

SUPERIOR COURT FOR GRAYS HARBOR COUNTY LOCAL COURT RULES

TABLE OF RULES

Page No.

LOCAL GENERAL RULES (LGR)

LGR 29 Presiding Judge in Superior Court or District and Limited Jurisdiction Court District.....	4
---	---

LOCAL CIVIL RULES (LCR)

COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS	
LCR 5 Service and Filing of Pleadings and Other Papers.....	4
LCR 6 Time.....	4-5
PLEADINGS AND MOTIONS	
LCR 7 Pleadings Allowed; Form of Motions.....	5
LCR 11 Signing and Drafting of Pleadings, Motions, and Legal Memoranda; Sanctions.....	5
LCR 16 Pretrial Procedure and Formulating Issues.....	5-6
TRIALS	
LCR 40 Assignment of Cases.....	6-7
LCR 47 Jurors.....	7
LCR 49 Verdicts.....	7
LCR 51 Instructions to Jury and Deliberation.....	8
LCR 52 Decisions, Findings and Conclusions.....	8
JUDGMENT	
LCR 59 New Trial, Reconsideration, Revision and Amendment of Judgments.....	8-9
SUPERIOR COURTS AND CLERKS	
LCR 77 Superior Court and Judicial Officers.....	9-10
LCR 79 Books and Records Kept by the Clerk.....	10

LOCAL FAMILY LAW CIVIL (LFLCR)

LFLCR 1 Scope of Rules.....	10
LFLCR 7 Court’s Motion for Temporary Family Law Orders – Automatic Order.....	11
LFLCR 16 Pretrial Procedure, Formulating Issues, and Mediation.....	11-13

LOCAL MANDATORY ARBITRATION RULES (LMAR)

SCOPE AND PURPOSE OF RULES	
LMAR 1.1 Application of Rules.....	13
LMAR 1.2 Matters Subject to Arbitration.....	14
LMAR 1.3 Relationship to Superior Court Jurisdiction and Other Rules.....	14
TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR	
LMAR 2.1 Transfer to Arbitration.....	14
ARBITRATORS	
LMAR 3.1 Qualifications.....	14
PROCEDURES AFTER ASSIGNMENT	
LMAR 4.2 Discovery.....	15
HEARING	
LMAR 5.1 Notice of Hearing.....	15
LMAR 5.2 Prehearing Statement of Proof.....	15

AWARD	
LMAR 6.2	Filing of Award.....15
LMAR 6.4	Costs and Attorney Fees.....16
TRIAL DE NOVO	
LMAR 7.1	Request for Trial De Novo.....16
GENERAL PROVISIONS	
LMAR 8.1	Stipulations.....16
LMAR 8.4	Title and Citation.....16
LMAR 8.7	Administration.....17

LOCAL CRIMINAL RULES (LCrR)

RIGHTS OF DEFENDANTS	
LCrR 1.6	Superior Court Commissioners – Authority – Criminal Cases.....17
LCrR 3.1	Right to and Assignment of Lawyer.....17-18
LCrR 3.2	Release of Accused.....18
LCrR 3.3	Time for Trial.....18
LCrR 3.4	Presence of Defendant.....18
PROCEDURES PRIOR TO TRIAL	
LCrR 4.2	Pleas.....18
LCrR 4.5	Omnibus Hearing.....19
PROCEDURES AT TRIAL	
LCrR 6.1	Trial by Jury or by the Court.....19-20
LCrR 6.15	Instructions and Arguments.....20
PROCEDURES FOLLOWING CONVICTION	
LCrR 7.1	Procedures Before Sentencing.....20
LCrR 7.2	Sentencing.....20

LOCAL JUVENILE COURT RULES (LJuCR)

SCOPE AND APPLICATION OF RULES	
LJuCR 1.0	Court Schedule.....21
LJuCR 1.6	Counsel.....21
LJuCR 9.2	Additional Right to Representation by Lawyer.....21

LOCAL RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (LRALJ)

ORAL ARGUMENT	
LRALJ 7.1	Generally.....21

LOCAL GUARDIAN AD LITEM RULES (LGALR)

LGALR 1	Scope and Definitions.....22
LGALR 2	General Responsibilities of the Guardian ad Litem.....22-23
LGALR 3	Roles and Responsibilities of Guardian ad Litem in Title 13 RCW Juvenile Proceedings..23
LGALR 5	Appointments of Guardian ad Litem.....23
LGALR 7	Grievance Procedures.....23-25

LOCAL GENERAL RULES (LGR)

LGR 29 PRESIDING JUDGE IN SUPERIOR COURT DISTRICT

- (a) Election, Term, Vacancies, Removal and Selection Criteria - Multiple Judge Courts
- (1) Election. The Grays Harbor Superior Court Judges shall elect a Presiding Judge by majority vote at a meeting held in October or November of even numbered years.
- (2) Term. The Presiding Judge shall be elected for a term of two years, subject to reelection.
- (3) Vacancies. Interim vacancies in the office of Presiding Judge shall be filled by a majority vote of the Superior Court Judges at the first Judges meeting held after the vacancy is known to exist.

LOCAL CIVIL RULES (LCR)

LCR 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.

- (a) Service - When Required.
- (1) Bench Copies. All pleadings and other papers that a party wants the Court to consider at a scheduled trial or hearing must be filed and served on all parties with a bench copy to be provided to the Court. Bench copies must clearly indicate on the top of the first page of the document the current date and time set for the proceeding, the name of the assigned judicial officer, if known, and the cause number. Bench copies that do not include the required information on the first page may be disregarded by the judicial officer and the party submitting the defective bench copies may be subject to other sanctions as provided in CR 5(d)(2).
- (b) Service - How Made.
- (8) Bench Copies. Bench copies shall be submitted to the Court on the day of filing, but in no case later than the day prior to the hearing, by delivering a paper copy of the documents to the office of the Court Administrator or electronically with permission of Court Administration. Bench copies provided electronically must comply with the rules regarding time and format.

LCR 6 TIME

- (d) For Motions - Affidavits. The moving party shall file and serve all motions and supporting documents by noon five days before the scheduled proceeding. All material in response to a motion shall be filed and served by noon the court day before the scheduled proceeding.

(E) Ex Parte Matters. No allotted time for ex parte matters exists. Ex parte matters may be presented to the Judge in chambers or presented through the Clerk's office for a fee. Counsel is responsible for obtaining the Court file when presenting ex parte matters in chambers.

**LCR 7
PLEADINGS ALLOWED; FORM OF 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 set 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 different facts are claimed to be shown. Any order obtained in violation of this section may be set aside.

(5) Telephonic Appearance for Argument on Motion. Telephonic appearances are discouraged on motion docket calendars and will not be automatically granted. All requests for appearing at hearings by telephone for purposes of oral argument must be submitted with the form at this link: <http://www.co.grays-harbor.wa.us/phonerequest.pdf> for approval by the Court and may be specially set by the Court Administrator for a date and time separate from the regular motion calendar.

[Revised September 1, 2020]

**LCR 11
SIGNING AND DRAFTING OF PLEADINGS,
MOTIONS, AND LEGAL MEMORANDA; SANCTIONS.**

(a)(1) Frivolous Motions. Terms and sanctions may be imposed if the Court finds that any motion or its opposition is frivolous.

**LCR 16
PRETRIAL PROCEDURE AND FORMULATING ISSUES**

(b) Pretrial Order.

(1) Settlement Conference. The Court may order a settlement conference in any civil case. The parties or 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.

(2) 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.

(3) 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 only upon approval of the Court.

(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 by the deadlines set by a scheduling order.

LCR 40 ASSIGNMENT OF CASES

(b) Methods. All parties shall file a Request for Trial Setting utilizing the format form which can be found at the following link: <http://www.co.grays-harbor.wa.us/NoteforTrial-Arbitration.pdf> and shall include a list of persons entitled to notice with their addresses. All parties have the obligation to inform the Court Administrator promptly of any errors or changes in this list. A copy of the request shall be provided to the opposing party or his or her attorney and to the Court Administrator. Ten days after receipt of the first request, the Court Administrator shall schedule the trial. All trial settings will be mailed by the Court Administrator to the parties at the addresses provided in the Note for Trial and Statement of Arbitrability unless a party has submitted a completed authorization to receive notification by email to the Court Administrator. A form for authorizing notification by email can be found at the following link: <http://www.co.grays-harbor.wa.us/EmailNoticeApproval.pdf>

(d) Trials.

(1) Trial Briefs. Trial briefs shall be submitted in all cases. The submitting party shall file the original with the Clerk and provide a bench 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.

(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 which shall be obtained through the Court Administrator.

(g) Pre-assignment of Cases.

(1) By the Court. The Judges may select those cases deemed appropriate for pre-assignment due to length of trial or complexity of issues. The Court shall notify the parties of any pre-assignment.

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

(3) Affidavits of prejudice against the assigned Judge which are not based on actual cause will be deemed waived unless filed by a party before receiving notice of pre-assignment.

(4) All Matters to be Heard by Pre-assigned Judge. Once a case has been pre-assigned, all subsequent matters and proceedings except settlement conferences shall be heard before the assigned judicial officer, if available.

(h) Notice 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 parties shall immediately notify 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.

[Amended September 1, 2020]

**LCR 47
JURORS**

(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.

**LCR 49
VERDICTS**

(e)

(1) 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.

LCR 51
INSTRUCTIONS TO JURY AND DELIBERATION

(b) Submission. Proposed instructions utilizing Washington Pattern Jury Instructions shall be submitted by each party no later than the day before trial. The proposed instructions shall be formatted to be consecutive and contiguous rather than one per page. One printed copy each of annotated proposed instructions shall be provided to the clerk, the trial Judge, and each opposing party. Any modification to the Washington Pattern Jury Instructions shall be clearly noted on the annotated copies. A digital copy of the proposed instructions without citation shall also be provided to the trial Judge. The digital copy may be emailed to Court Administration or delivered on electronic writable media storage.

LCR 52
DECISIONS, FINDINGS AND CONCLUSIONS

(a) Presentation. When the entry of Findings of Fact and Conclusions of Law are required either by rule or statute, the prevailing party, within fifteen (15) days of the decision being rendered, shall file along with proposed Findings of Fact and Conclusions of Law and a Proposed Judgment/Order and deliver a copy of same to the Court and to all other parties with a timely notice of presentment setting the matter for a date certain. On the prevailing party's failure to do so, any other party to the matter may timely note the matter for presentment subject to filing and delivery of the same required documents identified herein.

(1) Objections. Any party objecting to the proposed final orders submitted by another party shall file written objections with proposed substitutions and deliver a copy of same to the prevailing party and the Court by noon the day before the scheduled presentment hearing. The objecting party shall notify all parties and the Court Administrator that a special setting is required for entry of orders and that the original presentment date should be stricken.

(2) Transcript of Ruling. Any party obtaining a transcript of the ruling for which final orders are required shall provide a copy of same to all other parties and the Court. At the time of the hearing on entry of orders, the Court shall determine who shall ultimately be responsible for the costs of the transcript.

(3) Intent. The Court's intent is to finalize all matters as early as possible after oral decisions are rendered.

LCR 59
NEW TRIAL, RECONSIDERATION, REVISION, AND AMENDMENT OF JUDGMENTS

(e) Hearing on Motion.

(4) 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.

(5) Revision of Commissioner's Ruling.

(i) A party moving for revision of a ruling by a Court Commissioner shall comply with RCW 2.24.050.

(ii) A motion for revision shall be based upon entry of written findings, conclusions and an order by the Court Commissioner. Oral rulings not reduced to written orders are not the proper subject for a motion for revision.

(iii) The original motion and supporting materials and proof of service upon all parties, along with a bench copy for the assigned judge, will be filed. If a non-moving party wishes to respond, that response is due ten days after being served with the initial motion.

(iv) At the judge's discretion the moving party may be required to provide a written transcript of part or all of the hearing held before the Court Commissioner.

(v) The assigned judge shall review the pleadings and either rule on the motion or seek additional input from the parties.

[Amended September 1, 2020]

**LCR 77
SUPERIOR COURTS 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 8:30 a.m. and non-jury trials begin at 9:00 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. The Court Administrator's office will be open from 8:30 a.m. to noon and from 1:15 p.m. until 4:30 p.m. on every court day; however, no documents will be accepted for filing in this office nor will documents be accepted for delivery to the Court as bench copies beyond the deadlines set forth in these rules.

(1) Motion Dockets. The civil, family law and criminal motion dockets shall be conducted on Monday, as more specifically set forth below, or at such other times as the court may direct. If Monday is a holiday, the motion dockets will be heard on the next regular court day. Motion dockets will not occur during judicial conference weeks. A list of those dates will be posted each year on the Grays Harbor County Superior Court Website.

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

(B) Family Law Motion Docket. The family law motion docket will begin at 9:00 a.m. at the courthouse in Montesano.

(C) Time Allowed for Oral Argument. On the morning civil and family law motion dockets, the parties shall be limited to five minutes of oral argument. 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 docket, set the matter for further argument on the afternoon docket, or continue the matter to a specified date.

(D) Other Motion Dockets. The Court shall conduct a motion docket for paternity cases and default domestic cases on Mondays at 1:00 p.m. at the courthouse in Montesano. The domestic violence protection order petitions will be heard on Monday at 2:00 p.m. at the courthouse in Montesano.

(E) Scheduling Motions. All matters for the morning dockets shall be noted through the Clerk's office. All matters for the afternoon or special setting dockets shall be set by the Court Administrator.

(i) Confirmation Process. Any motion noted on an afternoon docket will be stricken from the calendar unless the hearing is confirmed with the Court Administrator in person, by email, or by telephone at 360-249-5311. Such confirmation shall be given by noon on the Thursday prior to the hearing.

(ii) Continuances. Motions may be continued one time by stipulation of the parties. Additional continuances require approval of the Court. If a moving party is not ready to argue his or her motion at the time it is called by the Court for reasons other than lack of service duly attempted, the matter shall be stricken subject to being re-noted by the moving party at a later date.

(F) Petitions for Adoption. Uncontested petitions for adoption shall be specially set for Mondays at 8:00 a.m. after first obtaining approval of the Court Administrator.

LCR 79
BOOKS AND RECORDS KEPT BY THE CLERK

(d) Other Books and Records of Clerk.

(1) Exhibits. When an 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. After 30 days' written notice to all parties of record following final disposition of a civil or family law case, the Court may order the Clerk to destroy or dispose of physical evidence unless good cause is shown why it should be preserved.

LOCAL FAMILY LAW CIVIL (LFLCR)

LFLCR 1
SCOPE OF RULES

The Superior Court Civil Rules (CR) and the Grays Harbor County Local Superior Court Civil Rules (LCR) govern procedure for all civil matters including family law matters except where superseded by a local family law court rule (LFLCR). In family law matters, if a conflict exists between a LCR and a LFLCR, the LFLCR shall take precedence.

[Revised September 1, 2020]

LFLCR 7
COURT'S MOTION FOR TEMPORARY FAMILY LAW ORDERS – AUTOMATIC ORDER

Upon the filing of a Petition for Dissolution/Legal Separation/Invalidity, Petition to Establish a Parenting Plan/Residential Schedule, and a Petition for Non-Parental Custody, the Court on its own motion automatically issues a temporary order.

(a) These rules apply to matters filed under RCWs 26.09, 26.10, 26.12, 26.16, 26.18, 26.19, 26.21, 26.21A, 26.23, 26.26, 26.27 and 26.34

(b) The court's automatic temporary order will not be entered in any law enforcement database.

(c) This rule does not preclude any party from seeking any temporary family law order(s) and restraining order(s) as may be authorized by law.

[Adopted March 19, 2020]

LFLCR 16
PRETRIAL PROCEDURE, FORMULATING ISSUES, AND MEDIATION

(b) Pretrial Order.

(1) Settlement Conference. The Court may order a settlement conference in any family law case on its own motion or on the motion of a party. The motion of a party for a settlement conference shall be noted on the family law motion calendar. If a settlement conference is ordered, all parties and their attorneys, if any, shall attend personally unless excused by the settlement Judge and all persons in attendance 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. Settlement conference proceedings shall be privileged and not recorded. If a settlement is not reached, the settlement Judge shall not make any subsequent rulings or preside at that trial on the merits without consent of all parties.

(2) Pretrial Conference. In all family law cases, the Court Administrator will schedule a pretrial conference on the family law motion calendar the week before the week the case is scheduled for trial. Prior to the pretrial conference, if the parties have not agreed on the division of the parties' assets and liabilities, each party shall, utilizing a format consistent with that set forth in the form available at this link:<http://www.co.grays-harbor.wa.us/DivofAssets-Liabilities.pdf>, file and exchange a document setting forth that party's proposed allocation and the estimated values of the items before the Court for division. The attorneys and/or parties shall attend the pretrial conference to discuss the status of the case and readiness for trial.

(A) Pretrial Statement. In any contested family law action in which property division, the parenting plan, spousal maintenance, or child support is at issue, each party shall serve on the other party and file with the Court a written summary setting forth a brief statement of the issues in dispute and a brief statement of the party's proposed resolution of the issues.

Unless otherwise excused by the Court, each party's pretrial statement must be served and filed no later than the day of pretrial conference or settlement conference, whichever occurs first, unless otherwise ordered by the Court. Failure to timely serve and file the pretrial statement as required may result in sanctions.

(c) Mediation

(1) Mediation Requirement. All contested family law matters, including dissolutions, legal separations, custody or visitation, major modifications of a parenting plan, shall complete mediation prior to being set for trial, with the

following exceptions: (i) Non-parental custody and de facto parentage actions; (ii) Dependencies and termination of parental rights; (iii) Uniform Parentage actions, up until establishment of paternity; (iv) Modification of child support; (v) Cases involving a minor or incapacitated parent; (vi) Upon the Court's determination that there is good cause not to require mediation, including cases involving domestic violence, power imbalances, and child abuse (RCW 26.09.016). A history of reported domestic violence or criminal history of domestic violence is not required for the Court to make a finding of good cause not to require mediation. The Court's determination with regard to whether mediation is inappropriate due to domestic violence, power imbalance, or child abuse concerns will be made based on the evidence submitted by the parties, including any history of protection orders.

(2) Mediators. The parties may select a mediator from the following categories.

- (i) Mediation Panel. There shall be a panel of family law mediators established by the Court. The list of mediators and their information sheets will be available to the public in the Court Administrator's office.
- (ii) Any family law mediator certified as such by a Washington State dispute resolution center is qualified to serve as a mediator under this paragraph.
- (iii) The parties may stipulate to a mediator not listed on the panel or holding a current state certification so long as that mediator is otherwise qualified by training, education and/or experience.
- (iv) If the parties cannot agree on a mediator, 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.

(3) Authority of Mediator. The mediator has the authority to determine the time, place and duration of mediation. Each party shall submit available dates to the mediator within 14 days of the appointment of a mediator. In appropriate cases, the mediator shall have the authority to terminate the mediation prior to completion. The mediator has authority to cancel or terminate mediation if a party's Mediation Statement is materially deficient.

(4) Cost of Mediation. If the parties are unable to agree on the allocation of mediation costs, the Court will determine responsibility for the cost of mediation upon motion of any party. The parties shall submit financial declarations if the Court is asked to determine responsibility for the cost of mediation. Mediators may require payment in advance.

(5) Mediation Orders and Process. Upon the filing of a Response to a Petition for dissolution, legal separation, custody or visitation, major modification of a parenting plan, or non-parental custody, the Petitioner shall note the matter for mandatory mediation on forms prescribed by the Court and available at the Court's website.

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 and allocation of costs of mediation).

If the parties agree as to mediation status and/or terms, they may submit an agreed order for the Court's approval. 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.

(6) Timing of Mediation. Mediation shall occur within 180 days of the case being filed unless waived or extended by the Court.

(7) Discovery. The requirement of mediation shall not prevent the Court from entering temporary orders or affect the parties' discovery obligations.

(8) Applicable Law. All mediations undertaken pursuant to this Rule are subject to the provisions of RCW Chapter 7.07, the Uniform Mediation Act, including its provisions regarding privilege and confidentiality, and RCW 26.09.015. To the extent there is any inconsistency, the provisions of RCW 26.09.015 apply.

(9) Family Law Mediation Statements. All parties shall prepare and deliver a Family Law Mediation Statement to the mediator and all other parties (including the State of Washington if the State is a party), no later than one week prior to the mediation. The Mediation Statement Form is available on the court's website. The Mediation Statement is intended to inform the mediator and opposing party of the submitting party's position on the major issues to be resolved. Parties are only required to complete those portions of the Mediation Statement that relate to matters in dispute. The Mediation Statement shall not be filed with the Court.

Any party may submit supplemental Mediation Statements prior to the scheduled mediation if the party's analysis or proposal to resolve the issues has changed after reviewing another party's Mediation Statement.

If a party fails to submit a Mediation Statement, or if the Court finds that a Mediation Statement is materially deficient, or that a party's lack of preparation prohibits a meaningful mediation, the Court may impose monetary sanctions, award attorney fees, or other remedies as the Court deems appropriate.

If a Guardian ad Litem has been appointed, the Guardian ad Litem shall submit a report to the parties and the mediator/settlement judge at least seven days before the mediation.

(10) Appearance at Mediation. Each party who files an appearance in a contested proceeding of the type described above shall attend mediation in person unless the Court orders in advance that they may be present by telephone or exempts them from participation in mediation. Parties residing out of state will be allowed to participate by telephone or other audio/visual applications. Attorneys are required to attend mediation with their clients or to be available for consultation during mediations. Parties who are represented by attorneys shall be allowed to consult with their attorney if requested. If an agreement is reached at mediation, the parties are entitled to review the agreement with their attorney after the mediation before signing a written agreement.

(11) Mediation Report. Within seven days after mediation occurs, the mediator shall file a Mediation Report indicating whether the case has been resolved. A standard form is available on the Court's website. A copy of the Mediation Report shall be provided to the Court Administrator's office. If a case is not resolved through mediation, either party may note the case for trial using the form prescribed by the Court.

[Amended, adopted, effective January 1, 2021]

LOCAL MANDATORY ARBITRATION RULES (LMAR)

LMAR 1.1 APPLICATION OF RULES

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.

**LMAR 1.2
MATTERS SUBJECT TO ARBITRATION**

The Superior Court of Washington for Grays Harbor County authorizes mandatory arbitration on all matters where no party asserts a claim for damages in excess of one hundred thousand dollars (\$100,000) pursuant to LMAR 1.2 and subject to the payment of any filing fees required by local ordinance for such matters.

**LMAR 1.3
RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER RULES**

(c) Motions. All motions in which a party is requesting the matter be submitted to 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.

**LMAR 2.1
TRANSFER TO ARBITRATION**

(a) Statement of Arbitrability. In every civil or family law case to be arbitrated, the party filing the note for trial shall complete a statement of arbitrability substantially in the form here: <http://www.co.grays-harbor.wa.us/NoteforTrial-Arbitration.pdf>.

(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 non-responding 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.

(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.

[Revised September 1, 2020]

**LMAR 3.1
QUALIFICATIONS**

(a) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the Presiding Judge or his/her designee 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 and submit the application to the Court Administrator. 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 with the Court Administrator prior to an appointed applicant being placed on the panel.

(b) Declining An Appointment. Any arbitrator to whom a case has been assigned may decline to serve based on unavailability, conflict of interest, or other reason premised on good cause by immediately notifying the presiding Judge or his/her designee of such declination and the grounds for same. Upon declining to serve, the arbitrator must return all case materials to the presiding Judge or his/her designee.

**LMAR 4.2
DISCOVERY**

(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 as the parties may stipulate or as authorized by MAR 4.2.

**LMAR 5.1
NOTICE OF HEARING**

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.

**LMAR 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.

**LMAR 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 Presiding Judge or his/her designee. 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 at the discretion of 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.

**LMAR 6.4
COSTS AND ATTORNEY FEES**

(a) Request.

(1) Compensation of Arbitrator. Arbitrators shall be compensated at a rate to be set by the state. This compensation shall not exceed \$1,000.00 without receiving prior approval from the Presiding Judge or his/her designee. Requests to exceed the \$1,000.00 limit shall be submitted in advance if possible to the Presiding Judge or his/her designee. 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 unless otherwise authorized in advance by the Presiding Judge or his/her designee.

(2) 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 Presiding Judge or his/her designee in unusual circumstances, and process the compensation requests for payment.

**LMAR 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 using form found at this link: <http://www.co.grays-harbor.wa.us/NoteforTrial-Arbitration.pdf>.

(d) Calendar. When a trial de novo is requested, trial shall be set by the Court Administrator.

**LMAR 8.1
STIPULATIONS**

(a) 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.

**LMAR 8.4
TITLE AND CITATION**

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

**LMAR 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) Duties. The Court Administrator, under the supervision of the Superior Court Judges, shall have the power and duty to:

- (1) Develop and maintain local arbitration procedural rules;
- (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 to the Superior Court Judges as he/she deems appropriate to improve the program.

LOCAL CRIMINAL RULES (LCrR)

**LCrR 1.6
SUPERIOR COURT COMMISSIONERS - AUTHORITY - CRIMINAL CASES**

The Judges of Grays Harbor County Superior Court hereby adopt the provisions of RCW 2.24.040, as amended, and specifically authorize Grays Harbor 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 July 10, 2018, Amended March 27, 2020]

**LCrR 3.1
RIGHT TO AND ASSIGNMENT OF LAWYER**

(d) Assignment of Lawyer. Unless the defendant has indicated an intent to hire private 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 email copies of the Information, Motion and Declaration for Arrest Warrant, Defendant's Criminal History and Adult Risk Assessment to the defense attorney on the same day as the first appearance or when counsel is appointed. In addition, the Prosecutor shall file as confidential the Adult Risk Assessment if one was created.

(4)

(a) Compliance with Standards for Indigent Defense and County Contracts. Attorneys appointed to provide indigent defense services under this Rule shall submit the required compliance certification to the Court

Administrator each quarter and a caseload update and proof of insurance to the County Commissioners as required under the attorney contract for services. Failure of an attorney to submit the required compliance certifications will result in requests for payment being denied until compliance has been achieved.

**LCrR 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.

**LCrR 3.3
TIME FOR TRIAL**

(f) Setting of Trial Date. The State and the defendant or defense counsel shall set trial, selecting from a list the Court Administrator provides, at the arraignment hearing.

**LCrR 3.4
PRESENCE OF DEFENDANT**

(a). Unless otherwise ordered by the court the presence of the defendant shall be required at all proceedings, including omnibus hearing.

(d). In any hearing where the defendant is in custody in the Grays Harbor County Jail and no sworn testimony is to be taken, including but not limited to preliminary appearance, arraignment, bail review, trial setting or continuance, and/or extradition waiver, the court may in its discretion conduct such hearing with the defendant present in person or by electronic audio-visual device, and may make an electronic, mechanical, or shorthand record thereof in accordance with CR 80.

(e). A defendant may enter a Statement of Defendant on Plea of Guilty, as provided for in CrR 4.2 by video conference by agreement of the parties, in writing or on the record and upon approval of the trial court judge, pursuant to this local rule.

[Adopted effective March 27, 2020]

**LCrR 4.2
PLEAS**

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. 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.

LCrR 4.5
OMNIBUS HEARING

(d) Motions.

(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 shall 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) Legal Authority in Support of Motions. Counsel shall submit briefs that specify legal authority in support of, or in opposition to, a pending motion. The brief of the moving party shall be submitted at least four days before the scheduled hearing, and the brief of the responding party shall be filed at least by noon one day prior to 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 a motion seeking relief has been refused in whole or in part or has been granted conditionally and the condition has not been performed, the same application for relief shall not be presented to another Judge without advising the second Judge of the fact that the prior motion was previously refused or conditioned.

(4) Subsequent Motion, Different Facts. If a subsequent motion for relief 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.

(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 these local rules.

LCrR 6.1
TRIAL BY JURY OR BY THE COURT

If a party fails to comply with these local 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.

(a) Trial by Jury.

(1) Pretrial matters on or before Trial Day. Counsel shall report to the assigned Trial 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) Trial Briefs. Trial briefs shall be required in all cases. The original shall be filed with the Clerk, with one copy provided to the Judge and one copy provided to each opposing party. The prosecuting attorney's brief shall be served and filed not less than four court days before the trial and the defendant's brief shall be served and filed by noon of the court day before the trial.

LCrR 6.15
INSTRUCTIONS AND ARGUMENTS

(a) Proposed Instructions. Proposed instructions utilizing Washington Pattern Jury Instructions shall be submitted by each party no later than three days before trial. The proposed instructions shall be formatted to be consecutive and contiguous rather than one per page. One printed copy each of annotated proposed instructions shall be provided to the clerk, the trial Judge, and each opposing party. Any modification to the Washington Pattern Jury Instructions shall be clearly noted on the annotated copies. A digital copy of the proposed instructions without citation shall also be provided to the trial Judge. The digital copy may be emailed to Court administration or delivered on electronic writable media storage.

LCrR 7.1
PROCEDURES BEFORE SENTENCING

(d) Other Reports

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

LCrR 7.2
SENTENCING

(a) Generally. A sentencing hearing shall be set on Fridays at 8:30 a.m. for defendants whose standard range sentence exceeds 365 days and requires imprisonment with the Department of Corrections. The sentencing hearing shall be set with the Court Administrator unless ordered by the Court.

(e) Work Release. Defendants requesting work release shall submit an application, a form for which will be available in the courtrooms. Work release applications shall be submitted to the corrections 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 Corrections Department may require the person to complete an appropriate release of information form so that the corrections staff can fully monitor the time served.

LOCAL JUVENILE COURT RULES (LJuCR)

LJuCR 1.0 COURT SCHEDULE

Juvenile Court proceedings are generally held at the Grays Harbor County Juvenile Facility located at 103 Hagara Street, Aberdeen, Washington, with calendars scheduled as follows:

The times and dates for Dependency, Truancy, CHINS & At-Risk-Youth calendar schedules will be posted on the Superior Court Website as well as the Superior Court Clerk's Office and the Juvenile Court facility bulletin board.

The time and place for Juvenile Criminal trials, Dependency and Termination of Parental Rights testimonial proceedings will be as set by the Court Administrator.

LJuCR 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.

LJuCR 9.2 ADDITIONAL RIGHT TO REPRESENTATION BY LAWYER

(d)(1)(a) Compliance With Standards for Indigent Defense and County Contracts. Attorneys appointed to provide indigent defense services under this Rule shall submit the required compliance certification to the Court Administrator each quarter and a caseload update and proof of insurance to the County Commissioners as required under the attorney contract for services. Failure of an attorney to submit the required compliance certifications will result in requests for payment being denied until compliance has been achieved.

LOCAL RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (LRALJ)

LRALJ 7.1 GENERALLY

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.

LOCAL GUARDIAN AD LITEM RULES (LGALR)

LGALR 1 SCOPE AND DEFINITIONS

(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.

(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 or to a Court Appointed Special Advocate ("CASA") volunteer program 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 RCW Guardian ad Litem registry. For Title 26 RCW 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 are currently under contract with the state to provide such services unless no such individual is available.

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 guardian ad litem 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 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 guardian ad litem 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 RCW 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 costs and provide a copy of same to each party. Billings should be submitted quarterly with final billings on cases due within 45 days of completion of services.

(2) For Title 13 RCW and Title 26 RCW cases where the county guarantees payment of the guardian ad litem fees and costs, the guardian ad litem, if not serving under an annual contract for services with the county, shall file with the Court a petition and proposed order with an itemized statement for payment of said fees and costs. Billings should be submitted quarterly with final billings on cases due within 45 days of completion of services.

(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.

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

(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 to which counsel for the parents are provided notice 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 and to provide updated information as it becomes available to the Department as set forth in Title 13 RCW.

LGALR 5
APPOINTMENTS OF GUARDIAN AD LITEM

(c) Guardian Ad Litem Registries. 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 establish an application process and to reject any applicant.

LGALR 7
GRIEVANCE PROCEDURES

(k) 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.

l) Procedure for Filing a Grievance.

(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; and
 - (I) What the party filing the grievance is requesting be done to correct the problem complained of and why.
- (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(1)(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 RCW, Title 13 RCW, and/or Title 26 RCW 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.

(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(1)(2) shall be followed except that five additional business days shall be added to each subsequent deadline indicated in that section.
