Chelan Superior Court

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PREFACE

1. Promulgation. These rules shall be known as the Local Rules for the Superior Court of the State of Washington for Chelan County. Copies of these rules will be filed with the Clerk of Court for Chelan County and will be distributed

to all law offices in Chelan and Douglas Counties. Additional copies will be available at the office for the Clerk for Chelan County. These rules shall be effective September 1, 2011 and supersede all prior rules of this court.

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

LR .01
COURTROOM SAFETY

No person (except for duly and regularly commissioned law enforcement officers of the State of Washington and other states of the United States of America not appearing on their own family law matter) shall be on the Fifth Floor of the Chelan County Regional Law and Justice Center, Juvenile Justice Center or Auditorium (when being used for court purposes) while armed with ANY firearm or taser or explosive device or any knife having a blade length of more than three inches or any billyclub, blackjack, truncheon or bat, nor shall any such person be in any of the fore-mentioned areas while possessing any gas gun or other device used for the spraying of tear gas, mace or other noxious chemical substance, nor any incendiary device.

Any person found having any of the articles or devices heretofore mentioned which are banned from the fifth floor of the Chelan County Regional Law and Justice Center, Juvenile Justice Center and Auditorium (when being used for court purposes) 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 shall be subject to punishment for contempt of court and prosecuted under RCW 9.41.300.

LR.02
PRESIDING JUDGE

(a) Election. The judges of the superior court shall elect a presiding judge and assistant presiding judge as required by GR 29. The first election shall occur on or before July 1, 2002. Each succeeding election shall occur on or before January 1 of even-numbered years, beginning with 2004. The election shall be conducted at a meeting of all judges of the district by open vote.

(b) Term. The term of the presiding judge and assistant presiding judge shall be for two years commencing on January 1 of the year in which the term begins. The term of the initial presiding judge pursuant to this rule shall be from date of election until December 31, 2003.

(c) Vacancies. Interim vacancies of the office of presiding judge or assistant presiding judge shall be filled as provided in LGR 29(a).

(d) Executive Committee. The two judges not serving as presiding judge shall constitute an executive committee to advise the presiding judge. The responsibilities of the presiding judge, as set forth in GR 29, may be shared with members of the executive committee.

LR 5
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(d) Filing.

(5) Documents Not to be Filed. Photocopies of reported cases, statutes or texts shall not be filed as an appendix to a brief or otherwise but shall be furnished directly to the judge hearing the matter. Documents or copies thereof produced during discovery and other items, which should properly be received as exhibits rather than as a part of the court file shall not be included in the court file.

(6) Case Information Cover Sheet. Each new civil and domestic case filing shall be accompanied by a Case Information Cover Sheet prepared and submitted by the party filing said new civil or domestic case. Attached as Exhibit A to this rule is the form of the Case Information Cover Sheet.

(7) Electronic filing of documents. Electronic filing of documents shall be permitted provided that the electronic transmission of documents is done in a manner approved by the Superior Court Clerk.

(A) Signatures: Use of electronic filing by a party or attorney shall constitute compliance CR11's signature requirement. A printed copy of the electronically filed document with original signatures shall be maintained by the filing party and made available for inspection by other parties or the Court upon request. Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) may also be filed electronically by indicating in the original signatures are maintained by the filing party in paper-format.

(B) Time for Filing and Effect of Use of Efiling: Any pleading filed electronically shall be considered as filed with the Court when transmission is completed ("authorized date and time"). Any document Efiled with the Court by 5:00 PT shall be deemed filed with the Court on that date.

(C) Form of Documents Electronically Filed: All electronically filed pleadings shall be formatted in accordance with the applicable rules governing formatting of paper pleadings.

(D) Payment Of Statutory Filing Fees: All statutory filing fees shall be collected and paid for electronically filed documents according to the then current methods approved by the Clerk of the Chelan County Superior Court.

LR 7
PLEADINGS ALLOWED; FORM OF MOTIONS

(b) Motions and Other Papers.

(1) How Made.

(A) Reapplication on Same Facts. When a motion has been denied in whole or in part (unless without prejudice) or when a motion has been granted conditionally and the condition has not been performed, the same motion may not be presented to another judge. Reapplication shall be made in the same manner as a motion to reconsider. NOTE: SEE LR 56 FOR SUMMARY JUDGMENT MOTIONS.

(B) Subsequent Motion; Different Facts. If a subsequent motion is made upon alleged different facts, the moving party must show by affidavit what motion was previously made, when and to which judge, what order or decision was made on it, and what new facts are claimed to be shown.

(C) Notes for Motion Calendar; Time for Filing. Any party desiring to bring any motion prior to trial, other than a motion for summary judgment, must file with the Clerk and serve all parties and the Judge assigned to hear the motion or the Presiding Judge at least five (5) court days before the date fixed for such hearing. A BENCH COPY OF THE MOTION AND ALL SUPPORTING DOCUMENTS SHALL BE DELIVERED TO THE CHELAN COUNTY COURTHOUSE OR MAILED OT THE JUDGE. THE MAILING ADDRESS FOR ALL JUDGES IS P.O. BOX 880, WENATCHEE, WA 98807-0880. The documents should include a Note for Motion, the motion and supporting documents.

(i) Note for Motion - Dissolution Actions. See Washington Pattern Form.

(ii) Other Actions. The note must contain the title of the court; the date, the time when the same shall be heard; the words "Note for Motion", the names of the attorneys for all parties or parties pro se; the nature of the motion; and by whom the motion is made. Attached as Exhibit B to this Rule is an example form of a Note for Motion that may be used for Chelan County causes. Any sections of Exhibit B that do not apply to the particular motion may be deleted from the form prior to filing. This note for motion must be signed by the attorney or party pro se filing the same, with the designation of the party represented.

(iii) The note or other document shall provide a certificate of mailing of all documents relating to the motion. If a party noting the matter for hearing: (a) has a limited ability to speak or understand the English Language, or (b) knows or, after reasonable inquiry has reason to believe, that any other party to the action has limited ability to speak or understand the English Language, the party noting the matter for hearing shall indicate on the Note for Motion form that an interpreter is needed. If the matter being noted is other than a family law matter, or if the language for which the interpreter is needed is not Spanish, the party filing the Note for Motion shall simultaneously with such filing provide a copy of the Note for Motion to the Judicial Assistant. This paragraph shall not apply to State-initiated child support enforcement or modification actions or to State-initiated paternity actions so long as the State provides an interpreter for such proceedings.

Responding documents and briefs must be filed with the Clerk and copies served on all parties and the Judge scheduled to hear the motion, no later than noon two (2) court days prior to the hearing. Copies of any additional responding or reply documents must be filed with the Clerk and served on all parties no later than noon of the court day prior to the hearing.

(D) Late Filing; Terms. Any material offered at a time later than required by this rule, over objection of counsel, may be rejected by the Court, or the matter may be continued and the court may impose appropriate terms or sanctions.

(E) Telephonic Hearing. Any party may request to argue any motion by telephone conference call. The requesting party shall contact the judge or commissioner scheduled to hear the motion at least three (3) days before the hearing for permission under such conditions as ordered by the court. All parties retain the right to argue motions in person, even if the other party appears by telephone.

(F) Special Settings. To special set any matter before the assigned judge, contact the person responsible for scheduling that judge's calendar as follows:

Dept. No. 1 Judge Lesley A. Allan LuAnne Nelson 667-6212 E-mail: LuAnne.Nelson@co.chelan.wa.us

Dept. No. 2 Judge T.W. Small Karen Komoto 667-6212 E-mail: Karen.Komoto@co.chelan.wa.us

Dept No. 3 Judge Alicia H. Nakata Luanne Nelson 667-6209 E-mail: Luanne.Nelson@co.chelan.wa.us

If you are not certain which judge is assigned to the case contact Fona Sugg at 509 667-6210 or E-mail Fona.Sugg@co.chelan.wa.us.

LR 8
SHOW CAUSE ORDERS

(g) Certified copies of show cause orders shall not be issued by the Clerk of the Court without payment in advance.

LR 10
FORM OF PLEADINGS

(f) Any document or correspondence presented to the Court for filing which does not have the correct cause number on the face of such document or correspondence may not be filed and may be returned to the presenter.

LR 16
PRETRIAL PROCEDURE AND FORMULATING ISSUES

(c) Pre-Trial Conference. Any order for a pre-trial conference shall be in the form of and include the

provisions as set forth in the Exhibit "C" 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. A pre-trial order in the form of Exhibit "D" 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 25 exhibits or more at the time of trial. Said notice shall be given no less than two (2) weeks prior to the trial date.

(f) Settlement Conferences

(1) On Motion by Party. Any party in any pending case may serve and file a motion for a settlement conference directed to the department to which the settlement is assigned in accordance with paragraph (5) below.

(2) On Court's Motion. The court to which a case is assigned for trial may, upon its own motion after a trial date has been set, order a settlement conference in any pending case, and a settlement conference shall be held unless all parties file objections thereto.

(3) Subsequent Motion by Party. Where a motion for a settlement conference is defeated by the filing of an objection or objections, any party in said cause may file another motion for a settlement conference after thirty days following the filing of the last previous motion for a settlement conference.

(4) Order for Settlement Conference. Upon the entry of an order for a settlement conference, the judge shall fix a specific date and hour for the conference. If the party presenting such order has limited ability to speak or understand the English Language, or if such party knows or, after reasonable inquiry has reason to believe, that any other party to the action has limited ability to speak or understand the English Language, the party presenting such Order for entry shall indicate on such order that an interpreter is needed and the language for which the interpretation is needed. The party presenting such order for entry shall, substantially simultaneously with the entry of such order, provide a copy thereof to the Judicial Assistant.

(5) Assignment of Judge. A judge not assigned to preside over the trial shall conduct the settlement conference.

(6) Preparation and Attendance. The attorney personally in charge of each party's case shall personally attend all settlement conferences and shall, not less than three (3) days prior to the date set for the settlement conference, serve on the assigned judge and the attorney for the opposing party a letter succinctly addressing the following:

a. A brief factual summary;
b. Issues regarding liability;
c. Issues regarding damages, both special and general
d. History of any settlement negotiations; and
e. Current position on settlement.

In family law cases, counsel shall also serve on the assigned judge and attorney for the opposing party the completed matrix included herein as Exhibit B to LR 94.04.

Each attorney shall be prepared to discuss the foregoing in detail at the settlement conference.

(7) Attendance of Parties. The parties shall in all cases attend the settlement conference.

Parties whose defense is provided by a liability insurance company need not personally attend said settlement conference, but a representative of the insurer of such party, if such a representative is available in Chelan-Douglas counties, shall attend with sufficient authority to bind the insurer to a settlement. In the event such a representative is not available, counsel representing the party whose defense is provided by the insurer shall make a good faith effort to obtain settlement authority to bind the insurer to a settlement prior to the settlement conference.

Attendance of any party may be excused by the court where by reason of health, or other good and sufficient reason, compelling his personal attendance would be unduly burdensome. Whether or not the attendance of any party is required shall rest in the discretion of the judge presiding at the settlement conference. Request for excuse shall be made at least three (3) days prior to the hearing.

(8) Proceedings Privileged. Proceedings of said settlement conference shall, in all respects, be privileged and shall not be reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the judge may, at the request of any party, in his or her discretion, order the settlement to be reported or recorded.

(9) Sanctions. Where a party has failed to comply with any of the provisions of this rule the court shall make such orders as are just, which shall include the award of reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

LR 32
USE OF DEPOSITIONS IN COURT PROCEEDINGS

(a) Use of Depositions.

(6) Video Depositions. When presenting video depositions, a written deposition must also be filed. The videotape may be returned after the appeal period, regardless if it is published or not.

LR 37
FAILURE TO MAKE DISCOVERY; SANCTIONS

(f) Completion of Discovery. Unless otherwise stipulated to by the parties, or ordered by the Court upon good cause shown and such terms and conditions as are just, all discovery allowed under CR 26 through 37, including responses and supplementations thereto, must be completed no later than 35 calendar days prior to the date assigned for trial. Nothing herein stated shall modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise comply with discovery prior to the 35-day cutoff.

LR 47
JURORS

(k) Counsel or the parties shall not contact or interview jurors or cause jurors to be contacted or interviewed after trial without first having been granted leave to do so by the Court.

LR 49
VERDICTS

(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 20 minutes of telephone notice to the attorney's office, home or other number, the court may proceed to take the verdict in the absence of such party or attorney. In such case, the jury shall be individually polled and the identity of any dissenting jurors recorded.

LR 52
DECISIONS, FINDINGS AND CONCLUSIONS

(f) In all actions tried to the court, counsel for each party shall, two (2) days prior to trial, provide the Court and opposing counsel with proposed findings of fact and conclusions of law. Provided, that proposed findings and conclusions are not required in domestic cases of any kind, except that the court may, at its discretion, require proposed findings and conclusions, in a particular case or the parties may voluntarily submit such findings and conclusions.

(g) Time Limit for Presentation. In cases tried to the court, findings of fact, conclusions of law and a proposed judgment shall be presented within twenty (20) days of the court's oral or memorandum decision; provided however, that in the event post-trial motions are filed, the twenty (20) days shall run from the date of ruling on such motions.

In the event that said findings of fact, conclusions of law and the proposed judgment are presented to the court in excess of twenty (20) days of the court's oral decision, the party presenting such findings of fact, conclusions of law and proposed judgment shall, if requested by the court, prepare and file a transcript of the court's oral decision.

LR 56
SUMMARY JUDGMENT

(i) Special Setting. Summary judgments shall be heard by the judge who is assigned to preside over the trial.

ALL MOTIONS FOR SUMMARY JUDGMENT MUST BE SPECIAL SET. SPECIAL SETTINGS SHALL BE OBTAINED BY CONTACTING THE PERSON RESPONSIBLE FOR SCHEDULING AS SET FORTH IN LR 7(b)(1)(F).

(j) Service and Filing

FOR ALL JUDICIAL DEPARTMENTS

A working copy for the judge of the motion, all supporting documents and all responding documents shall be delivered to the courthouse or mailed to the judge at the time of filing the originals.

FOR DEPARTMENT 2 (HONORABLE T.W. SMALL)

In addition to paper working copies, it is strongly preferred that working copies be submitted via e-mail in PDF format with hyperlinks to all cited cases and statutes. E-mailed documents should be sent to Karen.Komoto@co.chelan.wa.us and Fona.Sugg@co.chelan.wa.us.

The mailing address for all judges is P.O. Box 880, Wenatchee, WA 98807-0880. If working copies are not received, the judge may strike the hearing.

Where depositions or interrogatories are a part of the evidence relied upon, counsel's affidavits, briefs and arguments must cite the depositions or interrogatories by page and line.

ANY MATERIAL OFFERED AT A TIME LATER THAN REQUIRED BY THIS RULE OVER OBJECTION OF COUNSEL SHALL NOT BE ACCEPTED AND CONSIDERED BY THE COURT EXCEPT UPON THE IMPOSITION OF APPROPRIATE TERMS OR SANCTIONS, INCLUDING THE RIGHT TO A CONTINUANCE IF REQUESTED.

Any motion for summary judgment or responsive pleadings to a motion for summary judgment shall list and identify all evidence the Court should consider.

(k) Confirmation. On any motion for summary judgment, counsel for the moving party shall contact the person responsible for scheduling for the judge or commissioner (LR7(F)) three court days preceding the date set for hearing and advise whether the motion will be heard. If notification is not made, the motion will be stricken for resetting.

LR 58
ENTRY OF JUDGMENT

(m) Judgment on a Promissory Note. No judgment on a promissory note will be signed until the original note has been filed with the Clerk, absent proof of loss or destruction.

LR 59
MOTION FOR RECONSIDERATION

(3) Nature of Hearing

(A) A motion for reconsideration or for a new trial shall be submitted on briefs and declarations or affidavits only, without oral argument, unless the trial 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 motions for reconsideration, copy of note for motion calendar and responses thereto shall be delivered to the judge at the time of filing.

(B) The scheduled hearing date will not ordinarily involve oral argument. However, it will be the earliest date that the court will consider the merits of the motion.

LR 65
INJUNCTIONS

(b) TEMPORARY RESTRAINING ORDER; NOTICE; HEARING; DURATION.

(1) Notice to Opponent. Failure to give notice as required by CR 65 may result in the imposition of terms and/or sanctions on the moving party.

LR 77
SUPERIOR COURTS AND JUDICIAL OFFICERS

(o) Court Calendar

(1) The Motion Judge will hold Probate and Law and Motion Calendars each Friday at 9:30 a.m. Adoption hearings will be heard at 9:00 a.m. on the Law & Motion Calendar.

(2) The Judges rotate as Motion Judge according to the schedule published periodically by the Judges.

The Motion Judge's schedule is as follows:

Monday:		Criminal Calendar
Tuesday:	9:00	Domestic Violence Calendar
Wednesday:		Criminal Calendar
Thursday:	9:30	Special Set Criminal Matters (week prior to criminal trials)
Friday:	9:30	Law & Motion Calendar (Adoptions at 9:00 AM)

To obtain a special set please call (509) 667-6210 or e-mail Fona.Sugg@co.chelan.wa.us.

A COURT REPORTER WILL NOT BE PROVIDED FOR ANY CIVIL MATTER SCHEDULED, EXCEPT PATERNITY ACTIONS, UNLESS REQUESTED AT LEAST TWO COURT DAYS BEFORE THE HEARING OR TRIAL.

(3) Except as otherwise provided in LR 77(o)(3)(a) hereof, Domestic Relations and Domestic Show Cause hearings where an attorney has appeared will be held each Monday at 1:30 p.m. Court Commissioner Vandegrift will preside. Domestic Relations and Domestic Show Cause hearings where the parties are pro se will be specially set before the assigned judge.

(a) Domestic Relations and Domestic Show Cause hearings requiring more than 30 minutes will be scheduled by special setting before the judge assigned to hear the trial. See LR 7(b)(1)(F).

A COURT REPORTER WILL NOT BE PROVIDED FOR ANY DOMESTIC RELATIONS SHOW CAUSE HEARING UNLESS REQUESTED AT LEAST TWO COURT DAYS BEFORE THE DATE OF THE HEARING.

(4) Default Dissolution Hearings will be held on Tuesdays at 1:30 p.m. Court Commissioner Vandegrift will preside.

(5) Juvenile Calendars will be held on Tuesdays, Thursdays 8:30 a.m. or such other time as matters are set. Court Commissioner Vandegrift will preside over juvenile calendars.

(6) Dependency Hearings will be held on Wednesdays or such other time as matters are set. Court Commissioner Vandegrift will preside.

(7) Holiday Scheduling - any court calendar falling on an official court holiday will be cancelled.

(A) The Judges may, by order, further alter these court schedules as needed and as available courtroom space requires.

(p) Ex parte Matters.

(1) Non-Emergency. Non-emergency ex parte orders shall be left in the Judges Chambers box in the County Clerk's Office or in the mailbox outside the door to Judges Chambers for consideration. Orders left prior to 10:30 a.m. will be considered by the Court and available for pick-up on the County Clerk's office not later than 4:30 p.m. that same day. Orders left after 10:30 a.m. will be available for pick up not later than 4:30 p.m. on the following day.

(2) Emergency Orders. Emergency orders may be presented directly to Judges Chambers and will be considered by any available judge, or as soon as a judge becomes available.

(q) Special Settings. Any civil matter which will require more than ten minutes of argument per party shall be specially set at a time arranged with the Court. See LR 7(b)(1)(F).

(r) The Judges will preside over all matters scheduled on a calendar even though the matter is assigned to another department, except for sentencings, motions for summary judgment or matters where there is a conflict.

LR 78
CLERKS

(g) Pleadings or other papers requiring action on the part of the Clerk of the Court (other than filing, stamping, docketing and placing in the court file) shall constitute action documents. Action documents shall include a special caption directly below the case number on the first page such as "Clerk's Action Required". The specific action required of the Clerk shall be stated with particularity in the body of the pleading or other paper requiring action on the part of the Clerk.

LR 94.04
MARRIAGE DISSOLUTION ACTIONS

A. NON-CONTESTED DISSOLUTION HEARINGS.

(1) Hearing. Non-contested dissolution cases will be heard on a calendar set by the Superior Court Judges and Clerk. The days and times are set forth in LR 77. The Clerk shall not place any case on the non-contested calendar unless the file shows one of the following:

a. The applicant's opponent has joined in the petition for dissolution of marriage; or

b. The applicant's opponent has waived notice or has signed a consent to hearing on the date noted; or

c. An order for default has been applied for or entered.

The Clerk shall not place any 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 or that the case has been on file more than ninety days and both parties have submitted to the jurisdiction of the court.

(2) Note for Non-contested Calendar-Attorney. A notice of hearing on the non-contested calendar must be filed by counsel with the Clerk at least three court days before the date of the hearing.

(3) Note for Non-contested Calendar- Without Attorney (Self-represented). A notice of hearing on the non-contested calendar by a self-represented party shall be accompanied by pre-approved pleadings which the party proposes to submit to the court as final orders. Such proposed pleadings shall include Findings of Fact and Conclusions of Law or Waiver of same signed by all parties, Decree, Parenting Plan and/or Residential Schedule, Child Support Worksheets, Order of Child Support, and a Residential Time Summary, where applicable.

The Clerk shall not place any case on the non-contested calendar upon application by any self-represented party unless it is accompanied by the party's pre-approved, proposed pleadings.

(4) Self-represented Note for Show Cause Calendar-Without Attorney.

All self-represented parties, at the time of scheduling a show cause hearing, must provide the Clerk copies of all pre-approved pleadings which the self-represented party proposes to submit to the court as orders. Such proposed pleadings shall include Temporary Orders, Temporary Parenting Plans/Residential Schedules, Temporary Order of Child Support, etc, where applicable.

(5) Self-represented Emergency Ex Parte Orders. Parties shall not be required to obtain pre-approval of pleadings submitted for emergency ex parte orders.

(6) Self-represented parties shall obtain pre-approval of all final documents only from the Chelan County or Douglas County Superior Courthouse Facilitator, Director of Family Law at Community Action, or a private attorney. Pre-approval shall be designated in a manner clearly ascertainable and approved by the Chelan County Clerk.

The Clerk shall not file said proposed pleadings, but shall instead place all proposed pleadings on the fly leaf of the court file.

(7) Order on Non-contested Calendar. The order of the calendars shall be as follows:

a. Matters where attorneys appear;

b. Self-represented matters in which pleadings are complete for the court's review;

c. All other matters.

(8) Mandatory JIS Search for All Cases Involving Children. At least three (3) days prior to scheduled hearing for entry of final orders, self-represented parties and attorneys must complete and submit the form in Exhibit 1. If orders are to be presented ex parte, this completed form must accompany the final documents when presented to the court for signature.

(9) Withdrawal of Consent. Before a decree is entered, a party may move to withdraw any consent or waiver previously given. Such motion must be supported by affidavit showing good cause and shall be noted for hearing on the show cause calendar.

(10) Disposition of Issues in Decree. No decree of dissolution shall be entered unless the decree disposes of all issues over which the court has jurisdiction relating to disposition of property and liabilities of the parties and support or maintenance of either spouse. For good cause shown, the court may in its discretion enter a decree of dissolution stating that it retains jurisdiction to dispose of issues relating to parenting and

child support.

B. CONTESTED DISSOLUTIONS.

(1) Pretrial Forms. In all final hearings or trials in domestic relations matters, each party shall provide to the judge or commissioner, and serve on 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 attorney to convey the following:

(a) A brief factual summary;

(b) Issues in dispute [whether property, debts or custody];

(c) Case law, if it will be argued, supporting your position;

(d) Proposed distribution of assets and debts, proposed parenting plan and child support amount, if in dispute;

(e) Areas of agreement.

If one of the parties is seeking maintenance or child support, both parties shall complete the financial declaration contained in Exhibit A to LR 94.04.

If the parties are in dispute as to the distribution of assets and debts, both parties shall complete Exhibit B to LR 94.04. The pretrial forms shall not be filed with the Clerk.

Unless explained otherwise by the parties, the values shown on the pretrial form should include proposed pension, retirement, profit sharing or other deferred benefit or financial security plan; the cash surrender value of all life insurance policies; the amounts of accounts receivable, inheritance due, and trust accounts; the fair market value of all other property including collections, antiques; and in the case of automobiles, the average between wholesale and retail blue book values.

(2) Enforcement. If either party fails to comply with paragraph B(1) set forth above, the trial judge may order such party or his attorney to pay an appropriate attorney's fee 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.

(3) Continuances. Stipulations or motions 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.

C. CHILD CUSTODY OR PARENTING PLAN PROCEEDINGS

(1) Parenting Plans.

(a) Proposed, Temporary and Permanent Parenting plans shall be in the form required by State law. Proposed temporary parenting plans need not have the dispute resolution and decision making sections completed.

D. DATING AND MAILING OF DECREES AND ORDERS.

(1) 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 immediately deliver or mail to the opposing party, or to the opposing party's last known address, or to opposing counsel, a true copy of the decree or order with the date of entry indicated on each copy. A declaration of mailing of such true copy shall be filed.

E. HEARINGS - SHOW CAUSE - PRELIMINARY AND TEMPORARY ORDERS

(1) Hearings. See Local Rule 77.

(2) Hearings by Documentary Evidence. All show cause hearings pertaining to requests for temporary support money and/or attorney's fees shall be heard and determined by documentary evidence only, unless the parties request that oral testimony be given and the court, in its discretion, agrees.

(3) Supporting Worksheet. A motion for order to show cause for temporary support shall be supported by a child support worksheet in the form prescribed by state law and may also include a financial declaration in the form designated in Exhibit A attached to this rule. No order shall be signed setting a show cause hearing for temporary support unless the signed worksheet accompanies the motion.

(4) Information Considered Notwithstanding Non-appearanceAn affidavit or child support worksheet filed by a non-appearing respondent shall be considered by the court at the time of hearing on show cause hearings and upon hearing default dissolutions.

(5) Limitations on Declarations.

(a) Application. This section (5) of this rule does not apply to domestic violence petitions or domestic violence motions.

(b) Children's statements. Declarations by minors are disfavored.

(c) Format: All filed documents and copies provided as "Working Papers" and served on other parties and attorneys shall be legible. If typed or computer printed, documents shall be in 12 point or larger type, double-spaced between the lines.

(d) Page limits.

(i.) Generally. Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witnesses in support of motions (except financial declarations), including any reply, shall be limited to a sum total of twenty-five (25) pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of twenty (20) pages.

(ii.) Exhibits. Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. All other exhibits attached to a declaration or affidavit shall not be counted toward the page limit.

(iii.) Financial Declarations. Financial Declarations and financial documents do not count toward the page limit.

(iv.) Expert Reports and Evaluations. Declarations, affidavits, and reports from Court Appointed Special Advocates (CASA), Guardians Ad Litem (GAL) and expert witnesses do not count toward the page limit.

(v.) Miscellaneous Exceptions. Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the court in lieu of the court file do not count toward the page limit. Deposition excerpts shall not count toward the page limit.

F. DISPOSAL OF PROPOSED PARENTING PLAN.

The Clerk is authorized to remove from the file and dispose of all proposed parenting plans after the Permanent Parenting Plan has been entered and the time for appeal has elapsed.

I. MANDATORY INFORMATION EDUCATION WORKSHOP

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

(1) Types of Proceedings Required. Each person named as a party in the following types of proceedings filed after January 1, 1997, must comply with LSPR 94.04I:

1. Dissolution of Marriage with child(ren) under 18 years old;

2. Legal Separation or Declaration of Invalidity with child(ren) under 18 years old;

3. Petition to establish custody or visitation including paternity; and/or

4. Post-judgment petition involving custody or visitation.

(2) Service on Parties. The Clerk of the court shall provide a copy of this rule (LR94.04 I) to the initiating party for service upon all parties against whom relief is sought, together with a statement describing the program including contact telephone numbers, addresses, statement of costs, and an explanation of how to request a waiver or deferral of the program registration fee.

(3) Mandatory. Each party who files an appearance in a proceeding of the types described above in Section (1) shall complete the program unless exempted by the court. No final order approving any residential or parenting plan shall be entered without proof of completion of such education program by the parents or legal guardians unless otherwise ordered by the court.

(4) Ninety (90) Day Deadline. Each party shall attend and complete an approved parenting workshop within ninety (90) days of filing a proceeding specified in Section (1) above.

J. MANDATORY JIS SEARCH FOR ALL CASES INVOLVING CHILDREN

At least three (3) days prior to scheduled hearing for entry of final orders, self-represented parties and attorneys must complete and submit the form in Exhibit C to LR 94.04. If orders are to be presented ex parte, this completed form must accompany the final documents when presented to the court for signature.

LR 96.04
CHANGE OF NAME OF STEPCHILD

When changing the name of a child under the age of 18 to the name of the child's stepfather, the petitioner shall give notice of such proceeding except as provided by statute to:

a. The father, if the child has been born during marriage, or

b. The father, if paternity is established, or

c. Any other person with a paternal interest by virtue of an adoption.

In addition, written consent shall be required of any child over 14 years of age.

LR 98.04
ESTATES - PROBATE

(a) Ex Parte. All probate matters that are not contested and in which notice is not required by statute, rule, or duly filed request for notice under R.C.W. 11.28.240 or where such notice has been waived, may be done ex parte.

(b) Contents of File for Ex Parte Presentation. The following documents will be presented before ex parte presentation:

(1) Original will;

(2) Affidavits of subscribing witnesses;

(3) Certified copy of Death Certificate-SSN redacted;

(4) Order admitting will to probate or order appointing administrator if petition is by surviving spouse;

(5) Petition for order of solvency if solvency is requested;

(6) An inventory or partial inventory of assets and debts sufficient to prove solvency;

(7) An order of solvency.

(c) Presentation by Mail. An original probate application may be presented by mail under the following conditions.

(1) All documents required by 98.04(b) shall be presented in the mailing;

(2) All documents shall bear the personal original signature of counsel or party pro se presenting same;

(3) Covering Letter. All documents shall be accompanied by a covering letter of explanation personally signed by the presenter and shall request the Clerk to deliver the documents to a Judge or a Court Commissioner for signing;

(4) Return Envelope. A self-addressed return envelope bearing sufficient postage paid shall be

included for the return of any request conformed copies.

LR 98.09
GUARDIANSHIP FUNDS

In all guardianships in which the funds are held by the guardian as trustee for the ward, the funds shall be placed in a designated bank account and the passbook for such account shall be deposited with the Clerk of the Court and withdrawals made from such account only upon order of the Court.

The tax identification number or social security number of the ward should be included in any order where the Clerk of the Court is required to invest funds.

LR 98.10
CHELAN COUNTY SUPERIOR COURT GUARDIAN AD LITEM ROTATIONAL REGISTRY
(TITLES 11 AND 26)

SCOPE/PURPOSE
This local rule covers the maintenance and administration of the Guardian ad Litem Registry maintained by the Registry Administrator.

DEFINITIONS
None.

POLICY

A. Registry Administration

1.1 The court shall maintain and administer the GAL registries. These registries are limited to Titles 11.88 and 26 GAL's. These requirements and procedures also apply to persons not listed on a registry who are appointed to serve as a Guardian ad Litem in a field for which there is a registry.

1.2 The Court shall maintain an application form and background information records pertaining to each person on a registry. Persons listed on the registry shall reapply and update background information annually on a date specified for the registry. All application and background information, with the exception of personal identifying information in family law cases and pending complaints, shall be available for public inspection.

1.3 Persons shall be selected to serve on the registry at the discretion of the Court giving due consideration to:

(1) having a sufficient number of GAL's available to fulfill the requests for appointment; (2) achieving and maintaining diversity; and (3) retaining panels of persons with substantial experience and special knowledge within given fields. In some cases there may be more qualified applicants that will be needed or would benefit the program, so that not all persons applying will be selected.

1.4 The court shall periodically sponsor or approve training programs which registry applicants shall be required to attend to maintain and improve their level of proficiency. Training programs may be co-sponsored or offered by the state or local bar association under the oversight of the court.

1.5 The registry may be reconstituted periodically after and open application period has been announced. The court may allow additional applicants to be added to the registry periodically.

1.6 The court may impose an application processing fee and/or charge a fee for the training programs.

B. Education and Experience Requirements

2.1 Attorneys

a. Member of the Washington State Bar Association in good standing; and

b. For initial placement on registry, completion of any training as required by statute. For retention on registry, completion of any continuing training, as may be required by statute or the court from time to time.

2.2 Non-attorneys

a. For initial placement on registry, completion of any training as required by statute. For retention on registry, completion of any continuing training, as may be required by statute or the court from time to time.

b. Eligibility to be determined by the court.

C. Application

Each person requesting to be listed on the Guardian Ad Litem Registry (or registries) shall submit an application on the current form provided by the court.

D. Appointment of a Guardian ad Litem from Registry

4.1 If the parties agree on the appointment of a GAL, they may choose any GAL from the court registry in private pay cases. If the parties cannot agree, or if the GAL is to be paid by county funds, the Registry Administrator shall appoint the next available GAL on the rotational list.

4.2 The party or parties needing the Registry Administrator to appoint a GAL from the rotational list shall request the same of the Registry Administrator, who shall appoint as GAL that person whose name next appears on the registry on a rotational basis, subject to that person's acceptance of the appointment.

4.3 The person appointed by the Registry Administrator shall serve upon the parties a notice of appointment.

E. Retention on Registry

5.1 Persons on the registry shall promptly inform the court of any temporary unavailability to serve, or of their intent to resign from the registry.

5.2 A person who files an annual update when the same is requested by the Registry Administrator shall remain on the registry unless the person is removed or suspended as set forth in Section F.

5.3 A person may be denied listing on, or may be temporarily suspended from, the registry for any reason that places the suitability of the person to act as GAL in question.

5.4 A GAL who ceases to be on the registry and who still has active or incomplete cases shall immediately report this circumstance to the Registry Administrator, who shall reassign such cases.

5.5 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. Complaints shall be reviewed in accordance with Section F.

F. Complaint Procedure

6.1 There shall be a complaint review committee consisting of the Superior Court Presiding Judge, the Juvenile Court Administrator and a representative of the Chelan/Douglas Counties Bar Association.

6.2 All complaints must be in writing and must be submitted to the Superior Court Presiding Judge.

6.3 Upon receipt of a written complaint, the Presiding Judge shall convene the Complaint Review Committee within 10 business days to review the complaint. Upon review of the complaint, the complaint Review Committee shall either:

a. Make a finding that the complaint has no merit on it's face, and decline to review the complaint and so inform the complainant; or

b. Make a finding that the complaint does appear to have merit and request a written response from the GAL within 10 business days, detailing the specific issues in the complaint to which the Committee desires a response. The Committee shall provide the GAL with a copy of the original complaint. A GAL's failure to respond within the required 10 business days will result in the immediate suspension of the GAL from all registries.

c. In considering whether the complaint has merit, the Complaint Review Committee shall consider whether the complaint alleges the GAL has:

1. Violated the code of conduct;
2. Misrepresented his or her qualifications to serve as GAL;
3. Not met the annual update requirements set forth in Paragraph 1.2 of this policy;
4. Breached the confidentiality of the parties;
5. Falsified information in a report to the court or in testimony before the court;
6. Failed to report abuse of a child;
7. Communicated with a judicial officer ex-parte;
8. Represented the court in a public forum without prior approval of the court;
9. Violated state or local laws, rules, or this policy in the person's capacity as a GAL; or,
10. Taken or failed to take any other action which would reasonable place the suitability of the person to serve as GAL in question.

6.4 Upon receipt of a written response to a complaint from the GAL, the Complaint Review Committee shall, within 10 business days, make a finding as to each of the issues delineated in the Committee's letter to the GAL that either there is no merit to the issues based upon the GAL's response or that there is merit to the issue. The Review Committee may, at their discretion, extended the time for entering findings to conduct additional investigation if necessary, however, in no case shall that extension be for more than 20 business days and the GAL shall be notified.

6.5 The Complaint Review Committee shall have the authority to issue a written admonishment, a written reprimand, refer the GAL to additional training, recommend to the court, upon it's own motion to remove the GAL from the instant case, or suspend or remove the GAL from the registry. In considering a response, the Committee shall take into consideration any prior complaints which resulted in an admonishment, reprimand, referral to training, removal of the GAL from a particular case, or suspension or removal from a registry. If a GAL is listed on more than one registry, the suspension or removal may apply to each registry the GAL is listed on at the discretion of the Committee.

6.6 The complainant and the GAL shall be notified in writing of the Committee's decision within 10 business days of receipt of the GAL response.

6.7 A GAL may, within 5 business days of receipt of notification that they have been suspended or review the Committee's decision. The court shall designate a hearing officer. The sole purpose of the hearing shall be to review the appropriateness of the suspension or removal from the registry. The hearing officer shall review the written record of the instant case and any prior complaints upon which the Committee relied and hear oral arguments from the GAL and a representative of the Committee. Said hearing shall be conducted within 20 days of the receipt of the request for the hearing.

G. Payment of Guardian ad Litem

7.1 There shall be no payment of a GAL by anyone, except as authorized by order of the court.

7.2 Each order appointing GAL shall set forth the hourly rate of compensation for the investigative/legal work; source of payment, if determined; and unless waived, shall require the GAL to seek court authorization to provide services in excess of fifty hours per case, not including court appearances.

7.3 The order appointing a GAL may include a provision for a retainer fee, as evidenced by itemized accounting, shall be returned to the parties according to their proportionate responsibility for payment of the GAL.

7.4 All fee requests by the GAL submitted to the court shall contain time records, which distinguished investigative/legal, administrative/clerical, and travel time and shall also be served upon the parties.

7.5 GAL fees shall be the responsibility of a party or parties unless the court has entered and order authorizing payment at public expense.

LR 98.11
COMPLAINT PROCEDURE FOR TITLE 13 GUARDIANS AD LITEM

Any complaint filed against a Title 13 guardian ad litem, whether the guardian ad litem is a member of the

Chelan-Douglas CASA/GAL Program or an attorney guardian ad litem appointed by the court, will follow the complaint procedure outlined in LR 98.10(F).

LCrR 1.6
DUTIES

The full time Chelan County Court Commissioner shall have the authority to accept pleas in criminal matters.

LCrR 2.2
WARRANT OF ARREST AND SUMMONS

(g) Warrants by Fax Machine. Law enforcement officials in outlaying areas of Chelan County may send by Fax machine a motion, affidavit and order for a search warrant or an arrest warrant to the Court at fax number (509) 667-6588. Upon authorization and entry by the Court, a signed copy of the order shall be sent back by Fax machine to the law enforcement official for execution. Each faxed document shall indicate the date and time sent. The original of the order shall be presented and signed at the earliest possible time for filing with the Court.

LCrR 3.1
RIGHT TO AND ASSIGNMENT OF LAWYER

(d)(4) Defendants who request appointment of counsel may be required to promptly execute and file a financial disclosure under oath, which shall substantially comply with the form set forth in Exhibit A attached hereto, or the defendant may be required to provide the information orally to the court.

(5) All appointments of counsel by reason of indigency are expressly contingent upon indigency and full disclosure of assets. Where income or assets are discovered or change 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.

(6) Upon appointment of counsel for indigent criminal defendants or other litigants, the Clerk shall promptly provide counsel with notice of the appointment.

(e)(1) Attorneys representing defendants in criminal cases, except when appointed by the court, must serve prompt written notice of their employment upon the prosecuting attorney and file the same with the Clerk of the Court, and note the same for a hearing. No withdrawal will be granted by the Court, except for cause deemed sufficient by the Court. Approval of withdrawal may, if necessary to prevent a continuance of a trial or hearing, be denied, and such attorney be required to proceed with the trial.

LCrR 3.4
PRESENCE OF THE DEFENDANT

(d) All preliminary and timely arrangements for the court appearance of any defendant held in custody shall be the responsibility of the deputy prosecutor in charge of the case, who shall advise the jail staff of the defendant's required appearance.

LCrR 3.6
SUPPRESSION HEARINGS - Duty of Court

Threshold hearings may be stricken upon stipulation by the prosecuting attorney that the defendant has made a preliminary showing for the 3.6 hearing.

LCrR 4.2
PLEAS

(i) If a criminal case is set for trial but will be disposed of by a change of plea, the guilty plea shall be heard on or before the trial date. The court may authorize a continuance and hear the change of plea at a later date.

LCrR 4.5
OMNIBUS HEARINGS

(d)(1) Motions. All rulings of the Court at omnibus hearings or on motions shall be binding on the parties and shall not be relitigated at trial.

(i) If there is no dispute regarding omnibus requests, the motion shall be signed by both parties and presented to the Court ex parte for signature before the date of omnibus hearing.

(ii) A defendant need not appear at the omnibus hearing if there are no disputed omnibus requests.

LCrR 7.1
PROCEDURES BEFORE SENTENCING

(b)(1) When required; Time of Service. Unless otherwise directed by the Court, the prosecuting attorney and the defendant's attorney shall, not less than ten (10) days before the sentencing date, serve a copy of any presentence report upon the opposing party and send the original to the sentencing judge. The Department of Corrections shall serve a copy of its report upon the prosecuting attorney and the defense attorney and the original to the sentencing judge not less than ten days before the sentencing date.

(2) Contents of Defendant's Report. The defendant's presentence report which requests a sentence outside of the standard range shall outline any proposed programs, specifically state, among the other details, what community resources are available for implementation of the program.

If the defendant is not requesting a sentence outside of the standard range, the defense presentence report shall indicate the recommended sentence, the type of program that should be afforded the defendant, and reasons therefore.

(3) Penalties for Violation. A violation of this rule may result in the refusal of the Court to proceed with the sentencing until after reports have been served and filed as directed herein, and in the imposition of terms, or the Court may proceed to impose sentence without regard to the violation.

(4) Preliminary Confidential Filing of Report. The Clerk of the Court shall file under seal and not permit examination of the pre-sentence report, any psychological, sociological, and mental health examinations, sex offender treatment evaluations, and polygraph examinations until further order of the court. Upon request for the inspection of such documents, the court shall reasonably promptly inspect the file and provide for inspection of all non-confidential and disclosable information to the requesting individual.

LCrR 7.8
PAYMENT OF COSTS

(a) In all criminal cases, except where the Court Order is to the contrary, the Judgment and Sentence shall provide that the Clerk shall disperse monies received from the criminal defendant in the following order:

(1) Restitution;

(2) Crime Victims Compensation;

(3) Court Costs;

(4) Attorneys Fees;

(5) Drug Fund;

(6) Fines.

LMAR 1.1
APPLICATION OF RULES - PURPOSE AND DEFINITIONS

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

LMAR 1.3
RELATIONSHIP TO THE SUPERIOR COURT JURISDICTION AND OTHER RULES - MOTION

All motions before the Court relating to mandatory arbitration shall be noted on the civil motions calendar in accordance with LR 77, except as otherwise provided in these rules arbitration.

LMAR 2.1
TRANSFER TO ARBITRATION

(a) Statement of Arbitrability. In every civil case the party filing the Note for Trial Docket provided by Civil Rule 30 shall, upon the form prescribed by the court, complete a Statement of Arbitrability.* Within 14 days after the Note for Trial and Statement of Arbitrability have been served and filed, any party disagreeing with the Statement of Arbitrability or willing to stipulate to arbitration shall serve and file a response to the Statement of Arbitrability on the form prescribed by the Court.** In the absence of such response, the Statement of Arbitrability shall be deemed correct, and the case shall be deemed set for arbitration. If a party asserts that its claim exceeds $50,000 or seeks relief other than a money judgment, the case is not subject to arbitration except by stipulation.

(b) Failure to File - Amendments. A party failing to serve and file an original response within the time prescribed may later do so only upon leave of court. A party may amend the Statement of Arbitrability or response at any time before assignment of an Arbitrator or assignment of trial date and thereafter only upon leave of court for good cause shown.***

If a party noting the matter for trial setting: (a) has a limited ability to speak or understand the English Language, or (b) knows, or after reasonable inquiry has reason to believe, that any other party to the action has limited ability to speak or understand the English Language, the party noting the matter for trial shall indicate on the Note for Trial Setting and Initial Statement of Arbitrability that an interpreter is needed. The party filing such Notice of Trial Setting and Initial Statement of Arbitrability shall, simultaneously with such filing, provide a copy of the Notice of Trial Setting and Initial Statement of Arbitrability to the Judicial Assistant.

(c) By Stipulation. A case in which all parties file a stipulation to arbitrate under MAR 8.1 will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy.****

* Form LMAR 2.1(a)1
** Form LMAR 2.1(a)2
*** Form LMAR 2.1(b)
**** Form LMAR 2.1(c)

LMAR 2.3
ASSIGNMENT TO ARBITRATOR

(a) Generally; Stipulations. When a case is set for arbitration, a list of five proposed arbitrators will be furnished to the parties.* A master list of arbitrators will be made available upon request. The parties are encouraged to stipulate to an arbitrator.** In the absence of a stipulation, the arbitrator will be chosen from among the five proposed arbitrators in the manner defined by this rule.

(b) Response by Parties. Each party may, within 14 days after the list of proposed arbitrators is furnished to the parties, nominate one or two arbitrators and strike two arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the Arbitration Administrator will randomly appoint an arbitrator from among those not stricken by either party.

(c) Response by Only One Party. If only one party responds within 14 days, the Arbitration Administrator will appoint an arbitrator nominated by that party.

(d) No Response. If neither party responds within 14 days, the Arbitration Administrator will randomly appoint one of the five proposed arbitrators.

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

LMAR 3.1
QUALIFICATIONS

(a) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the Superior Court Judges may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the Court. A list showing the names of arbitrators available to hear cases and the information sheets will be available for public inspection in the Arbitration Administrator's Office. The oath of office on the form prescribed by the Court must be completed and filed prior to an applicant being placed on the panel.

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

LMAR 3.2
AUTHORITY OF ARBITRATORS

An arbitrator has the authority to:

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

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

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

LMAR 4.2
DISCOVERY

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

LMAR 5.1
NOTICE OF HEARING - TIME AND PLACE - CONTINUANCE

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

* Form LMAR 5.1(a)
** Form LMAR 5.1(b)

LMAR 5.2
PREHEARING STATEMENT OF PROOF - DOCUMENTS FILED WITH THE COURT

In addition to the requirements of MAR 5.2, each party shall also furnish the Arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant. The court file shall remain with the County Clerk. The Arbitrator shall strictly enforce the provisions of MAR 5.2 and is encouraged to withhold permission to present evidence at time of hearing if the parties have failed to comply with this rule.

LMAR 5.3
CONDUCT OF HEARING - WITNESSES -RULES OF EVIDENCE

(a) Oath or Affirmation. The Arbitrator shall place a witness under oath or affirmation before the witness presents testimony.

(b) Recording. The hearing may be recorded electronically or otherwise by any party at his or her expense.

(c) Certain Documents Presumed Admissible. The documents listed below, if relevant, are presumed admissible at an arbitration hearing, but only if (1) the party offering the document serves on all parties a notice, accompanied by a copy of the document and the name, address, and telephone number of its author or maker, at least 14 days prior to the hearing in accordance with MAR 5.2; and (2) the party offering the document similarly furnishes all other parties with copies of all other related documents from the same author or maker. This rule does not restrict argument or proof relating to the weight of the evidence after hearing all of the evidence and the arguments of opposing parties. The documents presumed admissible under this rule are:

1. A bill, report, chart or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead or billhead;

2. A bill for drugs, medical appliances or other related expenses on a letterhead or billhead;

3. A bill for or an estimate of property damage on a letterhead or billhead. In the case of an estimate, the party intending to offer the estimate shall forward with the notice to the adverse party, a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy to the receipted bill showing the items of repair and the amount paid.

4. A police, weather, wag loss, or traffic signal report, or standard United States government life expectancy table to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

5. A photograph, x-ray, drawing, map, blueprint or similar documentary evidence, to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

6. The written statement of any other witness, including the written report of an expert witness, and including a statement of opinion which the witness would be allowed to express if testifying in person, if it is made by affidavit or by declaration under penalty of perjury;

7. A document not specifically covered by any of the foregoing provisions but having equivalent circumstantial guarantees of trustworthiness, the admission of which would serve the interest of justice.

(e) Opposing Party May Subpoena Author or Maker as Witness. Any other party may subpoena the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker as if under cross-examination.*

* Form 5.3(e)1 or Form 5.3(e)2

LMAR 6.1
FORM AND CONTENT OF AWARD

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

(b) Exhibits. All exhibits offered during the hearing shall accompany the award and be filed with the Clerk.

* Form LMAR 6.1(a)

LMAR 6.2
FILING OF AWARD

A request by an Arbitrator for an extension of time for the filing of an award under MAR 6.2 may be presented to the Presiding Judge, ex parte. The Arbitrator shall give the parties notice of any extension granted.

LMAR 6.3
JUDGMENT ON AWARD

(a) Presentation. A judgment on an award shall be presented to the Presiding Judge, by any party, on notice in accordance with MAR 6.3.

LMAR 7.1
REQUEST FOR TRIAL DE NOVO - CALENDAR

Trial Date: Jury Demand. Every case transferred to the arbitration calendar shall maintain its position on the trial calendar as if the case had not been transferred to arbitration. A case that has been given a trial date will not lose that date by reason of being transferred to arbitration. The case shall be stricken from the trial calendar after the twenty (20)-day period within which a party may request a trial de novo has elapsed. Any jury demand shall be served and filed by the appealing party along with the request for a trial de novo, and by a non-appealing party within 14 calendar days after the request for trial de novo is served on that party. If no jury demand is timely filed, it is deemed waived.

*Form LMAR 7.1

LMAR 7.2
PROCEDURE AT TRIAL

The Clerk shall seal arbitration awards at the time they are filed.

LMAR 8.4
TITLE AND CITATION

These rules are known and cited as the Chelan County Mandatory Arbitration Rules. LMAR is the official abbreviation.

LMAR 8.5
COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as Judges Pro Tempore of the Superior Court; provided, however, that said compensation shall not exceed $600.00 for any case unless prior approval is granted by a judge. Hearing time and reasonable preparation time are compensable.

(b) Form. When the award is filed, the Arbitrator shall submit to the Court a request for payment on a form prescribed by the Court. The Presiding Judge shall determine the amount of compensation and costs to be paid.

LMAR 8.6
ADMINISTRATION

The Arbitration Administrator, under the supervision of the Superior Court Judges, shall supervise arbitration under these rules and perform any additional duties, which may be delegated by the judges.

EX. A - LR 5 CASE INFORMATION COVER SHEET

The contents of this item are only available on-line.

EX. B - LR 7 NOTE FOR MOTION

The contents of this item are only available on-line.

EX. C - LR 16 ORDER FOR PRETRIAL CONFERENCE

The contents of this item are only available on-line.

EX. D - LR 12 PRETIRAL ORDER

The contents of this item are only available on-line.

EX A-LR 94.04 FINANCIAL DECLARATION

The contents of this item are only available on-line.

EX B-LR 94.04 MATRIX

The contents of this item are only available on-line.

EX C-LR 94.04 JIS SEARCH FORM

The contents of this item are only available on-line.

DECLARATION DECLARATION OF INDIGENCY

The contents of this item are only available on-line.

LMAR 2.1(A)1 NOTE FOR TRIAL SETTING AND INITIAL STATEMENT OF ARBITRABILITY

The contents of this item are only available on-line.

LMAR 2.1(A)2 RESPONSE TO NOTE FOR TRIAL SETTING AND INITIAL STATEMENT OF ARBITRABILITY

The contents of this item are only available on-line.

LMAR 2.1(B) AMENDED STATEMENT OF ARBITRABILITY

The contents of this item are only available on-line.

LMAR 2.1(C) STIPULATION TO ARBITRATION

The contents of this item are only available on-line.

LMAR 2.3(A) NOTICE OF PROPOSED ARBITRATORS

The contents of this item are only available on-line.

LMAR 2.3(A)2 STIPULATION TO ARBITRATOR

The contents of this item are only available on-line.

LMAR 5.1(A) NOTICE OF ARBITRATION HEARING DATE

The contents of this item are only available on-line.

LMAR 5.1(B) ORDER OF CONTINUANCE OF ARBITRATION HEARING DATE

The contents of this item are only available on-line.

LMAR 5.3(E)1 SUBPEONA

The contents of this item are only available on-line.

LMAR 5.3(E)2 SUBPOENA DUCES TECUM

The contents of this item are only available on-line.

LMAR 6.1(A) ARBITRATION AWARD

The contents of this item are only available on-line.

LMAR 7.1 REQUEST FOR TRIAL DE NOVO AND FOR CLERK TO SEAL THE AWARD

The contents of this item are only available on-line.