Local Rules of the Superior Court for Cowlitz County

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RULE 1.
DEPARTMENTS OF SUPERIOR COURT

(a) Departments. The Superior Court of Cowlitz County shall be divided into as many departments as there are judges authorized by law. Said departments are presided over and by the following judges, and each said judge shall be designated and known as judge of said department until otherwise changed by amendment of this local rule.

Department No. 1: Judge Gary B. Bashor

Department No. 2: Judge Stephen M. Warning

Department No. 3: Judge Michael H. Evans

Department No. 4: Judge Marilyn K. Haan

Department No. 5: Vacant

RULE 8.
COURT ORGANIZATION AND MANAGEMENT

(a) Management. The judges of the superior court shall elect, by majority vote, a presiding judge who shall serve for a period of two years. The election will take place in December of odd-numbered years. The presiding judge's term shall commence January 1. That judge shall have all powers enumerated in GR 29.

At the same time, the judges shall elect an acting presiding judge to serve in the absence of the presiding judge.

All judges other than the presiding judge shall constitute the executive committee. The executive committee will share all the duties,

responsibilities, and powers of the presiding judge.

(b) Court commissioners qualified under Article 4, Section 23 of the Washington Constitution are authorized to preside over and consider all matters in adult felony proceedings specified under RCW 2.24.040.

[Amended effective September 1, 1993; September 1, 1995; September 1, 1997; September 1, 2000; September 1, 2002; September 1, 2005; September 1, 2006; September 1, 2012.]

RULE 9.
COURT RECORD

[Deleted effective September 1, 2006]

RULE 10.
EMAIL COMMUNICATION

a. Purpose: The purpose of this rule is to provide guidelines for the use of e-mail in communicating with the judges and/or court staff. This rule does not apply to the other forms of communication and does not establish a preference for e-mail communication over any other form of communication. E-mail is another tool to provide information as may have been through a telephone call or delivery of documents but it is not intended to substitute as oral argument on any issue.

b. Guidelines for use of email: Attached documents to an e-mail must be in a PDF format. A party must advise the court and parties of any later updated or changed versions of a document previously sent via e-mail.

c. E-mail communication with the judge and/or court staff is appropriate in the following typical situations:

i. To obtain a date for an in-court hearing;

ii. To submit proposed orders;

iii. To determine the judge's availability;

iv. To determine the availability of equipment needed for trial (such as a video play or speaker phone);

v. To determine the judge's preference as to the number of copies of jury instructions required for trial;

vi. To advice the court of a settlement (to be immediately followed by formal written notice pursuant to CR 41(e));

vii. To determine whether the judge will accept pleadings, jury instructions, legal memoranda, and the like, in the form of an e-mail submission;

viii. Other matters of a similar nature that would be appropriate to handle by way of a phone call to a judge or court staff.

d. Ex parte communication prohibited: The prohibitions regarding ex parte contact with the court are fully applicable to e-mail communication. If an attorney is communicating substantive information to court staff, the e-mail must also be sent to the opposing attorney and so indicate on its face. Substantive information includes information regarding the likelihood of settlement, the timing of witnesses, anticipated problems with scheduling, concerns regarding security and other case-specific issues.

e. Service of working copies and pleadings: Absent prior permission of the court, e-mail may not be used to provide working copies of legal pleadings, including jury instructions. Absent agreement of the opposing attorney or express permission of the court, e-mail may not be used for service of pleadings on opposing parties, even in those situations where the court has agreed to accept working copies by e-mail.

f. Retention of e-mail: The court is not obligated to retain any electronic communications. Original documentation shall be filed by the parties with the County Clerk's Office.

[Adopted Effective September 1, 2012]

RULE 11.
INTERPRETERS

(a) A written request must be made to the Interpreter Coordinator at least two weeks in advance if an interpreter is needed for a Superior Court hearing or trial. Requests can be emailed. More advanced notice should be given for specialized and/or high demand languages, longer hearings, or if multiple interpreters are needed. If these timelines are not followed, an interpreter may not be

available for a hearing and may require the matter be continued to allow for the presence of an interpreter.

(b) The request for an interpreter should include the following information:

i. Date, time, estimated length and type of hearing.

ii. Language or other type of interpreter needed (for specialized/indigenous languages please indicate the city and/or region where the Limited English Proficiency person is from).

(c) Immediately notify the Interpreter Coordinator if a hearing is continued or set over. Failure to do so at least two days before the hearing may result in the party being charged for the cost of the interpreter if the interpreter cannot be cancelled without a fee.

(d) A confirmation of the request for the interpreter will be sent to the requesting party by the Interpreter Coordinator within five days of receiving the request. If the requesting party has not received confirmation of the request for an interpreter, then the requesting party should immediately contact the Interpreter Coordinator to verify the request has been received and the necessary interpreter is available for the scheduled hearing.

[Adopted effective September 1, 2012; amended January 1, 2013.]

RULE 4.2
PLEAS

DELETED

[Deleted effective September 1, 2012

RULE 5.
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(d) Filing.

(5) Filing Required Before Applications to Court. No motion for any order shall be heard unless the papers pertaining to it have been filed with the clerk, except for requests to waive filing fees as provided in Rule 9.

(6) Trial Briefs. All legal briefs shall be timely served and filed with the cause number, and a copy thereof delivered to the trial judge in accordance with these Rules. Nothing herein contained shall be construed to restrict the right of attorneys to submit supplemental briefs or memoranda of authority at any other time during the trial/hearing.

[Amended effective September 1, 2005; September 1, 2012]

RULE 7.
PLEADINGS ALLOWED; FORM OF MOTIONS

(b) Motions and Other Papers.

(1) How Made.

(A) Application on Same Facts. When an order has been refused in whole or in part (unless without prejudice) or has been granted conditionally and the condition has not been performed, the same application for an order may not be presented to another judge.

(B) Subsequent Application, Different Facts. If a subsequent application is made upon an alleged different state of facts, it must be shown by affidavit that previous application was made, when and to what judge, what order or decision was made on it, and what new facts are claimed to be shown; and for a failure to comply with this requirement, any order made upon such subsequent application may be set aside, and appropriate sanctions applied.

(C) Request for Bench Warrant. In all supplemental proceedings wherein an order is to be issued requiring the personal attendance of a party to be examined in open court, and in orders to show cause for contempt, the order shall be certified and personally served on that party and must include the following words, in capital letters:

YOUR FAILURE TO APPEAR AS ABOVE SET
FORTH AT THE TIME, DATE AND PLACE
THEREOF WILL CAUSE THE COURT TO ISSUE A BENCH
WARRANT FOR YOUR APPREHENSION AND CONFINEMENT
IN JAIL UNTIL SUCH TIME AS THE MATTER CAN
BE HEARD OR UNTIL BAIL IS POSTED.

No bench warrant will be issued in such cases for the apprehension of the cited person if said language has been omitted.

(D) Affidavits. Affidavits must be made on personal knowledge, and affidavits containing the personal knowledge of a party must be signed, under oath, by that party, not by the attorney.

[Amended effective September 1, 2012]

RULE 9.
PLEADING SPECIAL MATTERS

Waiver of Fees. Any request to waive or defer any fee, charge, or assessment, in whole or in part, must be made in a separate pleading seeking only that relief. The pleading will be titled to indicate that it seeks such a waiver or deferral.

The party seeking the waiver or deferral shall provide a proposed order in conformity with the motion. That order shall address no other issue.

[Adopted effective September 1, 2008.]

RULE 10.
FORM OF PLEADINGS AND OTHER PAPERS

(a) Caption.

(4) Bench Copies of Pleadings.

(i) Any courtesy copy of a pleading provided to the court shall have the date and time of the pending hearing on the upper right-hand corner of the first page of the pleading;

(ii) A courtesy PDF copy of a pleading may be emailed to a judge in accordance with CCLAR 10, but a hard copy should also be provided for the judge.

(e) Bottom Notation.

(3) At the right side of the bottom of the first page of each pleading or other paper, the email address should be included, if available.

(f) Date of Documents. All documents presented to a judge for signature shall provide for a date on which the document is signed, immediately above the judge's signature.

(g) Pleadings to be Dated. All pleadings, motions and other papers to be filed with the clerk shall be dated by the lawyer, party, or individual preparing the same.

(h) File Copies to be Originals; Paper Requirements. All original documents filed shall be on 8.5 inch by 11 inch white paper, clear, clean, legible and permanent ink, and typewritten on non-translucent bond paper or other paper suitable for document imaging. Printed, photocopied and other comparable reproductions are acceptable. The court may refuse to sign, and the clerk may refuse to file, any pleading not complying with this Rule GR 14(a).

(i) Pro Se Pleadings. Pro se pleadings and papers shall be typewritten and shall conform to the format requirements of CR 10.

(j) Sealed Pleadings. In all cases subject to GR 31, any request to seal a pleading or document shall be accompanied by the appropriate fee. The fee schedule is available from the county clerk or online at www.co.cowlitz.wa.us/clerk. If payment is in the form of a check, it should be made to "Cowlitz County Clerk."

[Amended effective September 1, 1995; September 1, 2002; September 1, 2005; September 1, 2009; September 1, 2010; September 1, 2012.]

RULE 11.
SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS

(a) Address of Party Appearing Pro Se. A party appearing pro se shall state on all pleadings filed, a mailing address for that party, a street address where service of process and other papers may be made on that party, and a telephone number where that party can be contacted during the day unless that information is made confidential by statute. When a party appears pro se without filing a pleading or other paper, the clerk shall cause the party to insert in the file a paper, or other special indication, that the party has appeared without a lawyer and the party's mailing address, a street address where service of process or other papers may be made, a telephone number where the party can be contacted during the day and an email address (if available).

[Amended effective September 1, 2012]

RULE 15.
AMENDED AND SUPPLEMENTAL PLEADINGS

(e) Interlineations.

(1) Initials and Dates. Interlineations, corrections and deletions in pleadings and all other papers filed with the clerk shall be initialed and dated by the party or the attorney filing them.

[Amended effective September 1, 2012]

RULE 16.
PRE-TRIAL PROCEDURE AND FORMULATING ISSUES

(c) Motion by Party. All requests or motions for Pre-assignment of a judge, scheduling order and/or pre-trial conferences shall be heard as other civil motions.

(d) Assignment

(i) Pre-assignment. The judge hearing the request will decide which cases would benefit from pre-assignment of a judge and if pre-assignment is found to be appropriate the judge will either assign the case to him/herself or have the Presiding Judge assign the case to a judge;

(ii) Pre-trial Conferences. The judge hearing the request will decide which cases would benefit from pre-trial conferences, and if pre-trial conferences are found to be appropriate the judge will either conduct such conferences or have the Presiding Judge assign them to another judge.

(iii) Scheduling Order. The judge hearing the request will decide which cases would benefit from a scheduling order. The parties may enter into an agreed order. If the parties cannot enter into an agreed order, then the court may set a scheduling order in a form similar to the following:

§ 16.31 Pre-trial order - Pre-trial procedures

[Court Caption]

[Parties] No.

ORDER SETTING TRIAL DATE;
ESTABLISHING PRE-TRIAL SCHEDULES; AND
FIXING DATE OF FINAL PRE-TRIAL ORDER

Based on (the joint status report filed by the attorneys There would need to be an initial date set for the attorneys to meet and to file their joint status report.

on [date] and) the initial conference with the attorneys on [date], the Court orders the following schedule:

____ TRIAL: [time]
Date: [date]
Length: [number] (days or weeks)
Type: (Jury or Non-Jury)

____ JOINDER OF ADDITIONAL PARTIES:
Additional parties to this action, if any, shall be joined by:
Calendar Date: [date]

____ AMENDMENT OF PLEADINGS:
Amendments of the pleadings, if any, shall be made by:
Calendar Date: [date]

____ FINAL PRE-TRIAL ORDER TO BE ENTERED:
Date: [date]

____ EXPERT WITNESSES:
All expert witnesses shall be identified by plaintiff by:
Calendar Date: [date]
All expert witnesses shall be identified by defendant by:
Calendar Date: [date]
Identification shall be made in a manner consistent with CR 26(b)(4).
All expert witness depositions shall be completed by:
Calendar Date: [date]

____ WRITTEN DISCOVERY:
All written discovery shall be completed by:
Calendar Date: [date]

____ DISPOSITIVE MOTIONS:
All dispositive motions shall be heard by:
Calendar Date: [date]
The moving party shall file its pleadings [number] Court days before hearing (and shall be limited to a total of [number] pages.)
The responding party shall file its pleadings [number] Court days before

the hearing (and shall be limited to a total of [number] pages.)
The moving party shall file its rebuttal pleadings [number] Court days before the hearing (and shall be limited to a total of [number] pages.)

____ NON-DISPOSITIVE MOTIONS AND MOTIONS IN LIMINE:
All non-dispositive motions and motions in limine shall be heard by:
Calendar Date: [date]
The moving party shall file its pleadings [number] Court days before hearing (and shall be limited to a total of [number] pages.)
The responding party shall file its pleadings [number] Court days before hearing (and shall be limited to a total of [number] pages.)

____ TRIAL BRIEFS:
Plaintiff's trial brief shall be served and filed by:
Calendar Date: [date]
Defendant's trial brief shall be served and filed by:
Calendar Date: [date]
Length of Trial Briefs: [number] pages.

____ JURY INSTRUCTIONS
Plaintiff's proposed jury instructions shall be served and filed by:
Calendar Date: [date]
Defendant's proposed jury instructions shall be served and filed by:
Calendar Date: [date]

____ EXHIBITS:
Plaintiff shall serve on defendant its list of proposed exhibits and a copy of each exhibit by:
Calendar Date: [date]
Defendant shall serve on plaintiff its list of additional proposed exhibits and a copy of each exhibit by:
Calendar Date: [date]
The attorneys or plaintiff and defendant shall meet to designate exhibits which shall be stipulated to for authenticity and/or admissibility by:
Calendar Date: [date]
The attorneys for plaintiff and defendant shall file a joint list of proposed exhibits designating those exhibits which have been stipulated to for authenticity and admissibility along with the exhibits and one copy of the exhibits by:
Calendar Date: [date]

____ ADDITIONAL PRE-TRIAL PROCEDURES:
[Set out any additional procedures.]

Dated: [month, day, year].

[Signed]

Judge
[Presentation]

[Approval]

9A WAPRAC § 16.31

(iv) Mandatory Mediation of Civil Cases

(1) Applicable Cases: Mediation is required for all cases in which a case Scheduling Order is required under LCR 16(d) or upon order of the court on motion of either party or the court;

(2) Procedure and Standard for Opt-out: Parties may not opt-out of mandatory mediation by stipulation. If all parties wish to opt-out, they shall note a joint motion for argument to the court. The court will grant the motion only if firmly convinced that the benefits of mediation, i.e., settlement or resolution of contested issues, are outweighed by the costs of mediation;

(3) Timing: Mediation shall be concluded at least 30 days prior to the date set for trial. If the parties fail to timely mediate, the court administration shall strike the trial;

(4) Qualified Mediators: The Court Administrator shall maintain a list of qualified mediators under this rule which shall include the following information: Each mediator's name, organization, if any, address, telephone number, and fee schedule. A qualified mediator is an attorney with 10 or more years of civil practice, who has completed mediation training, and who is approved by the judges of this court;

(5) Selection of Mediator: The parties shall use the services of a court approved mediator. The parties are encouraged to agree upon a mediator. If the parties agree upon a mediator, they shall notify the court administration in writing of the agreed upon mediator. If the parties are unable to agree upon a mediator, they shall request that the court administration send out a short list of potential mediators. The process for determining the number of potential mediators on the short list and selecting the mediator shall be the same process as is used to select an arbitrator under the LMARs;

(6) Appointment of Mediator: The court Administration shall notify the mediator of his or her appointment, with a copy of the notification to all parties;

(7) Mediation Date and Materials: The mediator shall determine the mediation date, and whether and when the parties are to exchange mediation statements. If mediation statements are to be exchanged, a party may send a separate statement directed to the mediator only;

(8) Procedure of Mediation: (1) The mediator shall determine the procedure of the mediation. (2) Unless excused by the mediator, the parties and their attorneys shall personally attend all mediation sessions. In every case there must be a person present at the mediation who has authority to negotiate for a settlement on behalf of each party. All insurance companies that may be liable for any portion of a settlement must have a representative with full settlement

authority at the mediation.

[Amended effective September 1, 2002; September 1, 2012.]

RULE 40.
ASSIGNMENT OF CASES

(g) Trial Setting Notice. A notice of trial setting shall contain at a minimum, information of the nature of the matter to be set, the names and addresses of all lawyers involved, and the party each other lawyer represents, a statement of arbitrability (see LMAR2(a)) and shall be signed by the lawyer filing it, with the designation of the party (s)he represents. Proof of service of the trial setting notice shall be filed with the clerk by the movant prior to the time of trial setting. The trial setting notice shall be in a form approved by the court.

(h) Trial Setting.

(i) No cause appearing on the assignment calendar will be set for trial unless there is a response filed and unless at least one of the lawyers of record either personally appears or contacts the court on or before the commencement of the calendar. In the event one or more attorney to the cause fails to appear for trial setting, after being given proper notice of the application by the movant, and without advising the court, orally or in writing, of non-available trial dates, the trial date(s) assigned shall be maintained, unless the previously non-appearing attorney alone moves the court for reassignment, in which event the cause may be reassigned if good cause therefore is shown, and subject to whatever reasonable terms may be applied by the court. If no attorney appears for the assignment, the assignment request will be stricken.

EXCEPT: An attorney may have trials set without personal appearance provided they furnish a letter to the file indicating their intention not to personally appear and suggesting time preferences, restrictions, estimated length or other relevant information.

(ii) If a case is set for trial then written confirmation must be made to the court administration seven (7) business days before the date of trial or the trial date will be stricken without notice to the parties.

(i) Notice of Settlement or Change. Whenever a cause has been set for trial and thereafter is settled or will not be tried for any reason, or if a jury is thereafter waived, notice (available from the superior court administration) shall immediately be given to the court and the clerk. In the event of a violation of this Rule, the court may, in its discretion, assess actual costs incurred, as a result of the violation, plus such other sanction as appears appropriate against the offending attorney.

(j) Call Calendar.

(1) The causes appearing on a motion docket shall be called and the movant, if no one appears in opposition, may take the order moved for if approved by the court. If no one appears for a motion or petition, it shall be deemed waived and stricken.

(2) A party or his/her attorney may appear on any civil or domestic relations motion calendar via CourtCall® (go to www.courtcall.com), except a party who has been properly served with an order to show cause or other order requiring his/her personal appearance. The responding party in that circumstance must appear in person unless otherwise ordered by the court.

[Amended effective September 1, 2002; September 1, 2005; September 1, 2006; September 1, 2012.]

RULE 43.
TAKING OF TESTIMONY

(l) Marking Exhibits. In all contested matters the attorneys shall in advance of trial, where practical, cause all exhibits to be marked by the clerk for identification, except such exhibits which are intended only for impeachment purposes.

(m) Documentary Exhibits. In any case where documentary exhibits will be used during trial in examination of witnesses and reference to the contents thereof is necessary to understand the issues, the attorney should provide extra copies for use of the opposing attorney and the court.

[Amended effective September 1, 2012]

RULE 45.
SUBPOENA

(a) For Attendance of Witnesses. Subpoenas issued by pro se litigants

must be approved by a superior court judge. The judge may choose to require an ex parte hearing to determine if the witness has legally relevant information. This Rule shall be liberally construed. The purpose of this Rule is to prevent the abuse of the subpoena process.

(g) When Excused. A witness subpoenaed to attend in any case, criminal or civil, is dismissed and excused from further attendance as soon as he has given his testimony in chief for the party in whose instance he was called and has been cross-examined thereon, unless either party makes request in open court that the witness remain in attendance. Witness fees will not be allowed any witness after the day on which his testimony is given except when the witness has in open court been required to remain in further attendance; and, when so required, the clerk shall make a minute entry to that effect, and the party making the request that the witness remain in attendance shall be solely responsible for any additional witness fees incurred by that witness as a result of that further attendance.

[Amended effective September 1, 2003.]

RULE 47.
JURORS

(e) Challenge.

(9) Peremptory Challenges. All peremptory challenges allowed by law shall be exercised in the following manner:

The clerk shall keep a list of jurors passed for cause and when it is complete will provide the list to the attorneys for the parties who will, in turn, exercise challenges by striking the name of each challenged juror without oral comment. After all challenges have been exhausted or waived, the judge will excuse those jurors who have been challenged and will seat the jury as finally selected.

The purpose of this Rule is to preserve the secrecy of peremptory challenges, and all parties and their attorneys shall conduct themselves to that end, provided, however, the trial judge may modify this procedure if it is deemed appropriate.

[Amended effective September 1, 1995; September 1, 2012.]

RULE 51.
INSTRUCTIONS TO JURY AND DELIBERATION

(a) Proposed.

(1) When Due. Requested instructions shall be submitted to the trial judge prior to commencement of trial unless otherwise permitted by said judge.

(2) Quantity of Instructions. Requested instructions shall be in the following quantity:

(A) Original and two copies of each instruction to the trial judge, to be unassembled, unnumbered, and without citations; each instruction and its copies to be paper-clipped together. If there are more than two parties in a suit, an additional copy is to be made for each additional party.

(B) One copy with supporting citations, assembled, stapled, and numbered to be provided to each of the following:

i. Clerk (for filing);
ii. Judge (work copy);
iii. Each opposing attorney (work copy).

[Amended effective September 1, 2012]

RULE 56.
SUMMARY JUDGMENT

(c) Motion and Proceedings.

(1) A copy of the summary judgment motion and all supporting documents shall be delivered, on the date of filing, to the presiding judge.

(2) Any motion for summary judgment or responsive pleadings to such a motion shall list and identify all evidence the court shall consider. Where depositions or interrogatories are a part of the evidence relied upon, the attorney's affidavits, briefs, and arguments must quote the portions applicable or the attorney must attach copies of applicable pages of depositions or interrogatories.

(3) Summary judgments shall be heard during the court's regularly

scheduled civil motion calendar; PROVIDED, if the attorneys anticipate that the matter may exceed one (1) hour, the matter must be noted on the trial assignment docket for a special set time.

(4) Cross-motions for summary judgment will be treated as a new motion for summary judgment. Unless otherwise agreed to by the parties the timeline for the cross motion shall be in accordance with CR 56 and the first filed motion for summary judgment will proceed as scheduled except as otherwise ordered by the court.

(5) Any material offered at a time later than required by this Rule over objection of an attorney shall not be accepted and considered by the court except upon the imposition of appropriate terms, including the right to a continuance if requested.

(6) The attorney for the moving party (whether original motion or cross-motion) shall notify the clerk of the court no later than Thursday noon preceding the date set for hearing and advise whether the motion will in fact be argued. If such notification is not timely made, the motion will be stricken for resetting.

[Amended effective September 1, 1995; September 1, 2002; September 1, 2012.]

RULE 59.
NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(e) Hearing on Motion.

(3) Nature of Hearing.

(A) In Cowlitz County a motion for reconsideration or for a new trial shall be submitted on briefs and affidavits only, without oral argument, unless the trial judge, on written application from the attorney or on his/her own motion, allows oral argument. Copies of such motion, which must be made within the time limits set forth in CR 59, shall be delivered to the court administration and delivered to the opposing party and/or their attorney at the time of filing. Any response thereto shall be filed with the clerk and thereafter a copy delivered to opposing party and/or their attorney and the court administration within ten (10) days after the filing of the motion for reconsideration. The trial judge shall either rule and advise the attorneys of the ruling or advise the attorneys of desired further proceedings pursuant to CR 59.

[Amended effective September 1, 2012]

RULE 65.
INJUNCTIONS

(b) Temporary Restraining Order; Notice; Hearing; Duration.

(1) Domestic Relations. Ex Parte orders in domestic relations matters which restrain one party from the family home or from contact with the other party or child(ren) shall not be entered unless the party requesting the same personally appears before the court and the court finds that irreparable injury could result if the order is not entered.

[Amended effective September 1, 1995; deleted effective September 1, 2005.]

RULE 77.
SUPERIOR COURT AND JUDICIAL OFFICERS

(d) Superior Court Always Open.

(1) Trial Hours. Sessions of trial departments, except as otherwise provided for in these Rules, shall be from 9:00 a.m. until 12 noon and from 1:00 p.m. until 4:30 p.m., Monday through Friday, unless otherwise ordered by the trial judge. Special sessions of any court may be held on Saturday, or at earlier or later times, at the discretion of the trial judge, to hear any and all matters that such judge sets for hearing before him/her and at such hours upon said day as the judge shall fix.

(2) Duty of Attorney. Trials will begin promptly. Trial attorneys are required to report directly to the trial judge one-half hour prior to the commencement of the trial. An attorney who fails to comply with this rule may be subject to appropriate sanction.

(f) Sessions.

(1) Superior Court Sessions. There shall be one continuous session of court from January 1 until December 31 of each year.

(2) Jury Terms. Jury trials, both civil and criminal, shall be set

throughout the year.

(k) Motion Day - Local Rules.

(1) Schedules. A copy of court dockets and hearing days is posted in the clerk's office, and a copy may be requested from superior court administration. Provided, however, in the event a legal holiday prevents the conduct of a docket or hearing day, the same may, on the order of the presiding judge, be rescheduled and notice thereof posted prominently in the clerk's office.

(2) Hearing Assignment. With the court's approval, any matter set on a motion docket may be assigned a specific date and time for hearing.

(3) Time Limitations. Attorneys will be allowed not more than five (5) minutes each for argument on a motion, unless further time is granted by special order of the court.

(4) Presentation of Papers. At the commencement of hearing on each probate final report, the lawyer for the personal representative shall present a proposed order approving final report and decree of distribution. For good cause, the court may extend the time for presentation of such findings, conclusions, orders and decrees.

(5) Noted Cases. All materials to be considered on a motion docket, except domestic relations, must be filed in the clerk's office not later than 10:00 a.m. at least two (2) court days preceding the docket in question. A copy of any pleading filed less than five (5) working days prior to a scheduled hearing must be provided to the assigned judge, or if no judge is yet assigned, to the court administration. If no copy is provided, those pleadings may not be considered, at the discretion of the judge.

Amended effective September 1, 1993; September 1, 1995; September 1, 1996; September 1, 2000; September 1, 2002; September 1, 2003; September 1, 2005; September 1, 2012.]

RULE 81.
APPLICABILITY IN GENERAL

(c) Applicability. Procedure in this court shall be in accordance with pertinent Washington Court Rules as heretofore or hereafter adopted by the Supreme Court of Washington. These Local Rules are only to supplement those rules and are numbered, insofar as possible, to conform in numbering with them.

RULE 83.
LOCAL RULES OF SUPERIOR COURT

(c) Suspension. The court may modify or suspend any of these Rules, in any given case, upon good cause being shown therefore or upon the court's own motion.

RULE 87.
STATEMENT OF PARTIES' POSITIONS

In any petition for dissolution, legal separation, declaration of invalidity, maintenance, or support in which the parties disagree as to maintenance, support, or distribution of assets and/or liabilities, the parties shall serve upon the opposing party and the trial judge and file with the clerk a statement of their respective positions and proposals for the resolution of the contested issues. Such statements shall be served and filed not less than one court day prior to the date set for such contested matter.

RULE 88.
CONTESTED HEARINGS

The following rules shall apply to all contested hearings in these domestic relations matters: motions for temporary orders, hearings to determine adequate cause, motions for contempt, and hearings on declarations for modification of child support.

(a) Discretion of the Court. The above matters will be heard on affidavits submitted in accordance with this Rule and arguments only, unless:

(1) In the judgment and discretion of the court, the facts reveal unusual circumstances which, in the furtherance of justice, require oral testimony; or, consideration of non-complying pleadings.

(b) Filing and Service of Motions, Responses, Replies, and Affidavits. Such matters shall not be heard

unless affidavits are served and filed as required by this Rule and CR 6(a).

(1) The moving party shall serve and file supporting affidavit(s) together with the petition, motion, or order to show cause.

(2) Domestic relations motions shall be filed and served upon all parties not later than nine (9) court days before the time specified for the hearing. Responses shall be filed and served on all parties not later than 3:00 p.m., four (4) court days before the time specified for the hearing. Replies shall be filed and served on all parties not later than 3:00 p.m., two (2) court days before the hearing.

(3) Pleadings filed later than 3:00 p.m. two (2) court days before the hearing may be considered if good cause for the delay appears within those pleadings. A copy of any pleading filed after 3:00 p.m. three (3) court days prior to the hearing must be given to the assigned judge. The clerk's office will not be responsible for getting late pleadings in the court file prior to hearing. The court will not consider pleadings that are filed after 3:00 p.m. two (2) court days prior to hearing deadline if no copy is provided to the assigned judge.

Practical Example of LCR 88 (b)
Below is an example of the practical application of CCLCR 88 (b):

Monday, May 1 - Moving party serves and files motion.
Monday, May 8 - Respondent party serves and files response.
Wednesday, May 10 - Moving party serves and files reply.
Monday, May 15 - Hearing date.

(c) Length and Format of Affidavits. The following limits shall apply, unless waived by the court upon written motion, which may be heard on the ex parte docket with reasonable prior notice to the opposing party or their attorney.

(1) Affidavits must be typed, double-spaced and on pleading paper. Affidavits not in this format may not be considered.

(2) Initial affidavits will be limited to six (6) pages (exclusive of exhibits) from the parties and four (4) pages from other witnesses. Each party is limited to a total of four (4) affidavits in support of or in response to a motion. The moving party may also file and serve two (2) affidavits of two (2) pages in rebuttal.

(d) Preparation and Presentation of Orders. Temporary orders will be prepared by the party bringing the motion. The court will set a presentation date at the time of the hearing on the motion. The proposed order shall be provided to the other party or his/her attorney not less than five (5) court days prior to the presentation date. Objections to the form of the order shall be provided, in writing (including the proposed order), not less than two (2) court days prior to the presentation date to both the court and the other party or his/her attorney.

[Amended effective September 1, 2005; emergency amendment effective March 1, 2006; amended effective September 1, 2006; amended effective September 1, 2007; September 1, 2012; emergency amendment effective June 6, 2013.]

RULE 89.
VITAL STATISTICS OR OTHER FORMS.

(a) Presentation. At the time a petition for dissolution of marriage or a petition for declaration of invalidity of marriage is filed, the attorney for petitioner shall file with the clerk a completed vital statistics form and such other forms as shall from time to time be mandated by the legislature. No final decree regarding such an action will be accepted for filing unless all such completed forms have been previously filed with the clerk.

(b) Delivery of Decree. In default dissolution cases, at the time of filing the decree, the lawyer for the petitioning party or the petitioner if pro se shall immediately deliver to his/her client and deliver to or mail to the other party, at his/her address, if known, or to his/her lawyer, a conformed copy of the decree with the date of filing of the original stamped on each copy so delivered or mailed.

[Amended effective September 1, 2005; September 1, 2012.]

CCLCR 90 REFERRALS TO FAMILY COURT

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

RULE 91.
MANDATORY SETTLEMENT CONFERENCES IN DOMESTIC RELATIONS ACTIONS

(a) Policy Statement. It is the finding of the court that settlement conferences are a valuable tool to promote the amicable resolution of disputes and promote the efficient use of court resources. Settlement conference time is also a valuable resource. It is expected that all parties who participate in settlement conferences as mandated by the court be prepared to participate when scheduled and not squander this valuable resource.

(b) Settlement Conferences Required. A settlement conference is mandatory in all contested actions in which a dissolution/declaration of invalidity/legal separation of marriage or domestic partnership is sought. A settlement conference may be requested in any family law matter with the agreement of all parties. No trial date will be set unless the required settlement conference has occurred or has been waived by a judge for good cause.

Parties may comply with this rule by participating in a mediation or settlement conference using a court approved mediation service, and filing a certificate from that service with the court. Should parties choose to

go through private mediation to comply with this rule, they shall be responsible for all costs of said mediation. Approved mediators shall be listed on the court's website, and are available from the court administration, the clerk and the court facilitator's office.

(c) Request for Settlement Conference. A request to schedule a settlement conference may not be made until after an answer has been filed. The request for settlement conference shall be signed and filed with the clerk.

(1) Form. The request shall be substantially in the form approved by the court and available on the court's website, from the county clerk or court facilitator, or from superior court administration.

(d) Readiness Statement. Discovery will be completed by both parties prior to the date of the settlement conference. Each party shall complete the Settlement Conference Readiness Statement which shall be signed and filed with the clerk and provided to the court administration not less than 30 days prior to the scheduled settlement conference. This document will include a statement, verified by each party or his/her attorney, that negotiations have been attempted between the parties. The settlement conference may be stricken by the court if this verified statement is not included.

(1) Form. The request shall be substantially in the form approved by the court and available on the court's website, from the county clerk or court facilitator, or from superior court administration.

(e) Settlement Conference Affidavit. Each party must complete a statement of family financial status. If the parenting plan or child support is at issue, each party will provide a proposed parenting plan and child support worksheets. Appraisals, bluebook printouts, or other documents supporting contested issues should be included with the affidavit. It is helpful if the parties can agree on a format for any proposed balance sheets. The affidavit and supporting documents shall not be filed with the superior court clerk. The affidavit and supporting documents shall be served on the opposing attorney or party if not represented by an attorney, and an additional copy will be provided to the superior court administration for the use of the presiding judicial officer conducting the settlement conference, no later than 4:00 p.m. five (5) court days prior to the scheduled conference.

(1) If the state has filed a Notice of Appearance in a domestic relations case in which child support is involved and the only states interest is medical assistance provided for the children of the parties and preservation of state's collections of child support arrears owed to it, the state may not appear at the mandatory settlement conference if the following language is included in the Mandatory Settlement Conference Affidavit:

Petitioner/Respondent agree to include in the Order of Child Support preservation of the state's right to collect arrears owed to it and the statutorily mandated language regarding medical insurance coverage contained in Paragraph 3.18 and uninsured medical expenses in Paragraph 3.19 as requested by the state in this matter and (check the applicable box):

____ 1. There is insufficient evidence at this time regarding the availability/accessibility of medical insurance coverage and cost of medical insurance coverage for the children at this time and medical insurance coverage may be enforced through the Division of Child Support as provided in RCW 26.18.170.

____ 2. Petitioner/Respondent has available and accessible health insurance coverage for the child/ren at a premium cost of $ _____ (the portion of the premium cost for the children's coverage only). He/she shall provide such insurance coverage on behalf of the children as required by law and stated in Paragraph 3.18.1(B) Findings and (C) Parents Obligations. The insurance premium and the other party's contribution shall be included in the child support calculation.

The state shall be served with the final proposed Order of Child Support and Child Support Worksheets for review and approval within the statutory time limits required by RCW 26.23.130 for the state's review prior to entry of final orders. If the medical or other provisions do not comply with the state's requests for medical insurance coverage language and arrears preservation, these issues shall remain contested and shall be set for hearing.

(2) Form. The request shall be substantially in the form approved by the court and available on the court's website, from the county clerk or court facilitator, or from superior court administration.

(f) Sanctions. Failure to file the documents pursuant to sections (d) and (e) above may result in sanctions.

Failure to appear at the conference shall subject a party and/or attorney to additional sanctions upon motion of the opposing party. A party in compliance with this rule may seek fees and costs against a non-compliant party by way of motion to the court and such terms shall be at the discretion of the court.

(g) Conference Procedure. Participation in the settlement conference shall be mandatory. All parties, and their attorneys if represented, shall appear at the settlement conference. The court or the superior court administration will schedule those conferences with the attorneys or pro se parties.

(h) Completion of Conference. If the settlement conference results in a partial or full settlement of the case, a record of the settlement shall be made, either by a written CR 2A settlement agreement, signed by both parties and their attorneys, or by placing the agreement on the record in

open court. If the settlement conference is not successful, the supervising presiding judicial officer shall file a notice of completion of the conference with the clerk. A private mediator may also file the notice of completion of conference if private mediation is used to comply with this rule.

Form. The completion notice and/or the CR2A agreement cover page shall be substantially in the form approved by the court and available on the court's website, from the county clerk or court facilitator, or from superior court administration.

(i) Notice of Settlement or Change. Whenever a cause has been set for mandatory settlement conference and thereafter is settled or will not proceed for any reason, notice (available from the superior court administration) shall immediately be given to the court and the clerk by the close of the next business day. In the event of a violation of this Rule, the court may, in its discretion, assess actual costs incurred, as a result of the violation, plus such other sanction as appears appropriate against the offending attorney and/or party.

[Adopted effective September 1, 2005; amended effective September 1, 2007; repealed on an emergency basis effective May 1, 2009; repealed on a permanent basis effective September 1, 2009; reinstated as amended effective January 19, 2010; amended effective September 1, 2010; amended effective September 1, 2012.]

RULE 92.
Finalizing Family Law Cases

(a) Review of Final Pleadings. All final decrees, final orders and accompanying findings of fact, conclusions of law, parenting plans, orders of child support, and child support worksheets for family law cases involving children shall be reviewed for form and completeness prior to presentation to a judicial officer by an attorney of record in the case, an attorney who approved the pleadings as to form and completeness, or the courthouse facilitator.

(b) Pro Se Parties.

(1) In a dissolution or non-parental custody action where the moving party is proceeding without representation by an attorney, the party's proposed final pleadings shall be delivered to the clerk of the court at the time the matter is noted for final hearing and thereafter the clerk shall deliver said file, together with such proposed papers, to the presiding judge for review prior to the scheduled hearing date. The courthouse facilitator shall review all those pleadings and, if they appear appropriate, shall sign and file a "Certificate of Courthouse Facilitator" to that effect. The clerk of the court shall not accept for filing any such proposed final document which appears to be incomplete; with specific reference to the child support computation worksheet, all sections and parts thereof must be fully completed or marked "not applicable" where such is the case. The court will not conduct a final hearing in the matter unless the "Certificate of Courthouse Facilitator" is filed.

(c) Presentation of Papers. At the commencement of a hearing upon a default or uncontested dissolution, invalidity, legal separation, paternity, or non-parental custody matter, the petitioner or petitioner's attorney shall present to the court proposed findings of fact, conclusions of law, and decree.

(d) Filing Agreements and Contracts. All property settlement agreements or separation contracts reduced to writing and signed shall be filed as a part of the record of said cause.

(e) Finalization of Dissolutions by Affidavit. Parties who come to a final agreement in their dissolution case using a court-approved mediator or arbitrator (or by both attorneys if both parties are represented) may present final statutory testimony by declaration without further court appearance. The declaration must be in a form approved by the court and accompanied by a certification from the mediator or arbitrator in a form approved by the court. Both the declaration and the certification shall accompany the final papers and shall be filed with the clerk to be handled by the ex parte judge.

There shall be an ex parte fee for finalization of dissolution matters by way of declaration. The fee schedule is available from the county clerk or online at www.co.cowlitz.wa.us/clerk.

(f) Form. The declaration and certification of Final Testimony by Affidavit shall be substantially in the form approved by the court and available on the court's website, from the county clerk or court facilitator, or from superior court administration.

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

In re the Marriage of:	
&	
Petitioner,	No. &
and	
&	FINAL TESTIMONY BY
Respondent.	AFFIDAVIT PER CCLR 92(e)

I, _____, am the [ ] Petitioner [ ] Respondent in

this matter and make this declaration in support of the entry of final orders in this case.

1. At least one of us was a legal resident of the State of Washington at the time the petition was filed.

2. More than ninety (90) days have passed since the petition was filed, andthe responding party received his / her copy of the petition.

3. We were married on _____in _____.

4. We separated from each other on _____.

5. Our Marriage is irretrievably broken, and we are requesting the Court to enter a Decree of Dissolution.

6. We have agreed to a division of our property and our debts that is both fair and equitable.

   [ ] The Separation Contract dated _____ is approved as being fair at the time of execution.

7. We have [ ] no children OR [ ] the following children born as issue of the marriage who are dependent upon us for support.

   Name _____ Age _____
   Name _____ Age _____
   Name _____ Age _____
   Name _____ Age _____

   The wife is not currently pregnant.

8. We have agreed to the entry of the attached Findings and Conclusions of Law, the Decree of Dissolution, and (if applicable) a Parenting Plan, Child Support Order and Child Support Worksheet.

9. Pick One:

   [ ] The proposed agreed child support order does not deviate from the standard table amount under the support guidelines

   - OR -

   [ ] The proposed agreed child support order deviates from the standard table amount under the support guidelines for the following reasons (agreement of the parties is not sufficient):

   _____

   _____

10. The child(ren) [ ] do [ ] do not receive public assistance benefits in the form of a TANF cash grant and/or medical assistance (Medicaid).

    [ ] The children receive public assistance as checked above and the State of Washington, through the Cowlitz County Prosecuting Attorney, Child Support Division located at 871 - 11th Avenue, Suite 2, Longview WA 98632, has been timely served as required by RCW 26.23.130 (20 days prior to entry of the final orders) with the proposed Order of Child Support and Child Support Worksheets and has reviewed and signed the Order of Child Support and Worksheets.

11. We are requesting the Court to enter the following name changes, which are not made to defraud creditors:

    Petitioner's New Name:

    Respondent's New Name:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.
Signed at _____, Washington.

DATED:

[ ] Petitioner [ ]Respondent

Certification of Mediator or Arbitrator

I, , a court approved mediator or arbitrator in this case certify that I have met with both parties, independently, and it is my belief that each party has entered into a final agreement on this matter freely and independently, and without threat or duress. Signed at
, Washington under penalty of perjury.

DATED:

Mediator/Arbitrator

[Original CCLCR 94.08 was adopted effective September 1, 2003; renumbered as CCLCR 92 and amended effective September 1, 2005; amended on an emergency basis effective May 1, 2009; amended on a permanent basis effective September 1, 2009; amended effective September 1, 2010; amended September 1, 2012.]

RULE 93.
PARENTING SEMINARS

(a) Applicable Cases. This Rule shall apply to all cases filed on or after September 16, 1996, under Ch. 26.09, Ch. 26.10, or Ch. 26.26 RCW which require a parenting plan or residential plan for minor children; including dissolutions/declarations of invalidity/legal separations of marriage or domestic partnership, major modifications, paternity actions in which paternity has been established, and non-parental custody actions.

(b) Mandatory Attendance. In all cases governed by this Rule, all parties shall complete an approved parenting seminar. Standards for parenting seminars shall be established by the court and providers shall be approved by the court. A list of the approved parenting seminar providers available on the court's website, from the county clerk or court facilitator, or from superior court administration

(c) Timing. Parties required by this Rule to participate in a parenting seminar shall complete an approved parenting seminar within 60 days after service of the 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.

(d) Fees. Each party attending a seminar shall pay a fee charged by the approved provider and sanctioned by the court. The court may waive the fee for indigent parties.

(e) Special Consideration/Waiver.

(1) In no case shall opposing parties be required to attend a seminar together.

(2) Upon a showing of domestic violence or abuse which would not require mutual decision-making, pursuant to RCW 26.09.191, or that a parent's attendance at a seminar is not in the children's best interest, pursuant to Ch. 26.12 RCW, the court shall either:

(A) Waive the requirement of completion of the seminar; or,

(B) Allow participation in an alternative voluntary parenting seminar for battered spouses.

(3) The court may waive the seminar requirement for good cause shown.

(f) Failure to Comply. Willful refusal to participate in a parenting seminar or willful delay in completion of a parenting seminar by any party may constitute contempt of court and result in sanctions, including, but not limited to, imposition of monetary terms, striking of pleadings, or denial of affirmative relief to a party not in compliance with this Rule.

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

In re the Marriage of:	
Petitioner,	No.
and	CERTIFICATION OF PARTICIPATION IN MEDIATION/ SETTLEMENT CONFERENCE
Respondent.	

Comes now ,[ ] Mediator [ ] Commissioner [ ] Judge, and certifies that the parties in this matter have participated in good faith in a mediation or settlement conference as required by CCLCR 91(b).

[ ] I have met with both parties, independently, and it is my belief that each party has entered into a final agreement on this matter freely and independently, and without threat or duress. See the CR2A agreement filed herewith and incorporated by this reference herein.

[ ] There remain issues in the case that resolution has not been reached.

Dated:

Mediator / Commissioner / Judge

[Adopted effective September 16, 1996; amended September 1, 2012.]

RULE 94.
CHANGE OF NAME OF STEPCHILD

When a change of name to that of the stepfather is sought for a child less than 18 years of age, notice must be given to the natural father in the manner of giving notice to a non-consenting parent in an adoption, and in addition, written consent will be required of any child over 14 years of age.

RULE 95.
WAIVER OF AGE TO MARRY.

Applications for waiver of minimum age to marry shall be made through the family court. Applications shall contain such information and supporting documentation as may be prescribed by the commissioner of family court. Before court hearing, applicants must give evidence of completion of a program of premarital counseling by a counselor, a counseling agency, or rabbi, priest or minister, together with such counselor's recommendation, and shall be interviewed by a counselor of the family court who may offer recommendations to the court.

[Adopted effective September 1, 1995; amended effective September 1, 2000; September 1, 2003; September 1, 2005.]

RULE 96.
CHILD SUPPORT MODIFICATION HEARINGS.

Initial declarations and documentation in support of or in opposition to a modification of child support (RCW 26.09.175) shall be filed and served by all parties not less than nine (9) court days prior to the scheduled hearing. Responsive declarations and supporting documentation, which shall be limited in scope to those issues raised by the opposing party's initial declaration, must be filed and served not less than four(4) court days prior to the scheduled hearing. Untimely declarations or documents may not be considered, may result in sanctions, or both, at the discretion of the court.

[Adopted effective September 1, 2007; amended effective September 1, 2012.]

RULE 97.
FINANCIAL PROVISIONS.

(a) When Financial Information is Required.

(1) Absent exigent circumstances, each party shall complete, sign, file, and serve on all parties a financial declaration for any motion, trial, or settlement conference that concerns the following issues:

(A) Payment of a child's expenses, such as tuition, costs of extracurricular activities, medical expenses, or college;

(B) Child support or spousal maintenance; or

(C) Any other financial matter, including payment of debt, attorney and expert fees, or the costs of an investigation or evaluation.

(2) A party may use a previously-prepared financial declaration if all information in that declaration remains accurate.

(3) Financial declarations need not be provided when presenting an order by agreement or default.

(b) Supporting Documents to be filed with the Financial Declaration. Parties who file a financial declaration shall also file the following supporting documents:

(1) Pay stubs for the past six months (or the most recent pay stub if it includes year-to-date information for the prior six months). If a party does not receive pay stubs, other documents shall be provided that show all income received from whatever source, and the deductions from earned income for these periods;

(2) Complete personal tax returns for the prior two years, including all Schedules and all W-2s;

(3) If either party owns an interest of 5% or more in a corporation, partnership or other entity that generates its own tax return, the complete tax return for each such corporation, partnership or other entity for the prior two years;

(4) If a party asks the court to order or change child support or order payment of other expenses for a child, each party shall also file completed Washington State Child Support Worksheets.

(c) Documents to be filed under Seal. Tax returns and pay stubs should not be attached to the Financial Declaration but should be submitted to the clerk under a cover sheet with the caption "Sealed Financial Source Documents." If so designated, the Clerk will file these documents under seal so that only a party to the case or their attorney can access these documents from the court file without a separate court order.

[Adopted effective September 1, 2012.]

RULE 3.1
RIGHT TO AND ASSIGNMENT OF ATTORNEY

(g) Appearance of Attorney. Attorneys representing defendants in criminal cases as a retained attorney must serve prompt written notice of their appearance upon the prosecuting attorney and file the same with the clerk of the court.

(h) Motions to Withdraw from Criminal Cases. Whenever an attorney seeks to withdraw from representation in a criminal case, the attorney shall file a written Motion to Withdraw. All such Motions shall be supported by an Affidavit of Counsel setting forth the reason(s) for the request. If the basis of the Motion to Withdraw is prior representation of a potential witness against the current client, the Affidavit of Counsel shall set forth when the prior representation occurred, the charge(s) involved in the prior representation and what, if any, privileged information the attorney has regarding the prior client that creates a current conflict of interest. If setting forth the reason(s) for the Motion To Withdraw requires disclosure of client confidences or secrets or other matters protected by the attorney-client privilege, the attorney shall also file a Motion to Seal Affidavit of Counsel and provide the Court with a proposed Order Sealing Affidavit of Counsel.

[Amended effective September 1, 2012]

RULE 4.11
MISCELLANEOUS

(a) CRIMINAL TRIAL CALENDAR REVIEW

A review shall be held at 8:30 a.m. the Thursday before the week of trial to determine if the case is ready to proceed to trial. Counsel for all parties shall appear and advise the court of readiness for trial, the expected length of trial, and any restrictions as to particular days of the week or affidavits under RCW 4.12.050.

(b) RULING ON MOTION & AFFIDAVIT OF PREJUDICE

(1.) Review by Judge. Upon the filing of a motion and supporting affidavit of prejudice under RCW 4.12.050, the presiding judge will rule ex parte on the motion unless the presiding judge is the subject of the motion and affidavit or has previously recused himself or herself, in which case the assistant presiding judge will rule ex parte on the motion.

(2.) Consideration of RCW 4.12.050. The reviewing judge shall determine whether the judge subject of the affidavit has previously made a discretionary ruling in the case as defined by RCW 4.12.050 and whether the party filing the motion has previously made any other such motion.

(i.) If the reviewing judge finds that the judge subject of the motion has previously made a discretionary ruling in the case or that the party filing the motion has made any other such motion, the judge shall deny the motion and indicate in his/her ruling the specific basis for the denial. The reviewing judge shall forward the ruling to the clerk for copying and distribution to the parties.

(ii.) If the reviewing judge finds that the motion is timely and is not a subsequent motion by the same party, the trial judge shall grant the motion as a matter of right. The reviewing judge shall forward the ruling to the clerk for copying and distribution to the parties and to the judge who was the subject of the motion. Distribution to the judge who was the subject of the motion shall constitute a call to attention to such judge as required by RCW 4.12.050.

[Adopted effective September 1, 2012]

RULE 4.2
PLEAS

(i) Plea by Court Commissioner. Pursuant to RCW 2.24.040(15) a duly appointed Superior Court Commissioner may accept a guilty plea in felony matters. After the guilty plea is accepted, the matter shall be referred to a judge for disposition.

[Adopted on an emergency basis effective April 1, 2008; adopted on a permanent basis effective September 1, 2008.]

RULE 4.7
DISCOVERY

(h) Regulation of Discovery.

(1) Distribution of Criminal Discovery by Counsel to In-custody Defendants. Defense counsel, without need for leave of court, may provide to his or her clients lodged in the Cowlitz County Jail all police reports, investigative reports, test results, witness statements, and any other discovery under the following limitations:

* The reports will be picked back up by counsel within 48 hours;

* All materials provided will be numbered, and counsel will confirm the return of all documents;

* Counsel will redact contact and financial information of all potential witnesses and any and all alleged victims before providing the material to their clients.

Should defense counsel feel that these restrictions are inappropriate in a particular case, he or she may file a motion asking for such relief as deemed necessary.

Should the prosecution feel that these restrictions are insufficient in a particular case, he or she may file a motion identifying any other conditions he or she wishes to be imposed.

[Adopted effective September 1, 2008.]

RULE 7.3
JUDGMENT

(a) Restitution Hearings. At the time of signing of the judgment and sentence, if the amount of restitution due has not been agreed, the court will set a restitution review hearing. This hearing will be set not less than six (6) weeks from the date of signing the judgment and sentence and will not be continued.

The prosecuting attorney shall provide all information, upon which they intend to rely in setting restitution, to the defense not later than one (1) week prior to that review hearing.

In the absence of an agreement at that hearing, the court will set a date for a restitution hearing. That hearing will be set six (6) to eight (8) weeks after the review hearing and will not be continued.

The defendant, or defendant's attorney, will be required to notify the prosecutor not later than four (4) weeks prior to that hearing as to the necessity of a hearing and provide discovery of any and all information and witnesses intended to be present at that hearing.

[Adopted effective September 1, 2005; amended effective September 1, 2012.]

RULE 3.
ESTABLISHMENT OF CASA LOCAL RULES

(a) Title. These Rules shall be known as the CASA Local Rules for Cowlitz County, Washington.

(b) Scope. These Rules shall be applicable to all dependency cases in the Cowlitz County Juvenile Court. These cases include children who are alleged to be dependent, neglected, or abandoned; in all cases in which termination of parental rights is involved; or in any other appropriate dependency proceeding pending in Cowlitz County Juvenile Court. Once CASA has been appointed for a child(ren), that appointment will continue until further order of the court irrespective of the increasing age of the child(ren).

(c) Application. These Rules shall supplement the existing local rules and the Washington Juvenile Court Rules (JuCR) which shall apply in addition to these Rules. These Rules may be modified or waived by the sitting juvenile court judge, by special order, when, in the opinion of said Judge, such waiver or modification is necessary in order to do justice, or to arrive at the equities of the case between, or among, the parties involved. Each person appearing in this court is charged with the knowledge of all applicable rules.

(d) Definitions.

(1) Juvenile Rules Definitions. The definitions of JuCR 1.3 shall apply in these cases.

(A) "CASA" means The Cowlitz County CASA, which is the non-profit corporation that provides specially trained and sworn adults to the court as CASA volunteers. It is the designated CASA organization for all Cowlitz County CASA cases. CASA also stands for "Court Appointed Special Advocates," which refers to the organization's volunteers.

(B) A "CASA Volunteer" means a responsible adult who has been specially trained as a court appointed special advocate and who has taken a special oath from a superior court judge. The person is charged with making recommendations in the form of reports and testimony to the judge regarding the best interests of the child(ren). The volunteer serves only upon the order of and at the discretion of the judge.

i. "CASA" Volunteer Affiliate" means a CASA volunteer who has met the state training requirements to perform the duties of a guardian ad litem in juvenile court dependency matters but who is required to perform these duties under direct supervision of a CASA volunteer mentor for a minimum of six (6) months.

ii. A "CASA Volunteer Certified" means a CASA volunteer who has met the state training requirements to perform the duties of a guardian ad litem in juvenile court dependency matters and who has successfully completed a minimum of six (6) months of direct supervision by a CASA volunteer mentor as a CASA volunteer affiliate.

iii. A qualified "CASA Volunteer Mentor" means a CASA volunteer who has performed the duties of a guardian ad litem as a CASA volunteer certified for a minimum of one (1) year and has been identified by the Cowlitz County CASA as a mentor.

(C) "CASA Report" means any report prepared by the CASA volunteer addressed to the judge giving a thorough background investigation of the child(ren), including, but not limited to, information about the parents, relatives, and others who have knowledge about or concerning the child(ren). The report contains advisory recommendations as to the best interest of the child(ren).

(D) "CASA Order" means the order signed by a judge, or a court commissioner, which appoints CASA as guardian ad litem. The order remains effective until CASA is ordered released from the child(ren)'s case.

(E) "CASA Director" means the executive director of the Cowlitz County CASA, as hired by its board of directors, or as designated by its board of directors. The CASA director is the person charged with the supervision of all CASA volunteers, CASA reports, and CASA cases.

(e) Establishment of CASA Cases and Orders.

(1) Requests for CASA. The court may appoint a CASA volunteer upon its own initiative, or a request for appointment of a CASA volunteer to a case or for a child(ren) may be made by any person or agency having knowledge of facts which indicate that a CASA volunteer is appropriate. A request for a CASA volunteer may be made by motion filed by any person or agency. The court clerk shall accept the filing of the motion and note upon it the date and time of filing.

(2) Preliminary Inquiry. Except in situations where the court orders a CASA volunteer appointed upon its own initiative, the clerk shall forward a copy of any request or motion filed to the CASA director within ten (10) days of its filing. The CASA director will make a preliminary investigation of the case. If the case appears appropriate, the director will recommend to the court the signing of a CASA order and provide the name of an available CASA volunteer. If the case does not appear appropriate, the CASA director will recommend that CASA not be appointed to the case. The preliminary inquiry shall be completed within ten (10) days of receiving the request or motion from the court clerk.

(3) Hearing. Within ten (10) days after a request or motion for a CASA volunteer is filed, the CASA director will file with the court a response to the motion based upon the preliminary inquiry conducted. Thereafter, the court may, if necessary, hold a hearing, at which time any person or agency may present proof for or against appointment of a CASA volunteer. Following the hearing, or, in the event a hearing is not necessary and the court has received a response, the court shall enter an order either granting or denying the request or motion. Notwithstanding the above,the court may enter an order appointing a CASA volunteer at any time for a child(ren) in a proceeding, upon its own initiative, during or following the preliminary inquiry and with or without conducting any hearing, by signing a CASA order.

(4) CASA Order. The CASA order may be signed by the judge or a court commissioner in any case. The order shall be effective when signed and shall continue in full force and effect until a subsequent order is signed which orders the CASA volunteer released from the case. The CASA volunteer shall continue to serve on a pending case so long as the child(ren) continues under the jurisdiction of the court. The clerk of the court shall furnish the CASA director with a copy of each CASA order within five (5) days of entry of the order. The CASA order will also be served upon all parties or their attorney of record. Each CASA order shall have a copy of the relevant petition attached and a notice of the next scheduled hearing date, time, and location.

(5) Scope of the CASA Order. Upon entry of a CASA order appointing a CASA volunteer to a case, all persons and agencies are under an obligation to cooperate with the CASA volunteer to assist in determining the best interest of the child(ren). The CASA volunteer shall have access to the child(ren) (including any child(ren) in detention), the parents, any caretaker, or any other agency or party having information related to the child(ren). The CASA volunteer has the right to inspect and/or copy any documents deemed relevant by the volunteer to the child(ren)'s situation. The CASA volunteer shall consult and work with any attorney guardian ad litem appointed for the child(ren), as is necessary. The CASA volunteer shall maintain any information received during an investigation in a confidential manner. The CASA volunteer shall not disclose any such information except in reports to the court and to parties to the proceeding, unless disclosure of any information has been limited by the court pursuant to CASA Rule 5(c). Nothing contained in these Rules shall be construed as permitting any non-attorney CASA volunteer to practice law before the court.

(f) Guardian ad Litem Appointments.

(1) Appointment. In cases involving CASA volunteers, the court may have appointed an attorney guardian ad litem who may represent the child(ren) in all legal proceedings, and who shall then serve with the CASA volunteer to so represent the child(ren) in all legal proceedings.

(2) Legal Services. The CASA volunteer shall not act as the legal representative of any child(ren) in any legal proceeding, unless the CASA volunteer is a licensed attorney. The CASA volunteer may fully participate in any proceedings involving the child(ren) for whom the CASA volunteer has been appointed. If called as a witness by the court or any party, the CASA volunteer shall testify as a witness in any proceeding.

(3) Compensation. The CASA volunteer shall not receive any compensation from the court or from any party to the proceedings. The CASA volunteer serves the court and as such shall receive no compensation or remuneration.

(4) Release. A CASA volunteer who wishes to be released from a case shall so petition the court, having first obtained the approval therefor from the CASA director.

(g) CASA Court Attendance and Reports.

(1) Attending Hearings. The CASA volunteer is charged with the notice of all hearings which involve the child(ren) assigned, and will attend all such hearings. In the event of a conflict, the CASA volunteer may request a continuance for good cause shown or may be excused by the court from appearing. Any party may call the CASA volunteer as a witness in the proceeding. CASA may be compelled to attend by any party with the service of a subpoena for the CASA volunteer, made by service upon the volunteer or by serving the CASA director, giving at least five (5) days' notice prior to the hearing, excluding Saturdays, Sundays, and legal holidays.

(2) Filing Reports. The CASA representative shall, absent special circumstances or unless excused by the judge, submit a written report at least five (5) working days prior to each dispositional or review hearing involving the child(ren). The report shall be addressed to the judge and shall contain such attachments and documents as are relevant to the proceedings. The report when filed shall become a permanent part of the applicable juvenile court legal file. The volunteer shall sign the report, but not under oath. The court is in no way bound by or obligated to adopt any CASA recommendations, the report being advisory in nature.

(3) Inspection of Reports; Confidentiality. Generally, the child(ren), the attorney, the parent, guardian or legal guardian, the attorney guardian ad litem, and any state or other agency involved in the proceedings, shall be entitled to inspect the CASA report, and all documents attached thereto except that information protected from disclosure by law. However, the court, in its discretion, may decline to permit inspection of CASA reports, or portions thereof, to anyone other than a party or an attorney of record in the proceeding, if it determines that such inspection would be detrimental to the child(ren). The court shall issue such orders as are necessary to maintain the confidential nature of information so classified.

(h) Special Compliance Reviews. The CASA volunteer is responsible for monitoring compliance with all court orders issued in any case or proceeding involving the child(ren) for whom the CASA volunteer was appointed. To that end, in the event that the CASA volunteer believes that any court orders are not being complied with by any party, and the volunteer's efforts to obtain compliance have been unsuccessful, the volunteer may request the clerk of the court to place the case on the court's docket for early review, and the clerk shall give notice thereof. The judge may then examine the CASA volunteer, and any other witness, at a hearing to determine compliance or non-compliance with its orders. The court may issue such remedial order(s) as may be necessary or may issue a show cause order to any party to determine why compliance with its orders has failed. Special reviews may also be conducted by the court to determine compliance with the CASA order by any person or agency as described in CASA Rules 3(d) and 3(e).

[Adopted effective May 1, 1994; amended effective September 1, 2000; September 1, 2005; September 1, 2006; amended effective September1, 2012.]

RULE 7.
GUARDIAN AD LITEM DISCIPLINARY PROCEDURES FOR CASA VOLUNTEERS

(a) There shall be a complaint review committee, hereinafter referred to as the "committee," consisting of three (3) individuals designated by the superior court judges of Cowlitz County. The committee is empowered by the court to review all complaints made regarding the guardian ad litem services provided by CASA volunteers.

7. One member of the committee shall be a superior court judge.

(b) All complaints must be in writing and must be submitted to the complaint review committee. Complaints shall remain confidential until resolved.

(c) Upon receipt of a written complaint concerning a CASA volunteer, the superior court judge shall advise the director of the Cowlitz County CASA of the complaint. If the judge finds the complaint sufficiently serious, the matter will be referred directly to the committee. Otherwise, the complaint will be forwarded to the director who will meet with all parties involved in the dispute in an attempt to resolve the problem at the director's level.

(1) A copy of the complaint and the resolution or lack of resolution shall be forwarded to the juvenile court administrator.

(2) If the complaint is not resolved to the satisfaction of the complainant, the matter will move to (d) of this policy.

(d) Upon receipt of the written complaint (unresolved) and findings from the director of the Cowlitz County CASA, or upon a direct referral from a judge, the juvenile court administrator shall convene the committee within ten (10) business days to review the complaint. Upon review of the complaint, the committee shall either:

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

Make a finding that the complaint does appear to have merit and request a written response from the CASA volunteer within ten (10) business days, detailing the specific issues in the complaint to which the committee desires a response. The committee shall provide the CASA volunteer with a copy of the original complaint. The failure of a CASA volunteer, subject to the complaint, to respond within the required ten (10) business days, in the absence of good cause shown, will result in the immediate suspension of the CASA volunteer.

In considering whether the complaint has merit, the committee shall consider, but not be limited to, whether the complaint alleges the CASA volunteer has:

(1) Violated the code of conduct;

(2) Misrepresented his or her qualifications to serve;

(3) Not met the annual training update requirements set forth in the statute;

(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 CASA volunteer; or,

(10) Taken, or failed to take, any other action which would reasonably place the suitability of the person to serve as a CASA volunteer in question.

(e) Upon receipt of a written response to a complaint from the CASA volunteer, the committee shall, within ten (10) business days, make a finding as to each of the issues delineated in the committee's letter to the CASA volunteer that either there is no merit to the issue based upon the response of the CASA volunteer or that there is merit to the issue. The committee may, at its discretion, extend the time for entering findings to conduct additional investigation if necessary; however, in no case shall that extension be for more than twenty (20) business days and the CASA volunteer shall be notified.

(f) The committee shall have the authority to issue a written admonishment, written reprimand, refer the CASA volunteer to additional training, recommend to the presiding judge that the court, upon its own motion, remove the CASA volunteer from the current case or suspend or remove the CASA volunteer 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 CASA volunteer from a particular case, or suspension or removal from a registry. If a CASA volunteer is listed on more than one registry, the suspension or removal may apply to each registry the CASA volunteer is listed on at the discretion of the committee.

(g) The complainant, the CASA volunteer, and the director of Cowlitz County CASA, shall be notified in writing of the committee's decision within ten (10) business days of receipt of the response of the CASA volunteer or longer if additional time for investigation is necessary pursuant to paragraph (e) above.

(h) A CASA volunteer may, within five (5) business days of receipt of notification that he/she has been suspended or removed from a registry, request a hearing on the committee's decision. The presiding judge 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 complaint and any prior complaints the committee considered, and hear oral arguments from the CASA volunteer or his or her representative and a representative of the committee. Said hearing shall be conducted within twenty (20) days of the receipt of the request for the hearing. The decision of the hearing officer shall be final and binding upon the parties.

[Adopted effective September 1, 2002; amended effective September 1, 2012.]

RULE 8.
GUARDIAN AD LITEM DISCIPLINARY PROCEDURES

(1) Guardian ad Litem Advisory Committee. The Court's Guardian ad Litem Advisory Committee hereinafter referred to as the "Committee," will administer complaints about guardians ad litem.

(2) Submission of Complaints All complaints must be in writing and must be submitted to the Superior Court Administrator. All complaints must bear the signature, name and address of the person filing the complaint.

(3) Review of Complaint Upon receipt of a written complaint, the Court Administrator shall convene the Committee to review the complaint. Upon review of the complaint, the Committee shall either:

(a) Make a finding that the complaint is with regard to a case then pending in the court and decline to review the complaint and so inform the complainant. In such instances the Committee shall advise the complainant that the complaint may only be addressed in the context of the case at bar, either by seeking the removal of the guardian ad litem or by contesting the information or recommendation contained in the guardian ad litem's report or testimony. In such cases the Committee and its members shall perform its role in such a manner as to assure that the trial judge remains uninformed as to the complaint; or

(b) Make a finding that the complaint has no merit on its face, and decline to review the complaint and so inform the complainant; or

(c) Make a finding that the complaint appears to have merit and request a written response from the Guardian ad Litem within 10 business days, detailing the specific issues in the complaint to which the Committee desires a response. The Committee shall provide the Guardian ad Litem with a copy of the original complaint. In considering whether the complaint has merit, the Committee shall consider whether the complaint alleges the Guardian ad Litem has:

(1) Violated a code of conduct;

(2) Misrepresented his or her qualifications to serve as a Guardian ad Litem;

(3) Breached the confidentiality of the parties;

(4) Falsified information in a report to the court or in testimony before the court;

(5) Failed, when required, to report abuse of a child;

(6) Communicated with a judicial officer ex-parte concerning a case for which he or she is serving as a guardian ad litem;

(7) Violated state or local laws or court rules; or,

(8) Taken or failed to take any other action which would reasonably place the suitability of the person to serve as a Guardian ad Litem in question.

(4) Response and Findings.

(a) Upon receipt of a written response to a complaint from the Guardian ad Litem, the Committee shall make a finding as to each of the specific issues in the complaint to which the Committee desires a response, as delineated in the Committee's letter to the Guardian ad Litem. Such findings shall state that either there is no merit to the issue based upon the Guardian ad Litem's response or that there is merit to the issue.

(b) The Committee shall have the authority to issue a written admonishment, a written reprimand, refer the Guardian ad Litem to additional training, or recommend to the Presiding Judge that the Court suspend or remove the Guardian ad Litem from the registry. In considering a response, the Committee shall take into consideration any prior complaints that resulted in an admonishment, reprimand, referral to training, or suspension or removal from a registry. If a Guardian ad Litem is listed on more than one registry, the suspension or removal may apply to each registry the Guardian ad Litem is listed on, at the discretion of the Committee.

(c) The complainant and the Guardian ad Litem shall be notified in writing of the Committee's decision following receipt of the Guardian ad Litem's response.

(5) Confidentiality.

(a) A complaint shall be deemed confidential for all purposes unless the committee has determined that it has merit under LGAL 8(4) above.

(b) Any record of complaints filed which are not deemed by the committee to have merit shall be confidential and shall not be disclosed except by court order.

(6) Complaint Processing Time Standards

(a) Complaints shall be resolved within twenty-five (25) days of the date of receipt of the written complaint if a case is pending.

(b) Complaints shall be resolved within sixty (60) days of the date of receipt of the written complaint if the complaint is filed subsequent to the conclusion of a case.

(7) Removal from Registry.

(a) When a guardian ad litem is removed from the court's registry pursuant to the disposition of a grievance hereunder, the Court Administrator shall send a notice of such removal to the Office of the Administrator for the Courts.

(b) When the Court Administrator receives notice from the Office of the Administrator for the Courts that a guardian ad litem on the court's registry has been removed from the registry of any other Washington Superior Court the Administrator shall advise the Presiding Judge of such removal.

LMAR 1.1
APPLICATION OF RULES - PURPOSE AND DEFINITIONS

The purpose of mandatory arbitration of civil actions under RCW 7.06 as implemented by the Superior Court Mandatory Arbitration Rules (MAR) is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of $50,000 or less. Claims in which the sole relief sought is the establishment, modification, or termination of maintenance or child support payments shall not be subject to mandatory arbitration. 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 be informal and expeditious, consistent with the purpose of the statue and rules.

Adopted effective September 1, 2011

LMAR 1.2
MATTERS SUBJECT TO ARBITRATION

By implementation of these rules the Superior Court of Washington for Cowlitz County authorizes mandatory arbitration under RCW 7.06.010, and approves such arbitrations in civil actions in which no party asserts a claim in excess of $50,000, exclusive of interest and costs under RCW 7.06.020 as amended, effective September 1, 2011.

Adopted effective September 1, 2011

LMAR 2.1 TRANSFER TO ARBITRATION

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

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 on request. The parties are encouraged to stipulate to an arbitrator using a form prescribed by the court. 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 fourteen (14) days after a list of proposed arbitrators has been furnished to the parties, nominate one (1) or two (2) arbitrators and strike two (2) 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, a judge will appoint an arbitrator from among those not stricken by either party.

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

(d) No Response. If neither party responds within fourteen (14) days, a judge will appoint one of the five proposed arbitrators.

(e) Additional Arbitrators for Additional Parties. If there are more than two (2) adverse parties, all represented by different attorneys, two (2) additional proposed arbitrators shall be added to the list for each additional party so represented with the above principles of selection to be applied.

[Adopted effective September 1, 2011; amended effective September 1, 2012.]

LMAR 3.1
QUALIFICATIONS

(a) Minimum Qualifications. An arbitrator must be a member of the Washington State Bar Association who has been admitted to the Bar for a minimum of five (5) years, or who is a retired Washington State Judge or Commissioner. By stipulation the parties to a case may agree to an arbitrator not on the Cowlitz County arbitration panel if the arbitrator so chosen is a duly qualified member of an arbitration panel established under Local Mandatory Arbitration Rules of another county in the state of Washington. The parties may stipulate to a non- lawyer arbitrator upon approval of a judge.

(b) Application. A person desiring to serve as an arbitrator shall complete an application on a form prescribed by the court. The form shall contain a list of areas of law subject to arbitration whereby the applicant marks the area he/she is willing to be considered as an arbitrator. A copy of said application will be available upon request by any party considering the person as an arbitrator and will be mailed to a requesting party at the party's own expense. The oath of office on the form prescribed by the court must be completed and filed prior to an appointed applicant being placed on the arbitration panel.

(c) Refusal, Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the court administration 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) governing the disqualification of judges.

[Adopted effective September 1, 2011; Amended effective September 1, 2012.]

LMAR 3.2
AUTHORITY OF ARBITRATORS

An arbitrator has the authority to:

(a) Motions. Determine a reasonable time, place, and procedure to present a motion before the arbitrator, excluding motions for summary award and involuntary dismissal.

(b) Expenses. 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 superior court, with proof of service on each party. The aggrieved party shall have ten (10) days thereafter to appeal the award of such expenses in accordance with the procedures described in RCW 2.24.050. If within ten (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) Attorney's Fees. Award attorney's fees as authorized by these LMARs, by contract or by law.

Adopted effective September 1, 2011

LMAR 4.2
DISCOVERY

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

(b) Discovery Pending. Discovery pending at the time the case is assigned to an arbitrator is stayed pending order from the arbitrator or except as the parties may stipulate or except as authorized by MAR 4.2.

Adopted effective September 1, 2011

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; except by stipulation with permission of the arbitrator, the hearing shall be scheduled to take place not later than ninety (90) days from the date of assignment to the arbitrator. The arbitrator may grant a continuance without court approval The arbitrator shall give reasonable notice of the hearing date on a Notice of Arbitration Hearing Date form approved by the court, and any continuance on an Order of Continuance of Arbitration Hearing Date form approved by the court to the court administration.

[Adopted effective September 1, 2011; amended effective September 1, 2012.]

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

Generally. 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 the time of hearing if the parties have failed to comply with this rule.

[Adopted effective September 1, 2011; amended effective September 1, 2012.]

LMAR 6.1
FORM AND CONTENT OF AWARD

(a) Form. The award shall be prepared on an Arbitration Award approved by the court and filed with the county clerk along with proof of service on the parties.

(b) Return of Exhibits. When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.

Adopted effective September 1, 2011

LMAR 6.2
FILING OF AWARD

A request by an arbitrator for an extension of time for the filing of an award shall be presented to the court administration, and may be extended up to an additional fourteen (14) days by a judge. The arbitrator shall give the parties notice of any extension granted. Recurring delays in the filing of awards will result in the removal of the arbitrator from the panel.

[Adopted effective September 1, 2011; amended effective September 1, 2012.]

LMAR 6.3
JUDGMENT ON AWARD

Presentation. A judgment on an award shall be presented at the ex parte docket, by any party, on notice in accordance with MAR 6.3 no sooner than twenty (20) days after the award is entered if no party has sought trial de novo.

[Adopted effective September 1, 2011; amended effective September 1, 2012.]

LMAR 7.1
REQUEST FOR TRIAL DE NOVO

Request. The Request for Trial de Novo and Sealing of Award shall be filed with the county clerk on such form as approved by the court. A copy shall be provided to the court administration.

[Adopted effective September 1, 2011; amended effective September 1, 2012.]

LMAR 8.1
STIPULATIONS - EFFECT ON RELIEF GRANTED

If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a judge. Stipulated arbitrations are not governed by these rules unless expressly agreed to by the parties. Compensation of arbitrators performing stipulated arbitrations is the responsibility of the parties.

Adopted effective September 1, 2011

LMAR 8.4
TITLE AND CITATION

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

Adopted effective September 1, 2011

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. The maximum compensation is capped at the six hours times the applicable hourly rate as provided by the Administrative Office of the Courts, unless approved by a superior court judge.

(b) Form. When the award is filed, the arbitrator shall submit to the court administrator two original requests for payment on a form prescribed by the court within sixty (60) days of the filing of the award. The court administration shall determine the amount of compensation and costs to be paid, subject to approval by a judge. Compensation to the arbitrator and cost reimbursement shall be pursuant to standards set and periodically revised by the court.

[Adopted effective September 1, 2011; amended effective September 1, 2012.]

LMAR 8.6
ADMINISTRATION

(a) Generally. The court administrator, under the superior court judges, shall supervise arbitration under these rules and perform any additional duties which may be delegated by the judges.

(b) Administrative Committee. There shall be an administrative committee composed of two (2) judges chosen by the presiding judge and three members of the Washington State Bar Association chosen by the Cowlitz-Wahkiakum County Bar Association. The members of the committee shall serve for staggered three-year terms and may be re-appointed.

(c) Powers and Duties. The administrative committee shall have the power and duty to:

(1) Select its chairperson and provide for its procedures;

(2) Make recommendations to the presiding judge for removal of a person from a panel of arbitrators. Such recommendation for removal must be in writing and state the basis for the request;

(3) Review the administration and operation of the arbitration program periodically and make recommendations as it deems appropriate to improve the program.

Adopted effective September 1, 2011

RULE 2.4
HOW TO INITIATE AN APPEAL

(b) Filing Fee.

(1) If the party seeking to appeal has had judgment rendered against him or her in an infraction or other civil matter and has not been declared indigent in a court of limited jurisdiction, any application for a waiver of filing fee in superior court must be approved by a judge of the superior court. The office of the county clerk will furnish application forms for such fee waiver.

[Amended effective September 1, 2005.]

RULE 2.6
CONTENT OF NOTICE OF APPEAL

(c) Designation of Claimed Errors.

(1) Identification. The appealing party shall identify in writing, as to each claimed error, by reference to the numerical (digital) count on the electronic record as disclosed by the log, the beginning and the end of each portion of the recorded proceedings relevant to the claimed error.