RULE 16.
PRE-TRIAL PROCEDURE AND FORMULATING ISSUES

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

(d) Assignment

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

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

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

§ 16.31 Pre-trial order - Pre-trial procedures

[Court Caption]

[Parties] No.
_____
ORDER SETTING TRIAL DATE;
ESTABLISHING PRE-TRIAL SCHEDULES; AND
FIXING DATE OF FINAL PRE-TRIAL ORDER

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

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

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

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

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

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

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

All expert witness depositions shall be completed by:
Calendar Date: [date]

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

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

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

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

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

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

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

Dated: [month, day, year].

[Signed]

Judge
[Presentation]

[Approval]

9A WAPRAC § 16.31

(iv) Mandatory Mediation of Civil Cases

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

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

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

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

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

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

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

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

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