MASON COUNTY SUPERIOR COURT
Shelton, Washington

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PRESIDING JUDGE IN SUPERIOR COURT

(a) Election, Term, Vacancies, Removal and Selection Criteria - Multiple Judge Courts.

(1) Election. The judges of the superior court shall elect a Presiding Judge and an Assistant Presiding Judge who shall serve for a period of two years. The election will take place in December of odd-numbered years, and the term shall commence on January 1. The Presiding Judge and the Assistant Presiding Judge shall perform all duties of the position required by General Rule 29.

[Adopted effective 9-1-2012]

LGR 31
Access to Court Records

RESCINDED

[Adopted effective 9-1-2005; Rescinded effective 9-1-2012.]

LRAP 9.2(a)
VERBATIM REPORT OF PROCEEDINGS
DESIGNATION OF COURT-APPROVED TRANSCRIBERS

Audio systems are used by Mason County Superior Court to record all proceedings. The Judges of Mason County Superior Court hereby adopt RAP 9.2(a), as amended, as a local court rule to require that only a court-approved transcriber is authorized to prepare transcripts from audio-recorded proceedings.

1. Primary Court-Approved Transcribers: Primary court-approved transcribers are employees of Mason County Superior Court. The following has been adopted concerning designation of primary court-approved transcribers:

(a) Primary court-approved transcribers are subject to qualifications set out in job descriptions adopted by Mason County.

(b) Transcripts prepared by employees of Mason County Superior Court during regular business hours will be billed either to the party or the appellate court (if the transcript is being prepared under an Order of Indigency) and the county retains the income.

(c) Primary court-approved transcribers must charge rates that are no more than the prevailing rates charged in the county. For a criminal indigent appeal, primary court-approved transcribers will receive the same rate as other transcribers and court reporters and that rate is set by the Supreme Court.

(d) Superior Court is responsible for assigning backup court-approved transcribers to assist with preparation of transcripts when required.

2. Backup Court-Approved Transcribers: Backup court-approved transcribers are required from time-to-time to assist the primary court-approved transcribers with preparation of transcripts. The following procedures have been adopted for selecting backup court-approved transcribers:

(a) Application forms will be available for all applicants interested in being designated as backup court-approved transcribers. The purpose of the application is to screen interested persons to ensure that only those with appropriate experience receive the court-approved designation. Applications will be evaluated to determine which applicants can be designated. At a minimum, all applicants must have experience in typing legal documents and in transcribing material.

(b) Applications should ask applicants what their fees are for ordinary and expedited transcription. The court is responsible for determining if these rates are within the standard range charged in the county for similar work. A backup court-approved transcriber must charge rates that are no more than the prevailing rates charged in the county. For a criminal indigent appeal, the backup court-approved transcriber will receive the same rate as other transcribers and court reporters and that rate is set by the Supreme Court.

(c) Transcripts prepared by backup court-approved transcribers will be billed either to the party or the appellate court (if the transcript is being prepared under an Order of Indigency) and that individual will retain the income.

(d) On a yearly basis, backup court-approved transcribers will be required to submit a completed transcript for verification by a primary court-approved transcriber.

3. Compliance with Rules of Appellate Procedure: All primary and backup court-approved transcribers must agree to comply with all

Rules of Appellate Procedure which include, but are not limited to, the following: RAP 9.2, RAP 9.5(a), RAP 9.5(b), and RAP 15.4.

Revised 9-1-07

LCR 6
Confirmation Procedures and Cut-Off Dates for Filing Civil Motions and Responsive Documents

[Rescinded effective 9-1-2010]

LCR 7
MOTIONS

(b) Motions and Other Papers.

(1) How Made.

(A) Motion Docket. The civil motion docket shall be held on Mondays at 1:30 p.m. All civil motions and motions for revision shall be heard on the civil docket.

(B) Confirmation Procedures. All contested matters to be considered on the civil motion docket must be confirmed, as set out below, by calling the Clerk of the Court at (360) 427-9670, Ext. 346, or by e-mail at superiorcourt-confirm@co.mason.wa.us. Contested matters not confirmed will not be heard.

(i) Confirmations must be made with the Clerk of the Court before 10:00 a.m., two (2) court days before the Monday civil motion calendar, i.e. by 10:00 a.m. on Thursday of the preceding week.

(ii) If the deadline for confirmation falls on a court holiday, confirmations shall be made before 10:00 a.m. on the last court day before the holiday.

(iii) Motions filed by those persons physically confined under a court order shall be deemed confirmed at filing.

(C) Continuance of Confirmed Matters. Matters confirmed in accordance with paragraph (B) (i) and (ii) are not subject to continuance, except with permission of the Court, but shall be stricken and re-noted by the moving party.

(D) Time Limits. Agreed orders and defaults will be heard at the beginning of the docket. Motions other than summary judgment shall be limited to ten (10) minutes per side. Motions which will exceed the time limit of this rule, if allowed by the Court, will ordinarily be placed at the end of the docket.

[Amended effective 9-1-2010; 9-1-2012; 9-1-2013]

LCR 16
PRETRIAL PROCEDURE AND FORMULATING ISSUES

(c) Public Records Act Cases - In Camera Review.

(1) When commenced. In a Public Records Act case, in camera review will occur only if the court enters an order requiring such review. Agreement between parties or submission of records to the court, without an appropriate order, will not trigger in camera review.

(2) Electronic records. Records for in camera review shall be submitted in an electronic form unless the court orders otherwise on a showing of good cause.

(3) Identification of records. Records for in camera review must have a unique identifying number, such as a Bates number. The system for numbering and the placement of page numbers must be uniform for all records.

(4) Entirely exempt record. If a record is claimed entirely exempt, it must be clearly designated as exempt or withheld on the first page of the document for in camera review.

(5) Identification of redactions. Records redacted in part must be submitted to the judge in a manner that will permit the judge to read the entire record and immediately understand which parts were withheld by redaction and which parts were produced. For example, the redactions may be outlined or indicated with a lightly shaded or colored overlay.

(6) Submission of spreadsheet. In cases with numerous records at issue, or if ordered by the judge, a spreadsheet shall be submitted as part of the in camera procedure. The spreadsheet must clearly identify which records are claimed entirely exempt and have been withheld and which records have been redacted in part. The spreadsheet(s) shall list the following information in separate fields or columns: (A) the unique identifier for the record or page being reviewed, such as a Bates number; (B) descriptive information that accurately identifies the record, including author(s), recipients(s), and date(s) (or if descriptive information is protected, other means of sufficiently identifying particular records without disclosing protected content); (C) identification of a specific exemption claimed and an explanation of how it applies to the record; and (D) an expandable cell for the court's notes. The spreadsheet shall be filed and served on all parties and also shall be submitted to the court in electronic form.

(7) Basis for exemption. The basis for the claim of exemption may appear on the document if doing so would not obliterate text or other information necessary for the court's review.

[Adopted September 1, 2013]

LCR 40
STATUS CONFERENCES, MEDIATION, TRIAL SETTING CONFERENCES

1. Status Conferences.

1.1 A status conference may be assigned at the time a case is filed, by notice from the court administrator's office, or upon motion of any party.

1.2 At the status conference, the court may direct the case to arbitration or mediation, and/or may set an additional status conference date. The court may determine and set a discovery deadline, a mediation deadline, a trial setting conference date, and other dates and deadlines as necessary.

2. Mediation.

2.1 Presumption of Mediation. It is presumed that all contested civil and family law matters, with the following exceptions, will have completed mediation prior to trial:

- Dependencies and termination of parental rights;
- Uniform Parentage actions, up until establishment of paternity;
- Matters in which a domestic violence or sexual assault protection order is in place;
- Petitions for Civil Commitment (Sexual Predators);
- Actions regarding seizure of property by the State;
- Matters subject to Mandatory Arbitration Rules, or that are to be arbitrated by agreement, up until a request for a trial de novo;
- Matters that have been previously mediated consistent with the standards set forth in this rule; and
- By court order upon motion of any party, upon the court's determination that there is good cause not to require mediation.

Any party may move the court for an order that there is good cause to require mediation in any matter, including those cases designated as exceptions above.

2.2 Mediators. Parties may agree to a mediator from among the three categories of mediators below. If the parties cannot agree, the court shall upon motion by any party appoint a mediator. Appointment of a mediator is subject to the mediator's right to decline to serve.

2.2.1 Mediation Panel. There shall be a panel of mediators established by the court. The list of court-approved mediators and their information sheets will be available to the public in the court administrator's office.

Parties may stipulate to using a mediator from the Mediation Panel. If the parties stipulate to using a mediator from the Mediation Panel, but are not able to agree on a specific mediator, a mediator will be assigned from the Mediation Panel.

2.2.2 Volunteer Mediation Panel. There shall be a panel of volunteer mediators established by the court. Parties may qualify for appointment of a mediator from the Volunteer Mediation Panel if income and asset tests as determined by the court are met. The list of court-approved volunteer mediators and their information sheets will be available to the public in the court administrator's office.

Parties who qualify may stipulate to using a mediator from the Volunteer Mediation Panel. If the parties stipulate to using a mediator from the Volunteer Mediation Panel, but are not able to agree on a specific mediator, a mediator will be assigned from the Volunteer Mediation Panel.

2.2.3 Other Mediators. Upon approval by the court, parties may stipulate to a mediator not on the Mediation Panel or the Volunteer Mediation Panel. The court may approve appointment of a proposed mediator upon satisfactory showing of qualifications and knowledge of subject matter. Any mediator certified as such by a Washington State dispute resolution center is qualified to serve as a mediator under this paragraph.

2.2.4 Application and Trainings. A person who wishes to be placed on the Mediation Panel and/or Volunteer Mediation Panel shall complete an information sheet on the form prescribed by the court, which shall demonstrate the person's qualifications as mediator, and as to specific subject matters. Mediators and any person who wishes to be considered as a mediator may participate in court-sponsored mediation trainings.

2.3 Cost of Mediation. Parties may stipulate to the allocation of mediation costs. If the parties are unable to agree, the court will order the same upon motion of any party. Parties using mediators from the Volunteer Mediation Panel may be charged an administrative fee as set by the court.

2.4 Mediation Orders and Process.

2.4.1 Mediation Status and Terms. An order shall be entered setting forth the following:

- Mediation status (whether the case is to be mediated); and
- Mediation terms (including but not limited to the mediator or category the mediator is to be chosen from, allocation of costs of mediation, mediation

deadline, and identity of parties with authority required to attend mediation).

If the parties agree as to mediation status and/or terms, they may so stipulate and submit an agreed order for the court's approval prior to the status conference, or at any time thereafter prior to the discovery deadline.

If the parties are unable to agree to the status and/or all terms of mediation, a party may file and note a motion for entry of an order setting the status and terms of mediation.

2.4.2 Litigation Process During Period of Mediation. Pending mediation, all litigation processes such as discovery, motions for temporary orders, and motions for dispositive orders shall continue.

2.4.3 RCW ch. 7.07. All mediations undertaken pursuant to this Rule are subject to the provisions of RCW ch. 7.07, the Uniform Mediation Act, including its requirements regarding privilege and confidentiality.

2.4.4. Civil Mediation Statements. In civil actions, all parties shall prepare and deliver a Civil Mediation Statement to the mediator and opposing parties, no later than five working days prior to the mediation. The statement shall address the matters set forth in Appendix A. The statement shall not be filed with the court.

2.4.5. Family Law Mediation Statements. In family law actions, all parties shall prepare and deliver a Family Law Mediation Statement to the mediator, opposing parties, and the State of Washington, if the State is a party, no later than five working days prior to the mediation. The statement shall address the matters set forth in Appendix B. The statement shall not be filed with the court.

2.4.6. Appearance at Mediation. The parties shall appear in person at mediation unless the court orders in advance that they may be present by telephone or electronic means sufficient to allow full participation. Each party shall ensure the presence at mediation of persons who have sufficient authority to approve a settlement.

2.4.7 Mediation Report. Within five days after completion of mediation, the mediator shall file a Mediation Report indicating whether the case has been resolved. A copy of the Mediation Report shall be provided to the court administrator's office.

3. Discovery.

Discovery shall be completed in accordance with the discovery schedule set at the status conference. Exceptions will be made only upon prior approval of the court, and for good cause.

4. Trial Setting Conference.

4.1 A date for a trial setting conference may be set at the status conference, by notice from the court administrator's office, or upon motion of any party. A party may also request an accelerated trial date by motion at any time prior to the trial setting conference date.

4.2 Trial setting conferences shall not be continued absent a showing of good cause and upon prior approval of the court.

4.3 At the trial setting conference, the court shall consider compliance with dates and deadlines, the status of mediation, and readiness for trial.

4.4 Cases shall be assigned a secondary and/or primary trial setting to be determined by the court. Where out-of-state witnesses or substantial expert testimony is anticipated, the parties may request that the court dispense with the secondary trial setting.

4.5 The court may set schedules, deadlines and other pretrial dates as appropriate.

5. Compliance.

5.1 Counsel for the parties and pro se parties shall appear in person or by telephone at each of the conferences set by the court. Counsel appearing for a party shall preferably be lead counsel for that party. Any counsel appearing for a party shall be prepared with an understanding of the case and authority to enter into agreements as contemplated herein.

5.2 Failure to comply with deadlines, dates, or other requirements set out in these rules, or failure to appear at a conference set by the court, may result in sanctions being imposed, including terms. The court may also strike a trial date if mediation has not been completed by the applicable deadline.

[Amended effective 9-1-11]

APPENDIX A CIVIL MEDIATION STATEMENT (IN WORD FORMAT)

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

APPENDIX B FAMILY LAW MEDIATION STATEMENT (IN WORD FORMAT)

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

(e) Revision by Court.

1. Time for Motion. A motion for revision must be filed and served within ten (10) days after the commissioner's written order is entered. The motion for revision shall be noted at the time it is filed, to be heard within thirty (30) days after entry of the commissioner's written order.

2. Abandonment. Unless reset by the court, a motion for revision shall be considered abandoned if not heard within thirty (30) days after the entry of the commissioner's written order.

3. Findings of Fact and Conclusions of Law.

3.1 Findings of fact and conclusions of law shall be entered before the hearing on the motion for revision.

3.2 A minimum of five (5) days prior to the time of presentation, the party moving for revision shall present to the court commissioner and opposing counsel proposed findings of fact and conclusions of law to support the order or judgment.

4. Form of Motion. A motion for revision shall:

4.1 Specify each alleged error; and

4.2 Identify each document in the court file related to the issues raised by the motion for revision.

5. Hearing on Motion. At the time a motion for revision is filed, the moving party shall schedule a hearing on a civil calendar by filing a notice of issue. Unless otherwise directed by the Court, the hearing on the motion for revision shall be scheduled to occur within thirty (30) days after the motion for revision is filed.

6. The Record.

6.1 The motion for revision shall be heard upon the record that was before the court commissioner.

6.2 In all proceedings for which a audio recording of live testimony is made, the party moving for revision shall, within five (5) calendar days after filing the motion, make arrangements through Superior Court Administration for a transcript of the proceedings to be provided to the court. Where a transcript is required, the party moving for revision shall be responsible for arranging for and payment for the transcript and ensuring that the transcript of proceedings is filed with the court not later than five (5) calendar days before the scheduled hearing.

7. Scope of Motion. The court may revise any order or judgment that is related to the issues raised by the motion for revision; for example, all issues related to child support or all issues related to the parenting plan. The court will not consider issues that are not related to the motion for revision without a separate motion, except:

7.1 The court may consider requests for attorney's fees by either party for the revision proceedings; and

7.2 The court may consider issues in the original order when the motion for revision is filed as to a motion denying a motion for reconsideration.

8. Effect of Motion. When a motion for revision is timely filed the following shall occur:

8.1 With the exception of findings of fact and conclusions of law, until the revision proceeding is completed the court commissioner loses jurisdiction to conduct further proceedings and/or enter orders on issues that are the subject of revision proceeding.

8.2 The Court Commissioner may continue to hear proceedings and/or enter orders on issues that do not involve the subject of the revision proceeding.

8.3 A court commissioner's order shall be effective upon entry of a written order, unless stayed by a judge's order, pending a motion for revision.

[Adopted effective September 1, 2012.]

LCR 59
Motions for Revision of Court Commissioner Orders

RESCINDED

[Revised 9-1-09; Rescinded effective 9-1-2012]

LOCAL SUPERIOR COURT CIVIL RULE 93.04
(LCR 93.04)

Family Law Motion Calendar
Cut-Off Dates for Filing Motions and Responsive Documents

Rescinded Effective September 1, 2006.

LOCAL SUPERIOR COURT CIVIL RULE 94.04
(LCR 94.04)

Dissolution of Marriage, Support, Modifications

Revoked effective September 1, 2000.

LMAR 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. 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.

[Amended effective September 1, 2012.]

LMAR 1.2
Matters Subject to Arbitration

The following matters are subject to mandatory arbitration: (a) civil actions at issue in the Superior Court where the sole relief sought is a money judgment not in excess of $50,000, exclusive of attorney fees, interest, and costs; and (b) claims in which the sole relief sought is the establishment, modification, or termination of maintenance or child support payments which are not capable of resolution on the motion docket or by agreement, regardless of the number or amount of payments.

[Amended effective September 1, 2012.]

LMAR 1.3
Relationship to Superior Court Jurisdiction and Other Rules

(c) Motions. All motions before the court relating to mandatory arbitration shall be noted on the civil motion calendar except as may be otherwise provided in these rules.

[Adopted effective September 1, 2012.]

LMAR 2.1
Transfer to Arbitration

(a) Court Order Required. Cases shall be transferred to arbitration only by court order.

(b) Status Conference to Address. At the status conference provided for by LCR 40, the question of mandatory arbitration shall be addressed.

(c) Statement of Arbitrability. If not transferred to arbitration at the status conference, when any party determines that the case is subject to mandatory arbitration, such party shall file and serve a Statement of Arbitrability on the form prescribed by the Court. A duplicate copy shall be provided to the Superior Court Administration Office.

(d) Response to Statement of Arbitrability. Any party disagreeing with the Statement of Arbitrability shall, within ten (10) days after the Statement of Arbitrability has been served, file and serve a Response to the Statement of

Arbitrability on the form prescribed by the Court. A duplicate copy of the response shall be provided to the Superior Court Administration Office. In the absence of such a response, the Statement of Arbitrability shall be deemed correct and a non-responding party shall be deemed to have stipulated to arbitration if the Statement of Arbitrability provides that the case is subject to mandatory arbitration.

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

(f) By Stipulation. A case in which all parties file a stipulation to arbitrate under MAR 8.1(b) regardless of the nature of the case or amount in controversy may be transferred to arbitration by court order presented to the Court with the stipulation.

(g) Interpreter. In a case transferred to arbitration, if a party: (1) is hearing impaired or has a limited ability to speak or understand the English language, or (2) knows, or after reasonable inquiry has reason to believe, that any other party or any witness is hearing impaired or has limited ability to speak or understand the English language, the party shall advise the Arbitration Supervisor in writing that an interpreter is needed.

[Amended September 1, 2012.]

LMAR 2.2
Assignment of Arbitrator

[Rescinded]

[Rescinded effective September 1, 2012.]

LMAR 2.3
Assignment to Arbitrator

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

(1) Response by Parties. Within fourteen (14) days after the list of the proposed arbitrators is furnished to the parties, each party shall nominate two arbitrators and strike two arbitrators from the list. If both parties respond, an arbitrator nominated by both parties shall be appointed. If no arbitrator has been nominated by both parties, an arbitrator shall be appointed from among those not stricken by either party.

(2) Response by Only One Party. If only one party responds within fourteen (14) days, an arbitrator shall be appointed from that party's response.

(3) No Response. If neither party responds within fourteen (14) days, the arbitrator shall be randomly appointed from the five proposed arbitrators.

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

[Adopted effective September 1, 2012.]

LMAR 3.1
Qualifications

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

(b) Refusal - Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Arbitration Supervisor immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case on any of the grounds of interest, relationship, bias, or prejudice set forth in the Code of

Judicial Conduct governing disqualification of judges. If disqualified, the arbitrator must immediately return all materials in a case to the Arbitration Supervisor.

[Amended September 1, 2012.]

LMAR 3.2
Authority of Arbitrator

In addition to the authority given to arbitrators under MAR 3.2, an arbitrator has authority to require a party or attorney advising such party, or both, to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney, or both, to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified, or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the Clerk of the Court, with proof of service on each party. The aggrieved party shall have ten (10) days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within ten (10) days after the award is filed no party appeals, a judgment shall be entered in a manner described under MAR 6.3.

[Amended effective September 1, 2012.]

LMAR 4.1
Discovery

[Rescinded]

[Rescinded effective September 1, 2012]

LMAR 4.2
Discovery

(a) 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 as authorized by MAR 4.2 and LMAR 4.2 below.

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

(c) Interrogatories. Notwithstanding the foregoing, the following interrogatories may be submitted to any party:

(1) State the amount of general damages being claimed;

(2) State each item of special damages being claimed and the amount thereof;

(3) List the name, address and phone number of each person having knowledge of any facts regarding liability, and a short summary of their intended testimony at the arbitration hearing;

(4) List the name, address and phone number of each person having knowledge of any facts regarding the damages claimed, and a short summary of their intended testimony at the arbitration hearing;

(5) List the name, address and phone number of each expert witness you intend to call at the arbitration. For each such expert, state the subject matter on which the expert is expected to testify; state the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

Only these interrogatories, with the exact language as set out above, are permitted, except as permitted by section (a).

[Amended effective September 1, 2012.]

LMAR 5.1

Notice of Hearing

In addition to the requirements of MAR 5.1, the arbitrator shall give reasonable notice of the hearing date and any continuance to the Arbitration Supervisor.

[Amended effective September 1, 2012.]

LMAR 5.2
Prehearing Statement of Proof

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 the party deems relevant. The court file shall remain with the Clerk of the Court.

[Amended effective September 1, 2012.]

LMAR 5.3
Conduct of Hearing - Witnesses - Rules of Evidence

[Rescinded.]

[Rescinded effective September 1, 2012.]

LMAR 6.1
Form and Content of Award

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

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

[Amended effective September 1, 2012.]

LMAR 6.2
Return of Exhibits

[Rescinded]

[Rescinded effective September 1, 2012.]

LMAR 6.3
Filing of an Award

[Rescinded]

[Rescinded effective September 1, 2012.]

LMAR 6.4
Judgment of Award

[Rescinded]

[Rescinded effective September 1, 2012.]

7.1
Request for Trial De Novo

(a) Service and Filing. In addition to the provision for service and filing in MAR 7.1, a copy of the Request for Trial de Novo shall be provided to the Arbitration Supervisor.

(b) Form. [Reserved.]

(c) Proof of Service. [Reserved.]

(d) Calendar. When a trial de novo is requested as provided in MAR 7.1, a status conference shall be set by the court administrator in accordance with LCR 40.

[Amended effective September 1, 2012]

8.1
Stipulations

(c) To Arbitrate Other Cases - Effect on Relief Granted. If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a judge.

[Amended effective September 1, 2012.]

LMAR 8.2
Title and Citation

[Rescinded]

[Rescinded effective September 1, 2012.]

LMAR 8.3
Compensation of Arbitrator

[Rescinded]

[Rescinded effective September 1, 2012.]

8.4
Title and Citation

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

[Adopted effective September 1, 2012.]

LMAR 8.5
Effective Date

These rules shall be effective upon adoption by the Superior Court Judge and shall apply to those cases which otherwise meet the scope and purpose of these rules and do not have a trial date prior to April 1, 1991.

Revised 9-1-07

8.6
Compensation of Arbitrator

(a) Generally. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the Superior Court; provided, however, the portion of the compensation from the Superior Court shall not exceed $1,000.00 for any case without approval of the presiding judge.

(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 Washington State Administrative Office of the Courts. The presiding judge shall determine the amount of compensation to be paid.

[Adopted effective September 1, 2012.]

LOCAL GUARDIAN AD LITEM RULE
(LGAL 5)

SPECIFIC GUARDIAN AD LITEM REGISTRY REQUIREMENTS

1. Title 11 - Guardianship Registry.

1.1 All registry applicants must meet the qualifications set forth by statute and all requirements for training and certification established by statute and/or court rule to be considered for placement and retention on the Title 11 registry.

1.2. In addition to any qualifications required by statute, the following are specific education and experience requirements for inclusion on the Title 11 registry:

(a) Attorneys. Members of the Washington State Bar Association in good standing with a minimum of one year of practice of law with some experience in the needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons.

(b) Non-Attorneys. Four years experience in the needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons documented in the applicant's Statement of Qualifications.

2. Title 26 - Family Law Registry.

2.1 All registry applicants must meet the qualifications set forth by statute and all requirements for training and certification established by statute and/or court rule to be considered for placement and retention on the Title 26 registry.

2.2. In addition to any qualifications required by statute, the following are specific education and experience requirements for inclusion on the Title 26 registry:

(a) Attorneys. Members of the Washington State Bar Association in good standing with a minimum of one year of practice of law, including family law cases, and at least eight hours of family law CLE in the preceding twenty-four months.

(c) Non-Attorneys.

(1) A minimum of a B.A. degree with four years field experience working with children and families;

(2) A Masters degree with two years of field experience working with children and families; or

(3) Licensed psychologist or psychiatrist with preference given to those who specialize, or have developed expertise, in working with children and families.

3. Retention on Registry.

3.1 Each person requesting to remain on any Guardian ad Litem registry shall annually submit an updated background information report to the Court Administrator's Office. The background information report shall include, but not be limited to, the following:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem and county or counties of appointment;

(e) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and

(f) Criminal history, as defined in RCW 9.94A.030.

Adopted 7-1-04

LGAL 7
Guardian ad Litem Grievance and Complaint Procedure

1.1 GENERAL TERMS.

1.1.1 Complaint Review Board. A Mason County Complaint Review Board (the Board) is created. The Board shall consist of three (3) members: a representative of the Mason County Superior Court, selected by the Court Administrator and approved by the judges; an active Guardian ad Litem; and a member of the Mason County Bar Association, selected and approved by the Association. The Guardian ad Litem member shall be a member of the Mason County Guardian ad Litem Registry who has not received any sanctions pursuant to a guardian ad litem complaint procedure in the past three years. The Guardian ad Litem member shall be selected by the Court Administrator and approved by the judges. Service on the Board is a voluntary service for the good of the community and is made without receipt of any additional compensation from this service on the Board.

1.1.2 Application of Rules. These rules shall apply to guardians ad litem appointed on any case heard by this court under Titles 11 and 26 of the Revised Code of Washington (RCW).

1.1.3 Filing of Complaint. Any person may file a complaint against a guardian ad litem. The complaint must be in writing and filed with the Court Administrator. The complaint must state the specific guardian ad litem 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 of the person filing the complaint;

(b) The case number and case name of any underlying case and whether the case is active or inactive;

(c) Whether the complaining party has discussed the complaint with the guardian ad litem;

(d) What action, if any, the guardian ad litem has taken to address the complaint;

(e) Which section(s) of the Mason County Superior Court Guardian ad Litem Code of Conduct (copy available from Court Administrator) was violated and the specific facts underlying each alleged violation;

(f) Which provision(s) of the Order of Appointment was violated and the specific facts underlying each alleged violation; and

(g) What the complaining party would like done to fix the problems complained of and why.

1.1.4 Limitation on Filing Complaints. Complaints under this rule must be filed within one year from the date of the act or failure to act of concern to the complaining party.

1.1.5 Removal. If the guardian ad litem is removed from the Court Registry, the Court shall enter findings of fact and an order of removal. Upon removing a guardian ad litem from the registry, the Court shall forward a copy of the order to the Office of the Administrator of the Courts for circulation to other counties.

1.1.6 Confidentiality. The complaint, and the Board's initial decision, shall be kept confidential from everyone but the complainant and the guardian ad litem in inactive cases, and from everyone but the complainant in active cases, unless the Board finds cause to proceed with the complaint. Any requests to disclose information from the complaint or guardian ad litem files are subject to redaction of case identifying information, including the names of parties and case numbers, any information that could endanger a victim of domestic violence, and any information prohibited by law from disclosure.

(a) No cause to proceed. If the Board finds no cause to proceed with the complaint, no record of the complaint shall be kept in the guardian ad litem's individual file, although a copy shall be kept in a separate unfounded complaint file safeguarded for confidentiality. After three (3) years, complaints in this file shall be destroyed, with a notation remaining in the file including the names of the complainant and the guardian ad litem, the date the complaint was filed, and the Board's finding of no cause to proceed with the complaint. However, if a complainant discloses to a third party that a complaint has been filed, the guardian ad litem in an active case shall receive a copy of the complaint and the Board's decision. In all cases where the complainant discloses to a third party that a complaint has been filed, the guardian ad litem may file a written response to the complaint, which shall be placed in the confidential file.

(b) Cause to Proceed. If the Board finds cause to proceed, the complaint and all relating documents shall be kept in a separate file, which shall include copies of the Board's decisions and any judicial decisions related to the matter.

1.1.7 Extension of Timelines. Timelines stated herein may be extended by the Board or by a Judicial Officer for good cause.

2. GRIEVANCE PROCEDURE.

2.1.1 Motion in Court. At any time during an active case, and within one year of the last activity in a case, a party may bring a motion in court to address issues of concern related to a guardian ad litem. The guardian ad litem and all other parties to the case shall receive notice of hearing for the motion and a copy of the motion. If such a motion is brought while a complaint is pending before the Board, or after the Board has issued a decision on the complaint, the party shall disclose to the court the Board's involvement in the matter. A decision by the Board is not binding on a Judicial Officer hearing such a motion. Such a motion shall be heard by a Judicial Officer who has not heard matters in any underlying case at issue in the complaint and who shall not hear matters in such a case in the future.

2.1.2 Initial Review by Board. Within fifteen (15) working days after a complaint is filed, the Board shall review the complaint and make an initial determination whether there is cause to proceed.

(a) The initial decision shall be in writing and shall state whether the Board finds cause to proceed with the complaint and the reasons why or why not;

(b) The Board shall mail the initial decision to the complainant immediately; and

(c) In its discretion, the Board may request additional information from the complainant. The complainant shall provide the requested information within ten (10) additional working days. The failure of a complainant to provide the additional information may be a factor in the Board's initial decision to proceed or not.

2.1.3 Review of Determination of No Cause to Proceed. If the Board finds no cause to proceed, the complainant may seek review of that decision by a motion before a Judicial Officer consistent with this rule.

2.1.4 Procedure Following Determination of Cause to Proceed. If the Board finds there is cause to proceed, the Board shall notify the guardian ad litem in writing at the same time the complainant is notified of the Board's initial decision. The notice to the guardian ad litem shall include a copy of the complaint and a copy of the Board's initial decision.

(a) The guardian ad litem shall respond in writing within fifteen (15) working days of the mailing of the decision; and

(b) The guardian ad litem shall mail a copy of the response to the complainant.

2.1.5 Board's Authority Following Determination of Cause to Proceed. After reviewing the guardian ad litem's response, the Board's authority is as follows:

(a) To find that the guardian ad litem did not violate applicable laws, rules, or policies;

(b) To issue a written reprimand to the guardian ad litem;

(c) To issue an advisory letter to the guardian ad litem summarizing concerns for the guardian ad litem to address;

(d) To refer the guardian ad litem for additional training;

(e) To require the guardian ad litem to take corrective action to remedy or mitigate matters complained of;

(f) To require a guardian ad litem to bring or support a motion to seal or remove information in the court file;

(g) To recommend removal of the guardian ad litem to the Judicial Officer hearing the underlying case; and

(h) To recomend to the court that the guardian ad litem be suspended or removed from the Court Registry.

2.1.6 Decision. Following consideration of all materials submitted, the Board shall issue its final decision within fifteen (15) working days following receipt of the guardian ad litem's response.

(a) The Board shall mail the final decision to the complainant, the guardian ad litem, the Court Administrator, and all parties in any underlying case; and

(b) The final decision shall be placed in the guardian ad litem's individual file and the guardian ad litem complaint file.

2.1.7 Judicial Review of Board's Decision. If the Board's final decision includes removal of the guardian ad litem from the

Court Registry, the guardian ad litem may request a hearing on the decision.

(a) Procedure on Filing Review. Judicial review must be requested within twenty (20) days of the mailing date of the final decision. The request shall be delivered to the Court Administrator and served on all parties to the case at issue and to the complainant. Service may be by regular mail and certified mail, return receipt requested. The matter shall be heard by a Judicial Officer who has not heard matters in any underlying case at issue in the complaint and who shall not hear matters in such a case in the future;

(b) Response. No response is required and no oral argument will be heard unless requested specifically by the Judicial Officer. If written response or oral argument is directed, a schedule shall be set for filing written materials and the date for argument set taking into account the availability of the complainant and the guardian ad litem;

(c) Scope of Review. The Judicial Officer shall review the written record and any oral argument to determine whether the guardian ad litem violated applicable laws, rules, and policies, and if so, the appropriate remedy. The Judicial Officer shall issue findings of fact and a decision on the complaint based on an independent review of the record; and

(d) Consideration of Prior Complaints. If the Judicial Officer determines that a violation occurred, consideration may be given to any founded prior complaints against the guardian ad litem in determining the appropriate remedy.

LCrR 3.1
RIGHT TO AND ASSIGNMENT OF COUNSEL

(d) Assignment of Lawyer.

(4) Certificates of Compliance with the Standards for Indigent Defense required by CrR 3.1 shall be filed quarterly with the Mason County Clerk. All Notice of Appearance forms filed by counsel for indigent defendants shall indicate in a separate paragraph whether or not a current CrR 3.1 Certificate of Compliance with the Standards for Indigent Defense is on file with the Mason County Clerk.

[Adopted effective 9-1-2013]

LOCAL SUPERIOR COURT CRIMINAL RULE 4.2 (LCrR 4.2)

SUPERIOR COURT COMMISSIONERS - AUTHORITY - CRIMINAL CASES

The Judges of Mason County Superior Court hereby adopt the provisions of RCW 2.24.040, as amended, and specifically authorize Mason County Superior Court Commissioners, appointed under Article 4, Section 23 of the constitution of the State of Washington, to accept and enter pleas of guilty by adult criminal defendants in accordance with CrR 4.2.

[Adopted 9/1/00]

LJuCR 7.1
DISMISSAL FOR DELAY IN FILING INFORMATION

RESCINDED

[Adopted effective September 1, 1995; Rescinded effective September 1, 2013]

LJuCR 9.2
ADDITIONAL RIGHT TO REPRESENTATION BY LAWYER

(d) Juvenile Offense Proceedings.

(1) Certificates of Compliance with the Standards for Indigent Defense required by JuCR 9.2 shall be filed quarterly with the Mason County Clerk. All Notice of Appearance forms filed by counsel for indigent defendants shall indicate in a separate paragraph whether or not a current JuCR 9.2 Certificate of Compliance with the Standards for Indigent Defense is on file with the Mason County Clerk.

[Adopted effective 9-1-2013]

LRALJ 6.3A(c)
CONTENT OF TRANSCRIPT OF ELECTRONIC RECORD

(c) Content of Transcript. The transcript shall contain only those portions of the electronic recording necessary to present the issues raised on appeal. In a transcript provided at public expense, approval by the Court shall be obtained prior to requesting transcription of jury voir dire, opening and/or closing statements, and reading of the jury instructions. If the appellant intends to urge that a verdict or finding of fact is not supported by the evidence, the appellant shall include in the transcript all testimony relevant to the disputed verdict or finding. If the appellant intends to urge that the court erred in giving or failing to give an instruction, the appellant shall include all objections to the instructions given and refused and the court's ruling.

LSPR 94.04
FAMILY LAW ACTIONS

1. FAMILY LAW, PROBATE AND ADOPTION MOTION CALENDARS AND CONFIRMATION PROCEDURES

1.1 The Family Law, Probate and Adoption Motion Calendar (where at least one party is represented by an Attorney) shall be held on Wednesdays at 9:00 a.m.

1.2 The Pro Se (Non-Attorney) Family Law Motion Calendar shall be held on Fridays at 9:00 a.m.

1.3 Confirmation Procedures. All contested matters to be considered must be confirmed, as set out below, by calling the Clerk of the Court at (360) 427-9670, Ext. 346, or by e-mail at superiorcourt-confirm@co.mason.wa.us. Matters not confirmed will not be heard.

(a) Confirmations must be made with the Clerk of the Court before 10:00 a.m. two (2) days prior to the motion calendar day as follows:

* By 10:00 a.m. on Monday for matters on the Wednesday calendar; or

* By 10:00 a.m. on Wednesday for matters on the Friday pro se calendar.

(b) If the deadline for confirmation falls on a court holiday, confirmation shall be made before 10:00 a.m. on the last court day before the holiday.

(c) Motions filed by those persons physically confined under a court order shall be deemed confirmed at filing.

1.4 Continuance of Confirmed Matters. Matters confirmed in accordance with paragraph 1.3 (a) and (b) are not subject to continuance, except with permission of the Court, but shall be stricken and re-noted by the moving party.

1.5 Time Limits. Agreed orders and defaults will be heard at the beginning of the docket. Motions other than summary judgment shall be limited to ten (10) minutes per side. Motions which will exceed the time limit of this rule, if allowed by the Court, will ordinarily be placed at the end of the docket.

2. LIMITATIONS ON DECLARATIONS

2.1 Generally. Absent prior authorization from the Court as set forth in paragraph 2.9 below, the entirety of all declarations and affidavits in support of motions, including any reply, shall be limited to a sum total of twenty-five (25) pages for all motions scheduled on the same date. The entirety of all declarations and affidavits submitted in response to motions shall be limited to twenty-five (25) pages for all motions scheduled on the same date.

2.2 Application. This rule shall apply to all family law motions, motions in paternity actions and actions to establish residential schedules.

2.3 Format. All motions and pleadings in support thereof shall use mandatory forms where applicable, follow the format required by GR 14 and meet the requirements of GR 31(e). If typed or computer printed, documents shall be in 12 point or larger type and double-spaced. If handwritten, documents shall be single-sided, double-spaced and written legibly using black or dark blue ink.

2.4 Exhibits. Exhibits that consist of declarations or affidavits shall count toward the above page limits. All other exhibits attached to a declaration or affidavit, including deposition excerpts, shall not be counted towards the page limit.

2.5 Financial Declarations. Financial declarations and financial documents do not count toward the page limit.

2.6 Expert Reports and Evaluations. Declarations, affidavits or reports from guardians ad litem and expert witnesses do not count toward the page limit.

2.7 Children's Statements. Declarations by minors in family law matters are disfavored and the Court may, in its discretion, refuse to consider such declarations.

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

2.9 Authorization. A party seeking authorization to exceed the page limit may do so by noting the matter on the family law calendar. Parties may appear in person or by telephone; provided, however, that authorization to appear by telephone must be made in advance by calling the Court Administrator's Office at (360) 427-9670, Ext. 206. Notice of this hearing shall be given in the same manner as provided in CR 5.

2.10 Consequences of Non-Compliance. If the Court finds that one or more parties have violated this rule, the Court may, in its discretion, assess terms, strike or continue the matter, or refuse to consider materials that violate this rule.

3. PARENTING SEMINARS

3.1 Applicable Cases. This rule shall apply to all cases under Chapter 26.09, 26.10, or 26.26 RCW which require a parenting plan or residential schedule for minor children, including dissolution of marriage, dissolution of domestic partnerships, legal separation, major modifications, non-parental custody actions, paternity actions.

3.2 Mandatory Attendance. All parties involved in cases governed by this rule shall complete an approved parenting seminar.

3.3 Seminar Providers. A list of approved parenting seminars shall be available from the Superior Court Administrator, Family Law Facilitator and Clerk of the Court. If a parenting seminar is not included on the list, then the Court, upon proper motion, may allow other seminars to fulfill this requirement on a case-by-case basis.

3.4 Timing. Parties required by this rule to participate in a parenting seminar shall complete an approved parenting seminar within ninety (90) days after service of a petition. In the case of paternity actions initiated by the prosecuting attorney's office, the parenting seminar shall be required only when paternity is established or acknowledged and a parenting plan is requested.

3.5 Proof of Completion. Parties shall file a certificate of completion or other documentation showing proof of completion of the parenting seminar as soon as possible after completion.

3.6 Fees. Each party attending a seminar shall pay a fee charged by the approved provider.

3.7 Special Consideration/Waivers. Pursuant to RCW 26.12.172:

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

(b) Upon a showing of domestic violence or abuse which would not require mutual decision making pursuant to RCW 26.09.191, or that a parent's attendance at the seminar is not in the children's best interests, the court shall either waive the requirement of completion of the seminar or provide an alternative, voluntary parenting seminar for battered spouses or battered domestic partners; and

(c) The Court may otherwise waive the seminar requirement or extend the time for attendance of the seminar for good cause shown.

3.8 Failure to Attend/Sanctions. Willful refusal to participate in a parenting seminar or willful delay in completing the parenting seminar by any party may constitute contempt of court and may result in sanctions including, but not limited to, imposition of monetary terms, striking of pleadings, or denial of affirmative relief to a party not in compliance with this rule.

[Adopted effective 9-1-2006; amended effective 9-1-2010; 9-1-2012; 9-1-2013]

EXHIBIT A.
ARBITRATION AWARD

[Rescinded]

Rescinded Effective 9-1-2012

EXHIBIT B.
REQUEST FOR TRIAL DE NOVO AND FOR CLERK TO SEAL THE AWARD

[Rescinded]

Rescinded Effective 9-1-2012