Local Rules of the Superior Court
for Grays Harbor County

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RULE 7.
MOTIONS

(b) Motions and Other Papers.

(1) How Made

(A) Reapplication on Same Facts. When an order has been applied for and refused in whole or in part or has been granted conditionally and the condition has not been performed, the same application for an order shall not be presented to another judge without advising the second judge of the fact that the order was previously refused or conditioned.

(B) Subsequent Motion, Different Facts. If a subsequent application is made upon an alleged different state of facts, it shall be shown by affidavit what application was made, when and to what judge, what order or decision was made thereon, and what new facts are claimed to be shown. Any order obtained in violation of this section may be set aside.

(5) Motion Dockets.

The civil, dissolution/family law and criminal dockets shall be conducted on Monday, as more specifically set forth below. If Monday is a holiday, the dockets will be heard on the following Tuesday.

(A) Civil Motion Docket.

The civil motion docket will begin at 8:30 a.m. at the courthouse in Montesano. Summary judgment motions, hearings requiring testimony and motions requiring argument longer than five minutes per side will be heard on Monday afternoon beginning at 1:30 p.m. All motions requiring an afternoon setting must be scheduled through the Court Administrator or specially set by a Judge.

(B) Dissolution/Family Law Docket

The dissolution/family law docket will begin at 9:00 a.m. at the courthouse in Montesano.

(C) Filing, service and scheduling of motions.

(1) In civil and family law cases, all motions and supporting documents shall be filed and served not later than five days before the time specified for the hearing. All material in response to a motion shall be filed and served no later than noon the work day before the hearing date. Bench copies of all documents relating to a motion should be provided to the judge by noon the work day before the hearing date.

(2) On the morning motion calendar, the parties shall be limited to five minutes on each side. At the conclusion of the time limit, argument shall cease and the matter shall be deemed submitted provided that if the court desires to hear further argument, it may place the matter at the end of the motion calendar, set the matter for further argument on the afternoon calendar, or continue the matter to a specified date.

(3) All matters for the morning calendar shall be noted through the Clerk's office. All matters for the afternoon calendar shall be set by the Court Administrator. With the consent of the court and all parties, motions and hearings may be heard by telephone conference or set on days other than motion days. Scheduling of such motions and hearings shall be done through the Court Administrator.

(4) Any motion noted on the afternoon docket will be stricken from the calendar unless the hearing is confirmed with the Court Administrator in person or by telephone at 360-249-5311. Such confirmation shall be given no sooner than the Tuesday before the hearing and no later than noon on the Thursday prior to the hearing. Confirmation is not required for the morning docket; however, as a courtesy to the Court, the court clerk should be notified by noon Thursday of any matter which will not be heard on the Monday morning docket.

(5) Motions may be continued one time by stipulation of the parties. Motions on the afternoon docket should be continued before the end of the confirmation period. Additional continuances must be with the approval of the court. Motions which are not ready to be argued on the day called and which are not continued shall be stricken subject to being renoted.

(D) Ex Parte Matters. Ex parte matters may be presented to the judge in chambers. Counsel is responsible for obtaining the court file when presenting ex parte matters. Lawyers should not ask the court for ex parte orders without notice to opposing counsel if counsel has appeared either formally or informally.

(E) Reconsideration. A motion for reconsideration shall be submitted on briefs and affidavits only, without oral argument, unless the trial judge requests oral argument. The moving party shall file the motion and all supporting affidavits, documents and briefs at the same time, and on the date of filing serve on or mail a copy thereof to opposing counsel, and deliver a copy thereof to the trial judge which copy shall show the date of filing. The trial judge shall either deny the motion and advise counsel of the ruling or request responding briefs and direct the movant to note the motion for hearing.

(F) Frivolous Motions. Terms and sanctions may be imposed if the court finds that any motion or its opposition is frivolous.

(6) Other Motion Dockets. The court shall conduct a motion docket for paternity cases and default dissolutions on Monday at 1:30 p.m. at the Juvenile Detention Facility located in Aberdeen, Washington. The domestic violence protection order petitions will be heard on Monday at 3:00 p.m. at the courthouse in Montesano. These dockets shall be conducted by the department not assigned to the civil or criminal docket on that date. (Effective 1/1/12.)

(7) Petitions for Adoption. Uncontested petitions for adoption shall be scheduled for Monday at 8:15 a.m., to be heard by the department not assigned to the civil or criminal docket on that date.

RULE 16.
PRETRIAL AND SETTLEMENT PROCEDURES

(b) Settlement Conference. A Judge may order a settlement conference in any civil case. The attorneys who will be in charge of each party's case shall attend personally and shall be prepared to discuss in detail and in good faith the issues of fact and law remaining, the evidence pertaining to liability and damages and the respective positions of the parties on settlement. The attorneys shall be accompanied by their clients or representatives possessing authority to settle unless excused by the judge. The proceedings of the settlement conference shall be privileged and not recorded. If a settlement is not reached the settlement judge shall not make any order or preside at that trial on the merits without consent of all parties.

(c) Pretrial Conference. In all civil cases the court

may order a pretrial conference on its own motion or that of any party. The order for a pretrial conference should specify the duties of the parties prior to the conference, whether attendance by the parties is mandatory, the information to be submitted prior to the conference, and items to be discussed at the conference.

RULE 40.
ASSIGNMENT OF CASES

(b) Method. The Court Administrator shall schedule all trial dates. The moving party shall serve and file a request for a trial setting substantially in the form set forth at the end of these civil rules. The opposing party shall serve and file a similar request. If no response is received by the Court Administrator within 10 days from receipt of the moving party's request, the Court Administrator will schedule the trial. The initial request for trial setting shall be accompanied by a list of the names and addresses of all persons entitled to notice. All parties have the obligation to inform the Court Administrator promptly of any errors or changes in this list. It is the responsibility of all sides to a lawsuit as well as the court, to set a case to be tried within the "Advisory Case Processing Time Standards." The court may enter appropriate orders to insure that all cases are resolved within those time standards.

(1) Scheduling Orders. If no agreed scheduling order is filed within sixty days after the trial date is assigned, the Court Administrator, under the supervision of the court, may set a scheduling order for the case. The scheduling order should include dates for the disclosure of primary witnesses and rebuttal witnesses. Other provisions may be required on a case by case basis.
This pretrial schedule may be amended in writing by the mutual agreement of the parties.

(i) Disclosure of Primary Witnesses. The date by which each party shall have disclosed all persons with relevant factual or expert knowledge whom the party intends to call at trial.

(ii) Disclosure of Rebuttal Witnesses. The date by which each party shall have disclosed all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.

(iii) Scope of Disclosure. Disclosure of witnesses under this rule shall include the witnesses name, address, and phone number, along with a brief description of the witnesses relevant knowledge. Disclosure of expert witnesses shall also include a summary of the expert's opinions and the basis therefore and a brief description of the expert’s qualifications.

(iv) Exclusion of Testimony. Any person not disclosed in compliance with this rule and a scheduling order may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

(v) Discovery not Limited. This rule does not modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery before the deadlines set by a scheduling order.

(d) Trials.

(1) Trial Briefs. Trial briefs shall be filed and served in all cases. The original copy shall be filed with the Clerk, with one copy to the Judge and one copy to each opposing party. Plaintiff's brief shall be served and filed not less than four days before the trial and Defendant's brief by noon of the court day before the trial. If a party serves a brief on the court, copies of the brief shall be promptly served on all parties.

(2) Jury Trials. Counsel shall report to the Judge at least one-half hour before the scheduled beginning of a jury trial and provide the Judge with a written list of the names

and city of residence of witnesses and general voir dire questions to be asked of the jury. Counsel shall be prepared to present any final pretrial matters to the court. Pretrial matters requiring argument shall be noted for hearing prior to the morning of the trial. Jury trials should be conducted with minimal interruptions of the jury's time. To this end, matters which need to be heard outside the presence of the jury should be anticipated so that they can be considered during jury breaks or before or after the jury's day. Unless otherwise ordered or agreed, plaintiffs shall occupy the counsel table closest to the jury.

(e) Continuances. Motions for trial continuances shall be in writing. Continuances of trials may be granted only by a judge in writing for good cause shown. Continuances shall be to a date certain. Ordinarily no trial shall be continued for a trial beyond the "Advisory Case Processing Time Standards" time periods.

(g) Preassignment of Cases.

(1) By the Court. The Judges may select those cases deemed appropriate for preassignment due to length of trial or complexity of issues.

(2) By Motion. The parties by stipulation may request that a case be preassigned, or any party may place a motion for preassignment upon the appropriate motion calendar.

(3) Discretionary Act. Preassignment of cases is a discretionary act. Affidavits of prejudice against the assigned judge which are not based on actual cause will be deemed waived unless filed before preassignment.

(4) All Matters to be Heard by Preassigned Judge. After selection of the trial judge in the preassigned case, the trial, all motions, conferences and other matters and proceedings, except settlement conferences, should be heard before that Judge, if available.

(h) Notice to Court of Calendar and Trial Changes. Whenever a cause which has been set for trial is settled or will not be tried for any reason, or if a jury is subsequently waived, the attorneys shall immediately give notice to the Court Administrator. If it becomes apparent that the time allocated for a trial will not be adequate to complete the trial, the parties shall promptly notify the Court Administrator of that fact and of the time necessary to complete the trial. The court may assess actual costs or other sanctions for a violation of this rule.

RULE 47.
JURORS

(a) Examination of Jurors. The Judge shall examine prospective jurors in the case, provided that thereafter the parties will have leave to ask the jurors such supplementary questions as may be deemed by the Judge proper and necessary, and within limits set by the court.

(k) Appeals on Written Record. Cases set for jury trial which are appeals based on a written record which is read to the jury may be heard without the presence of a judge or court reporter during the reading of the record. The rulings of the hearing official will stand unless objections are renewed before trial. Counsel will meet and confer before trial and agree as much as possible on the order of the record and what portions will be read. Counsel shall notify the trial judge before the jury is empaneled of those portions of the record upon which the trial judge will be asked to rule and of any other matters relating to the reading of the record that need to be resolved prior to trial.

(l) Electronic Data Processing Random Selection. Jury lists shall be by random selection by properly programmed electronic data processing system in accordance with RCW 2.36.063 and RCW 2.36.093.

RULE 49.
VERDICTS

(e) Proceedings When Jurors Have Agreed. A party or attorney desiring to be present at the return of the verdict must remain in attendance at the courthouse or be available by telephone call. If a party or attorney fails to appear within twenty minutes of telephone notice to the attorney's office, home or other number, the court may proceed to take the verdict in the absence of such party or attorney.

RULE 51.
INSTRUCTIONS TO JURY AND DELIBERATION

(b) Submission. Instructions shall be submitted before the day of the trial in the following manner:

(1) Instructions should be consecutive rather than each on a separate sheet of paper. One copy of proposed instructions with citations shall be provided to the Clerk, Judge and each opposing counsel.

(2) The trial judge should be provided with a usable computer disk containing an uncited set of the proposed instructions.

Washington Pattern Jury Instructions shall be furnished by the parties. Any modifications to the Pattern Jury Instructions shall be clearly noted on the annotated copies.

RULE 77.
SUPERIOR COURT AND JUDICIAL OFFICERS

(f) Sessions. The Court shall be in session on all judicial days from 8:30 a.m. to 12:00 noon, and from 1:15 p.m. to 4:30 p.m. Cases may be set for other dates and times. Normally jury trials begin at 9:00 a.m. and non-jury trials begin at 9:30 a.m. In case of conflict, the cases will be heard according to priority assigned because of the nature of the case. In event of a conflict which prevents a trial from beginning as scheduled, parties will be expected to be available to commence the trial at a later time in the day or week.

RULE 79.
BOOKS AND RECORDS KEPT BY THE CLERK

(d) Other Books and Records of Clerk.

(1) Exhibits. When a proposed exhibit is marked for identification it becomes part of the court record and, except when used in the courtroom or on appeal, shall not be removed from the Clerk's custody without a court order. No one shall withdraw exhibits without a court order. After 30 days written notice to all parties of record following final disposition of a civil cause, the court may order the Clerk to destroy or dispose of physical evidence unless good cause is shown why it should be preserved.

Rule 94.
DOMESTIC RELATIONS

(a) Settlement Conference. The Court may order a settlement conference in any domestic relations case. Also, a party may note a motion for a settlement conference on the domestic docket. If a settlement conference is ordered, the attorneys who will be in charge of each party's case shall attend personally and shall be prepared to discuss in detail and in good faith the issues of fact and law remaining, the evidence pertaining to the issues and the respective positions of the parties on settlement. The attorneys shall be accompanied by their clients unless excused by the judge. The proceedings of the settlement conference shall be privileged and not recorded. If a settlement is not reached, the settlement judge shall not make any order or preside at that trial on the merits without consent of all parties.

(b) Pretrial Conference. In all domestic relations cases, the Court Administrator will schedule a pretrial conference on the domestic docket the week before the week the case is scheduled for trial. The attorneys and/or parties shall attend the pretrial conference to discuss the status of the case and its readiness for trial.

(c) Statement-Contested Dissolutions. In any action for dissolution of a marriage in which property division, the parenting plan, spousal maintenance or child support is an issue, each party shall serve on the other party and file with the court a written summary setting forth:

(1) Statement of the issues.

(2) A statement of the party's proposed resolution of the issues.

(3) A description and valuation of the assets and liabilities of the parties, together with a proposed division thereof.

(4) The party's proposed parenting plan.

Each party's written summary must be served and filed no later than four days before the pretrial conference or settlement conference, whichever occurs first. Failure to timely serve and file the summary as required may result in sanctions.

Effective: September 1, 2009.

RULE 1.1
APPLICATION OF RULES

The purpose of mandatory arbitration of civil actions under RCW 7.06 as implemented by the Mandatory Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of $35,000.00 or less. The Mandatory Arbitration Rules as supplemented by these local rules are not designed to address every question which may arise during the arbitration process and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to be informal and expeditious, consistent with the purpose of the statute and rules.

RULE 1.2
MATTERS SUBJECT TO ARBITRATION

By implementation of these rules the Superior Court of Washington for Grays Harbor County authorizes mandatory arbitration under RCW 7.06.010, and approves such arbitrations in civil actions in which no party asserts on the parties own behalf a claim in excess of $50,000.00 exclusive of interest, attorney fees, and costs under RCW 7.06.020 as amended. Domestic matters otherwise qualifying for arbitration shall only be submitted to arbitration by stipulation of the parties or by order of the court upon motion of either party.

RULE 1.3

(c) Motions. All motions before the court relating to mandatory arbitration shall be noted on the civil motions calendar in accordance with Grays Harbor County Local Rules, except as otherwise provided in these arbitration rules.

RULE 2.1
TRANSFER TO ARBITRATION

(a) Statement of Arbitrability. In every civil case the party filing the note for trial shall complete a statement of arbitrability substantially in the form attached to the civil rules.

(b) Response to Statement of Arbitrability. Any party disagreeing with the statement of arbitrability shall serve and file a response to the statement of arbitrability with a copy of the statement of arbitrability and note for trial setting objected to within ten days of the service of the statement of arbitrability and note for trial setting. A copy of both the statement and response shall be furnished to the court administrator by the responding party at the time of filing so that an objection calendar may be prepared. In the absence of such a response, the statement of arbitrability shall be deemed correct, and a nonresponding party shall be deemed to have stipulated to arbitration if the statement of arbitrability provides that the case is arbitrable. Otherwise, the case will not be subject to arbitration except by stipulation of the parties or court order and will be set for trial on the trial calendar.

(c) Failure to File--Amendments. A person failing to serve and file an original response within the times prescribed may later do so only upon leave of the court. A party may amend a statement of arbitrability or response at any time before assignment of an arbitrator thereafter only upon leave of the court for good cause shown.

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

RULE 3.1
QUALIFICATIONS

(a) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the administrative committee may from time to time determine. A person desiring to serve as an arbitrator shall complete an application on a form prescribed by the court. A copy of said application of a person appointed as an arbitrator will be available upon request by any party 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 panel. An arbitrator must be a member of the Washington State Bar Association and have been admitted to the bar for a minimum of five years or be a retired judge.

(b) Refusal: Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the presiding judge or designee 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 Canon 3 governing the disqualification of judges. If disqualified, the arbitrator

must immediately return all materials in a case to the presiding judge or designee.

RULE 3.2
AUTHORITY OF ARBITRATORS

An arbitrator has the authority to:

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

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

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

(d) Arbitrators shall have immunity to the same extent as provided for superior court judges in Washington State.

RULE 4.2
DISCOVERY

(a) 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 determined by the arbitrator.

(b) Discovery Pending at the Time Arbitrator is Assigned. 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.

RULE 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 considering available dates indicated by the parties. The arbitrator may grant a continuance without court order. The parties may stipulate to a continuance only with the permission of the arbitrator. The arbitrator shall give reasonable notice of the hearing date and any continuance to the presiding judge or designee.

RULE 5.2
PREHEARING STATEMENT OF PROOF

(a) 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 time of hearing if the parties have failed to comply with this rule.

(b) Depositions. Parties are urged to provide arbitrators with copies of depositions or appropriate excerpts to assist in expediting the process.

RULE 6.2
FILING OF AWARD

(a) Extensions of Time. A request by an arbitrator for an extension of time for the filing of an award shall be presented to the court administrator, which will gain authorization from the Administrative Committee. 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.

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

RULE 6.3
JUDGMENT ON AWARD

(a) Presentation. A judgment on an award shall be noted for presentation on the Superior Court motion docket, by any party, on notice in accordance with MAR 6.3.

RULE 7.1
REQUEST FOR TRIAL DE NOVO

(a) Service and Filing. The request for trial de novo shall be accompanied by a request for trial setting.

(b) Calendar. When a trial de novo is requested as provided in MAR 7.1(a) and LMAR 7.1(a), trial shall be set by the court administrator.

RULE 7.2
PROCEDURE AT TRIAL

The clerk shall seal any award if a trial de novo is requested. All parties to an arbitration proceeding shall be parties at the trial de novo unless stipulated otherwise among the parties.

RULE 8.1
STIPULATIONS

(b) To Arbitrate Other Cases. 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.

RULE 8.4
TITLE AND CITATION

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

RULE 8.6
COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated at a rate to be set by the state. This compensation shall not exceed $500.00 without receiving prior approval from the Arbitration Administrative Committee. Requests to exceed the $500.00 limit shall be submitted in advance if possible to the arbitration director who will present the request to the committee. In situations where the arbitrator goes over the limit without gaining prior approval, a written explanation shall be attached to the arbitrator's request for compensation. Hearing time and reasonable preparation time by the arbitrator are compensable. Arbitrators may be reimbursed a sum not to exceed $25.00 for costs incurred.

(b) Form. When the award is filed, the arbitrator shall submit to the Court Administrator a request for payment on a form prescribed by the court. The Court Administrator shall screen these requests, consult with the committee in unusual circumstances, and process the compensation requests for payment.

RULE 8.7
ADMINISTRATION

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

(b) Administrative Committee. There shall be an administrative committee composed of the Superior Court Judges and two members of the Washington State Bar Association, chosen by the Grays Harbor County Bar Association. The bar members of the committee shall serve for staggered two-year terms and may be reappointed. Terms of the initial committee members shall be determined by lot.

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

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

(2) Select and appoint the panel of arbitrators provided in Rule 3.1(a);

(3) Remove a person from a panel of arbitrators;

(4) Establish procedures for selecting an arbitrator not inconsistent with the Mandatory Arbitration Rules or these rules;

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

RULE 3.1
RIGHT TO AND ASSIGNMENT OF COUNSEL

(d) Assignment of Counsel. Appointment of counsel for indigent defendants shall be made by the court at the preliminary appearance. The clerk shall notify the appointed attorney and the attorney shall file a written notice of appearance. The Prosecuting Attorney shall promptly provide defendant or defense counsel a copy of the information or other charging document.

RULE 3.2
RELEASE OF ACCUSED

(b) Relevant Factors. In applying for pretrial release, a defendant should be prepared to provide the court with information under CrR 3.2(b) and other relevant information subject to the right of the defendant not to give evidence of an incriminating nature against himself. An application form will be available in the courtrooms.

RULE 3.3
TIME FOR TRIAL

(f) Setting of Trial Date. The state shall obtain a trial setting from the court administrator within fifteen days of arraignment. All parties should provide the Court Administrator with available dates and the estimated length of trial no later than ten days following arraignment.

RULE 3.4
PRESENCE OF THE DEFENDANT

(a) When Necessary. The defendant's presence is necessary at the pretrial conference.

RULE 4.5
OMNIBUS HEARING

(b) Time. At arraignment, an order shall be entered fixing a time and date for an Omnibus Hearing under CrR 4.5, which hearing generally will be set for the second or third motion docket following the date of arraignment.

(d) Motions and Other Papers.

(1) How Made. The moving party shall note motions in a timely manner so that all hearings and motions (other than final pretrial motions which can be completed before the time the trial is set to begin) will be heard at least seven days prior to the date of trial. Failure to timely note motions for hearing in accordance with this rule may be deemed a waiver of the pretrial hearing on such motions. The civil rules relating to motions and hearings (LCR 7) apply to criminal cases.

(2) Counsel shall submit briefs when the court's ruling upon the motion would be facilitated by the submission of legal authority in support of, or in opposition to, the pending motion. The brief of the moving party shall be submitted not less than 3 days before the scheduled hearing, and the brief of the responding party shall be filed on or before the day of the hearing. Copies of all motion briefs shall be submitted to the judge who has been assigned to hear the motion.

(3) Reapplication on Same Facts. When an order has been applied for and refused in whole or in part or has been granted conditionally and the condition has not

been performed, the same application for an order shall not be presented to another judge without advising the second judge of the fact that the order was previously refused or conditioned.

(4) Subsequent Motion, Different Facts. If a subsequent application is made upon an alleged different state of facts, it shall be shown by affidavit what application was made, when and to what judge, what order or decision was made thereon, and what new facts are claimed to be shown. Any order obtained in violation of this section may be set aside. (Effective 9/1/10)

(h) Memorandum. The parties may submit an agreed order on omnibus. If an agreed order will not be submitted, each party shall prepare and submit an omnibus application substantially in the form set forth in Criminal Rules for Superior Court on or before the time set for the omnibus hearing. It is not necessary to make separate written motions where such motions have been checked on the party's omnibus application. The moving party shall note such motions for hearing in accordance with these rules. Briefs and supporting documents shall be submitted as required by LCR 4.5 (d)(2). (Effective 9/1/10)

RULE 4.9
PRETRIAL CONFERENCE

When a case is set for trial the court administrator shall assign a date for a pretrial conference which shall be at least two weeks prior to the trial date. Pleas of guilty should be entered by the pretrial conference. The court may refuse to grant a discretionary reduction or dismissal of charges or counts if a plea is entered after the time for the pretrial conference. Unless excused by the court the defendant's presence is required at the pretrial conference. If the defendant fails to appear at the pretrial conference the court may strike the trial date and issue a warrant for the defendant's arrest.

RULE 6.1
TRIAL BRIEFS

Trial briefs shall be filed and served in all cases. The original copy shall be filed with the Clerk, with one copy to the Judge and one copy to each opposing party. The prosecuting attorney's brief shall be served and filed not less than four days before the trial and Defendant's brief by noon of the court day before the trial. If a party serves a brief on the court, copies of the brief shall be promptly served on all parties. (Effective 9/1/10)

RULE 6.2
JURY TRIALS

Counsel shall report to the Judge at least one-half hour before the scheduled beginning of a jury trial and provide the Judge with a written list of the names and city of residence of witnesses and general voir dire questions to be asked of the jury. Counsel shall be prepared to present any final pretrial matters to the court. Pretrial matters requiring argument shall be noted for hearing prior to the morning of the trial. Jury trials should be conducted with minimal interruptions of the jury's time. To this end, matters which need to be heard outside the presence of the jury should be anticipated so that they can be considered during jury breaks or before or after the jury's day. Unless otherwise ordered or agreed, plaintiffs shall occupy the counsel table closest to the jury. (Effective 9/1/10)

RULE 6.3
INSTRUCTIONS TO JURY

(1) Proposed instructions shall be submitted at least two working days before the day of the trial by serving one copy upon counsel for each party, by filing one copy with the clerk of court, and by delivering the original and one copy

to the trial judge.

(2) Instructions should be formatted as a consecutive set, rather than each on a separate sheet of paper.

(3) The trial judge should be provided with an electronic copy of the proposed instructions in WordPerfect format, containing an uncited set of the proposed instructions. These electronic copies may be sent by e-mail to the Court Administrator.

(4) Washington Pattern Jury Instructions shall be furnished by the parties. Any modifications to the Pattern Jury Instructions shall be clearly noted on the annotated copies. (Effective 9/1/10)

RULE 6.4
SANCTIONS

If a party fails to comply with these rules regarding trial procedures, the court may impose monetary sanctions, or enter such other orders, as the court deems appropriate to address and remedy the failure to comply. (Effective 9/1/10)

RULE 7.
PROCEDURES FOLLOWING CONVICTION

(d) Other Reports -- Counsel's Presentence Reports. All counsel shall submit written presentence reports to the court no later than noon on the court day preceding sentencing.

RULE 7.2
SENTENCING

(e) Work Release. Defendants requesting work release shall submit an application, a form for which will be available in the courtrooms. Work release application shall be submitted to the correction facility staff for comment before being submitted to the court for approval.

(f) Release of Information. Whenever a person is allowed to receive credit against a jail sentence for time spent in a place other than the Grays Harbor County Jail, the County Correction Department may require the person to complete an appropriate release of information form so that the correction staff can fully monitor the time served.

RULE 1.
COURT SCHEDULE AND DOCKETS

Juvenile court proceedings are generally held at the Grays Harbor County Juvenile Facility located at 2701 Hagara, Aberdeen, with dockets scheduled as follows:

Dependency cases	Wednesday at 9:00 a.m.
Truancy & At-risk (Hoquiam)	Thursday at 8:30 a.m.
Truancy & At-risk (Aberdeen)	Friday at 8:30 a.m.

Truancy & At-risk dockets for all other school districts will be held on alternating Tuesdays at 8:30 a.m. (Effective 9/1/10)

RULE 1.6

COUNSEL

Insofar as applicable, the rules relating to appointment of counsel, withdrawal and fees in criminal cases shall likewise apply to juvenile cases. No attorney for parent or child, whether privately retained or appointed, shall be permitted to withdraw without court approval.

RULE 8.1
NOTING FOR HEARING

At the time of the filing of appellant's brief, the appellant shall also note the matter for hearing on the motion docket for a hearing date not less than 30 days from the date of filing of appellant's brief. The hearing should be set for no later than five months after the date the appeal is taken.

LGALR 1
SCOPE AND DEFINITIONS

1(b) Definitions. As used in this rule, the following additional term means:

(5) Client. "Client" for purposes of these rules shall mean the person(s) for whom the guardian ad litem has been appointed.

1(c) Appointment of Guardian Ad Litem. Unless the parties to the case agree on the appointment of a specific guardian ad litem, the judge shall select a guardian ad litem from the applicable registry as required. For Title 13 cases, the court shall appoint the individual or individuals to whom the Grays Harbor County contract for service as a guardian ad litem in dependency actions is currently awarded unless a conflict exists. Where a conflict exists in such actions, the court shall then appoint a guardian ad litem who has met all other qualifications for inclusion on a Title 13 GAL registry. For Title 26 paternity cases requiring appointment of a guardian ad litem who has entered into a contract with the State of Washington to provide such services, the court shall only appoint individuals who have are currently under contract with the state to provide such services.

LGALR 2
GENERAL RESPONSIBILITIES OF THE GUARDIAN AD LITEM

The general responsibilities of guardians ad litem operating in this county shall be consistent with the state rules with the following clarifications and additions:

(a) Represent best interests. A GAL who is also an attorney may, however, answer simple procedural questions of another party who is unrepresented by counsel to facilitate clarity in the proceedings.

(m) Ex parte communications. During the pendency of a case, a guardian ad litem shall communicate privately with the judge only be for purposes of obtaining special instructions from the judge as to the scope of the guardian ad litem's investigation, to communicate an agreement of the parties, to present agreed orders, to obtain an ex parte restraining order or ex parte contempt show cause order for the protection of the guardian ad litem's client, to obtain access to sealed or confidential court files, or in an emergency situation to protect the life of the guardian ad litem's client. In all such cases, the GAL should notify the parties or their counsel of such communications and the content of same within a reasonable period of time.

(q) Records of time and expenses.

(1) For Title 11 and 26 cases where the county guarantees payment of the guardian ad litem fees and costs, the guardian ad litem shall file with the court a notice and motion in the form prescribed by the court with an itemized statement for payment of the guardian ad litem fees and provide a copy of same to each party.

(2) For Title 13 cases where the county guarantees payment of the guardian ad

litem fees and costs, the guardian ad litem shall file with the court a petition and proposed order with an itemized statement for payment of said fees and costs.

(3) For paternity cases where the state guarantees payment of the guardian ad litem fees and costs, the guardian ad litem shall complete the form provided by the state and attach an itemized statement and submit same to the Grays Harbor County Deputy Prosecuting Attorney for the Office of Support Enforcement within sixty days of entry of final orders.

(4) For private pay cases, the guardian ad litem shall either submit an invoice and itemized statement to the parties for payment or submit a notice, motion and itemized statement to the court for entry of a judgment and order for payment of fees.

At any time during the course of an active case, any party may request an itemized statement from the guardian ad litem of the fees and costs incurred to date which the guardian ad litem shall provide within ten working days. For cases where the county guarantees payment of the guardian ad litem fees and costs, to avoid additional charges for court appearances and related costs to prepare such documents, the notice and motion or petition for payment may be made at the end of the case rather than as progressive motions at the discretion of the guardian ad litem.

LGALR 3
ROLES AND RESPONSIBILITIES OF GUARDIAN AD LITEM IN TITLE 13 RCW JUVENILE COURT PROCEEDINGS

3(b) Concurrent planning. In Title 13 RCW juvenile court proceedings, a guardian ad litem shall explore concurrent planning and make a timely recommendation to the court for a permanent plan for the child. In order to accommodate the guardian ad litem's duties in Title 13 RCW juvenile court proceedings, the guardian ad litem shall be timely notified of and invited to all Department staffings, meetings, and other proceedings involving the dependency and shall be provided access to and/or copies of all documentation in the possession of the Department involving the parties to the dependency within thirty days of the appointment of the guardian ad litem and at no cost to the guardian ad litem subject to the Department's responsibility to redact certain identifying information as set forth in Title 13 RCW.

LGALR 5
APPOINTMENTS OF GUARDIAN AD LITEM

5(a) Meeting the minimum qualifications necessary to be eligible for inclusion on any Grays Harbor County guardian ad litem registry does not guarantee that an individual will be approved for such inclusion. The Grays Harbor Superior Court judiciary reserves the right to reject any applicant.

LGALR 7
GRIEVANCE PROCEDURES

7.1 Purpose statement.

The procedure for handling grievances and/or imposing discipline against a guardian ad litem provided hereunder are intended to facilitate a process which is fair, expedited, and protective of all participants.

7.2 Procedure for Filing a Grievance.

7.2.1 Filing the Grievance. Only a party to a case may file a grievance against a guardian ad litem. The grievance must be in writing and filed with the Court Administrator. The complaint must state with specificity the act or failure to act of concern to the complaining party and shall include the following information:

(a) The name, mailing address, telephone number, and e-mail address (if any) of the person filing the grievance;

(b) The case number and case name;

(c) The name of the judge or court commissioner hearing the case;

(d) The trial date;

(e) Whether the party filing the grievance has discussed the complaint with the guardian ad litem;

(f) What action the guardian ad litem has taken to address the complaint;

(g) Which provision of the Order Appointing Guardian Ad Litem or of these rules the party filing the grievance is claiming the guardian ad litem has violated;

(h) A brief, concise statement of the specific facts underlying each alleged violation;

(i) What the party filing the grievance is requesting be done to correct the problem complained of and why.

7.2.2 Grievances Filed During the pendency of a Case.

(a) If the grievance pertains to a pending case or if trial in the pending case is underway, the Court Administrator shall, within three business days of receipt, forward the grievance to the presiding or assigned judicial officer to handle the grievance with a copy being sent to the affected guardian ad litem.

(b) Within three business days of receiving the grievance, the judicial officer shall make an initial determination of whether or not there is adequate cause to proceed with the grievance.

(c) If the initial determination is that the grievance is without adequate cause, the matter will be closed and all parties will be so notified. The grievance shall be held as a confidential, sealed record in the files of the Court Administrator for six years following dismissal of the grievance unless specifically directed otherwise by the judicial officer making the initial determination.

(d) If the initial determination is that there is adequate cause to proceed with the grievance, the guardian ad litem shall be allowed to file a response to the grievance within fourteen days of receiving notice from the court by forwarding a copy of the response to the complaining party with the original response being sent to the Court Administrator who will deliver same to the judicial officer making the initial determination.

(e) Upon receipt of the response from the guardian ad litem or upon passage of the fourteen day response period, whichever is sooner, the judicial officer shall review the response and thereafter issue a final written or oral disposition of the matter no later than twenty-five days following the filing of the grievance. The original copy of a written disposition or a transcript of an oral disposition shall be placed in the grievance file with copies of the written disposition being forwarded to the complaining party and to the guardian ad litem.

(f) If the final written disposition is that the grievance should be dismissed, the procedure with regard to retention of the grievance set forth in paragraph 7.2.2(c) above shall be followed. If, as part of the final disposition, there has been a finding that the grievance was not brought in good faith or was otherwise frivolous or designed to impact the pending proceedings through increased costs to the other party or guardian ad litem, terms in the form of costs or other sanctions may be imposed against the grieving party.

(g) If the final written disposition is that the grievance was brought in good faith and has been determined to be well-founded, there shall be a method of discipline to be imposed upon the guardian ad litem set forth in the disposition which shall take effect immediately. Accepted forms of discipline shall consist of one or more of the following: (1) a verbal or written reprimand, (2) removal from the pending case; (3) suspension of the guardian ad litem from the registry for a period not to exceed ninety days, (4) suspension of the guardian ad litem from the registry until such time as the guardian ad litem has provided satisfactory proof of completing additional training in a specific area described in the disposition, (5) imposition of terms in the form of costs or other monetary sanctions, and/or (6) permanent removal of the guardian ad litem from the registry for Title 11, Title 13, and/or Title 26 cases. If the discipline imposed is permanent removal from any guardian ad litem registry, notification of same shall be forwarded to the Office of the Administrator for the Courts for circulation to other counties. The confidential file of the grievance shall include the original grievance, the guardian ad litem's response, and the written initial and final dispositions of the matter and shall be maintained by the Court Administrator for a period for no less than six years.

(h) Timelines stated herein may be modified by the judicial officer for good cause. In calculating times, items mailed shall be deemed received by the addressee three days after the date of mailing.

7.2.3 Grievances Filed After the Conclusion of a Case or After Discharge of the Guardian Ad Litem.

If the grievance pertains to a case in which final orders have been entered or an order discharging the guardian ad litem has been entered, the Court Administrator shall, within five business days, forward the grievance to the judicial officer who presided over the trial in the case or who signed the final orders/order of discharge with a copy to the affected guardian ad litem.

Thereafter, the procedures set forth in section 7.2.2 shall be followed except that five additional business days shall be added to each subsequent deadline indicated in that section.

EXHIBIT 1 NOTE FOR TRIAL AND INITIAL STATEMENT OF ARBITRABILITY

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