

Snohomish County Superior Court

Emergency Scribe Error – Effective September 10, 2024

RULE 40. ASSIGNMENT OF CASES; SETTING OF TRIALS- FILING OF PLEADINGS-TIME OF TRIALS-CONTINUANCES- SETTLEMENT

(b) Methods; Noting of Non-criminal Cases.

(1) The original Note for Trial, on the form approved by the court, is to be filed and served in the manner provided in CR 40. Such note SHALL be in the form of, and contain ALL requested information in such form as is required by the court. Presence of counsel or parties pro se is not required. In the event of non-appearance, the matter shall be set regularly and counsel of record and parties pro se indicated on the Note for Trial form will be notified by mail of the trial date.

[Amended effective emergent January 1, 2019]

(2) If a party incorrectly asserts in the Note for Trial that a case is not arbitrable, the court may at any time prior to trial on its own motion transfer such case to civil arbitration and strike any scheduled trial date. Counsel of record and parties pro se will be notified by mail of the assignment to arbitration.

[Amended effective emergent January 1, 2019]

(3) The parties may amend a Note for Trial from non-arbitrable to arbitrable at any time prior to trial by written stipulation served on the Arbitration Coordinator and filed with the clerk.

[Amended effective emergent January 1, 2019]

(4) If after two years, a case, other than a family law case, has not been resolved or noted for trial under this rule, the court may require the parties to appear to show cause why the matter should not be set for trial or the court should not take other appropriate action. Any trial set pursuant to this subsection shall be deemed confirmed by the court.

[Amended effective emergent January 1, 2019; amended effective September 1, 2023]

(d) Trials.

(1) *Manner of Trial.* Civil Trials and voir dire are presumed to occur in person unless (a) all parties or counsel stipulate in writing that all or a portion of the trial will be conducted remotely, and such stipulation is approved by the Court or (b) the Court grants a motion requesting that one or more parties, witnesses, or counsel be permitted to appear remotely. All parties shall comply with Trial Protocols developed by the Court and published on the Court's website.

(2) *Motions for Remote Appearance at Trial.* Parties seeking an order for remote appearance or testimony are advised to address in their motions such matters as whether the witness is likely to be the subject of a credibility determination as well as distance from the courthouse or health considerations.

A. Motions to approve a stipulation or grant a motion for remote appearance of counsel or party shall be noted on the Presiding Judge's Motion calendar at least 21 days before the trial date.

B. Motions for the remote appearance of witnesses may be noted on the Presiding Judge's Motion calendar at least 21 days before the trial date.

[Effective September 1, 2021; amended emergent effective January 1, 2023; scribe/format amended February 9, 2023; permanent September 1, 2023; scribe error September 10, 2024]

(3) *Confirmation.* Failure to confirm a trial as set forth below may result in dismissal of the case or the striking of the trial date and the imposition of sanctions and/or terms against the parties or counsel.

A. Non-Jury Trials. It shall be the duty of each attorney of record or party pro se in a case set for a non-jury trial to jointly or separately confirm, no sooner than 8:00am on the first court day of the week and no later than 12:00pm of the last court day of the week two weeks prior to the trial date, in such written form as approved by the court, or by electronic confirmation at:

www.snohomishcountywa.gov/TrialConfirmation.

B. Jury Trials.

(i) For jury trials set on or before September 5, 2024, it shall be the duty of each attorney of record or party pro se in a case set for a jury trial to jointly or separately confirm, no sooner than 8:00am on the first court day of the week and no later than 12:00pm on the last court day of the week two weeks prior to the trial date, in such written form as approved by the court, or by electronic confirmation at:

www.snohomishcountywa.gov/TrialConfirmation.

(ii) For jury trials set on or after September 6, 2024, it shall be the duty of each attorney of record or party pro se in a case set for a jury trial to jointly or separately confirm, no sooner than 8:00am on the first court day of the week and no later than 12:00pm on the last court day of the week one week prior to the trial assignment date set forth in the Notice of Trial Setting, in such written form as approved by the court, or by electronic confirmation at:

www.snohomishcountywa.gov/TrialConfirmation.

[Effective September 1, 2017; amended emergent January 1, 2019; amended permanent September 1, 2024]

(4) *Alternative Dispute Resolution*. At time of confirmation the parties shall provide proof of compliance with SCLSPR 94.04(c)(3).

[Effective September 1, 2017; amended emergent effective January 1, 2019; scribe error September 10, 2024]

(5) *Interpreters*. Not later than four (4) weeks prior to the date of trial, a party requiring the assistance of an interpreter, or their attorney, shall notify court administration of need for an interpreter, and shall further identify the language or languages for which interpretation is required. If a requested interpreter will no longer be needed due to settlement, continuance, or other reason, court administration must be promptly notified, or sanctions may be imposed.

[Effective September 1, 2021; amended permanent September 1, 2024]

(g) Reduction or Waiver of Jury. If a jury is to be waived or reduced from a twelve (12) to a six (6) member panel, the Court Administrator MUST be so notified no later than 12:00pm on the last court day of the week prior to the trial date, except as approved by the court.

(h) Reporting for Trial. All parties and counsel shall report to the Presiding Department on the date set for trial for assignment to a trial department unless otherwise notified by the Court Administrator. If no trial department is available for trial at such time, the Presiding Judge shall hold or excuse the parties for such time as circumstances dictate. Parties and counsel shall appear in person unless:

(1) the hearing is for a Sexual Assault, Extreme Risk, or Vulnerable Adult Protection Order; or

(2) the hearing is a motion to revise a civil commitment or civil protection order signed by a Commissioner; or

(3) the Court has approved a stipulation for remote trial or ordered that a trial occur remotely, or previously approved the remote appearance of the party or counsel at the Civil Trial Calendar or at trial; or

(4) the parties are appearing for civil jury trial assignment after September 5, 2024.

If any of (1) through (4) apply, the parties may appear remotely in a manner set forth by the Court in an Administrative Order or on the Court website.

[Amended effective September 1, 2021; amended emergent effective October 12, 2023; amended emergent effective February 14, 2024; amended permanent September 1, 2024]

(i) Civil Trials; Reporting Voir Dire and Closing Arguments.

Counsel must advise the court prior to trial if they wish to have voir dire, opening statements and closing arguments reported. Approval of such request shall be within the discretion of the court.

[Amended September 1, 1991; September 1, 1992; September 1, 1993; September 1, 1995; September 1996; September 1, 1997; September 1, 1999; September 1, 2000; amended emergency October 3, 2005; amended permanent September 1, 2006; September 2009; amended emergency January 13, 2010; amended permanent September 1, 2010; September 1, 2012; September 1, 2017; Amended effective emergent January 1, 2019; permanent September 1, 2019; Amended effective September 21, 2021; amended effective September 1, 2023; amended permanent September 1, 2024; amended scribe error effective September 10, 2024]