The Local Rules of the Superior Court of Washington in and for the County of Grant

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LAR 1.
TITLE AND SCOPE

(a) Title. These rules shall be known as "The Local Rules of the Superior Court of Washington in and for the County of Grant." The brief title of these rules is "Grant County Local Rules." These rules may be cited in the following format: "LAR 1" (for Administrative Rules); "LCR 7" (for Civil Rules); "LCrR 1.1" (for Criminal Rules); "LRMA 1.1" (for Mandatory Arbitration Rules); "LRMM 1" (for Mandatory Mediation Rules).

(b) Scope. Unless otherwise provided herein, these rules apply to all criminal and civil proceedings, family and domestic matters, mental health proceedings, juvenile court offender and dependency proceedings, appeals from lower courts, tribunals and agencies, and other matters brought before the Grant County Superior Court. To the extent these rules supplement rules of statewide application adopted by the Supreme Court of Washington, both local and statewide rules apply. To the extent these rules conflict with statewide rules, the statewide rules apply.

(c) Arbitration. By order dated April 20, 1988, Grant County Superior Court adopted local rules for mandatory arbitration ("LRMA") which apply to original civil actions with limited money claims, and to other actions upon stipulation of the parties.

(d) Mediation. By order dated May 28, 2012 Grant County Superior Court adopted local rules for mandatory mediation ("LRMM") which apply to disputed issues in family law cases, as defined in said rules.

(e) Waiver. Any provision of these rules may be waived or modified by order of the court for good cause shown, or as required in the interests of justice.

(f) Numbering. In compliance with CR 83, the local civil rules in Section 2 and the local criminal rules in Section 3 are numbered consistent with the numbers of the most closely associated Civil Rules for Superior Court and Criminal Rules for Superior Court.

[Adopted April 1, 1997; amended 2005; amended effective September 1, 2012]

LAR 2.
JUDICIAL OFFICERS

(a) Departments. There shall be four departments of this court, identified as Civil Department, Criminal Department, Juvenile Court, and Court Commissioner's Department. The judicial officers of this court will be assigned, on a rotating basis, for such periods as the Presiding Judge may from time to time determine, among the departments of this court.

(b) Presiding Judge. (1) Election. During the month of December of each even-numbered year, the judges of the court shall elect, by such manner as they may then agree or, in the absence of such agreement, by secret written ballot, one of their number to serve as Presiding Judge. In the same fashion, the judges shall elect an Acting Presiding Judge. Vacancies in either position will be filled in the same manner as soon as practicable after vacancy occurs.

(2) Removal. The Presiding Judge or Acting Presiding Judge may be removed by the unanimous vote of the other judges of the court.

(3) Term. The Presiding Judge shall be elected to a term of two years, commencing on January 1 of each odd-numbered year.

(4) Special Inquiry Judge. By virtue of office, the Presiding Judge shall be

the Special Inquiry Judge designated by the judges of the court as required by RCW 10.27.050. In the event the Presiding Judge is disqualified from any special inquiry proceeding, the Acting Presiding Judge will be deemed to be the special inquiry judge so designated.

(5) Library Board. By virtue of office, the Presiding Judge, or his or her designee, shall be a member of the Grant County Law Library Board.

(c) Juvenile Judge. The judge assigned to the Juvenile Court pursuant to section (a) of this rule shall be designated as the Juvenile Court Judge, as provided in chapter 13.40 RCW.

(d) Court Commissioners. The judges will employ at least one court commissioner, assigned to the Court Commissioner's Department, unless otherwise assigned by the Presiding Judge. The Court Commissioner will ordinarily preside over weekly dependency dockets, and dockets and trials of brief duration in domestic and paternity cases.

The judge of the Grant County District Court assigned to the Moses Lake district will ordinarily be appointed as a commissioner of the superior court. In such capacity, the court commissioner may sign ex parte orders. Ex parte orders signed at a location other than the Grant County Courthouse shall be transmitted by the commissioner to the Clerk of this court; original orders shall not be returned to the party or attorney requesting the same.

The Presiding Judge may appoint pro tempore court commissioners from time to time as may be required for due administration of the business of the court.

[Adopted April 1, 1997; amended 2005; amended effective September 1, 2012]

LAR 3.
STAFF POSITIONS

(a) Court Reporter. There shall be at least one official reporter, selected by a majority of the judges, appointed and serving in the manner, and performing the functions, prescribed by law.

(b) Court Administrator. The administrative operation of the court will be coordinated by a Court Administrator, appointed by the judges and serving at their pleasure. The Court Administrator will schedule all court calendars, and perform such other duties as the Presiding Judge may from time to time direct.

(c) Interpreter Coordinator and Arbitration Administrator. The court shall employ an Interpreter Coordinator, who shall be certified by the Administrative Office for the Courts as an interpreter in the Spanish language. The Interpreter Coordinator will attend court proceedings when directed by a judge, and will arrange for the retention and assignment of other interpreters as the business of the court may require. The Interpreter Coordinator may be permitted, by written policies of the court, to perform interpretation services for private party litigants.
The Interpreter Coordinator may, when directed by the judges of the court, also serve as Arbitration Administrator, as provided in the Local Rules for Mandatory Arbitration.

(d) Jury Administrator. The court shall employ a Jury Administrator to perform all administrative functions necessary for calling, selecting, and compensating petit jurors.

(e) Other Staff. The judges may appoint such other staff, including assistants, bailiffs, deputies and others, as may from time to time be necessary to the efficient operation of the court.

[Adopted April 1, 1997; amended 2005; amended effective September 1, 2012]

LAR 4.
MOTION CALENDARS

(a) Law and Motion Calendars. Except as otherwise ordered from time to time as necessary in the administration of the court, regular law and motion calendars will be heard as follows:

Civil Department:
Civil motions: Friday, 9:00
Adoption motions and hearings: Friday, 11:00
Sentence compliance: 1st, 3rd and 5th Fridays, 1:30

Criminal Department:
Criminal motions: Monday and Tuesday, 9:00
CrR 3.5, CrR 3.6 hearings: Wednesday and Thursday, 10:00

Commissioner Department:
Dependency docket: Tuesday, 1:30
Paternity, support enforcement: Thursday, 9:00
Domestic and family law:
Motions, decrees with counsel: Friday, 9:00
Pro se decrees: Friday, 1:30
Pro se motions: Friday, 2:00

Juvenile Court:
Offender motions: Monday, 9:00
Truancy, at-risk youth: Tuesday, 9:00
Protection orders: Tuesday, 1:30

(b) Holiday Schedule. When Monday is a court holiday, the criminal docket will be called on the following Tuesday and Wednesday, and the Monday Juvenile offender docket will be called on the following Wednesday, unless otherwise ordered by the court. When Friday is a court holiday, all regularly-scheduled dockets will be called on the preceding Thursday, unless otherwise ordered by the court. When a Tuesday, Wednesday or Thursday court holiday affects a docket, the docket will be specially scheduled by the court.

[Adopted April 1, 1997; amended 2005; amended effective September 1, 2012]

LCR 7.
MOTIONS

(a) Time Limits. (1) Length of hearing. Civil and domestic/family law and motion dockets are limited to matters requiring no more than ten minutes per side. Matters expected to exceed that limitation must be specially set by the court administrator.

(2) Responsive declarations. In matters on the domestic and family docket, and the paternity docket, responsive declarations must be served and filed by noon on the calendar day immediately prior to the docket, or 24 hours before the scheduled docket, whichever is later, unless the court expressly permits later service and/or filing.

(b) Noting Matters on Motion Dockets. Except as otherwise provided in this section, or with leave of the judicial officer presiding on the docket, matters to be heard on a motion docket must be noted with the clerk five days prior to the docket. If the judicial officer assigned to hear a docket is unavailable, another judge may consider and grant an ex parte motion for order shortening time to note a matter on a docket.

(c) Required Special Settings. The following matters may not be noted on the court's regular dockets, but must be specially set with the court administrator: motions for summary judgment; arguments on the merits in appeals from lower courts or tribunals; child hearsay (Ryan) hearings.

(d) Telephonic argument. (1) Unreported. Arguments on motions are to be conducted in person, except that, by specific arrangement with the court administrator at least two days before a hearing, argument may be made by telephone, Provided, (1) that all parties agree to telephonic argument; (2) that the judicial officer before whom the hearing will be conducted approves of telephonic argument; and (3) that no verbatim record is requested (or the record is made by a party). A party may withhold agreement to telephonic argument only for reasonable, articulable cause.

For good cause shown, on motion of a party, the court may order telephonic argument of a motion in the absence of such agreement. A motion to require telephonic argument shall itself be argued by telephone unless all affected parties are before the court when the motion is made.

(2) Verbatim record. The requirement that there be no verbatim record may be waived by the court only if: (1) no participant other than the court uses a speaker phone; (2) no speaking participant is on a cellular telephone; and (3) the reported call will begin with each party's stipulation to the following:

"This conference call argument is being reported by the official court reporter. Each party stipulates that any portion of the proceedings which is inaudible to the reporter will be noted as such in the record without jeopardy to the reporter or to any transcript being deemed accurate and complete."

Adopted April 1, 1997; amended 2005; amended, re-numbered and re-codified effective September 1, 2012]

LCR 16.
PRETRIAL CONFERENCE AND TRIAL CONFERENCE

(a) Pretrial conference. A pretrial conference may be conducted in civil cases in the manner, and for the purposes, set forth in CR 16.

(b) Trial conference. Civil jury trials will be preceded by a conference, on the record unless a record of the trial has been waived, beginning at 9:00 a.m. on the first trial day unless otherwise ordered by the court. If the conference is expected to exceed 60 minutes, the parties shall obtain a specially-set time from the court administrator. Counsel for the parties shall attend. The conference will address administrative matters relating to the trial, and resolve motions in limine and other motions entertained by the court.

Civil bench trials may be preceded by a conference on request of a party or on the court's motion.

Adopted April 1, 1997; amended 2005; amended, re-numbered and re-codified effective September 1, 2012]

LCR 16A.
PARENTING SEMINARS

(a) Cases Affected. Pursuant to RCW 26.12.170, this rule applies to all actions in which the court is petitioned to adopt a parenting plan or residential schedule involving minor children, and, if ordered by the court, to an action in which modification of such a plan or schedule is sought.

(b) Seminar Required. The judges of this court shall, by administrative order maintained in the records of the clerk, from time to time designate one or more providers of parenting seminars. Each party who is a parent shall, within thirty days after initiating or being served with initial documents in a case covered by this rule, contact a designated provider to schedule attendance at a parenting seminar. Prior to trial in such a case, or prior to entry of a final parenting plan or residential schedule if no trial is held, each such party shall attend and complete a parenting seminar, and file proof thereof with the court.

(c) Exemption and Enforcement. A party may seek exemption from the requirements of this rule on the basis of substantial hardship, established by motion of the party supported by written declaration or oral testimony. A party who has completed a parenting seminar, pursuant to this rule or otherwise, within twenty-four months before institution of the present action is, upon filing proof thereof, also exempt from part (b) of this rule, unless otherwise ordered by the court. Unless exempted, a party who fails to comply may be sanctioned by civil contempt remedies, by an order striking pleadings, or in such other manner as the court deems appropriate.

[Adopted as LR 13 April 1, 1997; re-numbered effective September 1, 2012]

LCR 16B.
ASSETS AND DEBTS IN MARRIAGE DISSOLUTION AND SIMILAR CASES

(a) Statement Required. Not later than noon on the court day before the day on which an action for dissolution of marriage, dissolution of a registered domestic partnership, division of assets of a committed intimate relationship, or similar case, is called for trial, when there exists a dispute between the parties regarding the characterization, valuation or distribution of any asset or debt, each party shall file with the trial judge and serve on the other party a statement in spreadsheet format of all assets and debts of the parties within the court's jurisdiction.

(b) Contents of Statement. (1) Assets. The statement shall sequentially number and identify each asset with sufficient particularity to distinguish it from other assets of the same type. As to each asset, the statement shall set forth, unless unknown to the party, the following information: date, manner and cost of acquisition; the party's characterization of the asset as community (or "shared") or separate property, and if separate, the basis for that claim;

present fair market value; and proposed distribution by the court. The statement shall separately identify any asset in the possession of either party claimed to be the property of a third person, in whole or in part.

(2) Debts. The statement shall sequentially number and specifically identify (including creditor and account number) each debt claimed to be owed by either party or both. As to each debt, the statement shall set forth, unless unknown to the party, the following information: the date(s) on which the debt was incurred, the purpose for which it was incurred, any security given for the debt; the balance owed at the time of trial and at the time of separation; payments made by either party after separation; whether, and to what extent, the debt is claimed to be the separate or individual debt of either party; and the proposed distribution by the court.

(3) Other relief. Each party's statement shall also set forth any other financial relief requested, other than child support, including a monetary judgment to balance the division of assets and debts, spousal maintenance, and award of costs and attorney fees.

[Adopted as LR 15 September 1, 2005; amended and re-numbered effective September 1, 2012]

LCR 16C.
SETTLEMENT CONFERENCE

(a) When Held. Subject to available time on the court's calendar, a settlement conference may be held in any civil or domestic case by agreement of the parties, or, in the absence of agreement, upon order of the court

(b) Time and Judicial Officer. A settlement conference will be held at a time set by the court administrator, and shall be conducted by a judicial officer other than the officer to whom the case is, or likely will be, assigned for trial.

(c) Persons Attending. The attorney in charge of each party's case shall attend the settlement conference. The parties to a domestic case shall attend the conference; in other civil cases, the parties, or persons with settlement authority for a party, shall be available, and the judicial officer conducting the conference shall decide whether the parties shall be present in the conference room. When the defense of a party is provided by an insurer, a representative of the insurer with authority to bind the insurer to a settlement, must be in attendance or immediately available by telephone to the attorney for that party. Attendance of any party or representative may be excused for good cause shown.

(d) Preconference Submittal. At least two days before the date set for the settlement conference, the attorney, or pro se party, personally in charge of each party's case shall present to the judicial officer conducting the conference a letter succinctly addressing those issues required to be addressed.

(e) Privilege. Settlement conferences shall, in all respects, be privileged proceedings and not reported or recorded. No party is bound by any position taken during a settlement conference unless a settlement is reached. When a settlement has been reached, the judicial officer may, and at the request of any party shall, cause the settlement to be made a matter of record. The judicial officer presiding over the settlement conference shall be disqualified from acting as the trial judge in that matter, unless all parties otherwise agree in writing.

[Adopted as LR 17 September 1, 2005; amended and re-numbered effective September 1, 2012]

LCR 26F.
SCHEDULING ORDER

(a) Status conference. In civil cases in which the complaint has been served on any defendant, the court administrator will schedule a status conference, to be conducted by telephone not sooner than 90 days, nor later than 120 days after the complaint is filed, and will give notice thereof to counsel and unrepresented parties who have appeared. The purpose of the status conference is to schedule deadlines for completion of all measures necessary to prepare the case for trial. Notice of the status conference shall be in the form appended hereto as Form LR 8-A, and will be accompanied by a blank status conference statement (Form LR 8-B) and blank note-up slip for trial setting (Form LR 8-C).

After a request for trial de novo following mandatory arbitration, the court administrator will schedule a status conference in the manner set forth above, to be conducted by telephone within 60 days of the filing of the request.

(b) Scheduling order.. Following the status conference, or upon receipt of a status conference statement agreed to by all parties, the court will issue a Scheduling Order in the form appended hereto as Form LR 8-D. Deadlines established in the Scheduling Order may be extended by stipulation of the parties only upon leave of the court. The court may, upon motion of a party made before expiration of a deadline, extend any deadline in the Scheduling Order for good cause shown.

(c) Cases Excluded. Unless otherwise ordered by a judge, the scheduling procedure provided in LR 8(a) will not be employed in domestic relations, paternity; adoption; change of name; domestic violence (chapter 26.50 RCW); harassment (chapter 10.14 RCW); interstate support enforcement; juvenile dependency; minor settlement; probate; guardianship; petition for writ of habeas corpus, mandamus, review or other writ; unlawful detainer; civil commitment; proceedings under chapter 10.77 RCW; proceedings under chapter 70.96A RCW; and cases in which pretrial time limits are expressed in statute.

(d) Trial setting. See LR 40(a).

[Adopted April 1, 1997; amended 2005; amended, re-numbered and re-codified effective September 1, 2012]

LCR 40.
TRIAL

(a) Trial setting. If, upon completion of the latest deadline established by the Scheduling Order, the case has not been fully resolved, parties continuing to make or defend claims in the case shall complete and file the note-up slip for trial setting in the form appended hereto as Form LR 8-C. Upon expiration of the time for filing such requests, the court administrator will assign a trial date, using the form appended hereto as Form LR 8-E.

(b) Civil Trials. Civil trials shall be scheduled by the court administrator at such times as are conducive to the efficient operation of the court and the expeditious resolution of cases. Generally, civil jury trials will begin on Mondays or Tuesdays at 9:00 a.m.

(c) Domestic Trials. Trials in domestic relations and family law cases shall be set for trial by the court administrator in the same manner as civil trials. Trials not expected to exceed one-half day may be set in the Commissioner's Department.

(d) Paternity Trials. Trials expected to exceed one-half day will generally be set by the court administrator as civil trials. Otherwise, paternity trials will be scheduled in the Commissioner's Department on Thursday afternoons, unless a special setting is obtained from the court administrator.

[Adopted April 1, 1997; amended 2005; amended, re-numbered and re-codified effective September 1, 2012]

LCR 47.
JURY SELECTION

(a) Panel. The jury administrator will randomly assign sequential numbers, beginning with "1," to all prospective jurors who have timely appeared for trial, and will cause them to be seated in the courtroom in that order when directed by the trial judge to do so. The judge and counsel will be provided with a roster of the panel as seated.

(b) Examination. Unless otherwise ordered by the judge presiding at trial, juries will be selected after panel examination. The judge will conduct orientation and general questioning of the panel. Thereafter, counsel will, in turn, be permitted to question the panel, or individual members thereof, for a stated period of time set by the judge. The judge may allow a second period of questioning by each side. For good cause shown, the judge may extend the period of questioning, or allow additional rounds, on motion of a party.

(c) Challenges. Challenges for cause shall be made openly or at sidebar, as the judge may direct. After examination of the panel, counsel will, in turn, exercise peremptory challenges by striking names from a roster of those panel members not previously dismissed. After peremptory challenges, the remaining

unchallenged jurors with the twelve (or, in appropriate cases, six) lowest roster numbers shall be seated as the jury. The remaining juror(s) with the next lowest roster number(s) will be seated as the alternate juror(s).

[Adopted April 1, 1997; amended 2005; amended, re-numbered and re-codified effective September 1, 2012]

LCR 51.
JURY INSTRUCTIONS

Each party wishing to propose jury instructions shall file with the clerk, deliver to the judge, and serve on other parties one cited copy and one clean copy of each instruction proposed. Cited copies shall include marginal citation of the authority relied upon in proposing the instruction, and will be sequentially lettered or numbered. Clean copies shall not include citations, letters or numbers.

[Adopted April 1, 1997 as LR 10(b); amended 2005; re-numbered effective September 1, 2012]

LCR 59.
RECONSIDERATION AND RE-APPLICATION

(a) Motion for Reconsideration. (1) Noting for hearing. As provided in CR 59(b), a party filing a motion for reconsideration will also file a note-up slip noting the motion for hearing on an appropriate law and motion docket, designating the judicial officer whose decision the motion seeks to reconsider. The date for hearing shall be at least ten days after filing of the motion.

(2) Hearing. Upon receiving for filing a motion for reconsideration and note-up slip, the clerk shall cause the same to be delivered to the judicial officer whose decision the motion seeks to reconsider. The judicial officer will promptly determine, as provided in CR 59(e), whether the motion should be denied on its face, or, if not, whether the motion is to be heard on oral argument or submitted on briefs. The judicial officer will enter an order expressing such determinations, including a briefing schedule and a date for argument, when appropriate. The court administrator will cause copies of the order to be delivered to all counsel and unrepresented parties.

(b) Re-application. When an order has been applied for and denied in whole or in part, or has been granted conditionally and the condition has not been performed, the same application for an order may not be presented to a different judicial officer unless that officer is clearly advised of the fact of the previous denial or unfulfilled condition.

[Adopted September 1, 2005 as LR 14; amended and re-numbered effective September 1, 2012]

LCR 70.
CIVIL CONTEMPT PROCEEDINGS

This rule shall apply to all civil contempt proceedings whether brought under chapter 7.21 RCW or other statutes, but shall not apply to summary contempt proceedings under RCW 7.21.050.

(a) Warning. The order to show cause shall advise the responding party, in prominent language, that failure to appear could result in issuance of a warrant for the arrest of that party.

(b) Service. Unless otherwise authorized by order of the court, or by the express terms of a statute under which the contempt motion is brought, or by written stipulation of the parties, the order to show cause, together with the motion and supporting declarations or other materials, must be personally served on the responding party.

(c) Failure to Appear. At the hearing, if the responding party fails to appear and upon proof of service of the pleadings required by this rule, the court may order arrest of the responding party. Other requested remedies may

also be ordered upon default, even if a warrant is not ordered.

[Adopted September 1, 2005 as LR 16; re-numbered effective September 1, 2012]

LCR 79.
LIMITED ACCESS TO PATERNITY FILES

(a) Persons. Only the following persons shall have access to paternity files of this court: the mother, the presumed father, any alleged father who has not been dismissed from the case, an attorney representing any of the foregoing or the child (after filing a notice of appearance), any guardian ad litem appointed in the cause and not discharged, the State of Washington as represented by the Attorney General's office or Grant County Prosecutor's Office (or other contracted counsel), and any other person upon permission from a judge or commissioner of the court.

(b) Limited Access. Access to a paternity file by the mother, or presumed or alleged father is limited to review of the file at the office of the clerk of the court when no final Judgment and Order Determining Paternity has been entered. After entry of such Judgment and Order, any party referred to in the order may, upon paying the applicable fee, receive a copy of the order and any visitation order, parenting plan, residential schedule or child support order in the file.

(c) Access by Court Officers. Any attorney, guardian ad litem, or employee or contractor of the Attorney General or Prosecutor authorized by part (a) of this rule to have access to a paternity file may examine or otherwise handle the file in the clerk's office pursuant to policies of the clerk.

(d) Segregation of File. The Clerk of this Court may segregate Paternity files into two or more volumes, ending the first (or subsequent) volume upon entry of an Order Establishing Paternity. Said Order, together with pleadings filed thereafter may be filed in a separate volume or volumes. When such segregation is made by the Clerk, the limitations on access expressed in this rule will be deemed only to apply to the volume(s) closed with filing of the Order Establishing Paternity

[Adopted April 1, 1997 as LR 12; amended 2005; amended and re-numbered effective September 1, 2012]

LCrR 1.1
APPLICABILITY OF CIVIL RULES

Unless otherwise expressly provided herein, the following Local Rules apply in criminal cases as well as in civil cases: LR 7(b), except that initial appearances, motions to revoke conditions of release, and emergency furlough motions may be noted on any criminal docket without advance notice; LR 7(c) and (d); LR 47; LR 51; LR 59.

[Adopted September 1, 2012]

LCrR 3.3
TRIAL SCHEDULING

(a) Criminal trials will ordinarily be scheduled to begin on Wednesday at 9:00 a.m. (delayed by one day when Monday is a court holiday). The court will maintain a calendar of cases set for trial; cases will be called for trial in the order of their speedy trial deadline, and for cases having the same deadline, in order of their cause numbers, unless otherwise ordered by the court. The court may, by administrative order, specify further particulars regarding calling criminal cases for trial, the obligation of counsel and parties in trailing cases, and so on.

(b) A case on the trial calendar which is not resolved or expressly continued to a new trial date will be deemed continued for trial to the following week without change to its trial deadline.

[Adopted April 1, 1997 as LR 4(g); amended 2005; amended, re-numbered and re-codified

effective September 1, 2012]

LCrR 3.5
CONFESSION HEARING

At or before the omnibus hearing, the prosecution shall serve on the defendant and file with the court a brief description of the defendant's statements the prosecution intends to offer in evidence at trial. Not later than twenty four hours before a hearing pursuant to CrR 3.5, the parties may file memoranda of legal authorities relating to admission or exclusion of the defendant's statements.

[Adopted April 1, 1997 as LR 9(a); amended 2005; amended and re-numbered effective September 1, 2012]

LCrR 3.6
SUPPRESSION HEARING

At least one week prior to a hearing under CrR 3.6, the defendant shall serve on the prosecutor and file with the court a written motion for suppression, identifying the item(s) to be suppressed and briefly stating the grounds. The defendant shall serve and file with the motion a memorandum of authorities upon which defendant relies for suppression.

The prosecution shall file a memorandum of authorities upon which it relies for admissibility of the challenged evidence not later than twenty-four hours before the hearing.

[Adopted April 1, 1997 as LR 9(b); amended 2005; amended and re-numbered effective September 1, 2012]

LCrR 4.1
SCHEDULING ORDER

In criminal cases, at the time of arraignment, the court will adopt a schedule for the case by completing a Scheduling Order in the form appended hereto as Form LR 8-F. The court will cause the original Scheduling Order to be filed with the clerk, and will cause copies to be delivered to the court administrator, prosecuting attorney, defense attorney and defendant.

[Adopted April 1, 1997 as LR 8(c); amended 2005; amended and re-numbered effective September 1, 2012]

LCrR 4.5
OMNIBUS AND READINESS HEARINGS

The scheduling order required by LR 8 shall establish dates for omnibus hearing, readiness hearing, and trial, each of which the defendant shall attend unless excused in advance by the court. The omnibus hearing shall be conducted in the manner anticipated in CrR 4.5. At the readiness hearing, the court will confirm that all parties are ready to proceed to trial, or will continue trial to a date certain.

[Adopted April 1, 1997 as LR 5(b); amended 2005; amended, re-numbered and re-codified effective September 1, 2012]

LCrR 6.1
TRIAL CONFERENCE

Unless otherwise ordered, criminal trials will begin with a conference, on the record, to resolve pretrial and trial issues. The conference will begin at such time as the court directs during the readiness hearing If the conference is expected to require more than 60 minutes, counsel shall so advise the court at the readiness hearing. Counsel and the defendant shall attend the trial conference. The conference will address administrative matters relating to the trial, admissibility of evidence of prior convictions or other contested evidentiary matters, motions in limine, and other motions entertained by the court.

[Adopted April 1, 1997 as LR 6(b); amended 2005; amended and re-numbered effective September 1, 2012]

LRMA 1.1.
PURPOSE OF RULES - OTHER RULES - DEFINITIONS

(a) Purpose and Scope. The purpose of these Local Rules for Mandatory Arbitration is to supplement the Mandatory Arbitration Rules (MAR) adopted by the Supreme Court in order to provide a simplified, economical procedure for the prompt and equitable resolution of disputes involving claims of $50,000 or less. THESE RULES MUST BE READ AND APPLIED IN CONJUNCTION WITH THE MANDATORY ARBITRATION RULES.

These rules are not intended to address every question which may arise during arbitration, and thus leave considerable discretion to the arbitrator. Arbitrators should liberally employ such discretion in order to assure that hearings are informal and expeditious, consistent with the purposes of the statutes and rules.

(b) Administrator. As used in these rules, "Administrator" means the employee of the Grant County Superior Court who may, from time to time, be assigned by the judges thereof the position and responsibilities of Arbitration Administrator.

[Amended 1990; amended effective September 1, 2012]

LRMA 1.2
AMOUNT IN CONTROVERSY

Pursuant to RCW 7.06.020, civil matters shall be subject to mandatory arbitration if the amount claimed by any party does not exceed $50,000 exclusive of attorney fees, interest and costs, or if the parties waive claims in excess thereof for the purposes of arbitration.

[Amended 1990; amended effective September 1, 2012]

LRMA 1.3.
MOTIONS

All motions before the court relating to mandatory arbitration shall be noted on the civil motions calendar in accordance with LR 7, except as otherwise provided in these arbitration rules.

[Amended 1990; amended effective September 1, 2012]

LRMA 2.1.
TRANSFER TO ARBITRATION

(a) Statement of Arbitrability. In every civil case to which the scheduling procedure set forth in LR 26F applies, each party filing and serving a status conference statement (Form LR 8-B) shall indicate thereon whether or not the case is subject to mandatory arbitration. Alternatively, any party who asserts that a case is subject to mandatory arbitration may at any time file and serve on all other parties a statement of arbitrability.

(b) Response. A party who disputes another party's assertion that the case is or is not subject to mandatory arbitration shall so advise the court in any one of these ways: (1) by so indicating in the status conference statement (Form LR 8-B); (2) by so indicating at the commencement of the status conference required by LR 26F(a); or (3) by serving and filing a written response to another party's statement of arbirtrability within 14 days of service thereof.

(c) Amendment. A party may amend a statement of arbitrability, response, or other assertion regarding arbitrability of the case at any time before assignment of an arbitrator, and thereafter only upon leave of the court for good cause shown.

(d) Failure to File. If no response or other dispute regarding arbitrability is filed or brought to the attention of the court as provided in this rule, then a statement that the case is subject to mandatory arbitration will be deemed correct.

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

[Amended 1990; amended effective September 1, 2012]

LRMA 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. In the absence of a stipulation, the arbitrator will be chosen from among the five proposed arbitrators in the manner set forth in this rule.

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

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

(d) No Response. If no party responds within 14 days, the Administrator will randomly appoint one of the five proposed arbitrators.

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

[Amended effective September 1, 2012]

LRMA 3.1.
QUALIFICATIONS

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

(b) Refusal - Disqualification. The appointment of an arbitrator is subject to the right of that person to decline to serve. An arbitrator must notify the Administrator immediately if declining 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 the Code of Judicial Conduct, Rule 2.11 governing the disqualification of judges. If disqualified, the arbitrator will immediately return all materials in a case to the Administrator.

[Amended effective September 1, 2012]

LRMA 4.2.
DISCOVERY

In determining when additional discovery beyond that directly authorized by MAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount 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 civil rules except that motions concerning discovery shall be resolved by the arbitrator. Nothing in this rule shall prohibit the arbitrator from considering, in ruling on the merits of the case, any other discovery devices which may have been completed prior to assignment of the case to the arbitrator.

[Amended effective September 1, 2012]

LRMA 5.1.
NOTICE OF HEARING - TIME AND PLACE - CONTINUANCE

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

[Amended effective September 1, 2012]

LRMA 5.2.
PREHEARING STATEMENT OF PROOF - DOCUMENTS FILED WITH THE COURT

The statements of witnesses and exhibits required by MAR 5.2 shall be simultaneously exchanged by all parties. 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 in the custody of the County Clerk.

[Amended effective September 1, 2012]

LRMA 5.3.
CONDUCT OF HEARING - WITNESSES - RULES OF EVIDENCE

(a) Oath or Affirmation. The arbitrator shall place a witness under oath or affirmation, substantially in the following form, before the witness presents testimony: "Do you solemnly swear or affirm, under penalty of perjury under the laws of the State of Washington, that the testimony you give in this matter will be the truth?"

(b) Recording. The hearing may be recorded electronically or otherwise by any party at his or her expense, providing that the means of recording do not interfere with conduct of the hearing.

(c) Rules of Evidence Generally. The Rules of Evidence, to the extent determined by the arbitrator to be applicable, should be liberally construed to promote justice and economical dispute resolution.

[Amended effective September 1, 2012]

LRMA 6.1.
FORM AND CONTENT OF AWARD

(a) Form. The arbitrator's award shall be prepared on a form prescribed by the court.

(b) Exhibits. All exhibits offered during the arbitration hearing shall be filed with the Clerk at the time of filing the award.

[Amended effective September 1, 2012]

LRMA 6.2.
FILING OF AWARD - EXTENSION

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

[Amended effective September 1, 2012]

LRMA 7.1.
REQUEST FOR TRIAL DE NOVO - TRIAL SETTING

Any party desiring trial de novo after an arbitration award must give notice thereof as provided in MAR 7.1(a) notwithstanding that the case is not ripe for trial setting under LR 40. If a trial date has been assigned prior to the filing of an arbitration award, it shall remain in place if a request for trial de novo is filed pursuant to MAR 7.1(a), and shall be stricken if no such request is filed within the time permitted by MAR 7.1(a).

[Amended effective September 1, 2012]

LRMA 7.2.
SEALING ARBITRATION AWARD

[Withdrawn effective September 1, 2012]

LRMA 8.1.
STIPULATIONS - EFFECT ON RELIEF GRANTED

If a case not otherwise subject to mandatory arbitration is transferred to the arbitration calendar by stipulation, the arbitrator may grant award any relief which could have been granted if the case were determined by a judge.

[Amended effective September 1, 2012]

LRMA 8.3.
EFFECTIVE DATE

[Withdrawn effective September 1, 2012]

LRMA 8.4.
TITLE AND CITATION

These rules are known and cited as the Grant County Superior Court Local Rules for Mandatory Arbitration. "LRMA" is the official abbreviation.

LRMA 8.6.
COMPENSATION OF ARBITRATORS

(a) Generally. Arbitrators shall be compensated for time spent in preparation, hearings, and preparation of an award, at an hourly rate established by the Office of Administrator of the Courts. Hourly compensation shall not include travel time. Arbitrators shall also be compensated for their reasonable costs, including mileage.

(b) Determination and Payment. The Administrator shall determine the amount of compensation and costs to be paid, and shall cause the costs and one-half of the compensation to be promptly paid from funds of Grant County, without deductions. The Administrator will promptly submit a request for payment of the remaining one-half of compensation, less deductions required by law, from funds of the State of Washington.

(c) Form. When the arbitrator's award is filed, the arbitrator shall submit to the court a request for payment on a form prescribed by the court.

[Amended and re-numbered effective September 1, 2012; previously LRMA 8.5]

LRMA 8.7.
ADMINISTRATION

The Administrator, under the supervision of the Court Administrator and the Superior Court Judges, shall supervise arbitration under these rules and perform such additional duties relating thereto as the judges or court administrator may direct.

[Amended and re-numbered effective September 1, 2012; previously LRMA 8.6]

LRMM 1.
GENERAL PROVISIONS

(a) Mediation Required. Contested issues in family law cases are subject to mandatory mediation in accordance with this rule. No trial or hearing shall be conducted to resolve any such issue until either (1) the parties have engaged in mediation; or (2) the court has, for good cause, waived the mediation requirement of this rule. Attorneys for the parties may attend mediation proceedings. Mediation proceedings will be completed at least 30 days before trial.

(b) Family Law Cases. (1) Family law cases subject to mandatory mediation under this rule are as follows:

a. Dissolution or declaration of invalidity of marriage or domestic partnership.

b. Legal separation.

c. Child custody proceedings involving parents, presumed or putative parents, de facto parents, or non-parents (after a finding adequate cause when required).

d. Paternity cases after entry of a judgment determining parentage.

e. Proceedings to establish child support or maintenance obligations.

f. Proceedings relating to the termination of marriage-like relationships.

(2) Unless otherwise ordered by the court, mediation under this rule is not required for the following cases or issues:

a. Dependency and termination cases.

b. Contempt proceedings regarding compliance with court orders.

c. Petitions for Domestic Violence Protection Orders.

d. Adoption proceedings.

e. Petitions for emancipation of a minor or for change of name.

f. Motions to waive the requirements of this rule for good cause.

(c) Contested Issues. (1) Contested issues subject to mandatory mediation under this rule include the following:

a. Characterization, valuation and/or division of assets and debts.

b. Establishment of final parenting plan or residential schedule.

c. Modification of a final parenting plan or residential schedule after a finding of adequate cause.

d. Modification of a temporary parenting plan or residential schedule.

e. Establishment of child support or maintenance (other than initial temporary order).

f. Modification of temporary or permanent child support or maintenance order.

(2) Unless otherwise ordered by the court, contested issues subject to mandatory mediation under this rule do not include the following:

a. Entry of initial temporary support order.

b. Entry of initial temporary parenting plan or residential schedule.

c. Entry of other initial temporary orders, including restraining orders; orders for the use, possession, disposition or preservation of assets; orders allocating responsibility for debt service; and similar temporary orders.

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

[Adopted May 27, 2012]

LRMM 2.
MEDIATOR

(a) Appointment of Mediator. The parties may stipulate to appointment of a person to perform the mediation required by this rule by filing with the court a written stipulation including the name, address and date of appointment of the mediator. In the absence of stipulation, the court will, on its own motion or the motion of a party, appoint a mediator. The person or organization appointed by the parties or the court shall immediately be notified of the appointment. Any person so appointed may decline the appointment and promptly notify the parties and the court thereof.

(b) Compensation. The mediator shall set a reasonable fee for mediation. The parties shall promptly pay the mediator's fee in the proportions agreed by the parties or, in the absence of agreement, as ordered by the court.

(c) Authority and Duties. The mediator shall set the time, place, manner, and duration of mediation, which may be adjourned from time to time to facilitate resolution of issues. Within seven (7) days after completion of mediation, the mediator shall file with the court, and provide copies to the parties and attorneys who participated in the mediation, a declaration setting forth (1) the date(s) of mediation; (2) the contested issues mediated; and (3) the manner in which any party failed, in the judgment of the mediator, to participate in good faith.

(d) Mediator as Witness. The mediator may not be subpoenaed to testify, nor shall the mediator agree or volunteer to testify, in any discovery procedure or court hearing regarding the statements, communications, or proposals, written or oral, made by any party, attorney or other participant in the mediation process.

[Adopted May 27, 2012]

LRMM 3.
MEDIATION PROCESS

(a) Required Materials. At least two days before mediation proceedings, each party will submit to the mediator proposed orders sought to be entered by the court or equivalent written statements of the resolution of all contested issues subject to mediation. When support issues are being mediated, each party will include a financial declaration and completed child support worksheets. When characterization, valuation, and/or division of assets or debts is being mediated, each party shall submit a statement in the form required by LR 15. The parties shall timely submit any additional materials requested by the mediator. Materials submitted to the mediator shall not be filed with the Clerk of court.

(b) Good Faith Obligation. The parties shall mediate in good faith. Failure to fully participate in mediation, including failure to submit required materials, refusal to discuss a contested issue, or refusal to consider a proposed resolution, shall be evidence of lack of good faith. A party may be sanctioned for failing to mediate in good faith; sanctions may include assessment of all costs of mediation, an award of attorney fees and costs to a party participating in good faith, or other sanctions ordered by the court.

(c) Appearance. For good cause shown, the mediator may permit any participant in mediation to appear by telephone. At the mediator's discretion, persons other than the parties and their attorneys may be permitted to attend the mediation, Provided, that a party seeking permission for a non-party to attend shall give reasonable advance written notice of the request to every opposing party.

(d) Agreement. Any agreement between the parties reached during the mediation process shall be reduced to writing before conclusion of the mediation and shall be endorsed by all parties, participating attorneys, and the mediator. The mediator may, upon notice to a person participating by telephone, endorse the agreement on behalf of that person. The mediator will cause a copy of the endorsed agreement to be provided to each party before conclusion of the mediation.

[Adopted May 27, 2012]

LRMM 4.
CONFIDENTIALITY

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

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

[Adopted May 27, 2012]

LRMM 5.
OTHER PROVISIONS

(a) Discovery. The mediation process does not stay, prohibit, supersede or otherwise affect the rights and obligations of the parties to conduct or provide discovery as set forth in applicable rules of court, or modify in any way the provisions of law for compelling the same.

(b) Title and Citation. These rules are known and cited as the Grant County Superior Court Local Rules for Mandatory Mediation. "LRMM" is the official abbreviation.

(c) Effective Date. This rule shall apply to all causes of action pending before the court on or after the 1st day of September, 2012, except those cases in which trial has commenced.

[Adopted May 27, 2012]