

September 1, 2022

# Walla Walla Superior Court

Local Rules

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Presiding Superior Court Judge

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# **Walla Walla County Superior Court Local Court Rules**

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# WALLA WALLA LOCAL ADMINISTRATIVE RULES (WWLAR)

## WWLAR 1 – TITLE AND SCOPE

- A. Title.** These rules shall be known as the Walla Walla Superior Court Local Rules and may be cited in the following form: WWLAR, WWLGR, etc. In compliance with CR 83, these rules shall be numbered consistently with the most closely associated State Civil Rules for Superior Court and State Criminal Rules for Superior Court.
- B. Scope.** These rules apply to all matters now pending and hereafter filed in Walla Walla Superior Court. To the extent that these rules conflict with statewide rules and statutes, the statewide rules and statutes apply.
- C. Waiver and Construction.** Any provision of these rules may be waived or modified by the court for good cause shown or as required in the interest of justice. These rules should be construed to promote the fair, just and expeditious resolution of disputes.

*[Adopted effective September 1, 2022.]*

## WWLAR 2 – JUDICIAL OFFICERS AND DEPARTMENTS

- A. Departments.** Walla Walla County Superior Court consists of two departments designated as Department I (Judicial Position 1) and Department II (Judicial Position 2).
- B. Commissioners and Pro Tems.** The court may appoint court commissioners and pro tem judges as authorized by law and as are necessary, in the judgment of the court, to complete the business of the court.

Court commissioners and pro tem judges shall perform duties as assigned by the court. Court commissioners and pro tem judges shall have authority in all matters as allowed by the Washington State Constitution, case law and statutes, including the authority to accept guilty pleas.

- C. Court Administrator.** Each department of the court shall have a court administrator who may be a court reporter. The Director of Court Services shall serve as court administrator for the juvenile department. Each administrator serves under the direction and supervision of the judge of that department.
- D. Juvenile Department.** Each department of Superior Court shall sit as a Juvenile Court Division of the Superior Court and hear all matters arising under Title 13 RCW and Chapters 26.34 and 26.44 RCW.

- E. Family Court.** There shall be a Department of the Superior Court under the jurisdiction conferred by Chapter 26.12 RCW, known as the “Family Court” and both judges shall sit as Family Court judges.

The Superior Court judges grant to the Family Court the power, authority, and jurisdiction, concurrent with the Juvenile Court, to hear and decide cases under Title 13 RCW.

*[Adopted January 1, 1999; amended effective September 1, 2019; September 1, 2022.]*

### **WWLAR 3 – PRESIDING JUDGE: ELECTION, TERM, RESPONSIBILITIES**

- A. Election.** The Presiding Judge shall be elected by vote of the judges. The judge not designated as Presiding Judge shall be Assistant Presiding Judge, who shall serve as Acting Presiding Judge during the absence of or upon the request of the Presiding Judge.
- B. Term.** The term of the Presiding Judge shall be two years, subject to reelection. The term shall commence on January 1 of the year in which the Presiding Judge’s term begins.
- C. Responsibilities.** The Presiding Judge shall be responsible for the general management and administration of the court’s business and the duties set forth in GR 29. General correspondence directed to the court shall be referred to the Presiding Judge who may respond or direct it to the appropriate judge for response.

*[Adopted January 1, 1999; amended effective September 1, 2022.]*

### **WWLAR 4 – COURT SCHEDULE**

- A. Court Business Hours.** The court’s regular hours are 8:30 a.m. to 4:00 p.m. unless otherwise ordered by the court for good cause or as required in the interest of justice.
- B. Schedule.** The court shall create a schedule of regular dockets. The court’s schedule shall be made public on the Walla Walla Superior Court website and be available upon request from the Walla Walla County Superior Court Clerk’s office or the court.
- C. Ex Parte.** Ex parte matters, including ex parte civil protection order petitions, will be heard on the ex parte docket. The court shall hear ex parte matters daily at a time and location to be set by the court. The time and location of the ex parte docket shall be made public on the Walla Walla County Superior Court website

and available upon request from the Walla Walla County Superior Court Clerk's office or the court.

*[Adopted effective September 1, 2022.]*

# WALLA WALLA LOCAL GENERAL RULES (WWLGR)

## WWLGR 1 – FORMS

The court may create pattern forms for use in Walla Walla County Superior Court matters as needed. These forms shall be publicly available on the Walla Walla County Superior Court Clerk's website and available upon request from the Court Clerk's office or the court. Parties are encouraged to use the pattern forms created by the court whenever applicable.

*[Adopted effective September 1, 2022.]*

## WWLGR 2 – REMOTE APPEARANCES

*(Reserved)*

## WWLGR 3 – POLICY ON IMMIGRATION ENFORCEMENT IN COURTROOMS

The Walla Walla County Superior Court Judges affirm the principle that our courts must remain open and accessible for all individuals and families to resolve disputes under the rule of law. It is the policy of the Walla Walla County Superior Court that warrants for the arrest of individuals based on their immigration status shall not be executed within the Walla Walla County Superior Court courtrooms unless directly ordered by a judicial officer and shall be discouraged in the Walla Walla County Courthouse unless the public's safety is at immediate risk. Each judicial officer remains responsible for enforcing this policy within their courtroom. This policy does not prohibit law enforcement from executing warrants when public safety is at immediate risk.

*[Adopted effective September 1, 2019; amended effective September 1, 2022.]*

## WWLGR 16 – COURTHOUSE PHOTOGRAPHY AND RECORDING

**A. Use of Devices.** The use of electronic devices such as phones, tablets, laptop computers, and devices equipped with photography, audio and/or video recording capabilities, or streaming capabilities challenges a court's legitimate concerns for courthouse security, privacy, and decorum.

Such electronic devices are permitted within Walla Walla Superior Court courtrooms and on the third floor of the Walla Walla County courthouse. The use

of such devices in any manner that creates a risk to the security or privacy of litigants, employees, and members of the public using the third floor of the courthouse or disrupts court proceedings or business is prohibited.

**B. Recordings, photography, streaming prohibited.** No courtroom proceedings, including proceedings conducted remotely, may be photographed, audio, or video recorded, or streamed in any manner without prior express permission of the judicial officer presiding over the matter. Audio or video recording, photography, and/or streaming is prohibited on the third floor of the Walla Walla County courthouse without prior express permission of the court.

**C. Penalties.** Violations of WWLGR 16 may subject the violator to confiscation of the device in use, a finding of contempt, removal from the Walla Walla County courthouse, charges of criminal trespass, or other appropriate sanctions.

*[Adopted April 11, 2019; amended effective September 1, 2022.]*



# WALLA WALLA LOCAL CIVIL RULES (WWLCR)

## WWLCR 4 – CIVIL CASE SCHEDULE

*(Reserved)*

## WWLCR 5 – PLEADINGS AND OTHER PAPERS

- A. Filing.** All briefs, declarations, affidavits, and other supporting written documentation pertaining to trials, summary judgment motions, lower court appeals and appeals from decisions of administrative agencies (except the record transferred by the agency) and any other motions and documents submitted for hearings, such as pre-trial position statements in domestic cases, proposed findings of fact and conclusions of law and judgments, motions and sentencing position statements in criminal matters, and guardian ad litem reports, shall be served and filed in the cause.
- B. Bench or Working Copies.** Parties shall submit bench or working copies in the following circumstances: (1) a copy of a clean proposed order when the party is appearing remotely or otherwise unavailable to provide to the court at the time of hearing, and (2) all materials related to motions not noted for hearing at the time of filing, including but not limited to, motions for reconsideration, motions for revision, and motions for new trial. Parties may submit bench or working copies of other materials as desired.

Bench or working copies must be submitted no later than 4:00 p.m. two (2) judicial days prior to the scheduled hearing, proceeding or trial. For example, for a hearing scheduled for Monday morning, bench or working copies shall be submitted by 4:00 p.m. the preceding Thursday. No bench copies, except settlement position statements, shall be submitted to the court unless the materials have been contemporaneously or previously filed with the court and served on the opposing party or attorney.

*[Adopted effective September 1, 2016; Amended effective September 1, 2022.]*

## WWLCR 7 - PLEADINGS ALLOWED; FORM OF MOTIONS

### A. Law and Motion Practice.

1. *Notice Requirement.* All written motions, hearing notices, and trial settings, other than issues which may be heard ex parte, shall be filed and served not later than 4:00 p.m. seven (7) judicial days before the date the party wishes

- the motion to be considered unless a different period is fixed by the Civil Rules for Superior Court or by order of the court or by state statute. For example, a matter to be placed on a Monday docket must be filed and served on opposing counsel no later than 4:00 p.m. on the second preceding Thursday. An order to show cause may be entered on ex parte application if good cause is shown, and set for hearing on the appropriate docket, subject to the same time constraint.
2. *Timing.* Except as otherwise provided in CR 59(c), opposing documents, affidavits, or declarations shall be served and filed by 4:00 p.m. three (3) judicial days before the scheduled hearing and any reply shall be served and filed by 4:00 p.m. two (2) judicial days before the scheduled hearing. For example, for a matter on a Monday docket the opposing documents, affidavits, or declarations shall be served and filed by 4:00 p.m. on Wednesday of the preceding week and the reply by 4:00 p.m. on Thursday of the preceding week.
  3. *Supporting Documents.* All motions shall be supported by affidavit or declaration, and the affidavit or declaration shall be served with the motion.
  4. *Special Settings.* Matters requiring a special setting for hearing may be noted on the appropriate docket before the proper department (e.g., contested probate hearings, contested temporary orders in family law matters, etc.). A hearing time will be set in the same manner as trial assignments.
  5. *Law and Motion Calendar.* The Clerk shall prepare a Law and Motion calendar and shall enter on such calendar the notation of hearing, the number and title of the case, the names of the attorneys appearing for the respective parties and the nature of the application.
  6. *Time for Filing Notice of Argument.* Notices for the Law and Motion docket shall be filed in the Clerk's Office at the same time as the motion. Notices for the Domestic Docket and the Juvenile Docket shall be filed in the Clerk's Office no later than 4:00 p.m. four (4) judicial days prior to the hearing. Matters not noted for hearing as set forth above will not be heard without consent of the parties and the court.
  7. *Docket Posting.* A copy of the court's dockets shall be available in the Walla Walla County Clerk's Office by 4pm on the day prior and shall also be posted on the County Clerk's website.
  8. *Clerk's Docket/Notices.* The Clerk shall keep a daily docket for the court of all matters for which a time of hearing had been fixed by the court. The Clerk will furnish to counsel of record a notice advising counsel of the date and time a case is set for trial.

9. *Effect of Holiday.* If any docket falls on a court holiday, matters noted will be heard on the preceding or succeeding judicial day, as appropriate.
9. *Motions to Shorten Time.* All motions to shorten time must be in writing and supported by declaration or affidavit that; (a) states exigent circumstances or other compelling reasons why the matter must be heard on shortened time, and (b) demonstrates due diligence in the manner and method by which notice, or attempted notice, was provided to all other parties regarding the presentation of the motion to shorten time. If the moving party, after showing due diligence, has been unable to notify all parties of the motion to shorten time, it is within the judicial officer's discretion to proceed with the motion to shorten time. The judicial officer shall indicate on the order shortening time the minimum amount of notice to be provided the responding party, which, barring extraordinary circumstances as set forth in the declaration or affidavit supporting the motion, shall not be less than 48 hours. The court file must be presented along with the motion to shorten time, declaration or affidavit, and the proposed order to the judicial officer considering the request.

[Adopted January 1, 1999; amended effective September 1, 2019; September 1, 2022.]

## **WWLCR 11 – SIGNING OF PLEADINGS**

- A. Self-Represented Parties (Pro Se).** Any party appearing pro se shall file in the matter a *Notice of Appearance (For a Party Without a Lawyer)* form which shall include an address at which they agree to accept legal papers, a contact email address and/or a phone number. The pro se party shall also indicate on this form if they agree to accept legal papers for the case at the listed email address. Any party appearing pro se shall notify the court and the opposing party or attorney the next judicial day after any change of contact information listed in their *Notice of Appearance (For a Party Without a Lawyer)* form and shall file an updated form in the matter.

The *Notice of Appearance (For a Party Without a Lawyer)* form shall be available on the Court Clerk's website and available upon request from the court or the Court Clerk's office.

[Adopted effective September 1, 2022.]

## **WWLCR 16 – PRE-TRIAL PROCEDURE**

- A. Settlement Conferences.** In any case the judge of the department in which the case is to be tried may request the judge of the other department to schedule a settlement conference. If the request is granted, it is mandatory

that the parties participate in good faith according to the following procedures.

1. *Preparation for Conference.* Each party shall prepare a position statement and shall deliver it by 4:00 p.m. two (2) Judicial days in advance to the Department hearing the settlement conference. Position statements shall not be filed in the court file. No party shall be required to provide a copy of the position statement to any other party. The position statement is to be a summary only. It is not to include a copy of any exhibits, medical reports, expert witness reports, etc. Generally, the length of the summary will be 1 - 5 pages. The summary should take the form of a letter that begins with a reference to the name of the case and the cause number. It should not be in the form of a pleading. The position statement shall include the following:
  - a. A brief non-argumentative summary of the case;
  - b. A statement of whether liability is admitted, and if not, the parties' theory or theories of liability or non-liability;
  - c. A list of the relief requested, including all items of special damages claimed by the plaintiff and a statement of whether any or all of those are admitted by the defendant;
  - d. An explanation of the general damages, including a summary of the nature and extent of any claimed disability or impairment; and
  - e. A statement of what settlement offers have been made thus far, if any.
2. *Parties to Be Available.*
  - a. The parties and counsel shall attend the settlement conference except on prior order of the court upon good cause shown.
  - b. Parties whose defense is provided by a liability insurance company need not personally attend the settlement conference, but a representative of the insurer of said parties shall be available by telephone or in person with sufficient authority to bind the insurer to a settlement. Guardians ad Litem should be available by telephone or appear in person or remotely.
3. *Private Mediation.* Regardless of whether mediation is court-ordered, and unless otherwise excused, parties shall participate in a settlement conference or other alternative dispute resolution process conducted by a neutral third party prior to trial. The parties may seek an order allowing them to opt out of a court ordered settlement conference by submitting a stipulation and order to the court supported by a letter from a mediator and

signed on behalf of all parties that the case has been mediated or that mediation has been scheduled to occur on or before the date of the settlement conference.

4. *Failure to Attend.*

- a. Sanctions. Failure to comply with the provisions of paragraphs 1 and 2 above may result in the imposition of terms and sanctions as the court may deem appropriate.
- b. Default. Failure to appear at the settlement conference, without prior approval of the court, may constitute an act of default. Any party appearing at the settlement conference may move for default pursuant to CR 55. Costs and terms may be assessed at the discretion of the court.

5. *Proceedings Privileged.* Proceedings of said settlement conference shall in all respects be privileged and not reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the judge may in their discretion order the settlement agreement in whole, or, in case of a partial agreement, then the terms thereof, to be reported or recorded on the record.

6. *Continuances.* Continuances of settlement conferences may be authorized only by the Court on timely application.

7. *Pretrial Power of Court.* If the case is not settled at a settlement conference, the judge may nevertheless make such orders as are appropriate in a pretrial conference under CR 16.

8. *Judge disqualified for trial.* A judge presiding over a settlement conference shall be disqualified from acting as the trial judge in that matter, as well as any subsequent summary judgment motions, unless all parties agree otherwise in writing.

**B. Pretrial Conference.** In all cases the court will schedule a pretrial conference or hearing, which shall be attended by the lead trial attorney of each party who is represented by an attorney and by each party who is not represented by an attorney. At the pretrial conference, the parties should be prepared to discuss and/or present:

1. The nature of the case;
2. Issues that are in dispute and those that are not in dispute;
3. Index of exhibits (excluding rebuttal or impeachment exhibits);

4. Each party's requested jury instructions;
5. List of names of all lay and expert witnesses, excluding rebuttal witnesses; and,
6. Suggestions by either party for shortening the trial.

*[Adopted effective September 1, 2016; amended effective September 1, 2022.]*

## **WWLCR 40 – ASSIGNMENT OF CASES FOR TRIAL**

**A. Note for Trial Settings.** Any party desiring to bring any issue of fact to trial shall file with the Clerk a notice for trial setting which shall contain:

1. The title of the court;
2. The Clerk's file number;
3. A brief title of the case;
4. The names of the attorneys representing each party;
5. The nature of the case;
6. An estimate of the time that will be required for hearing said case;
7. Whether the case is to be tried by the court or jury;
8. Dates on which counsel is unavailable;
9. A statement that the issue of fact has actually been joined and that no affirmative pleading remains unanswered and all pleadings are on file;
10. That the parties have completed all necessary discovery, or that they will have an opportunity to complete all necessary discovery prior to the date the case is set for trial; and
11. That the case is in all respects at issue and ready for trial.

**B. Notice to Opposing Party.** The notice for trial setting must show that service was made on all counsel representing the other party or parties to the said action.

**C. Resettings.** Cases which have been set for trial and then stricken or continued for any reason will not automatically be reset. The stricken or continued cases must be noted for resetting as provided above, unless at the

time of striking or continuing the case the court sets a later trial date with the approval of all parties to the case.

- D. Assignment of Judge.** Cases are not preassigned to a judge upon filing. However, after a judge has made one or more discretionary rulings in a case, all subsequent matters should be placed in that department, and the case noted for trial in that department. If no discretionary rulings have been made in a case, trial will be set in the department on whose docket the matter has been placed for Trial Setting, and the matter will be deemed assigned to that judge.

*[Adopted January 1, 1999; amended effective September 1, 2016; September 1, 2022.]*

## **WWLCR 42 – CONSOLIDATION; SEPARATE TRIALS**

- A. Documents in Consolidated Cases.** When two or more cases are consolidated for trial only, all documents shall be submitted with an original for each file so consolidated. Consolidated cases shall be presumed to be consolidated for trial only, unless otherwise indicated.

*[Adopted effective September 1, 2016.]*

## **WWLCR 47 – JURIES**

- A. Jury Terms.** Jury terms shall commence on the first calendar day of each month and shall end on the last calendar day of each month unless the day of commencing or ending said term is changed by order of the Superior Court. The term of any juror called for a case during the juror's regular term shall automatically be extended until the conclusion of the case. If a juror has served on a jury to the conclusion of the case, the juror shall be excused from further jury duty for that term.
- B. Jury Selection/Voir Dire Examination of Jurors.** Subject to the further discretion of the judge in each department, a similar system of selecting jurors will be used in both departments. The procedure is as follows:
1. *Drawing and Numbering Jurors.* Prior to commencement of trial, the Clerk shall employ a properly programmed electronic data processing system to make random selection of jurors as required by RCW 2.36.054, and will provide to each counsel and the judge the pre-drawn and numbered roster of all prospective jurors in the panel. Jurors assigned numbers 1 through 12 will be seated in the jury box, and the remaining panel will be seated in the courtroom benches in the same numerical order as on the roster.

Court staff will provide counsel and the court a courtroom seating chart showing the name and number of each juror.

2. *Preliminary Instructions and General Voir Dire.* The judge will describe for the jury the nature of the case, explain the jury selection process, give the appropriate preliminary instruction including burden of proof, and ask the panel a standard set of general questions in order to determine impartiality and/or conflicts. In addition, either attorney may request the court in advance in writing to ask additional proposed general questions of the panel.
3. *Voir Dire by Counsel – Time Blocks:* Following questioning by the judge, each attorney will be given a block of time to ask any follow-up questions or to ask new questions of the panel or individual jurors. So that an adequate record is preserved the attorney should identify the juror being questioned either by name, number or both.
4. *Challenges for Cause.* Challenges for cause shall be exercised at the time counsel believes cause has been established and prior to commencing peremptory challenges. Upon a challenge for cause, the court may permit opposing counsel to ask questions in order to rehabilitate the juror. Upon the dismissal of a juror for cause, that juror's seat will be immediately filled by the next juror in numerical sequence seated on the courtroom benches.
5. *Peremptory Challenges.* At the end of voir dire and after all challenges for cause have been made, peremptory challenges shall be exercised or waived in writing or as otherwise designated by the court. Unless the court otherwise directs, the procedure shall be as follows:
  - a. The bailiff will deliver to counsel for the plaintiff and counsel for the defendant, in turn, a prepared form upon which each counsel shall endorse the number of one challenged juror in the space designated or counsel's acceptance of the panel as constituted by writing "pass" or "waive." The bailiff will then exhibit this form after each challenge to the opposing counsel, and the court.
  - b. A party may exercise a peremptory challenge only to the twelve prospective jurors lowest in number remaining at the time of the challenge – the twelve prospective jurors "in the box." As a challenge is exercised as to a particular juror, the excused juror will be replaced by the next prospective juror in numerical sequence. If a party "waives" or "passes" on a peremptory challenge, the party has accepted the panel shown as seated.
  - c. A party will note after each challenge by the opposing party, whether there is a Batson objection per GR 37.



- d. After each turn, the court shall excuse any challenged jurors from their seat but direct them to remain in the courtroom until the panel is fully accepted pursuant to GR 37.
- e. After all challenges have been exhausted, the court will excuse those jurors who have been challenged and will seat the jury as finally selected.

The purpose of this procedure is to preserve the secrecy of peremptory challenges, and all parties and their counsel shall conduct themselves to that end. The procedure may be modified if appropriate, or peremptory challenges may be taken in open court outside of the presence of the jury.

- 6. ***Batson Challenge.*** In the event either party desires to object to the use of a peremptory challenge on the basis of racial or gender discrimination (so-called “*Batson*” challenge), such objection must be made before the challenged juror or jurors are released from the courtroom and before the jury panel is sworn. Once such an objection to a peremptory challenge has been raised, the court shall follow the procedure as set out in GR 37.
- 7. ***Selecting Alternate Jurors.*** One or more alternate jurors may be seated as appropriate to the case and subject to such additional peremptory challenges as required by CR 47(b) or as otherwise designated by the court. The court will impanel a jury consisting of the required number plus the number of desired alternates. At the conclusion of the case, cards with the assigned numbers of all seated jurors will be placed in a mixing or rotating box. In open court the appropriate number of cards will be drawn one at a time from the box. The jurors thus selected will be deemed alternates in their sequential order of selection, and will be dismissed subject to recall as needed. Upon agreement of the parties and the judge, the timing and method of selecting the alternates may be modified.
- 8. ***General Considerations for Counsel.*** In ruling on objections made during voir dire the court will be guided by the principle that the purpose and proper scope of voir dire is to learn the state of mind of prospective jurors, to determine if a basis exists for a challenge for cause, and to determine the advisability of a peremptory challenge. Counsel will generally not be permitted to educate the jury as to the facts of the case, to compel jurors to commit themselves to vote a particular way, to argue the law, or to instruct the jury as to matters of law.

*[Adopted January 1, 1999; amended effective September 1, 2016; effective September 1, 2022.]*

## WWLCR 48 – JURIES LESS THAN TWELVE

- A. Stipulation: Procedure.** The parties may stipulate that the jury shall consist of any number of persons less than twelve but not less than three. Counsel shall call the stipulation to the attention of the Judge when the case is called for trial. The stipulation, if in writing, shall be filed in the cause; if oral, it shall be noted by the clerk in the minutes of the trial.
- B. Challenges Not Affected.** The stipulation shall not affect the number of challenges nor the manner of making them, unless the parties expressly agree otherwise. (See RCW 4.44.120, *et seq.*)

*[Adopted effective September 1, 2016.]*

## WWLCR 51 – INSTRUCTIONS TO JURY AND DELIBERATIONS

### A. Proposed Instructions.

1. *Instructions Required of Plaintiff.* Plaintiff's counsel shall prepare and present to the court a cover instruction containing the title and file number of proceedings, the name of the attorney for each party properly designated, and appropriate blank space where the name of the judge hearing the case can be inserted, and entitled "Instructions of the Court."
2. *Instructions in the Alternative.* Instructions, the form of which is dependent upon rulings of the court, may be submitted in the alternative and counsel shall have the right to withdraw those instructions made unnecessary or inappropriate by reason of said rulings at any time prior to the submission of the court's instructions to the jury.

### B. Submission of Instructions.

1. *Distribution.* Sets of proposed instructions shall be prepared and distributed as follows:
  - a. Original, which shall be assembled and numbered and contain citations, shall be filed with the clerk;
  - b. One copy, which shall be assembled, numbered and contain citations, shall be provided to counsel for each other party;
  - c. One copy, which shall be assembled and numbered, shall be retained by the counsel preparing them;

- d. One copy, which shall be assembled, numbered and contain citations, shall be provided to the trial judge;
- e. One copy, without numbers or citations, shall be provided to the trial judge.

2. *Formatting.*

- a. Citations, as required by the rule, shall include applicable WPI or WPIC numbers and shall appear on the bottom of the proposed instructions. Whenever a Washington Pattern Instruction (WPI or WPIC) is modified by the addition of, the deletion of, or the modification of certain language, the party proposing the instruction must cite the instruction as follows: "WPI or WPIC Modified."
- b. Jury instructions shall be formatted on 8.5" x 11" paper with one-inch margins on all sides, except the verdict form which should have a three-inch top margin on the first page, and be typed in Times New Roman or similar 12 point font, and double spaced.

3. *Time for Serving Instructions.* Unless requested earlier by the trial judge, all instructions shall be submitted at pretrial but in no event later than the beginning of the first day of trial with the prior approval of the court.

**C. Verdict Forms.** Each verdict form shall be headed with title and cause number of the proceeding. This shall also apply to special interrogatories. A date line shall be included on the same line as the signature for the presiding juror.

**D. Civil and Criminal.** This rule applies to instructions for both civil and criminal cases.

**E. Duties Relating to Return of Verdict.** Attorneys awaiting a verdict shall keep the clerk advised of where they may be reached by phone. Attorneys desiring to be present for the verdict shall be at the courthouse within fifteen (15) minutes of the time they are called. In a criminal case, at least one attorney for each party and the prosecuting attorney or deputy prosecuting attorney shall be present for the receipt of the verdict, unless excused by the court. The defense attorney is responsible for advising the defendant to be present for the verdict unless defendant is in custody.

*[Adopted January 1, 1999; amended effective September 1, 2016; September 1, 2022.]*

## **WWLCR 52 – PRESENTATION OF FINDINGS/CONCLUSIONS, JUDGMENTS AND ORDERS**

- A.** Within ten (10) days after a decision is rendered, any party desiring to submit Findings of Facts and Conclusions of Law, a Judgment, Order or other appropriate document proposed for the entry shall serve opposing counsel/party with a copy of the same and provide the original thereof to the trial judge together with proof of service. Service shall be made on opposing counsel/party and delivered to the trial judge at the same time.
- B.** Any party objecting to the proposed document shall within ten (10) days after receipt thereof serve opposing counsel, and mail/deliver to the judge, objections thereto in writing, together with any proposed substitutions if deemed appropriate. Upon receipt of the proposed document and objections/substitutions, the judge will within ten (10) days sign and file those documents accurately reflecting the court's decision. The court may at any time call for either argument on the record or arrange for a chambers or telephonic conference to settle the issues.
- C.** If no objections/substitutions have been received within the above-described ten (10) day period, the court may sign such proposed documents, or if deficient, return such documents and inform all counsel as to such deficiencies and any requested changes or additions thereto.
- D.** The preceding shall be the exclusive method for presenting judgments and findings of facts and conclusions of law. Orders and other documents also may be presented pursuant to CR 54(f)(2), without oral argument. Any proposed document may be presented ex parte to the court if opposing counsel has approved in writing entry of the proposed document or notice of presentment has been waived in writing.
- E.** If deemed appropriate in some circumstances, the court may shorten the preceding time frames for presentation and shall so notify all counsel/parties.

*[Adopted January 1, 1999; amended effective September 1, 2016; September 1, 2022.]*

## **WWLCR 53.2 – REVISION OF COMMISSIONER'S ORDER**

- A. Time allowed for filing motion for revision.** A motion for revision must be filed within ten (10) days of entry of the order sought to be revised.
- B. Date of Entry defined.** If a party seeks revision of an oral order, the date of entry shall be the date the order was placed in the record. If a party seeks revision of a

written order, the date of entry shall be the date the signed order was delivered to the clerk for filing.

**C. Notice.** A copy of the motion and all supporting documents shall be provided to all other parties to the proceedings at the time of filing. The responding party shall have five (5) judicial days from the receipt of the motion to file a written response with the Clerk and provide copies to all other parties and to the court. All parties shall provide a bench or working copy of documents as required by WWLCR 5(B).

**D. Form and Scope of Motion.** The motion for revision shall specify each claimed error and identify each document in the court file related to the issues raised and include argument and legal authorities in support thereof. The motion shall be accompanied by a copy of the order for which revision is sought, along with copies of all papers which were before the Commissioner in support, or in opposition in the original proceedings. A copy of the motion and all supporting documents shall be provided to all other parties to the proceedings with a bench copy provided to the court.

The court may deny the motion, revise all or any portion of the order, or remand to the commissioner for further proceedings. The court may not consider evidence or issues which were not before the commissioner or not raised by the motion for revision.

**E. The Record.** The motion for revision shall be heard upon the record before the court commissioner. A transcript shall be required for all motions for revision in which there was live testimony. A party moving for revision is responsible for ensuring that the transcript of the proceeding is filed with the court. The moving party is responsible for paying for the transcript or obtaining a fee waiver if they are indigent.

**F. De Novo Review.** Review of the Commissioner's order shall be de novo based on the pleadings and transcript submitted and without oral argument unless requested by the reviewing judge.

**G. Attorney's Fees.** The court may consider a request for reasonable attorney's fees and costs by either party for the revision proceedings if grounds for such a request exists under an applicable court rule, statute, contract, or ground in equity.

**H. Effect of Commissioner's Order.** The Court Commissioner's written order shall remain effective unless and until revised by the judge or unless stayed by the judge pending proceedings related to the motion for revision.

*[Adopted effective September 1, 2016; Amended effective September 1, 2022.]*

## **WWLCR 56 – SUMMARY JUDGMENT**

### **A. Motion and Hearings.**

1. *Briefs.* Briefs, or statements of points and authorities, shall be mandatory with respect to all motions for summary judgment. All originals are to be filed with the Clerk.
2. *Continuance and Confirmation.* In the event a motion for summary judgment or partial summary judgment is noted, and the non-moving party believes that a continuance is warranted, the non-moving party shall file a motion for a continuance, supporting the same with sworn pleadings. Said motion shall, absent the showing of good cause therefore, be heard at least two weeks before the scheduled date of the summary judgment hearing.
3. *Preparedness.* In the event the moving party unreasonably refuses to continue the case or the opposing party unreasonably is not prepared for the hearing, terms may be assessed.
4. *Confirmation Required.* Not less than three (3) business days before the hearing the moving party shall confirm with the court reporter that the motion will be heard on the date set.

*[Adopted effective September 1, 2016; Amended effective September 1, 2022.]*

## **WWLCR 58 – ENTRY OF JUDGMENT**

### **A. When to File.**

1. *Judgments and Orders to be Filed Forthwith.* Any order, judgment or decree which has been signed by the court shall not be taken from the courthouse, but must be filed forthwith by the attorney or party obtaining it with the Clerk's Office or with the deputy clerk in the courtroom. If signed outside the courthouse, the attorney or party procuring the order shall mail it to the appropriate clerk the same day, or file it by the next judicial day.
2. *Settlement.* Upon settlement of any action a judgment of dismissal shall be entered forthwith, and the applicable department's court administrator shall be notified immediately if trial has been set.

### **B. Effective Time.**

1. *Effective on Filing in Clerk's Office.* Judgments, orders and decrees shall be effective from the time of filing in the Clerk's Office, unless filed in accordance with CR 5(e).

2. *Not to be Entered Until Signed.* The clerk will enter no judgment or decree until the same has been signed by the judge or clearly marked as “Proposed.”
3. *Oral Rulings.* Oral decisions and rulings are not effective as orders, judgments, or decrees, except for immediate directives given by a judge in open court with expressly limited purpose and duration.

*[Adopted effective September 1, 2016; Amended effective September 1, 2022.]*

## **WWLCR 59 – NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS**

### **A. Motions for New Trial, Reconsideration or Judgment NOV (CR 59(b)-(j)).**

Motions for New Trial, Reconsideration or Judgment NOV shall be submitted without oral argument unless the court orders otherwise. The motion shall be served and filed as provided in CR 59(b). At the time of filing the motion, the moving party shall serve and file a memorandum of authorities and deliver a bench or working copy of the motion and memorandum to the trial judge and to opposing counsel. The trial judge may (1) deny the motion, (2) grant the motion, (3) call for a written response from opposing counsel, and/or (4) call for oral argument. A trial judge shall not grant the motion without first calling for a written response from opposing counsel.

*[Adopted January 1, 1999; amended effective September 1, 2016; effective September 1, 2022.]*

## **WWLCR 77 – SUPERIOR COURTS AND JUDICIAL OFFICERS**

**A. Court Hours.** Court is in session, unless otherwise ordered, on all days except Saturdays, Sundays and state legal holidays as listed in RCW 1.16.050(1), or as otherwise directed by the Washington State Supreme Court and/or the presiding judge.

**B. Miscellaneous: Reapplication for Order.** When an order has been applied for and refused in whole or in part or has been granted conditionally and the condition has not been performed, the same application for an order must not be presented to another judicial officer without advising the second judicial officer of the fact that the order was previously refused or conditioned.

*[Adopted January 1, 1999; amended effective September 1, 2016; effective September 1, 2022.]*

## WWLCR 79 – BOOKS AND RECORDS KEPT BY THE CLERK

### A. Other Books and Records of Clerk.

1. *Withdrawal of Files from Clerk's Office.* Files generally shall remain in the Clerk's offices. The Clerk or employees thereof may take files to courtrooms or to judicial officers. Judicial officers, the court reporters, and the Court Facilitator may check files out. Attorneys and Guardians ad Litem assigned to a case may check out files only with the express permission of the Clerk or judge hearing the case; otherwise, they may review files at a convenient and appropriate area for such review designated by the Clerk.
2. *Exhibits*
  - a. *Temporary Withdrawal.* Exhibits may be withdrawn temporarily from the clerk's office only by:
    - i. The judge having the cause under consideration;
    - ii. Official court reporters for use in connection with their duties, without court order; and,
    - iii. An attorney of record, upon court order.
3. *Videotaped Depositions.* Videotaped depositions published in open court shall be treated as court exhibits, with the same retention standards. A party who wishes to make a published videotaped deposition part of the court file must submit a certified transcript of the deposition.
4. *Return of Contraband Exhibits.* When contraband, alcoholic beverages, tobacco products or controlled substances are being held by the clerk of the court as part of the records and files in any criminal case, and all proceedings in the case have been completed, the court may order the clerk to deliver such contraband or substances to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law.
5. *Return of Exhibits and Unopened Depositions.* When a civil case is finally concluded, and upon stipulation of the parties or court order, the clerk of the court may return all exhibits and unopened depositions, or destroy the same.
6. *Disposition of Exhibits.* After final disposition of a civil cause, the court after a hearing may order the clerk to destroy or otherwise dispose of physical evidence which cannot, because of bulk or weight, be retained in the case



file, provided that all parties of record are given thirty (30) days written notice of any such hearing.

7. *Security in Handling Court Exhibits.* Any exhibits admitted into evidence in a proceeding in Superior Court, which is a weapon, money, an item of negotiable value, a controlled or dangerous substance or deemed by the court to be bulky, inappropriate or difficult for the Clerk to store, may be admitted and then withdrawn upon the substitution of photograph(s), videotape(s), samples or other facsimile representations as provided by order of the court. Disposition of the original evidence shall be as ordered by the court in each proceeding as appropriate as provided in GR 20.

*[Adopted January 1, 1999; amended effective September 1, 2016.]*

## **WWLCR 81 – APPLICABILITY IN GENERAL**

- A. Criminal Matters.** Walla Walla Local Civil Rules shall also apply to criminal cases insofar as they are applicable and not inconsistent with Walla Walla Local Criminal Rules, State Rules, or statute.

*[Adopted effective September 1, 2016; Amended effective September 1, 2022.]*

## WALLA WALLA LOCAL CRIMINAL RULES (WWLCrR)

### WWLCRR 1 – USE OF RESTRAINTS IN COURTROOM FOR NON-JURY PROCEEDINGS.

- A. Removal for Hearing.** All persons who are in the custody of the Walla Walla County Corrections Department and/or the Washington Department of Corrections (DOC) shall be escorted to the Superior Court Courtrooms in restraints. The restraints shall be removed for each defendant or respondent at the time their hearing is called to be heard by the Court. However, in order to prevent an unmanageable situation for security staff, when there are co-defendants or respondents or multiple incarcerated persons present shackles need not be removed.
- B. Exception.** The Corrections Department, DOC, or State may request that a defendant remain restrained during a hearing. In such circumstances, the defendant or respondent will remain restrained before the court while such motion is made and heard. If the court determines that enough facts have been presented to justify the use of restraints, an order will be prepared immediately granting the motion, and the hearing will proceed with the defendant or respondent remaining in restraints. If the court denies the motion, the proceeding will be delayed long enough for corrections officers to remove the restraints for the duration of the hearing. Unless the court orders otherwise, the restraints shall be reapplied after the hearing in preparation for safe transfer back to the jail.

*[Adopted effective June 10, 2019; Amended effective September 1, 2022.]*

### WWLCRR 3.4 – PRESENCE OF DEFENDANT

- A. When Necessary.** In addition to those hearings listed in CrR 3.4(b), as now or hereafter amended, there is good cause to require the defendant to be present physically or remotely (at the court's discretion) at the following hearings:
1. The defendant's motion to waive jury trial;
  2. A motion for continuance of trial date and waiver of speedy trial rights;
  3. Any hearing where the court is required to conduct a colloquy with the defendant;
  4. Evidentiary hearings conducted pursuant to CrR 3.5 or CrR 3.6;
  5. Weapon-surrender hearings;

- 6. Therapeutic Court review hearings;
- 7. Early Case Resolution (ECR) hearings; and
- 8. Readiness hearings.

**B. Good Cause.** Good Cause is found and based upon the need for cases to proceed and effective administration of justice, including efficient management of jury and court resources.

**C. Waiver of Presence.** Nothing prevents parties from moving the court to waive the defendant’s physical or remote presence for those hearings listed in section A, 1-8 above.

*[Adopted effective September 1, 2021; Amended effective September 1, 2022.]*

**WWLCRR 30 – AUTHENTICATION OF ELECTRONIC STATEMENT OF ARRESTING OFFICER**

**A. Authentication of Electronic Statement of Arresting Officer.** A Statement of Arresting Officer filed with the court pursuant to CrR 2.2(a)(2), CrR 3.2.1(b), JuCR7.3(b), CrRLJ 2.2(a)(2) and CrRLJ3.2.1(b), initiated by a law enforcement officer, is presumed to have been signed when the officer uses his or her user ID and password to electronically submit the document to a court or prosecutor through the New World Public Safety Solutions System of the College Place Police Department, the Walla Walla County Sheriff’s Office, the Walla Walla City Police Department, and the Walla Walla Emergency Services Communications (WESCOM) and the Walla Walla County Corrections Department.

The certification statement provided by the arresting officer utilizing an electronic signature shall contain substantially the following language:

*I certify under penalty of perjury under the laws of the state of Washington that all statements made herein are true and accurate and that I am entering my authorized user ID and password to authenticate it.*

\_\_\_\_\_

*Date and Place of Signing*

\_\_\_\_\_

*Signature*

**B. Applicability.** This rule shall apply to all matters including civil, juvenile and criminal matters, when the authentication of an electronic statement of an officer is required.

*[Adopted March 21, 2018; Amended effective September 1, 2022.]*

# WALLA WALLA LOCAL DOMESTIC RELATIONS RULES (WWLDRR)

## WWLDRR 94.04W

### A. Automatic Mutual Temporary Order.

1. *Contents.* Upon the filing of a summons and petition in any action subject to this rule, the court, on its own motion, shall automatically issue a mutual temporary order that includes the following provisions unless specifically otherwise ordered by the court:
  - a. The parties are restrained from transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the immediate necessities of life or as agreed upon in writing by the parties. Each party shall notify the other party of any extraordinary expenditure made after the order is issued.
  - b. The parties are restrained from assigning, transferring, borrowing, lapsing, surrendering or changing entitlements of any insurance policies of either or both parties, whether medical, health, life or auto insurance, except as agreed in writing by the parties.
  - c. Each party is immediately responsible for any debts he or she incurs after the order is issued, whether by open account, credit card, loan, security interest or mortgage, except as agreed in writing by the parties.
  - d. Each party shall have access to all tax, financial, legal and household records and reasonable access to such records shall not be denied.
  - e. In every action in which children are involved:
    - i. Each parent is restrained from changing the residence of the child(ren) until further order of the court, except as agreed in writing by the parties.
    - ii. Each parent shall ensure that the child(ren) not be exposed to negative comments about the other parent.
2. *Effective Date.* The petitioner is subject to the order from the time of its entry upon filing of the summons and petition. The petitioner shall serve a copy of the order on the respondent. The respondent is subject to the order from the time that it is served. The order shall remain in effect until further order of the court.

### B. Mandatory Mediation.

1. *Applicability.* All contested issues in the following cases shall be submitted to mandatory mediation before proceeding to trial: all family law petitions, including marriage dissolutions, legal separation, and declarations of invalidity; (b) nonparental child custody proceedings; (c) paternity child custody proceedings; (d) actions brought by parties to nonmarital personal relationships involving parenting and/or distribution of assets/liabilities; and (d) petitions for modification of final orders (excluding child support modifications or adjustments). No contested matter described above shall be set for trial without proof of commencement of mediation proceedings. Mediation shall be completed no less than 30 days prior to the scheduled trial date. The mediation requirement or time limits may be waived or modified by the court upon motion for good cause shown or upon the court's own motion. The parties shall mediate in good faith.
2. *Effect during mediation.* Mediation shall not stay or otherwise affect the rights and duties of the parties established by 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.
3. *Selection of mediator.* The parties may select a mediator by agreement. If the parties cannot agree on the method of selection of the mediator, upon motion the court shall select a mediator. A mediator shall have the right to decline to serve in a particular case.
4. *Authority.* The mediator shall have authority to determine the time, place, manner, and duration of mediation. The mediator shall have the authority in his or her discretion to terminate the mediation prior to completion, as appropriate.
5. *Attendance.* The parties shall personally attend all mediation sessions, unless the mediator permits telephonic or other attendance. The mediator shall have the authority to require other persons to attend.
6. *Declaration of Completion.* Within seven (7) days of completion of mediation, a declaration of completion shall be filed with the court by the mediator. The court shall be advised by the mediator of the results of mediation in writing. The mediator shall advise the court only whether an agreement has been reached on some or all of the issues. All agreements reached at mediation shall be reduced to writing and signed by the parties.
7. *Payment.* Mediators shall be paid by the parties in accordance with the agreement of the parties, or, in the absence of agreement, as determined in mediation.

8. *Confidentiality.* The work product of the mediator and all communications during the mediation shall be privileged and confidential and not subject to compulsory disclosure. The mediator shall not appear to testify in any court proceedings except as to the issue of good faith.
9. *Responsibility for compliance with mediation requirements.* The parties shall be responsible for arranging for and completing all mediation requirements established under this rule.

**C. Professional Evaluations.** The court may for good cause order a custody or parenting evaluation, mental health evaluation, alcohol or drug evaluation, treatment, counseling, and/or physical examination. The court will determine the need for appointment of professionals and direct either or both parties to pay for services deemed necessary. The issue of costs shall be addressed in the order requiring said services and shall contain an hourly rate and maximum payment if costs are to be at public expense.

**D. Business Valuations.** If the value of the community interest in a business or professional practice is in dispute, the court may appoint an appraiser to report to the court and the parties on the value of the business or professional practice. The parties may agree upon an appraiser to be appointed by the court. If the parties are unable to agree, each party shall, at the status conference, designate a valuation expert, and the two experts so designated shall, within ten (10) days following the status conference, together recommend to the court a valuation expert to be appointed as an appraiser by the court. Alternatively, each party may retain his or her own appraiser.

**E. Pretrial Conferences.**

1. *When Required.* A pretrial conference shall be held in all contested domestic relations cases. The purpose of the conference is to explore and identify disputed issues. Attendance by all counsel and parties is mandatory. Failure to appear at the pretrial conference, without prior permission of the court, shall constitute an act of default. The present party may move for default pursuant to CR 55. Failure to appear in accordance with the rule may result in sanctions on the party failing to appear.
2. *Discovery; Filing Position Statements.* All discovery shall be completed ten (10) days prior to the pretrial conference. Each party shall prepare his or her position statement and mail or deliver the same to respondent and the court seven (7) days prior to the pretrial conference. If either party fails to comply, the judge may impose terms on the offending party or the party's attorney, and require that the other party's reasonable attorney's fees be paid for any additional work or delay caused by the failure to comply.

3. *Position Statements:*

- a. **Form.** Each party is required to prepare a Position Statement for the court's use at the pretrial conference. The position statement will indicate the proposed disposition of assets and liabilities, as well as proposed maintenance and residential placement of children, as applicable. The position statement shall not be used for any purpose at trial, unless otherwise agreed by the parties.
- b. **Asset/Liability List.** If distribution of assets or liabilities is an issue, each party shall file and serve a list of assets and liabilities known to the party, together with the position statement, and shall indicate the party's good faith opinion as to the fair market value of any asset as of the date of separation. The parties may also indicate the current fair market value if there is a significant difference. This list shall be signed by the party under penalty of perjury. This list may be used at trial, subject to the rules of evidence or agreement of the parties.
- c. **Needs/Abilities Statement.** If spousal maintenance or attorney's fees is at issue, each party shall file and serve a statement containing a list of all income and assets, including any retirement benefits, together with a list of current monthly living expenses. The information regarding liabilities shall indicate the total amount owed as of the date of separation, the amount the party has paid on the debts since the separation, and the monthly payment on the debt. The statement shall also include information concerning the needs and abilities of the party, including age, education, training, work experience, and mental and physical health. This statement of assets, liabilities, needs, and abilities shall be signed by the party under penalty of perjury. This statement may be used at trial subject to the Rules of Evidence or agreement of the parties.
- d. **Exhibits.** At the time of the conference or before, all exhibits intended to be used at trial will be disclosed and a copy provided to the opposing party.
- e. **Automatic Discovery -- Required Documents.** The parties are required to file and exchange as appropriate the following documents no later than 10 days prior to the pretrial conference:
  - i. *Support Worksheet.* If child support is an issue, Washington State Child Support Worksheets (all pages), signed by the submitting party;
  - ii. *Tax Returns.* Complete tax returns for the past two calendar years together with all schedules and W-2's;
  - iii. *Partnership and Corporate Tax Returns.* Complete partnership and/or corporate tax returns for the past 2 years together with all schedules

and attachments for all partnerships and corporations in which a party has had an interest of 5% or greater;

- iv. *Pay Stubs*. All pay stubs showing income for the past 6 months or since January 1 of the calendar year, whichever period is greater;
- v. *Debts*. A copy of the most recent statements of balances due on mortgages, real estate purchase contracts, deeds of trust, installment purchase contracts, credit cards and other time payment accounts owed by or to the parties;
- vi. *Pension Plans*. The most recent employers' ERISA statement and a statement of contributions since that statement, of any pension plan of either party;
- vii. *Personal Property Appraisals*. A written appraisal of any real estate, antiques, jewelry or other items of special, unusual or extraordinary value or a summary of the evidence which will be relied upon;
- viii. *Vehicles*. A verified extract or copy of the most recent N.A.D.A. Official Used Car Guide or other appraisal guide showing both average loan or wholesale and retail values for any automobiles;
- ix. *Tracing*. A summary of the source and tracing of any property asserted to be the separate property or obligation of either party;
- x. *Life Insurance*. A statement from each life insurance company issuing a policy of insurance on the life of either party as to its cash value and any loans on the cash value;
- xi. *Business Appraisals*. A written appraisal of any proprietorship, partnership, or closely held corporation of the parties, or a summary of the evidence which will be relied upon;
- xii. *Experts*. Expert witnesses shall be disclosed at or before the pretrial conference to the extent required by CR 26.

#### **F. Entry of Decree.**

1. *Non-contested Calendar*. The clerk shall not place any dissolution case on the non-contested calendar unless proof is filed that summons was served more than ninety (90) days before the date selected for hearing and that the case has been on file more than ninety (90) days.
2. *Time of Presenting Documents for Signature*. At the time of hearing of a non-contested dissolution case, the necessary documents to be signed must be presented to the court for signature. If signed, they shall be filed with the



clerk forthwith. For good cause shown, the Court may extend the time for presentation.

3. *Disposition of Issues.* No decree of dissolution shall be entered unless the decree disposes of all issues over which the Court has jurisdiction.
4. *Copy of Decree to be Delivered.* In default dissolution cases, at the time of filing the decree, the attorney whose decree was entered shall immediately deliver to his or her client and deliver to or mail to the other party, at his or her address, if known, or to his or her attorney, a conformed copy of the decree with the date of filing the original indicated on each copy so delivered or mailed. The decree shall be filed forthwith upon granting the dissolution.

**G. Orders Pendente Lite.** Ex parte orders in domestic relations matters which restrain one party from the family home or from contact with the other party or children shall not be entered unless the court finds (and the order provides) that irreparable injury could result if the order is not entered. No ex parte orders shall be issued changing the custody of minor children without a clear showing of present danger to a child (children) and/or that the custodial person will, unless custody change is immediate, remove the said child (children) from the State of Washington. The attorney presenting the order shall specifically advise the court that the order presented contains such a provision.

**H. Mandatory Parenting Seminar.** This rule shall apply to all cases which require a parenting plan or residential plan for minor children; including dissolutions, legal separations, major modifications, paternity actions in which paternity has been established, and non-parental custody actions. The court may set standards for approval of parenting seminars and shall approve at least one parenting seminar available to parents. Contact information and instructions regarding the approved parenting seminar(s) shall be available in the Court Clerk's office and from the court upon request.

1. *Mandatory Completion.* In all cases governed by this rule, all parties shall complete a parenting seminar approved by the court. The court may, upon motion by any party or the court in any matter, require attendance at an alternate parenting seminar as deemed appropriate by the court.
2. *Timing.* Parties required by this rule to participate in a parenting seminar shall complete an approved parenting seminar within sixty (60) days of service of a petition or motion initiating the action which is subject to this rule. In the case of paternity actions initiated by the prosecuting attorney's office, the parenting seminar shall be required only when paternity is established or acknowledged and a parenting plan is requested. The court shall require proof of completion of the parenting seminar by both parents before signing a final parenting plan or residential schedule.

3. *Special considerations/Waiver.* In no case shall opposing parties be required to attend an in-person parenting seminar together. If the court determines that attendance at an approved parenting seminar is not in the children's best interest, pursuant to RCW 26.12, or for other good cause shown, the court may:
  - a. Waive the requirement of completion of a parenting seminar; or
  - b. Allow participation in an alternative parenting seminar if available; or
  - c. Extend the time allowed for completion of the parenting seminar.
4. *Failure to Comply.* Willful refusal to participate in an approved parenting seminar or willful delay in completion of an approved parenting seminar by any party will constitute contempt of court and may result in sanctions, including but not limited to, imposition of monetary terms, striking of pleadings, or denial of affirmative relief to a party not in compliance with this rule.

- I. **Pro Se Parenting Plans/Child Support Orders.** In any action in which child support or residential care of a minor child or children is an issue and in which none of the parties are represented by counsel, the parenting plan and child support documents shall first be reviewed, approved, and initialed by the Court Facilitator. If a proposed parenting plan is filed, it need not be initialed or approved by the Court Facilitator, but any agreed parenting plan submitted for court approval must be so initialed and approved.

If the parenting plan or child support order is the result of mediation, the mediator shall affix their signature and WSBA number if applicable to the parenting plan or child support order submitted for court approval, indicating that the parenting plan/child support order is the result of mediation, the date that such mediation occurred, and the name of the mediator and/or mediation service.

*[Adopted January 1, 1999; amended effective September 1, 2016; effective September 1, 2022.]*

## WALLA WALLA LOCAL JUVENILE COURT RULES (WWLJuCR)

### WWLJUCR 1.1 – SCOPE, PURPOSE, EFFECTIVE DATE, AMENDMENTS.

- A. Scope.** These local rules relate to the procedure in the Juvenile Court of Walla Walla County and shall supplement the State Superior Juvenile Court Rules. These rules shall also govern the policy and administration of the Juvenile Court.
- B. Purpose.** The express purpose of the local rules is to develop standardized policy and procedures to ensure the fair and efficient operation of the Walla Walla Juvenile Division of the Superior Court of the State of Washington in Walla Walla County.
- C. Effective Date.** These rules shall take effect on the 1<sup>st</sup> day of August, 2015. All previous existing local Juvenile Court rules are hereby superseded and declared void by the adoption of these rules.
- D. Amendments.** The judges of the Walla Walla County Superior Court may from time to time amend these rules.

*[Adopted January 1, 1999; amended September 1, 2016.]*

### WWLJUCR 1.6 – JUVENILE COURT ADMINISTRATOR DUTIES AND AUTHORITY

#### A. Juvenile Court Administrator.

1. In accordance with RCW 13.04.035, the Juvenile Court will be directed by a Director who is appointed to serve at the pleasure of the Walla Walla Board of County Commissioners and the Walla Walla Superior Court judges. By agreement between the Walla Walla Board of County Commissioners and the Walla Walla Superior Court judges, it is recognized that the Walla Walla County Corrections Department is made up of two divisions. The Adult Division is responsible for the County Jail and related programs. The Juvenile Division has exclusive jurisdiction over those juveniles within the two-County (Walla Walla County and Columbia County) area who violate the criminal laws of Washington State or who are in need of protection and/or advocacy as a result of abuse, neglect, truancy or at-risk behavior. The juvenile department is responsible for the provision of community supervision of youth, juvenile detention, diversion, guardians ad litem, Court Appointed

Special Advocate (CASA) program, truancy and at-risk youth programs, alternative education program, and department administration services.

2. By agreement between Walla Walla Board of County Commissioners and the Walla Walla Superior Court judges, the Director is supervised solely by the Board of County Commissioners for the administration of the Adult Division; the Director is supervised solely by the Walla Walla County Superior Court judges for the administration of the juvenile division.
3. The Director shall direct the Juvenile Court in accordance with the policies and rules of the judges and shall be directly responsible to the presiding Superior Court judge for all juvenile departmental operations and for the carrying out of court rules and policies. The Superior Court judges shall regularly review the Director's performance for adequacy of professional judgment, compliance with state, county and local policies and regulations; and achievement of results consistent with the stated objectives.
4. The Director also oversees alternative court programs such as Family Treatment Court, Drug Court and other therapeutic courts as may be established from time to time under the direction of the judges.

*[Adopted August 1, 2015; amended effective September 1, 2016.]*

# WALLA WALLA LOCAL GUARDIAN AD LITEM RULES (WWLGALR)

## WWLGALR 1 – SCOPE AND PURPOSE

This policy covers the administration and procedures of the Guardian ad Litem/Court Visitor Program for Superior Court, Walla Walla County pursuant to RCW 4.08.060 as amended, RCW 8.25.270 as amended, RCW 11.88.090 as amended, RCW 130.280 and 380 as amended, and RCW 26.12 as amended.

*[Adopted January 1, 1999; amended effective September 1, 2016; effective September 1, 2021; effective September 1, 2022.]*

**A. Statement of Purpose and Scope of Rule.** The purpose of these rules is to establish a minimum set of standards applicable to all superior court cases where the court appoints a Guardian ad Litem, Court Visitor, or any person to represent the best interest of a child, an individual for whom a guardianship and/or conservatorship is sought, or an individual under a guardianship and/or conservatorship pursuant to Title 11, 13 or 26 RCW.

These rules shall also apply to Guardians ad Litem appointed pursuant to RCW 4.08.050 and RCW 4.08.060, if the appointment is under the procedures of Titles 11, 13 or 26 RCW. These rules shall not be applicable to Guardians ad Litem appointed pursuant to Special Proceedings Rule (SPR) 98.16W and chapter 11.96A RCW.

**B. Definitions.** As used in this rule, the following terms have these meanings:

1. *Court.* Court shall mean any superior court in the State of Washington and all divisions thereof.
2. *Court Visitor.* Court Visitor means a person appointed by the court pursuant to Title 11 RCW. Court Visitor may be abbreviated as CV throughout these rules.
3. *Guardian ad Litem.* Guardian ad Litem shall mean any person or program appointed in a Title 11, 13, or 26 RCW action under the Revised Code of Washington to represent the best interest of a child. The term guardian ad litem shall not include an attorney appointed to represent a party. Guardian ad Litem may be abbreviated as GAL throughout these rules.
4. *Judge.* Judge shall mean a judicial officer of the superior court, including commissioners and judges pro tempore.

5. *Registry.* Registry shall mean the list of people authorized by the court to serve as Guardians ad Litem, Court Visitors, or Court Appointed Special Advocates (CASA) programs authorized by RCW 26.12.175.

*[Adopted effective November 27, 2001; amended effective September 1, 2022.]*

## **WWLGALR 2 - POLICY**

**A. Administration.** The Department of Court Services shall maintain and administer the Guardian ad Litem/Court Visitor registries for Guardianship and Family Law. These registries do not include the Court Appointed Special Advocates (CASA) which shall continue to be administered separately by the department.

1. The department shall maintain a completed application form and background information records pertaining to each person on a registry. A person listed on a registry or registries shall re-certify updated background information annually on a date specified for each registry. All application and background information, with the exception of personal identifying information, and pending complaints, shall be available for public inspection.
2. Persons shall be selected to serve on each registry at the discretion of the court with consideration of the following factors:
  - a. That there should be a sufficient number of GALs/CVs available to meet the requests for appointment by the court.
  - b. That the GALs/CVs achieve and maintain a high level of knowledge, skill and professional competence within each given registry.

**B. Training.** The court may sponsor or approve training which registry applicants and members shall be required to attend to maintain and improve their level of proficiency. The court may impose an application fee and/or charge a fee for training programs.

**C. Periodic Application Period.** Each registry may be reconstituted periodically after an open application period has been publicly announced. The court may allow additional applicants to be added to a registry periodically. The registry shall be open for new applications, between February 1<sup>st</sup> and April 30<sup>th</sup> of each year. All required information must be received by the Department of Court Services no later than April 30 of each year. The GAL/CV registry shall be defined no later than June 1 of each year.

*[Adopted January 1, 1999; amended effective September 1, 2016; September 1, 2021; effective September 1, 2022.]*

## **WWLGALR 3 – GUARDIANSHIP REGISTRY**

### **A. Education and Experience Requirements.**

1. *Attorneys.* Attorney GALs/CVs must be members of the Washington State Bar Association in good standing and provide proof of successful GAL and/or CV training as required by Title 11 and/or 26.
2. *Non-Attorneys.* Non-attorneys GALs/CVs must have:
  - a. A associate's level degree from an accredited college in any of the following fields: sociology, psychology, social work, counseling, nursing, medicine or equivalent field; or
  - b. Be certified by the State of Washington as a social worker, mental health therapist, marriage and family counselor, or licensed psychologist, nurse or physician in good standing; or
  - c. Provide proof of prior training, education, and/or work experiences to allow for performance of all duties associated with the program.
3. *Required Training.* All applicants to and members of the GAL/CV registry must complete all training required by RCW 11.88.090 or as amended. In addition, for continued placement on the registry after June 1, 1996, members must complete any continuing training that may be required by statute or by the court.

**B. Application.** The applicant shall submit their signed application, Code of Conduct and Release of Information on the forms provided by the Department of Court Services. All requested items must be filled out and attached with the application when submitted. The applicant must make arrangements with the Department of Court Services to provide fingerprints before the applicant will be considered for appointment as a GAL or CV.

*[Adopted January 1, 1999; amended effective September 1, 2016, amended effective September 1, 2022.]*

## **WWLGALR 4 – FAMILY LAW REGISTRY**

### **A. Education and Experience Requirements.**

1. *Attorneys:*

- a. Members of the Washington State Bar Association in good standing with two years of experience in the practice of law, including a minimum of five (5) completed dissolution cases with children to include post-resolution custody modification; and
  - b. For initial and continued placement on the registry after the effective date of this policy, completion of any training as may be required by statute or the court from time to time. For initial placement on the registry after the effective date of this policy, completion of training pursuant to Section 18 (1), Chapter 249, Laws of 1996.
2. *Non-Attorneys:*
- a. Bachelors level degree in any of the following fields: social work, psychology, nursing, medicine, or equivalent field, and three years documented work experience in the areas of child or family counseling; or
  - b. Certified by the State of Washington as a social worker, mental health therapist, marriage counselor, licensed psychologist, or physician, all in good standing with the State of Washington; and
  - c. For initial and continued placement on the registry after the effective date of this policy, completion of any training required by statute or the court.
3. *Uniform Parentage Cases.* In RCW 26.26 actions, a relative of the minor, the mother or the father may be appointed as a GAL if they comply with the requirements of RCW 26.12.177 and who is otherwise suitable.
4. *Out-Of-State Guardian ad Litem.* In RCW 26.33 actions involving the need for an out-of-state GAL, a non-registry GAL may be appointed so long as the appointed GAL complies with the requirements of RCW 26.12.175 (3).

**B. Application.** The applicant shall submit their signed application, Code of Conduct and Release of Information (attachments A, B, C) of this document. All requested items must be filled out and attached with the application when submitted. The applicant must make arrangements with the Department of Court Services to provide fingerprints before the applicant will be considered for appointment as a Guardian ad Litem.

*[Adopted January 1, 1999; amended effective September 1, 2016.]*

## **WWLGALR 5 – APPOINTMENT OF GUARDIAN AD LITEM/COURT VISITOR FROM REGISTRY**



**A. Appointment of Guardians ad Litem – Title 26.**

1. *Joint Recommendation.* The parties or their attorneys may agree to jointly recommend a GAL from the registry. The court may adopt the joint recommendation or require the parties to use the rotational procedure. An exception to rotational appointment may be considered if the parties stipulate to a GAL with case specific knowledge.
2. *Absent Joint Recommendation.* A GAL not appointed by joint recommendation shall be appointed by the Court on a rotational basis from the approved GAL list established and maintained by The Department of Court Services. If the parties are not in agreement to this GAL from the registry, then the Department shall provide the names of the next three GALs from the list. After reviewing the three names on the list and if the parties agree upon a GAL from that list, they may present an Order of Appointment to the court. If after reviewing the three names on the list, the parties cannot agree, each party may strike one name from the list of three. The court will appoint the remaining name on the strike list as GAL.

**B. Indigent Parties.** If either of the parties is found to be indigent, then the court may appoint a GAL from the list at the expense of the County.

**C. Appointment of Guardians ad Litem/Court Visitors – Title 11.** Appointment of GALs or CVs in Title 11 cases shall be done in a strict rotational basis. The party seeking appointment of a GAL or CV shall contact the Department of Court Services for the next name on the register. The party shall be responsible for contacting that GAL or CV to determine if the GAL or Court Visitor is able to take the case. If the GAL or CV is unavailable, the party shall contact the Department of Court Services for the name of the next GAL or CV on the register.

**D. Procedure to Address Complaints by Guardians ad Litem/Court Visitors.** Complaints by GALs or CVS regarding registry or appointment matters shall be made in writing and be addressed to the Department of Court Services. The Department of Court Services or the Presiding Judge or the Court Administrator shall provide written response to the complainant within 45 business days of receipt of the complaint.

**E. Limited Appointments.** There may be situations where the court wishes to appoint a person in addition to, or instead of, a GA or CV to fulfill very limited roles. This will help avoid conflict of interest situations for GALs/CVs serving in a case and will limit the time and expense spent on cases which do not require a GAL/CV. A person appointed pursuant to this rule is strictly limited to the duties of the role below selected by the court. If the order of appointment does not specifically designate a limited appointment as listed below, the person appointed is presumed to be a GAL/CV, subject to the GAL/CV rules. The court may make the following limited appointments:

1. *Mediator*. The court may either appoint or refer to a person or agency whose role is to assist the parties in reaching an agreement about any or all contested issues in the case.
2. *Evaluator*. The court may appoint or refer to a person or agency for evaluation and findings regarding a specific issue or issues including but not limited to mental health, substance abuse, issues of abuse or neglect, cultural factors, and sexual deviancy.
3. *Visitation supervisor*. The court may appoint or refer to a person or agency to supervise visits and report findings to the court.
4. *Settlement of minors' claims*. The court may appoint a person for the limited purpose described in Special Proceedings Rules (SPR) 98.16W.
5. *Other*. Under exceptional circumstances, upon good cause shown, the court may make other limited appointments as it deems necessary.

**F. Grievances Filed After the Conclusion of a Case or After Discharge of the Guardian ad Litem/court visitor.** If the grievance pertains to a case in which final orders have been entered or an order discharging the GAL/CV has been entered, the Department of Court Services shall, within three (3) business days, forward the grievance to the judicial officer who presided over the trial in the case or who signed the final orders/order of discharge with a copy to the affected GAL/CV, as the judicial officer for the grievance. Thereafter, the procedures set forth in section (5A) shall be followed.

*[Adopted January 1, 1999; Amended effective September 1, 2022.]*

## **WWLGALR 6 – RETENTION OF REGISTRIES**

- A. Unavailability.** Persons on each registry shall promptly inform the court of any temporary unavailability to serve or of their intent to resign from the registry.
- B. Failure to Maintain Application.** A person shall remain on the registry unless the person fails to maintain a current application with attachments or the person is removed or suspended.
- C. Court Review.** A person's retention on the registry shall be reviewed upon the court's receipt of a complaint regarding performance in office or the court's receipt of adverse information regarding the suitability of a person to serve as a GAL/CV. Complaints shall be delivered to the Superior Court Program Administrator or their designee.

*[Adopted January 1, 1999; amended effective September 1, 2016; Amended effective September 1, 2022.]*

## **WWLGALR 7 – PROCEDURES TO ADDRESS ADMINISTRATIVE COMPLAINTS**

**A. Administrative Complaints.** Complaints by GALs or CVs regarding registry or appointment matters shall be made in writing and be addressed to the Court Services Director. A copy of the complaint shall be provided to the Presiding Judge. The Presiding Judge shall provide a written response to the complainant within 15 business days of receipt of the complaint.

*[Adopted January 1, 1999; amended effective September 1, 2016; amended September 1, 2022.]*

## **WWLGALR 8 – GRIEVANCE PROCEDURE**

**A. Commencement of Grievance (Title 11, Title 13, and or Title 26 cases).** The grievance procedure shall commence when the Court Services Director receives in writing a complaint alleging one or more of the following:

1. There has been a violation of the GAL/CV code of conduct;
2. There has been a misrepresentation of his or her qualifications as GAL/CV;
3. The person has not met the annual training requirements; or
4. Any other reason that would place the suitability of the person to act as GAL/CV in question, including, but not limited to the following:
  - a. Breach of confidentiality.
  - b. Falsifying information on the application.
  - c. Falsifying information in a court report.
  - d. Failure to report abuse of a child.
  - e. Improper ex parte communication.
  - f. Representing the court in a public forum without prior approval of the court.
  - g. Violation of state or local laws and these rules while a GAL/CV.
  - h. Improper dissemination or re-disclosure of confidential records.

5. An investigation may also be commenced by the court at any time a judge becomes aware of any facts calling into question the suitability of the person to act as GAL/CV.

**B. Procedure.** Upon receipt of a written complaint or information described in paragraph A above, the Court Services Director shall perform a preliminary investigation. The Court Services Director shall seek a written response from the GAL/CV if the Court Services Director deems a response necessary. The Court Services Director shall thereafter forward the complaint and the response to the Presiding Judge. If the complaint involves a pending case, the matter shall then be referred to and considered by the judge hearing the case. Complaints filed while a case is pending shall be resolved within twenty-five (25) days.

If the complaint does not involve a pending or recently concluded case, the grievance or complaint shall be further investigated, processed, and resolved by the two Superior Court judges or delegated between them on an individual case basis. Complaints not involving a pending or recently concluded case shall be resolved within 60 days. The court recognizes the need to provide, on a case-by-case basis, fair treatment of grievance issues such as appearance of fairness and conflict issues.

If the court determines that the grievance or complaint has merit, the court may take such further action as appropriate including issuing a written reprimand, requiring additional training as a condition of staying on the registry, or suspending or removing the GAL/CV from the registry.

**C. Reconsideration.** A GAL/CV seeking reconsideration of the decision shall do so in writing to the Court Services Director who shall forward the request and other documents to the Presiding Judge for final determination.

**D. Temporary Suspension.** In the discretion of the Superior Court a GAL/CV visitor may be temporarily suspended from the registry pending an investigation and during the grievance process if the suitability of the person to act as a GAL/CV is called into question.

**E. Withdrawal From Registry.** A GAL/CV who withdraws from the registry and who still has active or incomplete cases shall immediately report this circumstance to the Court Services Director who will advise the court to reassign such cases.

**F. Time Limit for Complaints.** Any complaints about the GAL/CV visitor must be received by the Court Services Director within one (1) year from the date of the alleged violation.

**G. Confidentiality.** All complaints shall be confidential unless merit is found. The court shall maintain a record of grievances and complaints filed, as well as any sanctions issued. If a GAL/CV is removed from any registry of this court pursuant

to the disposition of a grievance or complaint, the court shall send notice of such removal to the Administrative Office of the Courts of the State of Washington.

*[Adopted March 19, 2001; amended effective September 1, 2016, amended effective September 1, 2021; amended effective September 1, 2022.]*

## **WWLGALR 9 – PAYMENT OF GUARDIANS AD LITEM/COURT VISITORS**

- A. Authorized by Court.** There shall be no payment of a GAL/CV by anyone, except as authorized by order of the court pursuant to RCW 11.88.090(9) and RCW 26.12.175(1)(b).
- B. Hourly Rate.** Each order appointing a GAL/CV shall set forth the hourly rate of compensation for the investigative/legal work; source of payment, if determined; and in all cases where the county shall be responsible for some or all of the costs, unless waived, shall require the GAL/CV to seek court authorization to provide services in excess of \$1,750.00 per case. Compensation for court appearances shall only be paid to the GAL/CV when that person is required to appear in court in order to testify, or when permission is granted by the court to have the GAL/CV present in court.
- C. Retainer Fee.** The order appointing a GAL/CV may include provisions for a retainer fee to be paid prior to the GAL/CV accepting the appointment. Any unexpended portion of the retainer fee, as evidenced by the itemized accounting required by RCW 26.12.175, shall be returned to the parties according to their proportionate responsibility for payment of the GAL/CV.
- D. Record Keeping.** All fee requests by the GAL/CV submitted to the court shall be supported by contemporaneously-kept time records which distinguish investigative, legal, clerical, travel time, and court time and which shall be served upon all the parties.
- E. Payment Responsibility.** GAL/CV fees shall be the responsibility of a party, or parties, unless the court has entered an order authorizing payment at public expense.
- F. RCW Title 11 Guardians ad Litem/Court Visitors.** GALs/CVs appointed pursuant to RCW Title 11 shall be compensated in accordance with the provisions of RCW 11.88.090 and RCW 11.88.097; provided however, that in the event it is shown by motion supported by affidavit that the county shall be responsible for such costs, the fees shall not exceed \$1,750.00 per case. The affidavit in support of a motion for county paid fees shall set forth the financial position of the alleged incapacitated person, including assets, potential causes of

action, monthly income and monthly expenses. If additional fees beyond the \$1,750.00 are requested such request shall be by a separate motion supported by appropriate affidavits. The order authorizing disbursement of county funds shall provide that those fees shall be reimbursed to the county in the event the estate obtains, within a reasonable period of time, sufficient assets.

*[Adopted effective September 1, 2016; amended effective September 1, 2022.]*