- The long term impact of parental conflict on children;
- The importance of child's relationships with both parents; fostering those relationships;
- Communication skills for divorced parents;
- Minimization of conflict;
- Practical skills for working together;
- The impact on children when stepparents and blended families enter their lives;
- Parenting children with limited time; and  
Involvement of extended family.

(j) **Qualifications of Instructors.** Parenting seminars shall be taught by a team of not less than two instructors, including one male and one female. Arrangements may be made for classes limited to one or two attendees, in which case two instructors are not required. Instructors should have the following minimum credentials and experience:

- A Master's Degree in social work, psychology or other related behavioral science suggested, with a Bachelor's Degree minimum with two years social work experience;
- Supervisory experience in treatment of emotionally disturbed children, adolescents and their families;
- Experience in providing a wide range of mental health services to children and families, with specific experience in the areas of separation/divorce, loss and grief, and blended families;
- Extensive knowledge of child development, age appropriate expectations for children, and positive parenting;
- An ability to work with others (both groups and individuals) as part of a collaborative program; and
- Strong oral communication skills.

(k) **Referrals for Other Services.** During the seminar, referral resources will be made available to the parents and their children, including individual and family counseling, drug/alcohol counseling, anger management counseling, parenting classes, etc. These services are optional, and the parents must seek their own funding resources.

#### **LFLR 10 PRESENTATION OF FINAL PLEADINGS IN FAMILY LAW CASES**

(a) Uncontested Applications for Marital Dissolution, Decree of Invalidation or Legal Separation, Committed Intimate Relationships (Meretricious Relationships) or Domestic Partnerships.

(1) **Presentation of Final Documents.** At the time of final hearing upon any uncontested dissolution, invalidity, legal separation, committed intimate relationship (meretricious relationship), or domestic

partnership, or Modification of Parenting Plan/Residential Schedule/Custody Order, the attorney for the applicant or the self-represented party shall present to the court for signature appropriate Findings and Conclusions about a Marriage, Final Divorce Order (Dissolution Decree), Child Support Order, Child Support Worksheets, Residential Time Summary, and Parenting Plan/Residential Schedule, if applicable.

- (2) Hearings to Finalize. Agreed final documents can be noted for presentation on the domestic calendar (Friday at 2:00 P.M.). When both parties are unrepresented by attorneys, then at least one party shall appear to testify to the information included in the Declaration in Lieu of Formal Testimony. If at least one party is represented by counsel, then the attorney may appear with a completed Declaration in Lieu of Formal Testimony, and neither party will be required to personally appear.
  - (3) Ex Parte Finalization. Agreed final documents can be presented to the Court via Ex Parte submission. The Declaration in Lieu of Formal Testimony must be filed with the executed final documents. If both parties are unrepresented by attorneys, then the documents must be reviewed by the Court Facilitator before they can be submitted to the court for Ex Parte review. If the court has questions about the final pleadings, then the court may require that the final documents are noted for presentation on the domestic relations calendar.
- (b) Review of Pro Se Documents. Unless presented by an attorney, no final Decree, Findings of Fact and Conclusions of Law, Parenting Plan, Order of Child Support and Worksheets, Final Order and Findings on Petition to Change a Parenting Plan/Residential Schedule or Custody Order or other final pleadings in Family Law cases shall be presented to the Court without written verification that all such pleadings have been reviewed as to form by an attorney or the Jefferson County Courthouse Facilitator. This requirement may be waived by the Court for good cause shown.
- (c) **Formal Proof.** Formal proof by a pro se litigant personally appearing in Court shall be required in the finalization of all dissolution and legal separation proceedings, including when a Decree of Legal Separation is converted to a Decree of dissolution, modification of a prior Parenting Plan, and in all other matters in which a Final Parenting Plan or Residential Schedule is being presented. Upon good cause, the Court may authorize formal proof to be taken by Skype or telephone, or submitted via Declaration in Lieu of Formal Testimony.
- (d) See also LFLR 11.

#### **LFLR 11 PRESENTATION OF TEMPORARY ORDERS AND FINAL PLEADINGS IN FAMILY LAW CASES**

Draft temporary and final orders following a Court ruling shall be delivered to the Court and to the opposing party no later than noon five days prior to the scheduled hearing on presentation.

Opposing parties who object to any provision of the draft documents as being inconsistent with the Court's ruling must file written objections by noon two days prior to the hearing. Objections must include the proposed orders as an attachment; must specifically identify the objectionable provisions, and shall offer alternative language.

#### **LFLR 12 UCCJEA CONFERENCES**

- (a) **Requesting a conference.** Whenever a party is requesting the Jefferson County Superior Court hold a UCCJEA conference with another state's court, all parties shall comply with the following:
- (1) The party seeking the UCCJEA conference shall file a motion on the appropriate motions calendar. The motion shall clearly state if the moving party is asking Washington State to relinquish jurisdiction to another state, or to assume jurisdiction from another state. The motion shall state with particularity the grounds therefore and shall set forth the relief or order sought.



- (A) In addition, the motion shall clearly specify the following:
  - (i) The state and venue, including the full Court's name, for the other state's action.
  - (ii) Any initial pleadings, including the summons and petition for the other state's action.
  - (iii) Any pleadings from the other state's action that reference any UCCJEA issues.
  - (iv) The name, mailing address, e-mail address, and direct phone number of the contact person for the other court who is responsible for arranging the UCCJEA hearing with the appropriate judicial officer.
- (B) Failure to comply with the above requirements may result in the UCCJEA motion not being heard and/or the conference not being scheduled.

## XII. LOCAL CIVIL ARBITRATION RULES

### 3) SCOPE AND PURPOSE OF RULES

#### LCAR 1.1

##### APPLICATION OF RULES-PURPOSE AND DEFINITIONS

The purpose of civil arbitration of civil actions under RCW 7.06 as implemented by the Civil Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of \$100,000 or less, exclusive of attorney fees, interest, and costs. The Civil 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.

#### LCAR 1.2 MATTERS SUBJECT TO ARBITRATION

The following matters are subject to civil arbitration: (a) civil actions at issue in the Superior Court where the sole relief sought is a money judgment not in excess of one-hundred thousand dollars (\$100,000) exclusive of attorney's fees, interest, and costs.

#### LCAR 1.3

##### RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER RULES

**Which Rules Apply.** All motions before the Court relating to civil arbitration shall be noted on the Civil Motions Calendar in accordance with LCR 5, except as otherwise provided in these arbitration rules.

## 2) TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

### LCAR 2.1

#### TRANSFER TO ARBITRATION

- (a) **Statement of Arbitrability.** In every civil case, following the commencement of the action, but no later than ninety (90) days prior to a properly noted and set trial, any party may file a Note for Arbitration Setting & Initial Statement of Arbitrability substantially in the form of (Exhibit A). The Note for Arbitration Setting & Initial Statement of Arbitrability shall be filed with the Clerk and a duplicate copy delivered to the opposing party or parties. A party failing to file and serve a statement of arbitrability within the time prescribed shall be deemed to have waived arbitration and may subject the matter to civil arbitration thereafter only upon leave of the court for good cause shown.
- (b) **Filing Fee.** The filing party shall pay a \$250 filing fee at the time they file their Note for Arbitration Setting & Initial Statement of Arbitrability.
- (c) **Response to a Statement of Arbitrability.**
- (1) Any party disagreeing with the statement of arbitrability shall serve and file a response on the form prescribed by the court (Exhibit B). In the absence of such a response, the statement of arbitrability shall be deemed correct. Any response opposing the statement of arbitrability shall be served and filed within seven days after the receipt of the statement of arbitrability. If a party asserts that its claim exceeds \$100,000 or seeks relief other than a money judgment, the case is not subject to arbitration except by stipulation.
  - (2) A party who objects to a statement of arbitrability claiming the party who files the statement is not subject to arbitration shall note a motion before the assigned judge, noting the matter for hearing on the issue of arbitrability within 14 days of filing the response.
- (d) **Filing Amendments.** A party may amend or withdraw a statement of arbitrability or response at any time before assignment of an arbitrator and thereafter only upon leave of the court for good cause shown.
- (e) **By Stipulation.** A case in which all parties file a stipulation to arbitrate under MAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy.
- (f) **When Transfer to Arbitration Occurs for Purposes of Application of Local Rules.** The case is transferred to arbitration upon the filing of a statement of arbitrability indicating that the case is subject to arbitration unless an objection to arbitration of the case is received within the time limits found in LCAR 2.1(c). This transfer shall also trigger the restriction on discovery contained in CAR 4.2 and LCAR 4.2.

### LCAR 2.3

#### ASSIGNMENT TO ARBITRATOR

- (a) **Generally.** When a case is set for arbitration, a list of five proposed arbitrators will be furnished to the parties. A master list of arbitrators will be made available on request.

- (b) **By Stipulation.** The parties are encouraged to stipulate to an arbitrator on the master list of arbitrators. In the absence of a stipulation, the arbitrator will be chosen from among the proposed arbitrators in the manner defined by this rule.
- (c) **Response by Parties.** Each party may, within 14 days after the list of proposed arbitrators is furnished to the parties, nominate one or two arbitrators and strike two arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the superior Court Administrator will appoint an arbitrator from among those not stricken by either party.
- (d) **Response by Only One Party.** If only one party responds within 14 days, the superior Court Administrator will appoint an arbitrator nominated by that party.
- (e) **No Response.** If neither party responds within 14 days, the superior Court Administrator will appoint one of the five proposed arbitrators.

### 3). ARBITRATORS

#### LCAR 3.1

##### QUALIFICATIONS

- (a) **Arbitration Panel.** There shall be a panel of arbitrators in such numbers as the administrative committee may determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the Court. 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. The Superior Court will furnish for public inspection arbitrator information sheets, and a panel list showing the names of the arbitrators available to hear cases.
- (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 Court Administrator 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 Court Administrator.
- (c) **Challenge to Qualifications.** Any party may challenge the qualifications of the appointed arbitrator by motion to the Superior Court Judge provided, however, that said motion must be made within 14 days of the appointment of the arbitrator.

#### LCAR 3.2

##### AUTHORITY OF ARBITRATORS

- (a) **An arbitrator has the authority to:**
  - (1) Determine the time, place and procedure to present a motion before the arbitrator;

- (2) Require a party, attorney, or both to pay the reasonable expenses, including attorney 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 Superior Court, with proof of service on each party.
  - (3) Award attorney fees, as authorized by these rules, by a contract or by law; and
  - (4) Determine the time and place for the arbitration hearing.
- (b) **Immunity.** Arbitrators shall have immunity to the same extent as provided for superior court judges in Washington State.

#### 4) PROCEDURES AFTER ASSIGNMENT

##### LCAR 4.2

##### DISCOVERY

- (a) **Additional Discovery.** 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 which 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. Except as provided in MAR 4.2, discovery pending when a case is transferred to arbitration is stayed except on stipulation of the parties. All discovery admissible under the Superior Court Civil Rules and Washington Rules of Evidence is admissible at arbitration, whether produced before or after the appointment of the arbitrator.
- (b) **Interrogatories.** Notwithstanding the Foregoing. The following interrogatories may be submitted to any party:
- (1) State each item of special damages being claimed and the amount thereof;
  - (2) List the name, address and phone number of each person having knowledge of any facts regarding liability;
  - (3) List the name, address and phone number of each person having knowledge of any facts regarding the damages claimed; and
  - (4) 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.

Only these interrogatories, with the exact language as set out above, are permitted

##### LCAR 4.4

## **NOTICE OF SETTLEMENT**

After any settlement that fully resolves all claims against all parties, the plaintiff shall, within five court days or before the arbitration hearing, whichever is sooner, file and serve a written notice of settlement. The notice shall be filed with both the arbitrator and the court. Where the notice cannot be filed with the arbitrator before the arbitration hearing, the plaintiff shall notify the arbitrator of the settlement by telephone, fax or email prior to the hearing, and the written notice shall be filed and served within five court days after the settlement.

## **5) HEARING**

### **LCAR 5.1**

#### **NOTICE OF HEARING - TIME AND PLACE – CONTINUANCE**

- (a) **Time for Hearing.** The arbitrator shall set the time, date, and place of the hearing and shall give reasonable notice of the hearing date to the parties. Except by stipulation or for good cause shown, the hearing shall be scheduled to take place not sooner than 21 days, nor later than 75 days, from the date of the assignment of the case to the arbitrator, however, in no instance shall the original hearing date be set later than 120 days from the appointment of the arbitrator. The arbitrator may grant a continuance of the hearing date not to exceed 60 days beyond the original hearing date. In the absence of agreement of the parties and arbitrator on the date for any hearing, the arbitrator shall have the authority to set a hearing date over the objection of the parties which is consistent with this rule. Any setting of the original hearing date later than 120 days from the appointment of the arbitrator or any continuance of a hearing date more than 60 days from the original hearing date must be noted on the civil motion docket before the Superior Court Judge and will be granted only for good cause shown.
- (b) **Confirmation of Hearing.** Parties must confirm the hearing date with the arbitrator one week prior to hearing. Failure to confirm the hearing with the arbitrator may result in the cancellation of hearing at the arbitrator's discretion. Parties must notify arbitrator of a settlement reached prior to the scheduled hearing date in accordance with LCAR 4.4.

### **LCAR 5.2**

#### **PREHEARING STATEMENT OF PROOF - DOCUMENTS FILED WITH COURT**

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.

## **6) AWARD**

### **LCAR 6.1**

#### **FORM AND CONTENT OF AWARD**

- (a) **Form.** The award shall be prepared on the form prescribed by the court (Exhibit C).
- (b) **Return of Exhibits.** When an award is filed, the arbitrator shall make the exhibits available to the parties, and the parties may collect, any exhibits offered during the hearing.

### **LCAR 6.2**

## **FILING OF AWARD**

A request by an arbitrator for an extension of time for the filing of an award under MAR 6.2 must be presented to the Court Administrator.

### **LCAR 6.3**

## **JUDGMENT ON AWARD**

A judgment on an award shall be presented ex parte to the judge by any party, on notice in accordance with MAR 6.3.

## **7) TRIAL DE NOVO**

### **LCAR 7.1**

#### **REQUEST FOR TRIAL DE NOVO – CALENDAR – JURY DEMAND**

- (a) **Form.** The request for a trial de novo shall not refer to the amount of the award, including any award of costs or attorney fees, and shall be substantially in the form of (Exhibit D) and must be signed by the party.
- (b) **Filing Fee.** The appealing party shall pay a \$400 filing fee at the time they file their Request for Trial De Novo.
- (c) When a trial de novo is requested as provided in MAR 7.1 and LCAR 7.1(a), trial shall be set in accordance with LCR 40, except that the court will assign an accelerated trial date no sooner than 180 days and no more than 270 days from the date the request for trial de novo is filed. A request for a trial de novo may include a request for assignment of a particular trial date or dates, provided the date or dates requested have been agreed upon by all parties in writing and preauthorized by the Court Administrator.
- (d) In any case in which a party makes a motion for attorney's fees pursuant to LCAR 3.2(a)(3), the 20-day period for appeal shall not commence until the arbitrator has either filed and served the amended award, or the written denial thereof.
- (e) **Jury Demand.** Any jury demand shall be served and filed by the appealing party along with the request for trial de novo, and by a non-appealing party within 14 calendar days after the request for trial de novo is served on that party. If no jury demand is timely filed, it is deemed waived.

## **8) GENERAL PROVISIONS**

### **LCAR 8.1**

#### **STIPULATIONS – EFFECT ON RELIEF GRANTED**

If a case not otherwise subject to civil arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a Judge.

### **LCAR 8.3**

## **EFFECTIVE DATE**

These rules shall take effect on September 1, 2021 and shall apply to all cases in which trial has not commenced on the merits by September, 2021

## **LCAR 8.4 TITLE AND CITATION**

These rules are known and cited as the Jefferson County Superior Court Civil Arbitration Rules. LCAR is the official abbreviation.

## **LCAR 8.6**

### **COMPENSATION OF ARBITRATOR**

- (a) **Generally.** Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the superior court; provided, however, that said compensation shall not exceed \$600.00 as to the County portion, for any case, unless prior approval is granted by the Superior Court Judge. Hearing time and reasonable preparation time are compensable. Arbitrators may be reimbursed a sum not to exceed \$25.00 for costs incurred
- (b) **Form.** When the award is filed, the arbitrator shall submit to the Court Administrator a request for payment on a form prescribed by the court. Request for compensation must be received by the Court Administrator no later than thirty (30) days from the date of filing the arbitration award. The Court Administrator shall determine the amount of compensation to be paid. The decision of the Court Administrator will be reviewed by the Superior Court Judge at the request of the arbitrator.

## **LCAR 8.7**

### **ADMINISTRATION**

- (a) **Court Administrator.** The Court Administrator under the supervision of the Superior Court Judge shall implement the procedures mandated by these rules and perform any additional duties which may be delegated by the Superior Court Judge.
- (b) **Arbitrator Panel Committee.** There shall be an arbitrator panel committee composed of the Superior Court Judge, a Court Commissioner, the Court Administrator, and two members of the Jefferson County Bar Association, chosen by the Jefferson County Bar Association. The bar members of the committee shall serve for three-year terms and may be reappointed.  
Terms of the initial committee shall be determined by lot.
- (c) **Arbitrator Panel Committee - Duties.** The arbitrator panel committee shall have the power and duty to:
  - (1) Select its chairperson and establish procedures not inconsistent with the Civil Arbitration Rules or these rules;
  - (2) Appoint the panel of arbitrators provided in LCAR 3.1(a);
  - (3) Remove a person from the panel of arbitrators;
  - (4) Add a person to the panel of arbitrators; andReview the operation of the arbitration program periodically and make recommendations as it deems appropriate to improve the program and submit any recommendations to the Jefferson County Bar Association membership for comment and to the Superior court for ratification.

**APPENDIX 1**

SUPERIOR COURT OF WASHINGTON  
COUNTY OF JEFFERSON

In Re the Marriage of: \_\_\_\_\_ ) NO.

\_\_\_\_\_) Petitioner, )  
and \_\_\_\_\_ ) REQUEST FOR ENTRY OF DECREE AND  
\_\_\_\_\_) ) DECLARATION OF JURISDICTIONAL FACTS  
\_\_\_\_\_) ) (DISSOLUTION OF MARRIAGE)  
\_\_\_\_\_) Respondent.

**REQUEST** The petitioner requests immediate entry of Findings of Fact, Conclusions of Law and Decree of Dissolution of Marriage without a final hearing, and states:

**RESIDENCE** I was a resident of the state of Washington when the petition was filed.  
**TIME LIMITS** More than 90 days have elapsed since the later of \_\_\_\_\_, \_\_\_\_, the date on which the Petition was filed, and \_\_\_\_\_, \_\_\_\_, the date:  
 the respondent signed a joinder.  
 the respondent signed an acceptance of service.  
 the summons and petition were personally served upon the respondent. [  
 the summons and petition were mailed pursuant to an order for service by mail.  
 the summons was first published pursuant to an order for service by publication.  
 default has been taken.  
 default has not been taken.

**MARRIAGE & SEPARATION** The parties were married on \_\_\_\_\_ \_\_\_\_, at [city, state] \_\_\_\_\_ and separated on \_\_\_\_\_, \_\_\_\_.

The marriage is now irretrievably broken.

**PREGNANCY** The wife is not now pregnant.  
**DEPENDENT CHILDREN** All dependent children of the marriage are identified in the proposed Decree. The proposed Parenting Plan is in the children's best interest; the Child Support Worksheets are accurate.

**PROPERTY & DEBTS** All property and all debts of the parties are fairly and completely divided in the Decree.

**IF DEFAULT** If entry of the Decree is sought after default of the Respondent, the Decree provides for only that relief requested in the petition.

**PERJURY DECLARATION** I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, Washington

Presented by:



[Signed] \_\_\_\_\_  
Petitioner

[Signed] \_\_\_\_\_  
Respondent

**APPENDIX 2**

SUPERIOR COURT OF WASHINGTON  
COUNTY OF JEFFERSON

In Re the Marriage of:	)	
	)	NO.
	)	
_____ Petitioner,)	)	REQUEST FOR ENTRY OF DECREE AND
	)	DECLARATION OF JURISDICTIONAL FACTS
and _____)	)	(LEGAL SEPARATION)
	)	
_____ Respondent	)	

**REQUEST** The petitioner requests immediate entry of Findings of Fact, Conclusions of Law and Decree of Legal Separation without a final hearing, and states:

**RESIDENCE** I was a resident of the state of Washington when the petition was filed.

**STATUS**  the respondent signed a joinder.  
 the respondent signed an acceptance of service.  
 the summons and petition were personally served upon the respondent.  the summons and petition were mailed pursuant to an order for service by mail.  
 the summons was first published pursuant to an order for service by publication.  
 default has been taken.  
 default has not been taken.

**MARRIAGE &** The parties were married on \_\_\_\_\_, at [city, state]-

**SEPARATION** \_\_\_\_\_ and separated on \_\_\_\_\_. The petitioner wishes to be legally separated.

**PREGNANCY** The wife is not now pregnant.

**DEPENDENT** All dependent children of the marriage are identified in the proposed Decree.

**CHILDREN** The proposed Parenting Plan is in the children's best interest; the Child Support Worksheets are accurate.

**PROPERTY & DEBTS** All property and all debts of the parties are fairly and completely divided in the Decree.

**IF DEFAULT** If entry of the Decree is sought after default of the Respondent, the Decree provides for only that relief requested in the petition.

**PERJURY DECLARATION** I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

[Signed] \_\_\_\_\_  
Petitioner Respondent

Dated: \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Washington

**APPENDIX 3**

**Superior Court of Washington  
County of Jefferson**



\_\_\_\_\_  
Plaintiff/Petitioner

vs.

\_\_\_\_\_  
Defendant/Respondent

No. \_\_\_\_\_

**NOTE FOR MOTION DOCKET**

**(NTMTDK)**

TO THE CLERK OF THE COURT AND

TO:

AND:

Please take notice that the undersigned will bring on for hearing:

NATURE OF MOTION:

The hearing is to be held:

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

AT: Superior Court of Jefferson County  
1820 Jefferson Street  
Port Townsend, WA 98368

DATED: \_\_\_\_\_ Signed: \_\_\_\_\_

Lawyer for \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

**DOMESTIC RELATIONS FORM**  
**Superior Court of Washington County of Jefferson**

Date: \_\_\_\_\_ Settlement Conference Date: \_\_\_\_\_  
 Cause No.: \_\_\_\_\_ Submitted by: Petitioner Respondent

**PARTIES:**

PETITIONER: SPOUSE NO. 1/PARENT NO. 1		RESPONDENT: SPOUSE NO. 2/PARENT NO. 2	
Name:	Age:	Name	Age:
Address:		Address:	
Email Address:		Email Address:	
Contact Phone Information:		Contact Phone Information:	

If Applicable:

Date of Marriage:	Date of Separation:
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**FILL OUT THIS SECTION IF PARENTING or CHILD  
 SUPPORT IS AN ISSUE IN DISPUTE**

*If Parenting and Child Support are Agreed or There are No Dependent Children - Please Skip This Section:*

**DEPENDENT CHILDREN:**

Name	Age	Child is born in this marriage	Child is from prior marriage	How much time spent with children		Since date you separated
				Parent No. 1 %	Parent No. 2 %	


1. Proposed Child Support Calculation:

	NET INCOME	SUPPORT calculated to be paid
Spouse No. 1/Parent No. 1	\$	
Spouse No. 2/Parent No. 2	\$	

2. How are the tax exemptions for the children currently divided and what are you proposing? \_\_\_\_\_

3. Exceptional support considerations: Please list here any reasons you believe the Court should **not** follow the support guidelines (see RCW 26.19.075 for legal standards the court must consider in order to deviate from the standard calculation): \_\_\_\_\_

4. Child Support presently being paid \$\_\_\_\_\_per month. Child support is paid \_\_\_\_\_ twice a month on (date) and \_\_\_\_\_ (date) or \_\_\_\_\_ once per month on the \_\_\_\_\_(date).

5. When child support payments begin? \_\_\_\_\_(date). Have any child support payments been missed? Yes – Amount: \_\_\_\_\_ No.

6. Please summarize your proposed parenting plan for your child/ren: \_\_\_\_\_

7. Have you and the other parent talked about what each of you want as an outcome of your parenting plan?  
Yes    No.

Please list all areas of the parenting plan that are in dispute and briefly describe how the parties disagree (attach additional pages as needed):

Primary Custody/Visitation: \_\_\_\_\_

Decision Making: \_\_\_\_\_

Transportation: \_\_\_\_\_

Other Issues: \_\_\_\_\_

8. Please describe how you have tried to resolve these disputes: \_\_\_\_\_

9. Have you taken any parenting classes: Yes No, I plan to take it on \_\_\_\_\_(date).

10. Are you and the other parent taking any type of co-parenting classes or counseling: Yes No. If "yes" please describe: \_\_\_\_\_

**MAINTENANCE:**

1. Requested by Spouse/Parent # \_\_\_\_: \$\_\_\_\_\_per month; until \_\_\_\_\_(end date).

2. If maintenance is presently being paid: Paid by Spouse/Parent \_\_\_\_How much is being paid? \$\_\_\_\_\_per month. When did maintenance payments start: \_\_\_\_\_(date)?

TOTAL MAINTENANCE PAID TO DATE: \_\_\_\_\_.

**SPOUSE/PARENT 1 INCOME:**

Employer/Other Source	Length	Gross Income	Net Income
		Total Income	

**SPOUSE/PARENT 2 INCOME:**

Employer/Other Source	Length	Gross Income	Net Income
		Total Income	

**Why Spousal Maintenance Should Should Not be Awarded and Summary of the Dispute over Maintenance:**

**Formatted:**

**FILL OUT NEXT SECTION IF ASKING FOR ATTORNEY FEES:**

*If Payment of Attorney's Fees is Agreed or is Not Requested - Please Skip This Section*

**IF ATTORNEY FEES ARE BEING REQUESTED:**

I am asking that the other party pay \$ \_\_\_\_\_ towards my attorney's fees.

1.	Incurred to Date	\$	Paid to Date	\$
2.	Ordered to Date	\$	Paid to Date	\$
3.	Requested to Date	\$	Estimate to Trial	\$

**FOR PENDING DISSOLUTION MATTERS - FILL OUT NEXT SECTION IF YOU OWN ANY PROPERTY OR OWE ANY DEBTS:**

*If the Property Division is Agreed - Please Skip This Section*

**PROPERTY DIVISION:**

<b>Asset Division:</b>	Estimated Fair Market Value	Debt Owed if Any	Subtract the debt to get the NET amount to SPOUSE NO. 1	Subtract the debt to get the NET amount to SPOUSE NO. 2
<b>Real Estate:</b>				
Home	\$	\$	\$	\$
Other Real Property	\$	\$	\$	\$
<b>Vehicles (Year/Make):</b>				
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
<b>Furniture:</b>				
	\$	\$	\$	\$
	\$	\$	\$	\$

<b>Tools/Equipment:</b>				
	\$	\$	\$	\$
	\$	\$	\$	\$
<b>Recreational/Hobby Equipment:</b>				
	\$	\$	\$	\$
	\$	\$	\$	\$
<b>Business/Profession:</b>				
Spouse No. 1/Parent No. 1	\$	\$	\$	\$
Spouse No. 2/Parent No. 2	\$	\$	\$	\$

<b>Bank Accounts/Savings/Investments:</b>				
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
<b>Retirement: Nature of Retirement account: (401(k)), (Navy Retirement) (VA disability) (FERS/PERS)</b>				
Spouse No. 1/Parent No. 1	\$	\$	\$	\$
Spouse No. 2/Parent No. 2	\$	\$	\$	\$
<b>OTHER TAX DEFERRED Accounts: such as IRAs, TSPs, SEP or other individual 401(k)s</b>				
Spouse No. 1/Parent No. 1	\$	\$	\$	\$
Spouse No. 2/Parent No. 2	\$	\$	\$	\$
<b>Other Assets: List by type of asset and distribution:</b>				
<b>Spouse No. 1</b>				
	\$	\$	\$	\$



<b>Spouse No. 2:</b>				
	\$	\$	\$	\$
<b>ASSET TOTALS:</b>				
<b>Debt Division (Not Included in Asset Allocation as Debt Owed):</b>	Total amount due	Monthly Payment.	GIVE TO SPOUSE NO. 1	GIVE TO SPOUSE NO. 2
List Debts by Name of Creditor:	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )

	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
	(\$ )	(\$ )	(\$ )	(\$ )
<b>TOTALS DEBTS:</b>	(\$ )	(\$ )	(\$ )	(\$ )
<b>Net Distribution to Each Spouse (Assets minus Debts = Net)</b>			\$	\$

What is the proposed percentage of the division between each spouse?

ASSET DIVISION: Spouse No. 1 \_\_\_\_\_% Spouse No. 2 \_\_\_\_\_%

DEBT DIVISION: Spouse No. 1 \_\_\_\_\_% Spouse No. 2 \_\_\_\_\_%

Describe your reasons for believing that this is a fair and equitable distribution of property and debts: \_\_\_\_\_

**USE THE NEXT SECTION TO DESCRIBE ANY ATTEMPTS  
TO NEGOTIATE A SETTLEMENT (attach additional pages if necessary):**

1. Describe negotiations toward settlement to date: \_\_\_\_\_

2. Where are the strongest disputes? Describe areas or issues where the parties strongly disagree: \_\_\_\_\_

3. What would you like the Court to focus on during your settlement conference? \_\_\_\_\_

***PLEASE PROVIDE A COPY OF THIS DOCUMENT TO THE OTHER PARTY AND SUBMIT THE ORIGINAL TO ROOM 210 OF THE JEFFERSON COUNTY SUPERIOR COURT BY NOON THE DAY PRIOR TO YOUR SETTLEMENT CONFERENCE. SEE JCLFLR 6.***

APPENDIX 5

Superior Court of Washington  
County of Jefferson



\_\_\_\_\_  
Plaintiff/Petitioner

vs.

\_\_\_\_\_  
Defendant/Respondent

No. \_\_\_\_\_

PRETRIAL SCHEDULE FOR  
COMPLEX CIVIL LITIGATION

TRIAL DATE: \_\_\_\_\_

NON-EXPERT WITNESS LIST TO BE EXCHANGED AND FILED BY \_\_\_\_\_

MOTIONS TO AMEND AND/OR TO ADD ADDITIONAL PARTIES MUST BE FILED BY \_\_\_\_\_

EXPERT WITNESS LIST EXCHANGED AND FILED BY \_\_\_\_\_

SECOND EXPERT WITNESS LIST EXCHANGED AND FILED BY \_\_\_\_\_ (A party may only list witnesses in the same category and same number as those listed by the opposing party in its original witness list).

DISCOVERY CLOSES \_\_\_\_\_ (Interrogatories and Production Requests must be propounded so that the answers are due by this date).

DISPOSITIVE MOTIONS MUST BE FILED AND HEARD BY \_\_\_\_\_

IN LIMINE MOTIONS MUST BE FILED AND HEARD BY \_\_\_\_\_

TRIAL BRIEFS AND JURY INSTRUCTIONS FILED BY \_\_\_\_\_

PROPOSED DEPOSITIONS TESTIMONY TO BE USED (PAGE AND LINE NUMBER) MUST BE FILED BY \_\_\_\_\_  
(This rule does not apply to the use of deposition testimony to cross examine witnesses.)

Dated: \_\_\_\_\_

JUDGE/COURT COMMISSIONER

Presented by:

\_\_\_\_\_  
Attorney      WSBA #

\_\_\_\_\_  
Attorney      WSBA #

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Phone:

\_\_\_\_\_  
Phone:

APPENDIX 6



Superior Court of Washington  
County of Jefferson

\_\_\_\_\_  
Plaintiff/Petitioner

vs.

\_\_\_\_\_  
Defendant/Respondent

No. \_\_\_\_\_

**NOTE FOR TRIAL SETTING**

(NTTRS)

**(Clerk's Action Required)**

**TO THE CLERK OF THE COURT AND TO:**

Please take notice that this case will be placed on the trial setting docket for assignment of trial on Friday, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 1:00 civil or 2:00 domestic .

1. Nature of Case: \_\_\_\_\_
2. A Jury has been demanded 12 person 6 person has not been demanded
3. Estimated length of trial: \_\_\_\_\_ hours \_\_\_\_\_ days  
Plaintiff(s)/Petitioner(s) case: \_\_\_\_\_ hours/days Defendant(s)/Respondent(s) case: \_\_\_\_\_ hours/days
4. Preferred trial dates: \_\_\_\_\_
5. Dates unavailable for trial: \_\_\_\_\_
6. Case may be heard by a judge pro tem Yes No
7. Visiting Judge Required: Yes No
8. Mandatory Settlement Conference Required: Yes No

**CHECK APPROPRIATE SQUARES:**

I have contacted all counsel and they agree the trial may be set anytime after \_\_\_\_\_ (date).  
I have contacted all counsel and am unable to obtain agreement on trial dates. The Court will set the trial date.  
No contact has been made with other counsel/party, but all have been served with a copy of this notice in time to allow a response within 10 days.

I hereby represent to the Court that this case is at issue and should be set for trial.

Plaintiff's claim exceeds \$50,000.00  
Plaintiff seeks relief other than a money judgment.  
Defendant's counter or cross claim exceeds \$50,000.00.  
Defendant's counter or cross claim seeks relief other than a money judgment.

Any party not in agreement with the information or estimates given in Note for Trial Setting shall file and serve at least (3) days prior to the trial setting date a counter notice or written objection to setting. If an objection to setting is filed, counsel shall appear on the setting day before the motions judge, to argue the objection.

Date: \_\_\_\_\_ SIGNED \_\_\_\_\_  
Lawyer for: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

**FAX TRANSMITTAL SHEET FOR FILING IN THE JEFFERSON COUNTY SUPERIOR COURT OF THE STATE OF WASHINGTON (per GR 17)**

ONLY FOR DOCUMENTS TO BE FILED IN THE COURT FILE - FEE REQUIRED

AMANDA HAMILTON, JEFFERSON COUNTY CLERK 360-385-9125

FAX Number: (360) 385-5672

FAX Fee = \$5.00 1<sup>st</sup> page + \$1.00 per page thereafter.

Cause Number:	Case Caption: vs
Person Filing:	Date:
Firm Name:	FAX Contact:
Address:	City/State/Zip:
Phone Number:( )	FAX Number:( )
# Pages (not counting this sheet):	Payment Date:

**PAGE LIMIT:** To send single transmissions exceeding twenty (20) pages during regular business hours (8:30 a.m. to 4:30 p.m. Monday - Friday), you must have permission from the Clerk's Office. (Please call in advance). We do not count the FAX COVER SHEET toward this limit. There is no page limit for transmissions after regular business hours. FAX filing is available 24 hours per day, 7 days per week. **Do Not Send the Original.** (Attach GR 17(b)(2) Affidavit – LCR Appendix 9)

**FAX FEE:** The Clerk's FAX fee is \$5.00 for the first page, and \$1.00 for each page thereafter. You must also prepay any fees normally required upon filing pleadings in our court. You may pay by credit card via the **Superior Court Payment** link under **Services** on our web page, <https://www.co.jefferson.wa.us/161/Clerk> or call (877) 793-8935. Read and sign the "FAX FEE REMITTANCE CERTIFICATION" below. Our payment agent will charge a service fee for using their service in addition to your filing fees and FAX fees.

**FILING FEE:** Documents requiring filing fees may be FAXed. These include, but are not limited to, original petitions or complaints, jury demands, writs, notices of appeal, and petitions to modify. Payment must be made prior to FAX filing.

<b>FAX FEE PAYMENT NOTICE:</b> I have prepaid all necessary fees and have included my verification number above for \$_____, which includes the FAX fee for _____ pages of the accompanying document. Signature_____
---

USE ONLY THIS COVER SHEET TO FILE BY FAX

**APPENDIX 8**

Superior Court of Washington  
County of Jefferson



\_\_\_\_\_  
Plaintiff/Petitioner

vs.

\_\_\_\_\_  
Defendant/Respondent

No. \_\_\_\_\_

**FACSIMILE AFFIDAVIT/DECLARATION**  
**(AF)**

I, \_\_\_\_\_ (name), \_\_\_\_\_ (title), with  
\_\_\_\_\_ (firm/organization), declare and state the following:

The attached is a facsimile transmission of \_\_\_\_\_  
\_\_\_\_\_ (titles of documents), submitted  
by \_\_\_\_\_ (name), \_\_\_\_\_ (title), in the above-entitled matter.

The attached document(s), prepared for filing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and consisting of  
\_\_\_\_\_ pages, including this affidavit page, has been examined and determined by me to be complete and legible. I will  
retain the originals in accordance with GR17.

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR  
JEFFERSON COUNTY**

IN RE THE GUARDIANSHIP OF

\_\_\_\_\_  
Incapacitated Person

NO.

NOTICE OF LOSS OF VOTING RIGHTS  
(NLVR)

**(CLERK'S ACTION REQUIRED – send  
notice to County Auditor)**

On \_\_\_\_\_, this matter came before the court. Pursuant to Laws of Washington RCW 11.88.010, it has been determined that the individual named in this notice lacks the capacity to understand the nature and effect of voting such that she or he cannot make an individual choice and should not retain the right to vote. Accordingly, the court has appointed a guardian and has revoked the right to vote.

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Filing Party

\_\_\_\_\_  
Printed Name/WSBA#

\_\_\_\_\_  
Address

I hereby certify that I personally mailed the above notice to the Auditor of the county in which the incapacitated person resides on

\_\_\_\_\_  
Deputy Clerk, \_\_\_\_\_ County Superior Court

**SUPERIOR COURT OF WASHINGTON/TRIBUNAL SUPERIOR DE WASHINGTON  
COUNTY OF JEFFERSON/CONDADO DE JEFFERSON**

[ ] In Re the Marriage of:/Respecto al matrimonio de:  
[ ] In Re the Parentage of:/Respecto a la filiación de:

\_\_\_\_\_  
Petitioner/Demandante

y

\_\_\_\_\_

NO.

TEMPORARY RESTRAINING ORDER/  
ORDEN DE RESTRICCIÓN TEMPORAL  
(TMRO)

**I. NOTICE TO PARTIES/AVISO A LAS PARTES**

- 1.1 An action has been started in this court that affects your marriage. Both parties are now required to obey the following order unless the court changes it. Either of you may ask the court to change or clarify this order. The court has the authority to punish violations of this order and to require the violator to pay attorney fees to the other party for having to bring the violation before the court.**

**En este Tribunal se inició una acción que afecta su matrimonio. Ambas partes están ahora obligadas a obedecer la siguiente orden a menos que el Tribunal la cambie.**

**Cualquiera de ustedes puede pedir al Tribunal que cambie o esclarezca esta orden. El Tribunal tiene la autoridad para penar las violaciones a esta orden y exigir al transgresor que pague los honorarios de los abogados de la otra parte por haber tenido que presentar la **violación** ante el Tribunal.**

**II. ORDER/ORDEN**

**IT IS ORDERED/ASÍ SE ORDENA:**

**2.1 TEMPORARY ORDERS FOR ALL PARTIES/ÓRDENES TEMPORALES PARA TODAS LAS PARTES**

- (a) Both parties are restrained from transferring, removing, encumbering, concealing, damaging or in any way disposing of any property except in the usual course of business or for the necessities of life or as agreed in writing by the parties. Each party shall notify the other of any extraordinary expenditure made after this order is issued.

Se prohíbe a ambas partes transferir, quitar, gravar, ocultar, dañar o de otra forma disponer de cualquier propiedad excepto en el curso normal de la actividad comercial o las necesidades de vida, o según lo hayan acordado las partes por escrito. Cada parte deberá notificar a la otra sobre cualquier gasto excepcional realizado **después** de la **emisión** de esta orden.

- (b) Both parties are restrained from assigning, transferring, borrowing against, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties or of any dependent children, whether medical, health, life or auto insurance, except as agreed in writing by the parties.

Se prohíbe a ambas partes asignar, transferir, tomar prestado contra, permitir que caduque, ceder o cambiar el derecho de acceso a los beneficios de cualquier póliza de seguro de alguna o de ambas partes o



de cualquier hijo dependiente, ya sea de un seguro médico, de salud, de vida o del automóvil, excepto según lo hayan acordado las partes por escrito.

- (c) Unless the court orders otherwise, both parties are responsible for their own future debts whether incurred by credit card, loan, security interest or mortgage, except as agreed in writing by the parties.  
A menos que el Tribunal ordene lo contrario, ambas partes son responsables por sus propias deudas futuras, ya sean contraídas con la tarjeta de crédito, un préstamo, una hipoteca o derecho de garantía, excepto según lo hayan acordado las partes por escrito.
- (d) Both parties shall have access to all tax, financial, legal, and household records. Reasonable access to records shall not be denied without order of the court.  
Ambas partes deben tener acceso a todos los documentos sobre impuestos, financieros, legales y del hogar. El acceso razonable a estos documentos no se denegará a menos que haya una orden judicial.

## **2.2 TEMPORARY ORDERS FOR PARTIES WITH MINOR CHILD(REN)/ÓRDENES TEMPORALES PARA LAS PARTES CON HIJOS MENORES**

- (a) Both parents are restrained from changing the residence of the child(ren) until further Court order, except as agreed in writing by the parties.

Se prohíbe a ambos padres cambiar la residencia de los hijos hasta nueva orden judicial, excepto según lo hayan acordado las partes por escrito.

- (b) Each parent shall have full access to the child(ren)'s educational and medical records, unless otherwise ordered by the court.  
Cada padre deberá tener acceso total a los expedientes educativos y médicos de los hijos, a menos que el tribunal haya ordenado algo diferente.
- (c) Each parent shall ensure that the child(ren) are not exposed to negative comments about the other parent. Neither parent shall make negative comments about the other parent in the presence of the child(ren).  
Cada padre deberá asegurar que los hijos no sean expuestos a comentarios negativos sobre el otro padre. Ningún padre podrá hacer comentarios negativos sobre el otro en presencia de los hijos.
- (d) Unless waived pursuant to LFLR 10(d), within ninety (90) days of filing an appearance, answer or other responsive pleading in this action, both parties shall attend a court-approved parent education seminar. Upon completion of the seminar, each party shall file with the court the seminar completion certificate provided by the sponsoring agency or provider.  
A menos que exista una **exención** conforme a la KCLRLR 10(d), dentro de los noventa (90) días de presentada una notificación de comparecencia, respuesta u otra contestación en esta causa, ambas partes deberán asistir a un seminario educativo aprobado por el Tribunal. Luego de completarlo, cada parte deberá presentar ante el Tribunal un certificado de finalización del seminario proporcionado por la agencia patrocinadora o el proveedor.
- (e) At least sixty (60) days prior to trial, each parent shall provide the other parent with a Proposed Parenting Plan, if they have not already done so.

Al menos sesenta (60) días antes del juicio, cada padre deberá proporcionar al otro padre un Plan de Crianza Propuesto, si aún no lo han hecho.

### 2.3 EFFECTIVE DATE OF ORDER/FECHA DE ENTRADA EN VIGOR DE LA ORDEN

The Petitioner is subject to this order from the time of filing the Petition. **The Petitioner shall serve a copy of this on the Respondent and file a declaration of service in the court file.** The Respondent is subject to this order from the time that the order is served. This order shall remain in effect until further court order.

El Demandante está sujeto a esta orden desde el momento en que presentó la Demanda. **El Demandante deberá entregar una copia al Demandado y adjuntar una declaración del servicio de entrega al expediente judicial.** El Demandado está sujeto a esta orden desde el momento de la entrega. Esta orden **estará** vigente hasta nueva orden judicial.

Dated/Fecha: \_\_\_\_\_

\_\_\_\_\_  
COURT COMMISSIONER/JUDGE/JUEZA

APPENDIX 11

SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF JEFFERSON

_____
Plaintiff(s),
vs.
_____
Defendant(s).

No. \_\_\_\_\_

**NOTE FOR ARBITRATION SETTING AND  
INITIAL STATEMENT OF ARBITRABILITY  
(NTTSA)**

TO THE CLERK OF THE COURT AND TO:

NATURE OF CASE: \_\_\_\_\_

**INITIAL STATEMENT OF ARBITRABILITY**

- This case is subject to arbitration because the sole relief sought is a money judgment and involves no claim in excess of \$100,000.00 exclusive of attorney fees, interest and costs. (MAR 1.2)
- The undersigned contends that its claim exceeds \$100,000.00 but hereby waives any claim in excess of \$100,000.00 for purposes of arbitration. (MAR 1.2)

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_

WSBA #: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**IMPORTANT: TYPE OR PRINT NAME, ADDRESS, AND PHONE NUMBER OF ALL  
COUNSEL AND WHO THEY REPRESENT ON SECOND PAGE.**

**\*\*\* FILE WITH FEE OF \$250.00. \*\*\***

List the name, address, and phone number of all attorneys or parties who were provided notice:

Name: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

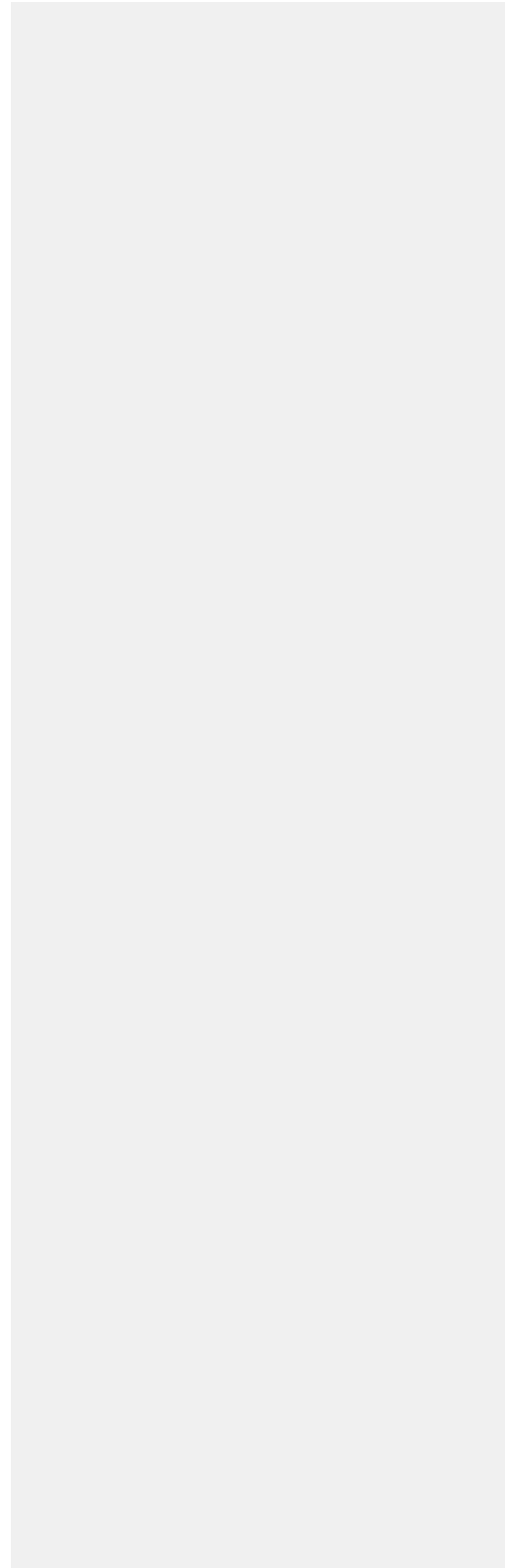
Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Lawyer for: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone Number: \_\_\_\_\_



**SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF JEFFERSON**

Plaintiff(s),		No. _____
vs.		
Defendant(s).		<b>RESPONSE TO STATEMENT OF ARBITRABILITY</b>
		<b>(RSSA)</b>

TO THE CLERK OF THE COURT AND TO ALL OTHER LAWYERS: (Per List on Second Page)

The undersigned lawyer contends that this case is not subject to mandatory arbitration because:

- Plaintiff's claim exceeds \$100,000.00;
- Plaintiff seeks relief other than a money judgment;
- Defendant's counterclaim or cross claim exceeds \$100,000.00; or
- Defendant's counterclaim or cross claim seeks relief other than a money judgment.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
Lawyer for: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

List the name, address, and phone number of all attorneys or parties who were provided notice:

Name: \_\_\_\_\_  
Lawyer for: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_  
Lawyer for: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: \_\_\_\_\_

**SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF JEFFERSON**

Plaintiff(s),		No. _____
vs.		
Defendant(s).		<b>ARBITRATION AWARD</b>
		<b>(ARBA)</b>

The issues in arbitration having been heard on \_\_\_\_\_, 20\_\_\_\_\_.

I make the following award:

Twenty days after the award has been filed with the clerk, if no party has sought a trial de novo under MAR 7.1, any party on notice to all parties may present to the Court ex parte a judgment on the arbitration award for entry as final judgment in this case.

Was any part of this award based on the failure of a party to participate at the hearing (MAR 5.4)?

Yes  No  If yes, please identify the party and explain:

DATE: \_\_\_\_\_

\_\_\_\_\_  
ARBITRATOR  
Printed Name: \_\_\_\_\_

**ORIGINAL TO BE FILED WITH THE SUPERIOR COURT CLERK TOGETHER WITH PROOF OF SERVICE ON THE PARTIES.**

**SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF JEFFERSON**

\_\_\_\_\_  
Plaintiff(s),

vs.

\_\_\_\_\_  
Defendant(s).

No. \_\_\_\_\_

**REQUEST FOR TRIAL DE NOVO**

**[Clerk's Action Required: Seal Award Pursuant to  
MAR 7.2(a)]**

**(RTDNSA)**

TO: THE CLERK OF THE COURT AND TO ALL PARTIES:

Please take notice that (name of aggrieved party) requests a trial de novo from the award filed \_\_\_\_ (date) \_\_\_\_.

DATE: \_\_\_\_\_

\_\_\_\_\_  
*Signature of aggrieved party*

-----  
*Printed Name and Title if Applicable*

\_\_\_\_\_  
*Name of attorney for aggrieved party*