APPEALS FROM COURTS OF LIMITED JURISDICTION

Pursuant to the provisions of RALJ 4, the Superior Court in and for Clallam County adopts the following mandatory procedures for appeals from Courts of Limited Jurisdiction:

I. LRALJ 4.1 AUTHORITY OF COURTS PENDING APPEAL

A. Notice of Appeal: Jurisdiction of Superior Court is invoked upon the filing of a Notice of Appeal with the Superior Court Clerk.

B. Court of Limited Jurisdiction. After a Notice of Appeal has been filed, and while the case is on appeal, authority to act in a case is limited to RALJ except as expanded by these rules.

C. Questions Relating to Indigency. The Court of Limited Jurisdiction shall decide questions relating to indigency concerning the appointment of counsel at public expense. The Superior Court shall decide questions relating to indigency concerning all other expenses the party wants waived or provided at public expense.

1. Motion for Order of Indigency and Appointment of Counsel at Public Expense.

a. Criminal cases. A party seeking review partially or wholly at public expense from a decision of a Court of Limited Jurisdiction must move in the lower court for an Order of Indigency and Appointment of Counsel at Public Expense. The motion must be supported by an affidavit setting forth the moving party's total assets; monthly income, expenses and liabilities of the party; and a statement of the amount, if any, the party can contribute toward the expense of counsel.,

b. Civil cases. A party seeking review of a civil case partially or wholly at public expense must move in the lower court for an Order of Indigency and Appointment of counsel at Public Expense. The Motion must be supported by an affidavit meeting substantially the same requirements as set forth in subsection (a) above. In addition, the party must also demonstrate in the motion or the supporting affidavit that the party has a constitutional right to review partially or wholly at public expense.

2. Motion for Order of Payment of Costs at Public Expense.

A party seeking review partially or wholly at public expense from a decision of a Court of Limited Jurisdiction must move in the Superior Court for an Order of Payment of Costs at Public Expense. The motion must be supported by a statement of the costs the party wants waived or provided at public expense.

3. Action by the District/Municipal Court. The lower court shall decide the motion for an Order of Indigency and Appointment of Counsel at Public Expense, after a hearing if the circumstances warrant, as follows:

a. Denial generally. The lower court shall deny the motion if a party has adequate means to pay all of the cost of a lawyer for appellant review. The order denying the motion for an Order of Indigency and Appointment of Counsel at Public Expense shall contain findings designating the funds or source of funds available to the party to pay the cost for a lawyer.

b. Approval generally (criminal). The lower court shall grant the motion and enter an Order of Indigency and Appointment of Counsel at Public Expense if the party seeking public funds is unable by reason of poverty to pay all or some of the costs of a lawyer for review.

c. Approval generally (civil). If the case is civil case, and the party is unable by reason of poverty to pay all or some of the costs of lawyer for review, and if the party has a constitutional right to review partially or wholly at public expense, the lower court shall enter findings of indigency.

d. The Motion, Affidavit and Order Re: Indigency and Appointment of Counsel at Public expense shall be transmitted to the Superior Court by the Lower Court Clerk as a part of the record on review.

4. Action by the Superior Court. The Superior Court shall decide the motion for Order of Payment of Costs at Public Expense, after a hearing if the circumstances warrant.

5. Order of Indigency and Order of Payment of Costs at Public Expense. The Order(s) shall designate the items of expense which are to be paid with public funds and, where appropriate, the items of expense to be paid by a party or the amount which the party must contribute toward the expense of review. The Order shall designate the extent to which public funds are to be used for payment of the expense of the record on review, limited to those parts of the record reasonably necessary to review issues argued in good faith. Verbatim transcripts of Voir Dire and/or opening

statements shall not be paid at public expense without specific court approval. The transcript, to be paid at public expense, shall contain only those portions of the electronic recording necessary to present the issues on appeal.

6. A party and counsel for the party who have been granted an Order pursuant to this rule must promptly bring to the attention of the Superior Court any significant improvement, during review, in the financial condition of the parties. The Superior court will give a party the benefit of an Order granted pursuant to this rule throughout the review unless the Superior Court finds that the party's financial condition has improved to the extent that the party is no longer indigent.

7. Appointment and Withdrawal of Counsel in Trial Court. The lower court shall determine questions relating to the appointment and withdrawal of counsel for an indigent party on review.

8. Conditions for Payment. The expenses for an indigent party which are necessarily incident to review by the Superior Court will be paid from public funds, by the Superior Court, only if an Order of Payment meets the requirements of paragraph 5 above and is included in the record on review.

[Adopted effective June 8, 2000.]

II. Small Claims Appeal:
Small Claims Court's judgments appealed to the Superior Court shall be subject to the mandatory arbitration requirements of Superior Court and shall follow the procedural rules relating to arbitration. A Trial De Novo on an appeal from Small Claims Court shall not be allowed unless the parties have participated in mandatory arbitration pursuant to the local rules.

[Adopted effective June 8, 2000.]