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SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR LINCOLN COUNTY

In re Local Rules
of the
Superior Court

ORDER ADOPTING LOCAL RULES

Pursuant to Civil Rules for Superior Court, CR 83, the following Local Rules are hereby adopted by the Superior Court of the State of Washington for Lincoln County, to be in effect from and after the 1st day of September 2021, superseding all special rules and local rules heretofore adopted.

Dated this 22 day of June, 2021.



JEFFREY S. BARKDULL
Lincoln County Superior Court Judge

Preface.

1. **Promulgation.** These rules shall be known as the Local Rules for the Superior Court of the State of Washington for the County of Lincoln. Copies of these rules will be filed with the Clerk for Lincoln County and will be distributed to all law offices in Lincoln County. Additional copies will be available at the office of the Clerk for Lincoln County. These rules shall be effective September 1, 2014 and supersede all prior rules of the court.

2. **Numbering.** Consistent with CR 83(a), Washington Court Rules, these rules conform in numbering system and format to those rules and facilitate the use of both. The number of each rule is preceded by the abbreviation "LCR" or "LCrR" designating the rules as local to this court and supplemental to the corresponding Washington Court.

Courtroom Safety.

No person, (except for duly and regularly commissioned law enforcement officers of the State of Washington, of other state and the federal government of the United States of America not appearing on their own family law matter) shall be on the 2nd floor of the Lincoln County courthouse (exclusive of the north side staircase) while armed with ANY firearm or taser or explosive device or any knife having a blade length of more than three inches or any Billy club, blackjack, truncheon or bat, nor shall any such person be in any of the aforementioned areas while possessing any gas gun or other device used for the spraying of tear gas, mace or other noxious chemical substance, or any incendiary device.

Any person found having any of the articles or devices heretofore mentioned which are banned from the 2nd floor of the Lincoln County Courthouse is subject to having such articles or devices seized by law enforcement officers, bailiffs on court order, or as otherwise directed by the court.

Any person violating this rule may be subject to punishment for contempt of court and prosecuted under RCW 9.41.300.

LCR 7. PLEADINGS AND MOTIONS

(a) **Pleadings.**

(1) **Working Copies to Judge.**

(A) **Delivery.** Bench copies of briefs, memorandum of law, affidavits, declarations, exhibits, and other legal documents requiring thorough consideration by the court shall be delivered to the judge's chambers at least two (2) days prior to the trial or hearing thereon. Any response or reply documents should be delivered twenty-four (24) hours prior to hearing.

(B) **Manner of Delivery.** Bench copies may be delivered to chambers personally, by mail, or by electronic transmission via email attachment.

- (i) Electronic transmission via email attachment is the court's preferred method of receiving bench copies of documents. Such attachments shall be in Microsoft Word or Adobe Portable Documents (PDF) format or some other compatible format.

LCR 16. PRETRIAL PROCEDURE AND FORMULATING ISSUES

(c) **Pre-Trial Conference.** In the event a pretrial conference is required by this court or requested by any party, the conference shall be held in chambers. Any order for a pre-trial conference shall be in the form of and include the provisions as set forth in Exhibit "A" attached to this rule. The pre-trial conference shall be held not less than two weeks prior to the trial date.

(d) **Pre-Trial Order.** If so directed by the court, a pre-trial order in the form of Exhibit "B" attached to this rule shall be prepared by counsel within ten (10) days after the conclusion of the pre-trial conference.

(e) **Exhibits.** Parties shall notify the trial judge and the opposing party by letter if that party anticipates offering twenty-five (25) exhibits or more at the time of the trial. Said notice shall be given no less than two (2) weeks prior to the trial date.

LCR 39. TRIAL BY JURY OR BY THE COURT

- (d) **Trial Briefs and Required Documents.**
- (2) **Other Required Documents, Domestic Relations Matters.** In addition to the above, in all contested trials in domestic relations matters, each party shall provide the opposing party and the court with the following:
- (i) A written pretrial information form indicating a proposed division of assets and liabilities, using the form set forth in Exhibit "C" attached to the rules.
 - (ii) If children are involved, a proposed parenting plan and child support worksheets and supporting documents including Financial Declarations and the last two (2) years of tax returns, W-2's, and current paystubs, if applicable.

LCR 40. ASSIGNMENT OF CASES

- (a) **Notice of Trial-Note of Issue.**
- (6) Requests for trial settings in civil cases will be heard on Law and Motion Day at the time they are regularly noted for setting, upon proper written notice filed with the clerk of the court. If both parties are pro se, the Court Administrator may tentatively set the date subject to review if an objection is received within 20 (twenty) days of mailing of the trial date.
- (d) **Trials.**
- (1) **Contested Dissolutions.**
- (A) **Pretrial Forms.** In all final hearings or trials in domestic relations matters, each party is strongly encouraged to provide to the judge and the opposing party, a written statement as to the issues in controversy at least three (3) days prior to trial. The written statement may be in any form chosen by the party or his or her attorney to convey the following:
- A brief factual summary;
 - Issues in dispute [e.g. property, debts, custody or support];
 - Case law, if it will be argued, supporting the party's position;
 - Proposed distribution of assets and debts, proposed parenting plan and child support amount, if in dispute, see LCR 39(d)(2)(i) and (ii) above;
 - Areas of agreement.
- (i) If one of the parties is seeking maintenance or child support, both parties shall complete a financial declaration.

(ii) If the parties are in dispute as to the distribution of assets and debts, both parties shall complete Exhibit "C" as attached to these local rules. The pretrial forms shall not be filed with the clerk, but shall be given to the opposing party and judge as bench copies.

(iii) Unless explained otherwise by the parties, the values shown on the pretrial form should include fair market value and assessed value of any real property, bank accounts, proposed pension, retirement, profit sharing or other deferred benefit or financial security plan, the present value of all life insurance policies and the cash surrender value, the amount of accounts receivable, inheritance due, and any trust accounts in which the party has an interest; the fair market value of all other property including collections, antiques; and in the case of motor vehicles, the average between wholesale and retail values from Kelly Blue Book or NADA or other comparable companies.

- (B) **Enforcement.** If either party fails to comply with the rules set above, the judge may order such party or his attorney to pay appropriate attorney's fees to the opponent for any additional work or delay caused by the failure to comply. If either party fails to comply, the trial date may be stricken.
- (C) **Continuances.** Stipulations or motion to continue a case already on the trial calendar must be in writing, supported by a declaration showing sufficient grounds for the requested continuance. The moving party shall present a written order for entry.
- (D) **Dating and Mailing of Decrees and Orders.** When any decree or order is filed in a dissolution matter, the attorney for the party presenting the order, or the party if the matter is presented pro se, shall promptly personally deliver to the opposing party or mail to the opposing party's last known address or to opposing counsel, if so represented, a conformed copy of the decree or order with the date of entry indicated on each copy.

LCR 41. DISMISSAL OF ACTIONS

- (e) **Notice of Settlements, Jury Trials.** Whenever a cause has been set for trial as a jury case and a date for trial has been assigned and the matter is settled, or will not be tried by a jury, for any reason whatsoever, notice of the fact shall immediately be given to the court so that the jury panel can be dismissed. The violation of this rule may result in unnecessary jury expense, therefore the court in its discretion, may assess such additional costs for the jury called for the trial against the violating party or his or her attorney.

LCR 43. TAKING OF TESTIMONY

- (a) **Testimony.**
- (3) **Electronic Testimony or Evidence.** When testimony or evidence is to be given via electronic means, it is the responsibility of the parties to obtain the proper equipment for viewing such testimony or evidence.

LCR 49. VERDICTS

- (k) **Receiving Verdict and Discharging Jury.**
- (1) **Receiving Verdict During Absence of Counsel.** A party or attorney desiring to be present at the 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 twenty (20) minutes of the telephone notice to the attorney's office, home or other phone 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 any dissenting jurors recorded.

LCR 52. DECISIONS, FINDINGS, AND CONCLUSIONS

- (a) **Requirements.**
- (1) **Specifically Required.**
- (D) In all non-contested matters, all orders, findings, decrees, and judgments shall have the name of the presenting counselor, pro se litigants, if not represented, and signed thereon by all parties unless a proper Joinder or waiver had previously been signed. Personal appearance for presentment shall not be necessary provided one party verifies the findings to the court.
- (E) In contested matters, all orders, findings, decrees, and judgments shall be approved by the attorney of record or pro se parties, if not represented, unless the same are presented for signing in open court in the presence of all counsel or pro se parties, or are signed after proper notice of presentment.

**LCR 59. NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF
JUDGMENTS**

(e) Hearing on Motion.

(3) Nature of Hearing.

(i) A motion for reconsideration or for a new trial shall be submitted on briefs and declarations or affidavits only, without oral arguments, unless the judge, on application from counsel or on the judge's own motion, allows oral argument. The judge will notify counsel if oral argument is to be allowed. Copies of such motion for reconsideration, note for motion calendar and responses thereto shall be delivered to the judge at the time of filing with the clerk.

LCR 77. SUPERIOR COURT AND JUDICIAL OFFICERS

(k) Motion Day.

- (1)** Law and Motion day shall be held each Tuesday commencing at 9:30 am (when necessary and at the direction of the judge, some matters may be heard at 9:00 am) except when Tuesday is a legal holiday, or when cancelled by prior order of the court. All matters requiring more than 15 minutes will need to be special set with the Court Administrator.
- (2)** All matters to be heard on the regular Tuesday Law and Motion docket shall be scheduled with the Clerk of the Court not later than 12 noon on the preceding Tuesday.
- (3)** The Clerk of the Court shall prepare a docket of all matters regularly scheduled and shall distribute the same to the judge, attorneys (on request), Juvenile Office and five copies to the Bailiff, who is responsible for posting the docket.

(o) **Court Calendar.**

(1) Law and Motion matters will be heard in the following order:

- 9:00 am Adoptions and other matters to be heard in chambers, at the discretion of the judge, and other matters that have been approved by the court for telephonic hearings.
- 9:30 am Civil/Family Law matters including: probate and guardianship matters; ex-parte matters; default judgments; default dissolutions of marriage; trial settings; change of venues; and all contested motions requiring not more than 15 minutes.
- 10:30 am Criminal Matters including: preliminary appearances; arraignments; status/reviews; omnibus; pleas.
- 1:15 pm Juvenile Matters including: truancies; at risk youths; dependencies; juvenile offense proceedings.
- 2:30 pm The following hearings must first be special set with the Court Administrator: show cause matters; marriage dissolutions; all motions requiring argument; and other contested matters requiring more than 20 minutes but less than one hour. Matters requiring more than such time shall be scheduled in the same manner as trials.

(2) Special setting on the motion docket may be made with prior approval of the court administrator.

(3) Matters requiring more than 30 minutes shall be scheduled in the same manner as trials.

(p) **Telephonic Hearings.** Telephonic hearings are authorized for most matters other than trials either upon stipulation by the parties or with approval of the court or upon the court's own motion or authorization following a request from the requesting party upon good cause shown. The record of such hearings will be electronically recorded. The requesting party shall contact the court Administrator at least three (3) days before the hearing for permission to appear telephonically under such conditions as ordered by the court. Any party retains the right to argue motions in person, even if the other party appears by telephone.

LCR 78. CLERKS

(g) Requirements of Clerk's office.

- (1) Only on prior court order, unless authorized by the clerk, will facsimile or electronic copies be accepted as temporary file documents. The facsimile copy shall be destroyed upon receipt of the original signed document.
- (2) Files may be withdrawn from the clerk's office by a judge, or the Court Administrator, or by the official Court Reporter, practicing attorney in Lincoln County, or a title company situated in Lincoln County upon signing a receipt therefore. Files may be withdrawn by attorneys outside of Lincoln County upon written order of the court. All files shall be returned within one week or sooner if requested by the judge or the Clerk of the Court.
- (3) An attorney or other person requesting a written answer to correspondence or confirmation on any pleadings or other documents shall furnish to the clerk a copy to conform if requested and a stamped, self-addressed envelope for the convenience of the clerk in making a necessary reply.
- (4) The clerk shall not be required to disburse any funds paid into the registry of the court unless ordered to do so by the court.
- (5) Unless the order specifically provides otherwise, all payments made in civil matters shall be by money order, cashier's check, or attorney's business or trust account check.

LCR 80. COURT REPORTERS

- (d) **Court Reporting.**
- (1) Pre-trial and post-trial civil motions and other proceedings will be electronically recorded unless otherwise required by the court.
 - (2) Civil trials will be reported only on request of a party to the action, for which said party shall arrange for a court reporter to be in attendance. The cost of such reporter shall be an expense of the requesting party or parties, unless otherwise ordered by the court for good cause shown.
 - (3) In criminal matters, all pre-trial motions and appearances will generally be recorded electronically, and the court may arrange for a court reporter to be in attendance for criminal trials at the expense of the county.
 - (4) If partial transcriptions are made of the record during proceedings in Superior Court, a copy of such transcription shall be furnished to the judge and to opposing counsel or the pro se litigant if such matters are being argued before the court.

LCR 83. LOCAL RULES OF COURT

- (c) **Suspension or Modification of Rules.** The court may suspend or modify any of the foregoing rules, in any given case, upon good cause being shown thereof or upon the court's own motion.

LCrR 3.1. RIGHT TO AND ASSIGNMENT OF LAWYER

- (d) **Assignment of Lawyer.**
- (5) Defendants who request assignment of counsel will be required to execute and file a financial disclosure under oath, which shall substantially comply with the form set forth in Exhibit "D" attached hereto, (or any successor form approved by the State or Supreme Court) or the defendant may be required to provide the information orally to the court.
- (6) All appointments of counsel by reason of indigency are expressly contingent upon proven indigency and full disclosure of assets. Where income or assets are discovered or indigency status changes subsequent to appointment which enable the defendant to afford counsel, or if the defendant can afford partial payment, fees may be ordered to be reimbursed to the court.
- (7) Upon appointment of counsel for indigent criminal defendants or other litigants, the clerk shall promptly provide counsel with notice of the appointment.

LCrR 3.2. RELEASE OF ACCUSED

- (p) **Bail Schedule.** The following schedule shall in superior court cases pertain as the specified amount of bail required in criminal cases where no bail has been otherwise set, pending first court appearance:

Class A Felonies	No Bail
Class B Felony (against a person)	No Bail
Class B Felony (not against a person)	\$5,000
Class C Felony (against a person)	No Bail
Probation Violation where bench warrant issued	\$2,500
Gross Misdemeanor	See District Court Schedule
Misdemeanor	See District Court Schedule

- (q) **Appearances.** Defendants on bail or recognizance are expected to be available to appear upon 72 hours' notice to their attorney. They are expected to be present on time at all scheduled appearances when they have received either oral or written notice. Failure to appear in accordance with this rule may result in forfeiture of bail, revocation of the personal recognizance order or issuance of a bench warrant for arrest.
- (r) **Approving Bail.** Bail bondsmen, who have justified their qualifications to the Superior Court in the manner set forth hereafter, shall be deemed approved to provide bail bonds to defendants in criminal cases in an amount not exceeding the limits prescribed in the order of justification. All petitions shall be accompanied by a proposed order of justification. An initial petition shall be accompanied by a

full filing fee. Renewal petitions shall be accompanied by an ex parte fee. Petition for renewal must be filed on or before April 30 of each year otherwise a full filing fee is due. The petition for renewal will include a verified statement that either there have been no changes since the last petition or will set forth the changes.

Upon failure of a bondsman to pay into the court, within ten (10) days, the amount of any bond forfeited by order of the court, the justification of said bail bondsman shall be immediately revoked. The sum so deposited shall be held in the registry of the court for sixty (60) days and should the person for whose appearance the bond was given be produced within said period, the judge may vacate the order and judgment forfeiting the bond on such terms as may be just and equitable. In any case where the bondsman has not previously justified qualification, the bond must be submitted to and approved by the presiding judge or the judge's designee. In order to obtain prior justification and approval of the court to provide bonds as an individual surety, the following requirements shall be met:

- (1) Provide the court verifiable documentary evidence of qualification, including but not limited to a current financial statement.
- (2) Provide a current list of all bonds on which the bondsman is obligated in any court of this state, including on the list the name of the court and defendant and the amount of the bond.

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

- (1) A certified copy of a power of attorney showing authorization of the applicant to act for the corporate surety.
- (2) A letter from the Insurance Commissioner of Washington State indicating that the corporate surety is authorized to do business in this state.

The judge of the court may approve and justify any bail bondsman upon receipt of the above information. The court shall provide notice from time to time to the Sheriff of Lincoln County of the bail bondsmen previously qualified and the extent of their authority to write bonds. In the event of disqualification, the bail bondsman shall be promptly notified and may seek a hearing before the judge on the issues of qualification.

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

LCrR 4.5. OMNIBUS HEARINGS

(d) Motions.

- (i) If there is no dispute regarding omnibus requests, the motion may be signed by both parties and presented to the court ex parte for signature before or at the date of omnibus hearing.
- (ii) Unless otherwise requested by the prosecutor and required by the court, a defendant need not appear at the omnibus hearing if there are no disputed omnibus requests.

**LAR 1. WRITS OF HABEAS CORPUS IN
CHILD CUSTODY MATTERS**

- (a) **Rule to Control in Conjunction with RCW 7.36.** This Local Rule shall, in conjunction with Chapter 7.36, control the procedure and legal right to retain custody of a child in Lincoln County, Washington through a writ of habeas corpus.
- (b) **Who May Petition.** Only a person or entity with a previously established right to custody of a child will be granted a writ of habeas corpus. The applicant must be able to document the pre-existing legal right to custody of the child paramount to the right of any other person or entity. The pre-existing custody order must be issued through a court action where the other party had notice of the action and the opportunity to be heard.
- (c) **Presentment.** A Petitioner for Writ of Habeas Corpus should be presented to the Judge of Superior Court of Lincoln County.

MANDATORY MEDIATION (LRMM)

LRMM 1. Lincoln County Superior Court Rule for Mediation

- (a) **Mediation Required.** Contested issues in family law cases are subject to mandatory mediation in accordance with this rule. No trial or hearing shall be conducted to resolve any such issue until either (1) the parties have engaged in mediation; or (2) the court has, for good cause, waived the mediation requirement for this rule. Attorneys for the parties may attend mediation proceedings. Mediation proceedings must be completed prior to a note for trial setting being filed. Mediation shall be completed at least sixty (60) days prior to the scheduled trial date. Nothing in this rule shall be interpreted to require mediation of disputes concerning child support, and mediation shall not be required in such disputes. Sanctions may be imposed by the Court against a party found not to have participated in mediation in good faith.
- (b) **Family Law Cases.**
- (1) Family law cases subject to mandatory mediation under this rule are as follows:
- a. Dissolution or declaration of invalidity of marriage or domestic partnership.
 - b. Legal separation.
 - c. Child custody proceedings involving parents, presumed or putative parents, *de facto* parents, or non- parents (after a finding adequate cause when required).
 - d. Paternity cases after entry of a judgment determining parentage.
 - e. Proceedings to establish maintenance obligations.
 - f. Proceedings relating to the termination of marriage-like relationships.
- (2) Unless otherwise ordered by the court, mediation under this rule is not required for the following case or issues:
- a. Dependency and termination cases.
 - b. Contempt proceedings regarding compliance with court orders.
 - c. Petitions for Domestic Violence Protection Orders.
 - d. Adoption proceedings.
 - e. Petitions for emancipation of a minor or for change of name.
 - f. Motion to waive the requirements of this rule for good cause.

(c) **Contested Issues.**

- (1) Contested issues subject to mandatory mediation under this rule include the following:
 - a. Characterization, valuation and/or division of assets and debts.
 - b. Establishment of final parenting plan or residential schedule.
 - c. Modification of a final parenting plan or residential schedule.
 - d. Modification of a temporary parenting plan or residential schedule.
 - e. Establishment of maintenance (other than initial temporary order).
 - f. Modification of temporary or permanent maintenance order.

- (2) Unless otherwise ordered by the court, contested issues subject to mandatory mediation under this rule do not include the following:
 - a. Entry of initial temporary support order.
 - b. Entry of initial temporary parenting plan or residential schedule.
 - c. Entry of other initial temporary orders, including restraining orders; orders for the use, possession, disposition, or preservation of assets; order allocating responsibilities for debt service; and similar temporary orders.

- (d) **Waiver.** On its own motion, or on motion of a party, the court may waive the mediation requirements or time limits of this rule for good cause. Good cause will be presumed in cases where mediation would require a party subjected to domestic violence to meet in close proximity with a perpetrator of that violence.

- (e) **Refusal to Mediate.** If either party refuses to mediate without first having sought or obtained an order waiving mediation, the other party may bring a motion to compel the refusing party to engage in mediation. At the hearing regarding the motion to compel mediation, the court may, in its discretion, assess terms, including attorney's fees. In the event that an order compelling mediation is granted, and the party against who the order is entered still refuses to mediate, then the court may, upon proper motion, grant such further relief as the court deems appropriate, including any relief authorized by Civil Rule 37(b) of the Superior Court Rules for the State of Washington.

LRMM 2. Mediator

- (a) **Appointment of Mediator.** The parties may stipulate to appointment of a person to perform the mediation required by this rule by filing with the court a written stipulation including the name, address, and date of appointment of the mediator. In the absence of stipulation, the court will, on its own motion or the motion of a party, appoint a mediator. The person

or organization appointed by the parties or the court shall immediately be notified of the appointment. Any person so appointed may decline the appointment and promptly notify the parties and Court thereof.

- (b) **Compensation.** The mediator shall set a reasonable fee for mediation. The parties shall promptly pay the mediator's fee in the proportions agreed by the parties or, in the absence of agreement, as ordered by the Court.
- (c) **Authority and Duties.** The mediator shall set the time, place, manner, and duration of mediation, which may be adjourned from time to time to facilitate resolution of issues. Within seven (7) days after completion of mediation, the mediator shall file with the Court, and provide copies to the parties and attorneys who participated in the mediation, a declaration setting forth (1) the date(s) of mediation; (2) the contested issues mediated; and (3) the manner in which any party failed, in the judgment of the mediator, to participate in good faith.
- (d) **Mediator as Witness.** The mediator may not be subpoenaed to testify, nor shall the mediator agree or volunteer to testify, in any discovery procedure or court hearing regarding the statements, communications, or proposals, written or oral, made by any party, attorney, or other participant in the mediation process.

LRMM 3. Mediation Process

- (a) **Required Materials.** At least two days before mediation proceedings, each party will submit to the mediator proposed orders sought to be entered by the Court or equivalent written statements to the resolution of all contested issues subject to mediation. When support issues are being mediated, each party will include a financial declaration and completed child support worksheets. When characterization, valuation, and/or division of assets or debts is being mediated, each party shall submit a statement. The parties shall timely submit any additional materials requested by the mediator. Materials submitted to the mediator shall not be filed with the Clerk of the Court..
- (b) **Good Faith Obligation.** The parties shall mediate in good faith. Failure to fully participate in mediation, including failure to submit required materials, refusal to discuss a contested issue, or refusal to consider a proposed resolution, shall be evidence of lack of good faith. A party may be sanctioned for failing to mediate in good faith; sanctions may include assessment of all costs of mediation, an award of attorney fees and costs to a party participating in good faith, or other sanctions ordered by the Court.

- (c) **Appearance.** For good cause shown, the mediator may permit any participant in mediation to appear by telephone or other remote means. At the mediator's discretion, persons other than the parties and their attorneys may be permitted to attend the mediation, provided, that a party seeking permission for a non-party to attend shall give reasonable advance written notice of the request to every opposing party.
- (d) **Agreement.** Any agreement between the parties reached during the mediation process shall be reduced to writing before the conclusion of the mediation and shall be endorsed by all parties, participating attorneys, and the mediator. The mediator may, upon notice to a person participating by telephone or remote means, endorse the agreement on behalf of that person. The mediator will cause a copy of the endorsed agreement to be provided to each party before the conclusion of the mediation.

LMMR 4. Noting for Mediation and Trial Setting

- (a) Upon the filing of a Response to the Petition which contests child custody, visitation or any issues so ordered to complete mediation, make the proceeding subject to these rules, the Petitioner shall immediately note the proceeding for mandatory mediation and trial setting on forms prescribed by the Court. The form for mandatory mediation shall be entitled "Order to Transfer to Mandatory Mediation" shall be substantially in the form in Exhibit E to these rules, and shall be signed by the attorney for each party and each party appearing *pro se* prior to presentation to the Court for approval.
- (b) The refusal by an attorney or pro-se party to sign the Order to Transfer to Mediation shall not delay the case. Such refusal to sign shall be noted on the Order to Transfer to Mandatory Mediation.

LRMM 5. Confidentiality

- (a) **Disclosure of Communications.** The work product of the mediator, and all statements by, and communications between, the mediator and any participant in the mediation proceedings, or by or between any participant and another participant or counsel for a participant, shall be confidential and shall not be disclosed to any person, except as follows: (1) the mediator shall report to appropriate law enforcement and/or child welfare authorities information relating to the abuse of any child when such information comes to the mediator at any time in the mediation proceedings and the information appears to be evidence of a crime against a child; and (2) any written agreement endorsed by the parties as set forth in this rule may be file with or disclosed to the Court.

- (b) **Admonition to Participants.** The mediator shall provide in writing to all participants in the mediation process a copy of the foregoing provision prior to commencement of mediation.

LRMM 6. Other Provisions

- (a) **Discovery.** The mediation process does not stay, prohibit, supersede or otherwise affect the rights and obligations of the parties to conduct or provide discovery as set for in applicable rules of court, or modify in any way the provisions of law for compelling the same.
- (b) **Title and Citation.** These rules are known and cited as the Lincoln County Superior Court Local Rules for Mandatory Mediation. "LRMM: is the official abbreviation.
- (c) **Effect on Court Proceedings.** Mediation does not stay or otherwise affect the rights and duties of the parties established by the statute, court rule or court order. The Court may enter temporary orders and the parties may conduct discovery prior to or during the mediation process

EXHIBIT "A"

SUPERIOR COURT OF WASHINGTON COUNTY OF LINCOLN	
_____, Plaintiff(s)/Petitioner(s), vs _____, Defendant(s)/Respondent(s).	Case No. _____ ORDER FOR PRETRIAL CONFERENCE

THIS CAUSE appearing to be at issue and ready for trial, it is

1. ORDERED AND ADJUDGED that a pretrial conference will be held in Chambers at _____ at the Lincoln County Courthouse on the _____ day of _____. Total times allocated from the conference will be _____. The attorneys who will conduct the trial must attend this conference unless the court pre-authorizes other means such as telephone or an acceptable electronic communication.

All discovery procedures shall be completed by the time of this conference.

2. ORDERED AND ADJUDGED that at least five (5) working days prior to this conference, the attorneys shall submit to the judge and to opposing counsel a Pretrial Statement containing the following:
 - (a) A list designating those pleadings upon which the case goes to trial;
 - (b) A succinct statement of the cause of action in regard to each claim or defense;
 - (c) A clear statement of the issues to be tried;
 - (d) An itemized list of the claimed special damages;
 - (e) Any statement of the principles of law involved in the case, supported by citations of authority;
 - (f) A statement of facts, which the client will admit;
 - (g) A list of the names and addresses of all persons who have knowledge of relevant facts and the general nature of their testimony;

- (h) A list of all exhibits and documentary evidence, which may be used at the trial;
 - (i) A complete set of written jury instructions, standard and special, which will be proposed for use at a jury trial, including verdict forms;
 - (j) Any request for preliminary rulings on questions of law with citations in regard thereto;
 - (k) Any trial brief that either party wishes the court to consider.
3. ORDERED AND AJUDGED that at the time of the conference, the first thirty minutes of the conference will be set aside for a meeting between counsel to:
- (a) Inspect all documentary evidence and transportable exhibits listed in the Pretrial Statements. Exhibits not easily transportable will be made available for inspection at a time and place fixed at the conference;
 - (b) Mark each document and exhibit using consecutive numerals for the plaintiff and defendant; generally, defendant's numbers would start at "100."
 - (c) Object to the admissibility of the evidence, reserving the appropriate objections;
 - (d) Object to the jury instructions filed with the Pretrial Statements, reserving the appropriate objections;
 - (e) Stipulate on all matters of fact and law upon which the parties are in agreement.

DONE AND ORDERED in Chambers in Lincoln County, Washington

this ____ day of _____, 20_____.

JUDGE

EXHIBIT "B"

SUPERIOR COURT OF WASHINGTON COUNTY OF LINCOLN	
_____, Plaintiff(s)/Petitioner(s), vs. _____, Defendant(s)/Respondent(s).	Case No. _____ PRETRIAL ORDER

I. BASIS

- 1.1 The above matter has been noted for trial setting.
- 1.2 A pretrial conference was held and the following persons were present:
For Plaintiff: _____ For Defendant: _____

II. ORDER

- 2.1 Names and addresses of attendant lawyers who will try the case and are authorized to enter into binding stipulations:
For Plaintiff _____ For Defendant: _____
- 2.2 Summary of Plaintiff's case:
- 2.3 Summary of defense and counterclaim:

- 2.4 The following amendments are allowed to the pleadings:
- 2.5 Names and addresses of plaintiff's witnesses and summary of testimony expected from each:
- 2.6 Names and addresses of defendant's witnesses and summary of testimony expected from each:

Additional Witnesses: If additional witnesses are discovered, who by the use of reasonable diligence could not have been discovered before Pretrial Conference, the party intending to use such witnesses shall immediately report the names, addresses and summary of the testimony of such witnesses to opposing counsel and the court.

- 2.7 Facts admitted by stipulation and agreement:
- 2.8 Exhibits produced for admission:
- a. The following exhibits were marked, identified and admitted without objection, no further identification or offers of admission shall be required at trial:
 - b. The following exhibits were produced and offered but were objected to for competency, relevancy, or materiality; they may be introduced at the trial without formal identification, their authenticity being agreed to:
 - c. The admission of the following exhibits will be contested:
 - d. The following exhibits will be sent to opposing counsel within _____ days and within five (5) days of receipt forwarded to the court with any objections thereto; in the event no objections are raised the exhibits will be admitted in accordance with the provisions of (a) above:

Additional Exhibits: If additional exhibits or documents are discovered which could not have been discovered by reasonable diligence before the Pretrial Conference, the party intending to use them shall immediately exhibit them to opposing counsel and submit them to the court to be marked for identification. Opposing counsel shall immediately indicate to the court his or her position with respect to such exhibit, i.e., whether his or her position falls under (a), (b), or (c) above.

2.9 Unresolved issues:

2.10 Points of law passed upon by the court:

2.11 Estimated length of trial: _____ Jury Demanded: _____

2.12 Other matters that may aid the trial:

Set for trial:

Approved, stipulated and agreed:

Attorney for Plaintiff

Attorney for Defendant

IT IS ORDERED that the stipulations be carried out as outlined above.

DATED: _____

JUDGE

EXHIBIT "C"

SUPERIOR COURT OF WASHINGTON COUNTY OF LINCOLN	
In re: the Marriage of: Petitioner: _____ and Respondent: _____	Case No. _____ ASSET AND LIABILITY LIST OF ▪ Petitioner ▪ Respondent

The attached is the Asset and Liability List of Petitioner Respondent.

I certify under penalty of perjury under the law of the State of Washington that the attached Asset & Liability List is true and correct.

DATED: _____

Signature

Print or Type Name

ASSET & LIABILITY LIST: ASSETS

Wife Recommends				Husband Recommends				For Court Use Only				
	Value	To Wife	To Husband	Comm. or Sep.	Value	To Wife	To Husband	Comm. or Sep.	Court's Value	To Wife	To Husband	Comm. or Sep.
1. REAL ESTATE:												
a. Home												
b. Other												
2. HOUSE-HOLD GOODS (attach goods distribution worksheet)												
3. PERSONAL EFFECTS & JEWELRY												
4. PROF EQUIP & TOOLS												
5. REC. & HOBBY EQUIP												
6. VEHICLES												
Year & Make												

EXHIBIT "D"

INDIGENCY SCREENING FORM

CONFIDENTIAL
[Per RCW 10.010.020(3)]

Name _____

Address _____

City _____ State _____ Zip _____

1. Place and "x" next to any of the following types of assistance you receive:

- | | |
|---|--|
| <input type="checkbox"/> Welfare | <input type="checkbox"/> Poverty Related Veteran's Benefits |
| <input type="checkbox"/> Food Stamps | <input type="checkbox"/> Temporary Assistance for Needy Families |
| <input type="checkbox"/> SSI | <input type="checkbox"/> Refugee Settlement Benefits |
| <input type="checkbox"/> Medicaid | <input type="checkbox"/> Disability Lifeline Benefits |
| <input type="checkbox"/> Other- Please Describe _____ | |

{If you marked an "x" by any of the above, please stop here and sign at #15 below.}

2. Do you work or have a job? ___ yes ___ no. If yes, take-home pay: \$ _____

Occupation: _____ Employer's name & phone #: _____

3. Do you have spouse or state registered domestic partner who lives with you? ___yes ___no

Does she/he work? ___yes ___no If yes, take-home pay: \$ _____

Employer's name: _____

4. Do you and/or your spouse or state registered domestic partner receive unemployment, Social Security, a pension, or workers' compensation? ___yes ___no

If yes, which one? _____ Amount: \$ _____

5. Do you receive any money from any other source? ___yes ___no

If yes, how much\$ _____

6. Do you have any children residing with you? ___ yes ___no

If yes, how many? _____

7. Including yourself, how many people in your household do you support? _____

8. Do you own a home? ___yes ___no.

If yes, value: \$ _____ Amount owed: \$ _____

9. Do you own a vehicle? ___yes ___no

If yes, year(s) and model (s) of your vehicle(s): _____
Amount owed: \$ _____

10. How much money do you have in checking/savings account(s)? \$ _____

11. How much money do you have in stocks, bonds, or other investments? \$ _____

12. How much money are your routine living expenses (rent, food, utilities) \$ _____

13. Other than routine living expenses such as rent, utilities, food, etc., do you have any other expenses such as child support payments, court-ordered fines or medical bills, etc? If so, describe: _____

14. Do you have money available to hire a private attorney? ___yes ___no

15. Please read and sign the following:

I understand the court may ask for verification of the information provided above. I agreed to immediately report any change in my financial status to the court.

"I certify under penalty of perjury under Washington State law that the above is true and correct." (Perjury is a criminal offense-see Chapter 9A.72 RCW)

Signature

Date

City

State

FOR COURT USE ONLY- DETERMINATION OF INDIGENCY

_____ Eligible for a public defender at no expense

_____ Eligible for a public defender but must contribute \$ _____

_____ Re-screen in future regarding change of income

_____ Not eligible for a public defender

JUDGE

“Exhibit E”

SUPERIOR COURT OF WASHINGTON
COUNTY OF LINCOLN

In Re the

Petitioner,

and.

Respondent.

Case No:

ORDER TO TRANSFER TO
MANDATORY MEDIATION
(ORTF)

THIS MATTER having come on regularly for hearing and it appearing that there are custody or visitation issues requiring mandatory mediation pursuant to LMMR 4, Local Court Rules for Superior Court Mandatory Mediation, now, therefore,

IT IS HEREBY ORDERED as follows:

1.1 This matter shall be transferred for mandatory mediation.

1.2 The cost of mediation services shall be paid as follows:

By the Petitioner _____%

By the Respondent _____%

At County expense _____%

1.3 The parties shall cooperate and make themselves available in any reasonable manner deemed necessary by the Mediation Provider for the purposes of this Order.

DATED this _____ day of _____, 20__

Superior Court Judge

Presented by:

Approved as to form:

Attorney for: [] Petitioner

Attorney for: [] Respondent

THE FOLLOWING INFORMATION SHALL BE EITHER PRINTED OR TYPED:

Petitioner's Address:

Respondent's address:

Home telephone:

Home telephone:

Work telephone:

Work telephone:
