



*Pacific County
Courthouse*

*Wahkiakum County
Courthouse*



LOCAL COURT RULES OF THE SUPERIOR COURT FOR PACIFIC AND WAHKIAKUM COUNTIES

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**LOCAL COURT RULES OF THE SUPERIOR COURT
FOR PACIFIC AND WAHAKIAKUM COUNTIES**

The following are the Local Rules for the Superior Court of Pacific County and Wahkiakum County. The Court may modify or suspend any of these Rules in any given case upon good cause being shown or upon the Court’s own motion.

LOCAL GENERAL RULES (LGR)

RULE 1: SESSIONS, MOTION DAYS AND CALENDARS

- A. **Sessions.** The Court shall be in session on all judicial days from 9:00 a.m. to 12:00 noon and from 1:30 p.m. to 4:00 p.m. Cases may be set by the Court for other dates and times. Court shall be in session beginning at 9:00 a.m. on Motion Day. All trials and hearings will be set for 9:00 a.m. unless otherwise ordered by the Court (9:30 a.m. in Wahkiakum County). For jury trials counsel should be available for a chambers conference at 8:30 a.m. In the event of a conflict which prevents the second day of a trial from commencing at 9:00 a.m., the parties will be expected to be available to commence the trial at a later time in the day or week.

B. Office Hours.

Court Administrator's Office shall be open to the public from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Pacific County Clerk's Office hours shall be from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

Wahkiakum County Clerk's Office hours shall be from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

- C. Special Christmas Eve Hours.** The Court and the Pacific/Wahkiakum County Superior Court Clerk's Office shall be open each year from 8:30 a.m. to 10:30 a.m. on the last day of work before Christmas Day.
- D. Domestic/Family Law Docket.** Domestic Dockets will be held *twice* a month in **Pacific County** and *once* a month in **Wahkiakum County**. The Superior Court Administrator's Office should be contacted for a list of the scheduled Domestic Docket days. All matters shall be scheduled for 9:00 a.m. If a trial is scheduled for later in the day on the regular Domestic docket and the case settles, counsel or the parties shall **re-note** the matter for 9:00 a.m. as soon as practicable.
- E. Juvenile and Dependency Dockets.** The Court Administrator will schedule (in advance) a specific day each month for juvenile offender cases and a specific day for dependency hearings. The Juvenile Office shall set all juvenile matters on the designated juvenile offender day at 9:00 a.m., except that the Prosecuting Attorney may set first appearance matters. Dependency actions shall be set on the designated monthly dependency day at 9:00 a.m. Dependency actions or juvenile trials that require more than one hour on the docket shall be noted for 10:00 a.m., unless otherwise set by the Court, by counsel for the respondent or the party requesting the case be tried. If a juvenile trial is scheduled for later in the day on the regular juvenile docket and the case settles, counsel for the respondent **must re-note** the matter for **9:00 a.m.** and advise all the parties, including witnesses, as soon as practicable.

F. Pacific County Motion Days:

Fridays:

- Adoptions (in chambers) at 9:00 a.m.;
- Civil Motions at 9:00 a.m.;
- Juvenile/Dependency Motions at 10:00 a.m.;
- Criminal Motions commencing at 1:30 p.m.

Domestic/Family Law matters shall not be scheduled on the regular civil docket except as approved by the Court Administrator's Office. Oral argument shall be limited to 10 minutes per side except as allowed otherwise.

Motion Day may be conducted on another day of a particular week by court order. When a holiday falls on Friday, the previous Thursday may be designated as Motion Day. If the holiday falls on a Thursday and Friday the previous Wednesday may be designated as a Motion Day.

G. Wahkiakum County Days:

Motion Day shall generally be scheduled on alternating Mondays but may be changed due to holidays and vacation schedules. A Motion Day may be conducted on another day of a particular week by court order. When a holiday falls on a normal motion day, the next motion date will vary. The Court will hear the criminal docket at 9:30 a.m. and all other matters at 10:00 a.m. Domestic matters are *typically* heard the second Tuesday of each month. Please contact Court Administration or the Clerk's Office for questions regarding docket calendar.

H. Ex Parte Matters. Ex Parte matters may be filed with the Clerk's office with a fee pursuant to RCW 36.18.016(12) or presented to the Judge in chambers, if available. Counsel shall call the Court Administrator's Office in advance for scheduling presentations. Emergency matters may be presented any time. If the Judge is not available, they may be presented to a Judge Pro Tem or Court Commissioner. Lawyers should not ask the Court for ex parte orders without notice to opposing counsel if counsel has appeared either formally or informally. All orders must be filed with the Clerk forthwith when signed.

I. Noting Motions and Hearings. All matters for the calendar shall be noted through the Clerk's Office on a Note for Motion Docket form (Exhibit B). A Note for Motion Docket must be filed with the the County Clerk's Office by 12:00 p.m. *two* days preceding the calendar on which hearing is requested.

J. Remote Appearance. With approval of the Judge, motions and hearings may be heard by remote conference or set on days other than motion days. Remote conference hearings may be approved only if there will be no testimony or significant oral argument. Request for consideration of a remote appearance must be sent by email to the Court Administrator's Office at least five business days before any scheduled hearing date. Details of the hearing and reason(s) for the request to appear by remotely must be provided in the email. Court Administrator will respond with the Judge's decision by email. If approved, the non-refundable fee for these arrangements and the cost of the call is \$25.00 per party and must be paid to the Clerk's Office prior to the hearing.

K. Interpreters. In all cases where an interpreter is required, it shall be the responsibility. of the person requesting an interpreter to make arrangements to

have an interpreter present at hearings by contacting the Court Administrator's Office.

The Court Administrator's Office shall be responsible for arranging for an interpreter for juveniles or parties in dependency proceedings, upon the request of court appointed counsel, the Juvenile Office, or the Prosecutor's Office. It shall be the responsibility of the requesting party's counsel to notify the Court Administrator's Office 48 hours in advance of any change of hearing date(s) that require an interpreter. Failure to do so may result in sanctions, including, but not limited to, imposition of monetary penalties against the party not in compliance with this rule.

[Amended effective July 2, 2018, February 5, 2019, September 1, 2019, September 1, 2021, September 1, 2022, September 1, 2023]

RULE 2: WITHDRAWAL OF FILES FROM CLERK'S OFFICE

The Clerk shall permit no file to be taken from her office or any other place where she has the same in charge, except by a judge, court commissioner, or court administrator's staff. All files in the hands of an attorney for the purposes of any trial or hearing must be returned by him or her to the Clerk at the close thereof. All files must be returned within ten (10) days.

RULE 31: ACCESS TO COURT RECORDS

This local rule is made pursuant to GR 31(d)(2) in order to eliminate conflicts regarding authority to grant access to court files and improve the efficiency of the business of the courts.

Access to all court records and documents by employees of Pacific/Wahkiakum County Superior Court and Pacific/Wahkiakum County Juvenile Court shall be determined by the Pacific/Wahkiakum County Superior Court Judge in consultation with the Pacific/Wahkiakum County Clerk. Provided however, the Pacific/Wahkiakum County Superior Court Judge has determined that the Pacific/Wahkiakum County Superior Court Administrator and Assistant Court Administrator shall have full access to all records of the Pacific/Wahkiakum County Superior Court because they possess the necessary knowledge and understanding of business of the court. The Pacific/Wahkiakum County Superior Court Administrator and shall be a "site coordinator" within Odyssey to maintain access and user roles for employees of the Pacific/Wahkiakum County Superior Court Administration and Juvenile Court. Allowing individuals or other offices to control access without understanding of local court business practices would unduly burden the administration of the court.

[Adopted effective September 1, 2018]

LOCAL ADMINISTRATIVE RULES (LAR)

RULE 1: ELECTRONIC SIGNATURE AND TRANSMITTAL OF DOCUMENTS

All documents signed by the duly elected Judge of Pacific/Wahkiakum County Superior Court, or by a visiting Superior Court Judge, appointed Judge Pro Tem of the Pacific/Wahkiakum County Superior Court or appointed Commissioner of Pacific/Wahkiakum County Superior Court, including those with electronic signature, and returned to the Pacific/Wahkiakum County Superior Court Administration or any law enforcement agency via electronic transmission (facsimile or email) shall be treated as an original order and filed by the Pacific/Wahkiakum County Superior Court Clerk.

[Adopted as emergency rule effective May 2, 2018][Amended effective September 1, 2018]

RULE 2: LAW LIBRARY

- A. Online Access.** The law library room is adjacent to the Superior Court Administration Office with a terminal for online access to legal resources such as Westlaw. Contact Court Administration to schedule a date and time for terminal access.
- B. Law Books.** Volumes shelved in the courtroom or court's chambers shall not be removed from the area of the chambers or courtroom without permission of the Judge, Court Administrator, or Clerk. If such permission is granted, a card shall be placed in the location where the volume was removed and be taken to the law library room only.

[Amended effective September 1, 2019]

RULE 3: SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

- A. Service – When Required.** All pleadings and other papers that a party wants the Court to consider at a scheduled trial or hearing must be filed and served on all parties. If filed within two days of hearing, a bench copy to be provided to the Court. Bench copies must clearly indicate on the top of the first page of the document the current date and time set for the proceeding, the name of the assigned judicial officer, if known, and the cause number. Bench copies that do not include the required information on the first page may be disregarded by the judicial officer and the party submitting the defective bench copies may be subject to other sanctions as provided in CR 5(d)(2). *All documents filed within two days of the hearing must have an accompanying bench copy. If not physically provided they can be submitted to Court Administration and a fee paid to the Clerk's Office.*

B. Service of Bench Copies. Bench copies shall be submitted to the Court on the day of filing, but in no case later than the day prior to the hearing, by delivering a paper copy of the documents to the office of the Court Administrator or electronically with permission of Court Administration. Bench Copies provided electronically must comply with the rules regarding time and format.

C. Audio/Video Bench Copies on CD/DVD (FLASH DRIVE). Court Administration *does not* accept judges bench copies via CD/DVD or USB flash drive. The Court cannot safely review the material without possibly exposing the Court network with viruses.

[Amended effective September 1, 2023]

RULE 4: TIME

A. For Motions – Affidavits. The moving party shall file and serve all motions and supporting documents by noon five days before scheduled proceedings, unless a different period is fixed by the Washington Superior Court Civil Rules, by other sections of these Local Court Rules, or by order of the the court. All material in response to a motion shall be filed and served by noon the court day before the scheduled proceeding.

B. Ex Parte Matters. No allotted time for ex parte matters exist. Ex Parte matters may be presented to the Judge in chambers or presented through the Clerk’s Office for a fee. Counsel is responsible for obtaining the Court file when presenting ex parte matters in chambers.

RULE 5: AUDIO/VIDEO EVIDENCE

A party who wishes the Court to consider audio/video evidence must:

- a) Bring a CD/DVD to the hearing. (USB flash drive is not permitted).
- b) Provide the equipment to play/view the evidence in open court during the hearing/trial.

[Adopted effective September 1, 2023]

LOCAL CIVIL RULES (LCR)

RULE 1: ASSIGNMENT OF CASES

A. Setting of Trial Dates. The Court Administrator shall schedule all trial dates. A Request For Trial Setting substantially in the form set forth herein (Exhibit A) shall be served by the moving party upon all parties involved in the action.

The Request For Trial Setting notice shall reflect the number of days requested for trial, whether jury or non-jury, and a list of counsel's available dates for trial and settlement conference (suggested for all trials and mandatory for trials more than one day), in addition to other relevant information, and be noted on the 9:00 a.m. Friday Civil Docket or on the Domestic Docket for cases filed under 26.09, 26.10, 26.12, 26.16, 26.18, 26.19, 26.21, 26.21A, 26.23, 26.26A and 26.26B, 26.27, and 26.34. The original shall be filed with the Court Clerk, with **a copy sent to the Court Administrator**. If a jury trial is requested the applicable fee payable to the Clerk must accompany the Request for Trial Setting. The opposing party shall serve and file a similar form (Exhibit A) prior to the date noted for hearing indicating his or her available dates for trial and settlement conference (see Rule 2: Settlement Conferences). It is not required that counsel attend the hearing to set a trial date **but counsel's presence is waived only if** they have sent a list of their available dates to the Court Administrator **prior** to the scheduled hearing date.

If available dates are not received by the Court Administrator by the date in which it appears on the motion docket for trial setting, the Court Administrator will schedule the trial using the available dates received by those counsel who have responded to the Request For Trial Setting notice. If the assigned trial date is inconvenient for any party, that party must file a motion with the Court requesting the trial date be changed.

If requesting a jury trial, the Demand For Jury must be filed and fee paid prior to setting a trial date.

The initial Request For Trial Setting shall be accompanied by a list of the names and addresses of all persons entitled to notice. All parties have the obligation to inform the Court Administrator promptly of any errors or changes in this list.

B. Pacific County/Grays Harbor County Judge Trades. In the event the Pacific County Superior Court Judge either voluntarily disqualifies himself from a civil case due to a conflict or Notice of Disqualification is filed, in some instances the case will then be heard by a Grays Harbor County Superior Court judge, if a Pacific County Commissioner or Pacific County Judge Pro Tem is unavailable. Contact Pacific County Superior Court Administration at (360) 875-9328 prior to noting up matters on the Grays Harbor calendar. Civil motion assigned to Grays Harbor County should be noted up on the Grays Harbor County Superior Court motion docket by contacting the Grays Harbor County Court Administrator's Office at (360) 249-5311 and requesting a date and time prior to preparing a Note For Motion Docket (Exhibit B). The original of the Note For Motion Docket and related pleadings should be filed with the Pacific County Superior Court Clerk with courtesy copies sent to Grays Harbor County Superior Court Administrator, 102 W. Broadway, Montesano, WA 98563 with a request that any enclosed

bench copies be given to the judge hearing the matter. The motioning party shall within 5 days prior to the hearing, request the Pacific County Clerk to have the court file transferred to Grays Harbor County prior to the hearing date or be made available by electronic means.

C. Wahkiakum County/Cowlitz County Judge Trades. In the event the Wahkiakum County Superior Court Judge either voluntarily disqualifies himself from a *civil* case due to a conflict or an Notice of Disqualification is filed, in most instances the case will then be heard by a Cowlitz County Superior Court Judge. Motion hearings should be noted upon the Cowlitz County Superior Court motion docket by contacting the Cowlitz County Court Administrator's Office at (360) 414-5543 and requesting a date and time prior to preparing a Note For Motion Docket (Exhibit B). The original of the Note For Motion Docket and related pleadings should be filed with the Wahkiakum County Superior Court Clerk with courtesy copies sent to Cowlitz County Superior Court with a request that any enclosed bench copies be given to the judge hearing the matter. Upon receipt of the original Note for Motion Docket, the Wahkiakum County Clerk will make arrangements to have the court file transferred to Cowlitz County prior to the hearing date or be made available by electronic means.

[Amended effective September 1, 2017, September 1, 2019, September 1, 2021, September 1, 2023]

RULE 2: SETTLEMENT CONFERENCES

Settlement conferences are suggested in all cases, and shall be required in all cases involving more than one day of trial time. Settlement conferences shall be scheduled at least two (2) months prior to trial. Upon the agreement of counsel, an arbitrator or mediator of their choice may conduct the settlement conference.

Available dates for settlement conferences shall be included at the time available trial dates are submitted by counsel as set forth in Rule 2 above. Settlement conferences are informal and held off the record. All parties to the action shall be personally present or send a party with full authority to settle (remote appearances are not allowed). Non-attorney insurance representatives need only be available by telephone. Lead counsel shall personally attend the settlement conference. Counsel should submit a pre-settlement conference brief to the arbitrator or settlement judge outlining their issues in the case three (3) workdays prior to the settlement conference. ***The Court does not schedule settlement conferences. However, counsel may call the Court Administrator or Asst. Court Administrator for a list of arbitrators.*** **ATTENDANCE AT SETTLEMENT CONFERENCES IS MANDATORY UNLESS WAIVED BY THE COURT. TERMS MAY BE IMPOSED FOR ANY VIOLATION OF THIS RULE.**

This rule does not apply to domestic (family law) cases, which are instead subject to LCR 11 for mandatory mediation.

RULE 3: PRE-TRIAL/TRIAL PROCEEDINGS

A. Jury Trials. Counsel shall report to the Judge at least one-half hour before the scheduled beginning of a jury trial. Counsel shall be prepared to present any final pretrial matters to the Court. Pretrial matters and Motions in Limine requiring argument shall be noted for hearing at least two weeks prior to the morning of the trial. Jury trials should be conducted with minimal interruptions of the jury's time. To this end, matters which must be heard outside the presence of the jury should be anticipated and be considered during jury breaks or before or after the jury's day.

Unless otherwise ordered or agreed, Plaintiff shall occupy the counsel table closest to the jury.

B. Continuances. The Court is obligated to resolve cases promptly. Continuances shall only be available for good cause shown. Motions for trial continuances shall be in writing and filed at least fourteen (14) days before the scheduled trial date. Later continuances of trials will be considered only upon the filing and noting for hearing a motion for continuance for unforeseeable emergencies with good cause shown and upon terms the Court deems just. Continuances shall be to a date certain.

C. Notice to Court of Calendar and Trial Changes. Whenever a cause which has been set for trial is settled or will not be tried for any reason, or if jury trial is waived, the attorneys shall immediately file written notice with the Clerk and the Clerk shall provide a copy of the notice to the Court Administrator (if notice was not already provided by counsel).

If it becomes apparent that the time allocated for a trial will not be adequate to complete the trial, the parties shall promptly notify the Court Administrator's Office of that fact and of the time necessary to complete the trial. The Court may assess actual costs or other sanctions for a violation of this rule.

D. Appeals on Written Record. All cases set for jury trial which are appeals based on a written record which is read to the jury will be heard without the presence of a judge or court reporter during the reading of the record. The rulings of the hearing official will stand unless objections are renewed prior to trial. Counsel will meet and confer before trial and negotiate on the order of the record and what portions will be read. Counsel shall notify the trial judge before the jury is empaneled of those portions of the record upon which the trial judge will be asked to rule on and of any other matters relating to the reading of the record that need to be resolved prior to trial.

E. Motion For Reconsideration. Motions for Reconsideration *for decisions made on the civil docket* shall be noted by Counsel for a civil motion docket day. *Motions for Reconsideration for decisions made on the domestic docket shall be noted by Counsel for a domestic docket day.* Counsel shall submit their arguments on Motions for Reconsideration in writing prior to the date noted. There shall be no oral argument (unless specifically requested by the Court) and counsel need not appear. The Court will issue a written opinion based on the written argument of counsel received prior to the date the Motion for Reconsideration is noted for.

[Amended effective September 1, 2022]

RULE 4: VERDICTS

A party or attorney desiring to be present at return of the verdict must remain in attendance at the courthouse or be available by telephone call. If a party or attorney fails to appear within ten (10) minutes of telephone notice to number designated by the attorney, the Court may proceed to take the verdict in the absence of such party or attorney.

RULE 5: INSTRUCTIONS TO JURY AND DELIBERATION

Instructions shall be submitted no later than one day prior to the commencement of the trial in the following manner:

- 1) One copy with citations and assembled in numbered sequence shall be filed with the Clerk, a bench copy provided to the Superior Court Administration, and each opposing counsel.
- 2) The Court Administrator's office should be provided with an electronic copy by way of email containing an uncited set of the proposed instructions in Word format.
- 3) The original of each Instruction, together with one copy for each party, shall be paper clipped together and provided to the trial judge. These Instructions shall be unnumbered and without citations.

Washington Pattern Instructions shall be furnished by the parties. Any modifications to the Pattern Jury Instructions shall be clearly noted on the annotated copies.

[Amended effective September 1, 2017]

RULE 6: BOOKS AND RECORDS KEPT BY THE CLERK

- A. **Exhibits.** When a proposed exhibit is marked for identification it becomes part of the court record and, except when used in the courtroom or on appeal, shall not be removed from the Clerk's custody without a court order. No one shall withdraw exhibits without a court order. After 30 days written notice to all parties of record following final disposition of a civil cause, the Court may order the Clerk to destroy or dispose of physical evidence unless good cause is shown why it should be preserved.
- B. **Fax Filings.** Clerk's office does not accept faxed documents for filing. Bench copies may be emailed to the Court Administrator for the Judge's review prior to hearing.
- C. **E-mails and E-Filing.** *E-filing is permitted in Pacific and Wahkiakum County.* Please contact the Wahkiakum County Clerk for instructions at 360-795-3558. There is a fee of \$.50/page for this service. ***For E-filing in Pacific County,*** please visit pacificcountyclerk.com/filing for information. Courtesy e-mails are encouraged for notification purposes only to Superior Court Administration. Parties are required to also file with the Court proper pleadings pursuant to the Local Court Rules.
- D. **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.
- E. **Filing of Non-Paper Items.** CD's, DVD's, etc. and other non-paper items shall not be filed in the court file. A party may transcribe the contents of any CD or other audio recording desired for filing in the format as required by GR 14. These items may be marked as pre-trial exhibits for the court to review subject to the Rules of Evidence and timely notice to the other party. Except as otherwise required by law, upon the conclusion of a case and any appeal thereof, the items marked at pre-trial exhibits shall be released to the parties or destroyed by the Clerk if parties fail to obtain said items 30 days after written notice from the Clerk.

[Amended effective September 1, 2017, September 1, 2019, September 1, 2021, September 1, 2023]

RULE 7: FAMILY LAW/PARENTAGE EX PARTE RESTRAINING ORDERS

Ex parte orders in domestic relations matters shall not change the custody of children or possession of the family home unless the applying party appears personally

before the Court and the Court finds that irreparable injury could result if the order is not entered.

RULE 8: MANDATORY PARENT EDUCATION WORKSHOP

The Pacific and Wahkiakum County Superior Courts find that it is in the best interest of any child whose parents or custodians are involved in specific court proceedings to provide such parents with an educational workshop concerning the impact family restructuring has on their child(ren). The workshop offers parents tools to help ensure that their child's emotional needs will not be overlooked during the legal process, to encourage parents to agree on child related matters, and to aid in maximizing the use of court time.

A. Applicable Cases. This rule shall apply to all cases filed on or after September 1, 2017, under Ch. 26.09, Ch. 26.26A, Ch. 26.26B or Ch. 11.130 RCW, and as amended, which require a Parenting Plan or Residential Plan or Visitation Schedule for minor children, including divorces, legal separations, major modifications, paternity actions in which paternity has been established, minor guardianship actions and relocation requests.

B. Mandatory Attendance. In all cases governed by this rule, all parties shall complete a parenting seminar/class through the Pacific County Health Department or such other provider as approved by the Court, in-person, or online with a court approved provider within 90 days after service of the Court's Automatic Temporary Order issued under LCR 13. In the case of parentage actions where the responding parent is not having contact with the child, the parenting seminar shall be required only when parentage is established or acknowledged and contact is requested. The class must be completed prior to entry of a permanent Parenting or Residential Plan or Visitation Schedule.

C. Fees. Each party attending a seminar shall pay a fee charged by the approved provider and sanctioned by the Court, or the provider may waive the fee for indigent parties.

D. Special Consideration/Waiver:

- 1) In no case shall opposing parties be required to attend a parenting seminar/class together. They may do so voluntarily.
- 2) Upon a showing of (a) domestic violence or abuse which would not require mutual decision making pursuant to RCW 26.09.191, or (b) that a parent's attendance at a parenting seminar/class is not in the children's best interest pursuant to Ch. 26.12 RCW, the Court shall either:

- a) Waive the requirement of completion of the parenting seminar/class; or
 - b) Allow participation in an alternative voluntary parenting seminar/class for battered spouses.
- 3) The Court may waive the parenting seminar requirement for other good cause shown.

E. Failure To Comply. Willful refusal to participate in a parenting seminar/class or willful delay in completion of a parenting seminar by any party may constitute contempt of court and result in sanctions, including, but not limited to, imposition of monetary penalties against the party not in compliance with this rule.

- 1) Types of Proceedings Required. Each person named as a party in the following types of proceedings must comply with Local Court Rule 8:
 - a) Dissolution of Marriage (Divorce) with child(ren) under 18 years old;
 - b) Legal Separation or Declaration of Invalidity of Marriage with child(ren) under 18 years old;
 - c) Petition or motions to establish custody or visitation, including parentage and minor guardianship if a residential schedule is requested;
 - d) Post-judgment petition involving or motion custody or visitation or relocation.
- 2) Service on Parties. The Court Administrator shall prepare a handout which shall include a copy of this Rule, and a statement outlining the program with contact information and address. The Clerk of the Court shall provide a copy of the handout to the initiating party for service upon all parties against whom relief is sought, together with a statement describing the program, including contact telephone numbers and addresses.
- 3) Mandatory. Each party who files an appearance in a proceeding of the types described above in Section A shall complete the program unless exempted by the Court. **No final order approving any residential or parenting plan shall be entered without proof of completion of such education program by the parents or legal guardians unless otherwise ordered by the Court.**

- 4) Ninety (90) Day Deadline. Each party shall attend and complete an approved parenting workshop within ninety (90) days of filing a proceeding specified in Section A above.
- 5) Exemption. The Court may exempt one or both parties from completion of the program if, after reviewing the requesting party's motion and supporting affidavit, the Court determines that participation is unnecessary.

[Amended effective September 1, 2017, September 1, 2019, September 1, 2021, September 1, 2023]

RULE 9: ENTRY OF UNCONTESTED DIVORCES BY DECLARATION
(WAHIAKUM COUNTY ONLY)

A. Wahkiakum County Superior Court Only: Agreed Divorces. The Court may sign an agreed dissolution of marriage (divorce), of domestic partnership, or legal separation without a final hearing or oral testimony if (1) both parties have executed approved pattern-form pleadings; and (2) both parties have signed all final orders *and* a verification of the Findings of Fact (as set forth in Exhibit D) with their signatures on the verification notarized.

B. Wahkiakum County Superior Court Only: Default Divorces. The Court may sign a dissolution of marriage or domestic partnership or legal separation by default without a final hearing or oral testimony if (1) the Petitioner provides proper proof of service; (2) the Respondent does not file a Response; and (3) the relief granted in the Decree is the same as the relief requested in the Petition. Proof of service may be deemed proper if there is written proof on file that the Respondent was personally served; *or* if the Petitioner has made appropriate efforts at personal service which have failed, and the Court has subsequently issued an order for service by mail or by publication and proof of the same in accordance with the order is on file.

C. Wahkiakum County Superior Court Only: Divorces With Children. In the event that the dissolution or legal separation involves dependent children, all final orders involving the children must be signed by both parties, *or* the Petitioner must also provide proof that he or she has served the Respondent with any applicable Order of Child Support, Child Support Worksheet, and Parenting Plan, and the Petitioner has declared under penalty of perjury that the final orders the Petitioner has presented to the Court for signing are the same as the Petitioner served on the Respondent. Proof of service of final orders involving children may be deemed proper if there is written proof on file that the Respondent was personally served with the same; *or* if there is written proof on file that the same were mailed to the address at which Respondent provided for notice of further proceedings in the matter.

D. Wahkiakum County Superior Court Only: Parent Education Workshop.

In the event that the Court signs a final Decree of Dissolution (Divorce) or Separation pursuant to this Rule, the requirements of Rule 8 for a Mandatory Parent Education Workshop may be waived without further motion or order of the Court.

[Amended effective September 1, 2017, September 1, 2019, September 1, 2022, September 1, 2023]

RULE 10: GUARDIANS AD LITEM

A. Registry. The Pacific/Wahkiakum County Superior Court Administrator or designee shall be responsible for maintaining a registry of those qualified to serve as a Guardian Ad Litem in guardianship proceedings as provided in RCW 11 and RCW 26.

B. Trial. Upon the filing of the Guardian Ad Litem’s report, the Guardian Ad Litem is excused from attending all further court proceedings unless ordered by the court to appear.

RULE 11: MANDATORY MEDIATION IN DOMESTIC (FAMILY LAW) CASES

Prior to a trial being set in domestic cases, including divorce, legal separations, major modifications, parentage actions in which parentage has been established, in which a Residential Schedule is requested, the parties must pursue a resolution through mediation, unless waived by the Court. Counsel may attend mediation with their client, however they are not required to. A pamphlet containing more information on mediation can be obtained from the Court Administrator’s Office or the Clerk’s Office.

A. Service On Parties. The Clerk of the Court shall provide a copy of this Rule to the initiating party for service upon all parties against whom relief is sought, together with a pamphlet describing mediation, including contact telephone numbers and addresses.

B. Mandatory. Each party who files an appearance in a contested proceeding of the types described above shall attend mediation unless exempted by the Court. Attorneys are not required to attend with their clients but may do so if they wish.

C. Exemption. The Court may exempt one or both parties from attending mediation if, after reviewing the requesting party’s motion and supporting affidavit, the Court determines that participation is unnecessary.

D. Fees. Each party attending the mediation shall pay one-half of the fee charged by the provider, unless otherwise ordered by the Court.

E. Failure To Comply. Willful refusal to participate in mandatory mediation or willful delay in completion by any party contesting an action may constitute contempt of court and result in sanctions, including, but not limited to, imposition

of monetary penalties against the party not in compliance with this rule, and entry of a default decision or order.

[Amended effective September 1, 2017, September 1, 2022]

RULE 12: PROBATE and GUARDIANSHIP/CONSERVATORSHIP

A. Probate and Guardianship/Conservatorship.

- 1) **Probate.** Wills may be admitted and personal representative appointed upon either oral testimony or appropriate affidavits. A copy of the death certificate shall be filed with the Social Security number redacted unless otherwise ordered by the Court.
- 2) **TEDRA Petitions.** TEDRA Petitions shall be filed within the existing probate case. A separate filing fee may be charged for filing the TEDRA Petition.

B. Adult Guardianship/Conservatorship Reporting

- 1) All interim, periodic and final reports and accountings must be filed with the clerk along with a proposed order and a judge's copy of the filed documents. Deadlines for approval of periodic reports and accountings are contained in the most recent order in the case file. Hearings on periodic reports and accountings do not occur automatically; they must be scheduled consistently with the deadline dates contained in the Order. Notice of hearing must comply with RCW 11.130.275.
- 2) All conservator reports must contain a statement of compliance with the Internal Revenue Code.
- 3) All accountings must list the opening balance, receipts, disbursements, and ending balance.
- 4) Time sheets of guardians, guardian ad litem (whether county paid or privately paid) and attorneys are required to assist the Court in fixing fees. Judges' copies must be supplied when these documents are filed with the clerk.
- 5) Failure without excuse to file reports as required by law or by this rule may result in sanctions by the Court and imposition of terms, including but not limited to denial or reduction of requested fees or removing the guardian and appointing a successor; directing the clerk to extend letters of guardianship, for good cause, for not more than 90 days and to permit the guardian to file his or her account or report; requiring the completion of lay guardianship training; appointing a guardian ad litem; or providing other relief that the court deems just and equitable.

- 6) **Waiver of hearing.** A guardian and/or conservator may request, through Court Administration that periodic review be considered without oral argument or appearance. If such a request is granted, the review may be rescheduled and appearance required if there is an unanticipated objection to the report on the hearing date.

C. Minor Guardiaships.

- 1) **Finalize RCW 26.10 Matters.** No action shall be taken to modify, adjust, enforce, or otherwise affect orders in all Non-Parent Custody action filed pursuant to RCW 26.10 unless the matter has been converted to an action under the Uniform Guardianship Act, RCW 11.130. This conversion shall be accomplished by the Clerk of the Court automatically upon the filing of any petition to modify or terminate the finalized non-parental custody matter; the Clerk shall file the new petition as a Case Type 4, and file the RCW 26.10 filings in the new RCW 11.130 matter.
- 2) **Modifications and Terminations of Finalized RCW 26.10 matters.** Any party seeking a modification of termination of all non-parental custody matter shall provide notice of the action to all parties to the finalized non-parental custody matter as well as all persons entitled to notice under RCW 11.130. In the event that a finalized non-parental custody action has multiple minors who do not all have the same legal parents, the Clerk's Office will create a new RCW 11.130 matter for each minor or minors who share the same legal parents.
- 3) **Proceedings.**
 - a. *Initiation.* All minor guardianship actions shall be commenced by the filing of a summons, petition, confidential information form, case type cover sheet, supplemental declaration, and coversheet for a JIS background check. This requirement does not apply to matters converted from RCW 26.10 matter.
 - b. *Actions Involving Multiple Children.* A minor guardianship may have multiple minors named as respondents so long as those minors have the same legal parents. If there are more than two legal parents, a separate action must be filed for each set of legal parents.
 - c. *Requirements.*
 - i. *DCYF order.* At the time of filing the action, the petitioner(s) shall see and obtain an order direction the Department of Children, Youth and Families to release information as provided under RCW 13.50.100 and RCW 11.130.210.
 - ii. *Watch report.* At the time of filing the action, the petitioner(s) shall file the results of a Washington State Patrol criminal history report as required by RCW

11.130.210 and then promptly serve the results on all person entitled to notice under RCW 11.130.

- iii. *JIS background check.* Prior to any request for a temporary order, including emergency order(s) under RCW 11.130.215, the petitioner(s) shall file a JIS request form with the Clerk under seal, and provide a copy to Court Administration, providing the names and dates of birth under of the following parties: (1) petitioner(s); (2) any others residing in the petitioner(s)'s home; (3) minor's parent(s); (4) any adult residing in the parent(s)'s homes; (5) proposed guardian(s); and (6) any adult residing in the proposed guardian(s)'s home.

d. *Finalization.* Agreed final minor guardianship orders may be entered ex parte. Any party requesting entry of a final minor guardianship order shall ensure that there is a current JIS background check on file; the Court may decline to enter final orders in the event a JIS background check is more than 30 days old. Any petitioner(s) seeking an order of default against any respondent(s) shall set their motion on the civil motions calendar.

- 4) *Objections.* Any person entitled to notice under RCW 11.130 who objects to the appointment of a guardian shall promptly file and serve on all other persons entitled to notice a completed "Objection to Minor Guardianship," GDN M 301.

[Adopted effective September 1, 2023]

RULE 13: FAMILY LAW ACTION

A. Court's Automatic Temporary Order. Upon the filing of a Petition for Dissolution (Divorce)/Legal Separation/Invalidity, Petition to Establish a Parenting Plan/Residential Schedule, and a Petition for Minor Guardianship in which Residential Schedule is requested, the Court on its own motion automatically issues a temporary order.

- 1.) These rules apply to matters filed under RCWs 26.09, 26.12, 26.16, 26.18, 26.19, 26.21, 26.21A, 26.23, 26.26A and 26.26B, 26.27, 26.34, and 11.130 if a Residential Schedule is requested.
- 2.) The court's automatic temporary order will not be entered in any law enforcement database.
- 3.) This rule does not preclude any party from seeking any other restraining order(s) as may be authorized by law.

B. Final Testimony.

- 1.) Except as otherwise provided below, parties may not finalize a divorce, legal separation or invalidity of marriage until both of them have signed all of the final orders, and one of them has given final testimony on a domestic docket.
- 2.) Final orders may be presented ex parte if at least one of the parties is represented by an attorney who has filed a Notice of Appearance and who, in addition to obtaining each of the parties' signatures on all final orders, has signed all orders as the presenting attorney.
- 3.) Final orders may be presented ex parte if one of the parties has signed a notarized affidavit containing all of the information which would otherwise have been given as final testimony at a court hearing.

C. Informal Family Law Trials. Both parties may consent to an Informal Family Law Trial by filing the mandatory form for that purpose in their original or modification action for divorce, separate maintenance, invalidity, child support, parenting plan, residential schedule, relocation, child custody, or other family law matter allowed by law, pursuant to General Rule 40. If they do so, in most cases the Informal Family Law Trial will be heard by a judge pro tem. Formal trials will in most cases be set before the presiding judge.

[Adopted effective September 1, 2023]

RULE 14: FAMILY LAW MOTION AND TRIAL PRACTICE

- A. Rule Application.** This shall apply to all motions filed under RCW Chapters 26.09, 26.12, 26.16, 26.18, 26.19, 26.21, 26.21A, 26.23, 26.26A, 26.26B, 26.27, and 26.34.
- B. GR 14 Compliance.** All filed documents shall comply with GR 14.
- C. Font Size.** If typed, documents shall be in 12 point or larger font and double spaced.
- D. Prior Court Authorization.** Items requiring prior court authorization before filing:
 - 1.) Declaration by minor.
 - 2.) Inappropriate or pornographic materials.

E. Motion Timelines.

- 1.) The moving party shall file and serve all motions 14 days prior to the hearing date (including Saturdays, Sunday, and legal holidays).
- 2.) The response must be filed and served 7 days before the hearing (including Saturdays, Sundays and legal holidays).
- 3.) Any reply must be filed and served 3 days before the hearing (excluding Saturdays, Sundays and legal holidays).

F. Page Limits for Declarations and Affidavits.

- 1.) Absent prior authorization from the court, the entirety of all declarations, including declarations contained within mandatory forms, and affidavits in support of the motion(s), including reply, is limited to 15 total pages.
- 2.) Absent prior authorization from the court, the entirety of all declarations, including declarations contained within mandatory forms, and affidavits in response to the motion(s) is limited to 10 total pages.
- 3.) The following documents do not count toward the page limits above:
 - a) Exhibits.
 - b) Guardian Ad Litem or expert witness declaration and reports.
 - c) Mandatory forms or legal memorandum/briefs (without declarations).
 - d) Motion to exceed page limits. If there is a written request to exceed the page limits, the parties must confer and schedule a time with the assigned court commissioner through the court administrator. If the assigned court commissioner or court administrator is not available the parties may present their request Ex Parte.
- 4.) If more than one motion is to be heard at the same time, the page limits apply to the entire hearing, not to each individual motion.

G. Financial Declarations. Financial declarations on the mandatory state form must be filed by both parties:

- 1.) When requesting or responding to a request for a GAL or attorney fees.
- 2.) When requesting or responding to any motion requesting financial relief.
- 3.) Failure to file financial documents for the motion hearing is a basis for the court to deny the request, continue or strike the hearing, and/or impose sanctions.

H. Motion Hearings.

- 1.) Motions shall be determined on written submissions only unless a prior motion to request oral testimony was granted.

- 2.) Oral argument shall be limited to ten (10) minutes or less per party unless additional time is granted by the court.
- 3.) Failure to comply with this rule shall result in the motion being stricken or continued, sanctions ordered, and/or other order by the court.
- 4.) ***Pro se (self-represented) parties must obtain pre-approval from Court Administration either in person or by calling 360-875-9327 before noting a matter up for a hearing or e-filing documents to be heard on the Domestic (family law) Docket. Court Administration shall review the Note for Motion Docket for completeness and approve the document prior to filing.***

I. Exhibits for trial.

- 1.) Financial Declarations on the State mandatory form must be submitted during trial when any request is made for financial relief, including but not limited to issues of attorney fees, GAL fees, spousal support and child support, and any response to such request. Failure to submit the Financial Declaration is a basis for the court to grant or deny the request, continue the trial and/or impose sanctions.
- 2.) A Proposed Parenting Plan or Residential Schedule on the mandatory state form must be submitted as an exhibit during trial when any request is made for a parenting plan or residential schedule, or any response to such request.
- 3.) Proposed Child Support Worksheets on the mandatory state form must be submitted as an exhibit during trial when any request is made for child support, or any response to such request.
- 4.) Parties are required to submit a bench copy of exhibit notebooks to court administration no later than noon the day prior to trial. A copy shall also be submitted to the opposing party or counsel no later than noon on the day before trial.

J. Presentation of Final Orders by Agreement or Default.

- 1) If at least one party is represented by counsel who has filed a Notice of Appearance and who has signed as presenting the final orders, default or agreed final orders may be entered ex parte through the Court Administrator's Office.
- 2) Except as otherwise provided in LCR I.a (ex parte presentation by counsel) or LCR 9 (entry of uncontested divorces by declaration in Wahkiakum County), final divorces, legal separations, or invalidity of marriage actions require final testimony to be given. Such testimony may be given by notarized affidavit or declaration under penalty of perjury containing the same information as would be given by oral testimony.
- 3) Otherwise, default or agreed final orders shall be presented by noting the matter on a Domestic Docket with at least one party present to give oral testimony.

LOCAL CRIMINAL RULES (LCrR)

RULE 1: RIGHT TO AND ASSIGNMENT OF COUNSEL

Appointment of counsel for indigent defendants shall be made by the Court at the preliminary appearance. The Prosecuting Attorney shall promptly provide defendant or defense counsel with a copy of the Information or other charging document. The Court Administrator's office shall also notify appointment of counsel by electronic mail.

[Amended effective September 1, 2019]

RULE 2: PROCEDURES PRIOR TO TRIAL

- A. Hearings Requiring An Interpreter.** The Court Administrator's Office shall be responsible for arranging for an interpreter for indigent defendants in criminal proceedings, **only upon the request of court appointed counsel or the Prosecutor's Office.** It shall be the responsibility of the indigent party's counsel to notify the Court Administrator's Office of any hearings scheduled that require an interpreter. Court Administration must be notified at least 48 hours in advance of any hearing that is to be **stricken** requiring an interpreter. **Failure to do so may result in sanctions against the party striking the hearing** including, but not limited to, imposition of monetary penalties against the party not in compliance with this rule.
- B. Pretrial/Omnibus Checklist Hearing.** At arraignment the Court will set a time and date for an omnibus/pretrial hearing under CrR 4.5. The State shall provide the defense attorney with copies of all officer's reports and other information within five (5) days of receipt thereof. The parties and their representatives shall confer at least once **BEFORE** the pretrial/omnibus checklist hearing as to any discovery problems or any possible settlements. Counsel shall submit completed omnibus hearing checklist at first pretrial hearing.
- C. Motions.** The moving party shall note motions in a timely manner so that all hearings and motions will be heard at least 14 days prior to the date of trial. Failure to timely note motions for hearing in accordance with this rule may be deemed a waiver of the pretrial hearing on such motions. The Local Civil Rules relating to motions and hearings also apply in criminal cases, where not inconsistent with criminal rules.
- D. Omnibus Order.** The parties must submit an "Omnibus Hearing Checklist" at the pretrial/omnibus checklist hearing. The parties may submit an agreed order on omnibus. If an agreed order will not be submitted, each party shall

prepare and submit an omnibus application substantially in the form set forth in Criminal Rules for Superior Court at/or before the time set for the omnibus hearing. It is not necessary to make separate written motions where such motions have been checked on the party's omnibus application. The moving party shall note such motions for hearing in accordance with these rules. Briefs and supporting documents shall be submitted two (2) court days prior to the date of hearing.

- E. Settlement of Criminal Cases.** Counsel must notify in writing to the Court Administrator and the Clerk of a settlement in a criminal case prior to 14 days of trial. Counsel for defendant shall note the matter up for entry of plea on the first Friday motion day following the plea bargain resolution. See Rule 3 below.

[Amended effective September 1, 2019]

RULE 3: TIME FOR WAIVER OR PLEA AGREEMENT

Any waiver of right to speedy trial or waiver of right to jury trial shall be in writing, signed in open court, at least 14 days prior to the scheduled trial date. Any plea entered based upon the State's agreement to reduce or dismiss any charges or to recommend a certain disposition must be entered at least 14 days prior to the scheduled trial date.

RULE 4: JURY SELECTION

- A. Struck Method.** Jury Selection shall be by the struck jury method. Jurors shall be randomly selected from reporting jurors and seated in the order so selected starting in the front row of the audience benches in the courtroom.
- B. Jury Questions.** The Court will ask questions and then counsel shall be allowed alternating periods of time to question the jurors.
- C. Improper Inquiry.** Questions should be directed solely to determining bias or prejudice and not to direct or implied argument of the case.

RULE 5: ADMINISTRATIVE RULES

Constitutional Court Commissioners may take pleas in all cases except for Class A felonies.

Superior Court of Washington, County of _____

Plaintiff/Petitioner

vs.

Defendant/Respondent.

No. _____

NOTE FOR TRIAL SETTING

- *Clerk's Action Required
- *Court Administrator Action

TO: THE CLERK OF THE ABOVE-ENTITLED COURT; and
TO: _____

The above matter is at issue and the matter will be brought on for trial setting on the _____ day of _____, 20____, at the hour of ____:00 a.m., and the Clerk is requested to note this cause on the docket for that date. **PARTIES DOES NOT NEED TO APPEAR FOR TRIAL SETTING IF THEY HAVE PROVIDED THE COURT ADMINISTRATOR WITH A LIST OF THEIR UNAVAILABLE DATES PRIOR TO THIS HEARING.**

LENGTH OF TRIAL: _____ Day(s) **JURY:** (Yes) _____ (No) _____ (6 person) _____ (12 person) _____
(Demand For Jury Trial must be filed and fee paid prior to trial setting)

MEDIATION/SETTLEMENT CONFERENCE:

Completed on: _____ Scheduled for: _____ Waived on: _____

NATURE OF CASE _____

NUMBER OF WITNESSES I WILL CALL: _____

NOTE TO COURT ADMIN: The following dates the undersigned is **unavailable** for trial:

An accurate list of the names of all persons entitled to notice is located on the next page of this document.

I certify that I sent a copy of this document to the parties listed, the Clerk of the above-entitled Court, and the Court Administrator, postage prepaid on: _____.

DATED: _____

(Signature)

Superior Court of Washington, County of _____

Plaintiff(s) / Petitioner(s)

vs.

Defendant(s) / Respondent(s)

No. _____

NOTE FOR MOTION DOCKET

*Clerk's Action Required

TO: CLERK OF THE ABOVE-ENTITLED COURT; and

TO: _____ (Opposing counsel or party)

Please place this matter on the Motion Calendar on:

_____, 20__ at _____ a.m./p.m.

Opposing counsel is hereby notified.

NATURE OF MOTION: _____

DATED this _____ day of _____, 20__.

(Signature) _____

(Address) _____

(Exhibit C)

OMNIBUS HEARING CHECKLIST

Case Name: _____
Cause No: _____

Trial Date: _____
Expiration Date: _____

PLEA NEGOTIATIONS COMPLETED

Yes ___ No ___ Plea Possible
Yes ___ No ___ Sent to Plea Calendar this date
Yes ___ No ___ Strike trial date of _____.

DISCOVERY ISSUES ADDRESSED

Provided by:

Yes ___ No ___ All documentary discovery (photos/tapes) _____
Yes ___ No ___ Prior convictions of defendant/witness _____
Yes ___ No ___ All medical records, expert reports, lab and test results _____
Yes ___ No ___ All state witnesses have been interviewed and are ready for trial
Yes ___ No ___ All defense witnesses have been interviewed and are ready for trial
Yes ___ No ___ All remaining witnesses interviews have been scheduled for
specific dates and times or will be completed by _____
Yes ___ No ___ All discoverable defenses have been disclosed
Yes ___ No ___ All discovery has been completed

If no: Issues: _____

Yes ___ No ___ Motions in Limine requested. All motions in limine must be heard
not later than the Friday before the trial date. Any Friday motions requiring
more than five minutes per side must be approved by the Court Administrator's
office or in open court.

TRIAL/READINESS ISSUED

Yes ___ No ___ The information will be amended
Yes ___ No ___ Co-defendant(s) is/are ready for trial
Yes ___ No ___ Trial length estimate, including pre-trial motions
Yes ___ No ___ Jury
Yes ___ No ___ **CrR 3.5 hearing:**
of hours _____ # of witnesses _____
Yes ___ No ___ **CrR 3.6 hearing:**
of hours _____ # of witnesses _____ Interview date(s) _____
Briefing schedule _____

Other: _____

DATED: _____

JUDGE

(Deputy) Prosecuting Attorney

Defendant's Attorney

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WAHKIAKUM**

In re the marriage of:

Petitioner

and

Respondent

NO.

VERIFICATION OF FINDINGS OF FACT

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

_____, being first duly sworn upon oath, deposes and says: I am the petitioner in this case. I have read the foregoing Findings of Fact, and they are true to the best of my knowledge.

(Signature) Petitioner / Pro Se

(Print Name)

Subscribed and Sworn to before me this _____ day of _____, 20____.

Notary Public for the State of Washington
My appointment expires: _____

STATE OF WASHINGTON)
)ss.
COUNTY OF _____)

_____ being first duly sworn upon oath, deposes and says: I am the respondent in this case. I have read the foregoing Findings of Fact, and they are true to the best of my knowledge.

(Signature) Respondent / Pro Se

(Print Name)

Subscribed and Sworn to before me this _____ day of _____, 20____.

Notary Public for the State of Washington

My appointment expires: _____