

Local Court Rules for Asotin, Garfield, and Columbia Counties Superior Court

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LCR 5
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(e) Filing with the Court.

(1) Bench Copies. Asotin, Garfield, and Columbia Counties do not accept e-filings. As such, any pleadings you want considered for a hearing, unless filed in court by the deadlines listed hereafter, need to be sent to the Court Administrator to provide to the Court.

All bench copies may be submitted via email to the Court Administrator at akrull@co.asotin.wa.us. Parties without access to a computer and the internet may deliver bench copies to the Court Administrator. All bench copies must be submitted not later than nine (9:00) o'clock a.m. two court days prior to the scheduled hearing, proceeding or trial. No bench copies shall be submitted to the Court unless prior thereto or simultaneously therewith a copy thereof has been served upon or mailed to opposing counsel.

(2) Documents Not to be Filed. Photocopies of reported cases, statutes or texts shall not be filed as an appendix to a brief or otherwise but may be furnished directly to the judge hearing the matter. Documents or copies thereof produced during discovery and other items which should properly be received as exhibits rather than as a part of the court file shall not be included in the court file.

Amended July 1, 2023.

LCR 5.1
ELECTRONIC FILING AND SERVICE (COLUMBIA COUNTY ONLY)

(1) Electronic Filing and Service.

(a) Electronic Filing. Attorneys and self-represented litigants may electronically file (e-file) all documents using the Clerk's online e-filing system unless this rule provides otherwise.

(b) Documents That Shall Not Be E-Filed. The following documents must be filed in paper form and not e-filed:

- Original wills and codicils, including will only and new probate cases that include original wills or codicils;
- Certified records of proceedings for purposes of appeal;
- Documents of foreign governments under official seal including foreign and out of state adoption documents and judgments;
- Administrative Law Review (ALR) Petitions;
- Interpleader or Surplus Funds Petitions;

- Documents presented for filing during a court hearing or trial including documents submitted for in-camera review pursuant to GR 15;

- New cases or fee-based documents filed with an Order to Waive Fees or in accordance with GR 34.

Comments: Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

(2) Submission Standards.

(a) Documents. The documents submitted should conform with local court rules and with GR14.

- The document uploaded must be a PDF;
- When possible, the document should be generated directly from the originating software using a PDF distiller;
- Prior to being filed electronically, a scanned document must have a resolution of 300 DPI. Preferably, scanned documents should be made searchable using OCR technology;
- An e-filed document may not contain any security or feature restrictions including password protection or encryption and may not contain embedded multi-media video, audio, or programming;
- Documents may not contain package PDF's. PDF's should not be embedded inside of another PDF. Documents may not contain embedded fonts. Each document must be a single PDF;
- Any e-filed document filename should contain only alphanumeric characters that are part of the Latin1_General character set. No special characters are allowed, and the length of the filename should be restricted to 50 characters;
- Each Document should not exceed 25 MB in size;
- Each envelope should not exceed a total of 35 MB.

(3) Working Copies for E-Filed Documents. If authorized by court rule, Judicial working copies may be submitted directly to the judicial officer or to his/her court designee using the Clerk's e-filing application via the "serve only" option. Working copies shall be merged as one PDF and visibly display the hearing date and time, case name, case number and submitting party on page one. Working copy items not suitable for e-filing shall continue to be required to email to the Court Administrator per LCR 5 or the applicable rule for the relevant case type.

(4) Electronic Service. (a) Effecting E-Service. When a party e-files a document, the party may electronically serve the document via the "serve only" feature within the Clerk's e-

filing system. E-service under this subsection constitutes service under CR 5 and is complete as stated in CR 5(b)(7). An affidavit of service is required to be e-filed or filed as proof of service regardless of service method. Exceptions: This subsection does not apply when a statute or rule requires that a document be personally served on the receiving party; or when the receiving party is not represented by an attorney and has not registered to accept e-service. Comment: When using the “File and Serve” option to effect service, service will not be completed until the filed document has been accepted by the clerk’s office. For immediate service of documents, use the “serve only” option.

(5) Effecting E-Service. When a party e-files a document, the party may electronically serve (e-serve) the document via the e-service feature within the Clerk’s e-filing system. E-service under this subsection constitutes service under CR 5 and is complete as stated in CR 5(b)(7). Exceptions: This subsection does not apply when a statute or rule requires that a document be personally served on the receiving party, the receiving party is not represented by an attorney and has not registered to accept e-service. An affidavit of service is required to be e-filed or filed as proof of service regardless of service method.

(6) Accepting E-Service. Attorneys may register to accept e-service via the Clerk’s e-filing system in each case in which the attorney appears. Likewise, a party that is not represented by an attorney may register to accept e-service via the Clerk’s e-filing system in each case in which the party e-files a document. An affidavit of service is required to be e-filed or filed as proof of service regardless of service method.

Adopted Effective April 23, 2024.

LCR 6 TIME

(d) For Motions - Affidavits.

(1) Notes for Civil Motions Calendar. Responding documents and briefs must be filed with the clerk and copies served on all parties and the court no later than 12:00 p.m. three (3) *court* days prior to the hearing. Copies of any documents replying to the response must be filed with the clerk and served on all parties and the court not later than noon on the *court* day prior to the hearing. This section does not apply to CR 56 summary judgment motions. Absent prior approval of the court, responsive or reply materials will not include either audio or video tape recordings. Notices for the Law and Motion docket shall be filed in the Clerk’s Office at the same time as the motion. Notices for the Domestic Docket shall be filed in the Clerk’s Office no later than 4:00 p.m. four (4) judicial days prior to the hearing. Matters not noted for hearing as set forth above will not be heard without consent of the parties and the court.

(2) Notes for Family Law Motion Calendar. Any party desiring to bring any family law motion, other than a motion to reconsider (governed by LCR 59), on the family law motion calendar must file such motion documents with the Clerk and serve all parties and the court at least twelve (12) *days* before the date fixed for such hearing. Responding documents and briefs must be filed with the clerk and copies served on all parties and the court no later than 12:00 p.m., five (5) *court* days before the hearing. Copies of any additional responding or reply

documents must be filed with the clerk and served on all parties and the Court not later than 12:00 p.m. three (3) *court* days before the hearing. Absent prior approval of the court, responsive or reply materials will not include either audio or video tape recordings. Notices for the Law and Motion docket shall be filed in the Clerk's Office at the same time as the motion. Notices for the Domestic Docket shall be filed in the Clerk's Office no later than 4:00 p.m. four (4) judicial days prior to the hearing. Matters not noted for hearing as set forth above will not be heard without consent of the parties and the court.

(3) Late Filing. Any material submitted later than required by this rule, upon objection of counsel, may be rejected by the Court, or the matter may be continued and/or the court may impose appropriate terms or sanctions.

Amended July 1, 2024

LCR 7 MOTIONS AND HEARINGS

(1) How Made. An application to the court for an order shall be by motion which shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. No hearing will be set unless the Motion has already been filed and served.

(2) Form. The rules applicable to captions and other matters of form of pleadings apply to all motions and other papers provided for by these rules.

(3) Signing. All motions shall be signed in accordance with rule 11.

(4) Identification of Evidence. When a motion is supported by affidavits or other papers, it shall specify the papers to be used by the moving party.

(5) Telephonic argument. Arguments on motions may be conducted in person or via Zoom. Arrangements may also be made for telephonic appearance. All arrangements should be made directly with the Clerk's office by 12:00 p.m. at least two business days ahead of schedule.

(6) Verbatim record. By utilizing and/or consenting to the option to appear and argue telephonically, each party stipulates that any portion of the proceedings which is inaudible to any, the reporter transcribing the record will be noted as such in the record without jeopardy to the reporter or to any transcript being deemed accurate and complete.

(7) Time Limits for Hearings. Civil and domestic/family law and motion dockets are limited to matters typically requiring no more than ten (10) minutes to present. Matters expected to exceed that limitation must be specially set by the Court or its Administrator.

(8) Required Special Settings. The following matters may not be noted on the court's regular dockets, but must be specially set with the court administrator: motions for summary judgment; arguments on the merits in appeals from lower courts or tribunals; child hearsay (Ryan) hearings; any hearings taking longer than ten (10) minutes.

(9) Hearings on Requests for Temporary Orders. Hearings with respect to all temporary orders, including adequate cause, in dissolution, parentage and family law matters shall be held and determined upon affidavits, declarations, and argument only. No party shall file a verified

motion or affidavit that exceeds twenty-five (25) pages, including attachments. Affidavits from non-parties filed in support of or in opposition to a motion for temporary orders shall be limited to five per party and shall be limited to the same number of pages set forth above. Said affidavits or declarations shall be filed and served in the same manner as other pleadings and orders in civil cases and as prescribed by this rule. When any 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 must not be presented to another judge without advising the second judge of the fact that the order was previously refused or conditioned and that application is again being made.

(10) Non-contested Dissolution. These cases may be heard on the Court Docket days set forth in CR 77. Non contested dissolution cases may also be presented to the Superior Court Judge in Chambers without the appearance of either party. The jurisdictional testimony and other testimony in support of the dissolution must be done in affidavit form or a declaration pursuant to GR 13.

(11) Proposed Orders. A proposed form of order, which the Court may adopt, modify, or reject consistent with the decision of the Court, shall be served with the motion or response to motion. Proposed orders should not be filed with the clerk.

(12) Originals of Proposed Orders. Originals of proposed orders shall be retained by counsel for presentation at the hearing on the motion.

Amended July 1, 2024.

LCR 16

PRETRIAL PROCEDURE AND FORMULATING ISSUES/ MEDIATION

(c) Pre-Trial Conference in Non Domestic Civil Cases. Any pre-trial conference should be held not less than two weeks prior to the trial date unless otherwise scheduled by the Court.

(d) Exhibits. Parties shall notify the trial judge and the opposing party by letter, fax copy, or electronic mail if that party anticipates offering 25 exhibits or more at time of trial. Said notice shall be given no less than 2 weeks prior to the trial date unless the proffering party could not reasonably known of their existence prior to that time. The exhibits are to be given to the Clerk's office for pre-marking at least two business days prior to the hearing. Unless making copies is impractical, legible copies of exhibits shall be furnished to opposing counsel and the court, numbered the same as marked by the Clerk. This rule shall not apply to rebuttal or impeachment exhibits not required to be offered in the party's case in chief.

(e) Settlement Conference in Non Domestic Civil Cases on Court's Motion. The court to which a case is assigned for trial may, upon its own motion, either before or after a trial date has been set, order a settlement conference in any pending case, and a settlement conference shall be held.

(1) Preparation and Attendance. The attorney personally in charge of each party's case shall personally attend all settlement conferences unless telephonic participation has been approved by the Court. Not less than three (3) days prior to the date set for the settlement conference, serve on the assigned judge or commissioner and the attorney for the opposing party a letter succinctly addressing the following:

- a. A brief factual summary;
- b. Issues regarding liability;
- c. Issues regarding damages, both special and general;
- d. History of any settlement negotiations; and
- e. Current position on settlement.

(2) Attendance of Parties. The parties shall in all cases attend the settlement conference. Parties whose defense is provided by a liability insurance company need not personally attend said settlement conference, but a representative of the insurer of such party, if such a representative is available in the county in which the matter is pending, shall attend with sufficient authority to bind the insurer to a settlement. In the event such a representative is not available, counsel representing the party whose defense is provided by the insurer shall make a good faith effort to obtain settlement authority to bind the insurer to a settlement prior to the settlement conference. Attendance of any party may be excused by the court whereby reason of health, or other good and sufficient reason, compelling his personal attendance would be unduly burdensome. Whether or not attendance of any party is required shall rest in the discretion of the Judge or Commissioner scheduled to conduct the conference.

(3) Proceedings Privileged. Proceedings of said settlement conference shall, in all respects, are privileged and shall not be reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the judge may, at the request of any party, in his discretion, order the settlement to be reported or recorded.

(4) Sanctions. Where a party has willfully failed to comply with any of the provisions of this rule the court may make such orders as are just which may also include the award of reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

(f) Pre-Trial Procedure in Domestic Relation Cases.

(1) Mandatory Mediation in Domestic Relations Cases. All contested issues in every domestic relations case, except matters limited to child support, establishment of paternity, or the existence of adequate cause, shall be submitted to mandatory mediation before proceeding to trial. Mediation shall be completed 30 days prior to trial. The mediation requirement or time limits may be waived or modified by the Court upon motion for good cause shown or upon the Court's motion. Sanctions in accordance subsection (e) (4) above may be imposed by the Court against a party found not to have participated in mediation in good faith.

(2) Mediation No Stay. Mediation does not stay or otherwise affect the rights and duties of the parties established by statute, court rule, or court order.

(3) Selection of Mediator. The parties may choose their own mediator approved by the Court. Absent an agreement, upon motion of either party, the Court will select a mediator. The parties are responsible for the cost of mediation equally unless otherwise ordered by the Court.

(4) Authority of Mediator. The mediator has the authority to set the time, place, manner, duration of mediation, and retainer required to be paid by both parties before mediation will commence. The mediator also has the right to terminate mediation.

(5) Participation. Only the parties and their counsel shall attend mediation sessions, unless leave is granted by the mediator for other persons to attend and/or participate. The mediator is empowered to exclude non-parties from the premises where the mediation is taking place in order to minimize disruption to the process.

(6) Report. Within seven (7) days of completion of mediation, a declaration of completion shall be filed with the Court by the mediator. The parties shall be advised by the mediator of the results of mediation in writing. The mediator shall advise the Court whether or not an agreement has been reached on some or all of the issues.

(7) Payment. Mediators shall be paid by the parties in accordance with their agreement, And if none, as determined in mediation or ordered thereafter by the Court.

(8) Proceedings Privileged. The work product of the mediator and all communications to the mediator during the mediation process are confidential and may not be disclosed. The mediator shall not appear to testify in any court action except as may be necessary to secure payment of the mediator's fees.

(g) Pretrial Statement-Contested Dissolutions. In any action for dissolution of a marriage in which property division, the parenting plan, spousal maintenance or child support is an issue, each party shall serve on the other party and file with the court a written summary setting forth:

(1) Statement of the issues.

(2) A statement of the party's proposed resolution of the issues.

(3) A description and valuation of the assets and liabilities of the parties, together with a proposed division thereof.

(4) The party's proposed parenting plan.

(5) Child Support calculations.

Each party's written summary must be served and filed no later than five (5) days before the pretrial conference or settlement conference, whichever occurs first. Failure to timely serve and file the summary as required may result in sanctions.

Amended July 1, 2023

LCR 32
USE OF DEPOSITIONS IN COURT PROCEEDINGS

(a) Use of Depositions.

(6) Video Depositions. When presenting video depositions, a written deposition must also be filed. The videotape may be returned after the appeal period, regardless of whether it is published or not.

LCR 33
INTERROGATORIES TO PARTIES

- (a) Availability; Procedures for Use. Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may, without leave of court, be served upon the plaintiff after the summons and a copy of the complaint are served upon the defendant, or the complaint is filed, whichever shall first occur, and upon any other party with or after service of the summons and complaint upon that party. Interrogatories shall not exceed fifty questions and shall be so arranged that after each separate question there shall appear a blank space reasonably calculated to enable the answering party to place the written response. In the event the responding party either chooses to place the response on a separate page or pages or must do so in order to complete the response, the responding party shall clearly denote the number of the question to which the response relates, including the subpart thereof if applicable. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within 30 days after the service of the interrogatories, except that a defendant may serve answers or objections within 40 days after service of the summons and complaint upon that defendant. The parties may stipulate, or any party may move for an order under CR 37(a) with respect to any objection to or other failure to answer an interrogatory.

Amended July 1, 2021

LCR 37
FAILURE TO MAKE DISCOVERY; SANCTIONS

- (f) Completion of Discovery. Unless otherwise stipulated to by the parties, or ordered by the Court upon good cause shown and such terms and conditions as are just, all discovery allowed under CR 26 through 37, including responses and supplementation thereto, must be completed no later than 35 calendar days prior to the date assigned for trial. Nothing herein stated shall modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise comply with discovery prior to the 35-day cutoff.

LCR 47
JURY SELECTION

- (d) Procedure. The Court will use a struck jury method of jury selection as follows:
- (1) Jury Pool. A list constituting the jury pool and copies of juror profiles for a particular trial will be available prior to or on the morning of trial.
 - (2) Assigning seat numbers for jurors. The jury administrator shall assign

seat numbers to jurors in consecutive order based on their order of appearance in a randomly generated list. Counsel and parties do not need to be present during this process.

(3) Seating jurors. The Jury Administrator and /or bailiff will provide each prospective juror with a badge identifying the jurors seating number. With the assistance of the Jury Administrator and / or the bailiff, the jurors will be seated in the courtroom on the spectator benches in numerical order with their seating number badges prominently displayed. In the event a juror is absent after the seating numbers have been assigned, that juror's seat will remain vacant. Counsel may be seated facing the prospective jurors.

(4) Questions by the court. The judge will begin the voir dire process with introductory information and general questions. The court may excuse a juror for cause at any time grounds for dismissal are established. Counsel may challenge for cause at any time after the judge has completed his or her examination. Any party may request the Court to ask prospective jurors appropriate additional general questions proposed in advance in writing and submitted with jury instructions.

(5) Questions by counsel. The attorneys or parties will then question the jurors.

(6) Peremptory challenges. When questioning by the court and counsel is completed, the Court will allow the private exercise of peremptory challenges by striking name of the first exercised challenge from the panel of the first 12 jurors remaining after the entire panel has been passed for cause. Subsequent strikes will be made from the panel of the first twelve remaining after each successive peremptory strike.

(7) Alternate jurors. If the Court elects to seat an alternate juror, the alternate is selected via a lottery. Additional peremptory challenges will be added for the alternate and may be exercised in the same fashion as with respect to the regular jurors.

Amended July 1, 2023.

LCR 51 JURY INSTRUCTIONS

(b) Submission. Ten (10) days prior to trial, Plaintiff/Petitioner shall prepare, file, and serve a two sets of proposed instructions. The first set shall be numbered and shall contain citations either to the WPI number or the appropriate authority for the instruction. The second set shall be “clean” and will be unnumbered and contain no citations to authorities. Plaintiff/Petitioner shall also submit a cover sheet, verdict form(s), and witness list along with its proposed jury instructions. The Defendant/Respondent shall prepare, file, and serve any new or additional instructions without duplication of the instructions submitted by Plaintiff/Petitioner, and a witness list five (5) days prior to trial. In civil cases, a statement of the case to the prospective jurors shall be submitted at the same time.

(c) Numbering and Arrangement. Citations shall be in the lower left-hand corner. All instructions shall be arranged in a logical order. All instructions with citations of authority shall be numbered by the submitting party at the top center of the first page.

Amended July 1, 2021

LCR 52

PRESENTATION OF FINDINGS/CONCLUSIONS, JUDGMENTS AND ORDERS

A. Within ten (10) days after a decision is rendered, any party desiring to submit Findings of Facts and Conclusions of Law, a Judgment, Order or other appropriate document proposed for the entry shall serve opposing counsel with the same and provide the original thereof to the trial judge together with proof of service.

B. Any party objecting to the proposed document shall within ten (10) days after receipt thereof serve opposing counsel, and mail/deliver to the judge, objections thereto in writing, together with any proposed substitutions if deemed appropriate. Upon receipt of the proposed document and objections/substitutions, the judge will within ten (10) days sign and file those documents accurately reflecting the court's decision. The court may at any time call for either argument on the record or arrange for a chambers or telephonic conference to settle the issues.

C. If no objections/substitutions have been received within the above-described ten (10) day period, counsel shall mail/deliver the original of the proposed documents to the trial court, together with an affidavit of service upon the opposing counsel, and upon receipt thereof, the court shall sign such proposed documents, or if deficient, return such documents and inform all counsel as to such deficiencies and any requested changes or additions thereto.

D. The preceding shall be the exclusive method for presenting judgments and findings of facts and conclusions of law. Orders and other documents also may be presented pursuant to CR 54(f)(2), without oral argument. Any proposed document may be presented ex parte to the court if opposing counsel has approved in writing entry of the proposed document or notice of presentment has been waived in writing.

E. If deemed appropriate in some circumstances, the court may shorten the preceding time frames for presentation and shall so notify all counsel/parties.

Amended July 1, 2021

LCR 53.2

COURT COMMISSIONERS

(e) Revision by the Court.

(1) Motion Content and Service Deadlines. A party seeking revision off a Court Commissioner's ruling shall within ten (10) days of entry of the written order, file and serve a Motion for Revision. The motion must set forth specific grounds for each claimed error and argument and legal authorities in support thereof. The motion shall be accompanied by a copy of the order for which revision is sought, along with copies of all papers which were before the Commissioner in support, or in opposition in the original proceedings. A copy of the motion and all supporting documents shall be provided to all other parties to the proceedings and to the Court Administrator who shall refer the motion to the appropriate Judge for consideration. The responding party shall have five (5) working days from the receipt of the motion to file a written response with the Clerk and provide copies to all other parties and to the Court Administrator.

(2) Transcript Required. When seeking revision of a ruling of the Court Commissioner

which was based on testimony, such testimony must be transcribed and attached to the motion. If the transcript is not timely available, the moving party must set forth arrangements which have been made to secure the transcript.

(3) Review is De Novo. Review of the Commissioner's order shall be de novo based on the pleadings and transcript submitted and without oral argument unless requested by the reviewing Judge.

(4) Scope of Motion. The Judge may deny the motion, revise any order or judgment which is related to the issue raised by the motion for revision or remand to the Commissioner for further proceedings. The Judge may not consider evidence or issues which were not before the Commissioner or not raised by the motion for revision. The Judge may consider a request for attorney fees by either party for the revision proceedings.

(5) Effect on Commissioner's Order. The Court Commissioner's written order shall remain effective unless and until revised by the Judge or unless stayed by the Judge pending proceedings related to the motion for revision.

LCR 59 MOTION FOR RECONSIDERATION

(e) Hearing on Motion.

Motions for New Trial, Reconsideration or Judgment NOV shall be submitted without oral argument unless the court orders otherwise. The motion shall be served and filed as provided in CR 59(b). At the time of filing the motion, the moving party shall serve and file a memorandum of authorities and deliver a copy of the motion and memorandum to the trial judge and to opposing counsel. The trial judge may (1) deny the motion, (2) grant the motion, (3) call for a written response from opposing counsel, and/or (4) call for oral argument.

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 1:00 p.m. to 5:00 p.m. Cases may be set for other dates and times. Normally jury trials and non-jury trials begin at 8:30 a.m. In case of conflict, the cases will be heard according to priority assigned on the basis of the nature and age 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 the next available date.

(1) At this time, the regular docket days for each county may be found at <https://www.co.asotin.wa.us/171/Court-Calendar> . If you need to obtain a special setting for matters requiring more than ten (10) minutes to present, contact the Court Administrator at 509-243-2082 Ext 1230. Additional information for each county can be found online.

A COURT REPORTER WILL NOT BE PROVIDED FOR ANY MATTER SCHEDULED ON ANY CALENDAR. ALL MATTERS WILL BE DIGITALLY AUDIO RECORDED.

(2) Holiday Scheduling - These Court schedules will be altered when affected by Holidays.

Please check with the Court Administrator for the next docket date - (509) 243-2082 Ext 1230.

(3) The Judge may by order further alter these court schedules as needed and as available courtroom space requires.

(4) Ex Parte matters and emergency orders and writs will be considered at the opening of court each day prior to the commencement of trial or the regular court calendar or at such other time as the judges and/or court commissioners are available.

Non-emergency matters shall be left with the Clerk and the judge/commissioner will consider the same when available.

Amended July 1, 2023.

LCR 81 APPLICABILITY IN GENERAL

(a) To What Proceedings Applicable.

(1) Generally. In general, procedure in this Court shall be in accordance with pertinent Washington Court Rules as heretofore or hereafter adopted by the Supreme Court of Washington. These local rules are intended only to supplement those rules and are numbered, insofar as possible, to conform to the existing numbering system. The Rules shall also apply to criminal cases insofar as they are applicable.

(2) Suspension of Rules. The Court may modify or suspend any of these Rules in any given case, upon good cause being shown therefore, or upon the Court's own motion.

LGALR 2 GENERAL RESPONSIBILITIES OF GUARDIAN AD LITEM

(d) Any person successfully completing the Child Advocate GAL training program offered by the Washington Association of Child Advocate Program shall qualify for the Court's R.C.W. 13.34.102 registry for any county in the District upon request and submission of credentials.

Amended July 1, 2023.

LGALR 7 GRIEVANCE PROCEDURES

(1) Complaint. Any grievance or dispute regarding any Guardian ad Litem shall be presented in writing to the Court for submission to a committee of not less than three persons selected by the Court, two of whom must be elected for the respective county, and the third, the Juvenile Court Administrator of the respective county. The committee shall have the authority to obtain a written response, hold a hearing, and make recommendations to the Court ranging from dismissal of the grievance to removal and replacement of the Guardian ad Litem.

(2) CA. If the complaint involves a Guardian ad Litem from the Child Advocate program, the grievance resolution procedure set forth by the WACAP association may be substituted

by order of the Court provided that the resolution can occur within the time frame set forth in subsection (3) below.

(3) Time. The complaint must be resolved within 25 days for any complaint filed while a case is pending or 60 days for any complaint filed subsequent to the conclusion of a case.

LSPR 98.16W
APPROVAL OF FEES IN CERTAIN CASES

(f) When the Court is called upon to fix the compensation for acting on behalf of a minor or a disabled person, the following guidelines shall be considered:

(1) Settlement less than \$500,000. If the case is settled and the amount of settlement is \$500,000 or less, the attorney's fees should not exceed 1/3 of the amount recovered, exclusive of costs of suit.

(2) Settlement over \$500,000. If the amount of a settlement is over \$500,000, the attorney's fees should not exceed 1/3 of the first \$500,000 recovered, exclusive of costs of suit, and 25% of the excess over \$500,000 recovered, exclusive of costs of suit.

(3) Costs of Suit Defined. For these purposes, "costs of suit" shall mean the expenses of litigation.

(4) If there is an appeal, an additional reasonable fee will be considered.

LCrR 3.2
RELEASE OF ACCUSED

(1) At any time after the preliminary appearance, an accused who is being detained due to failure to post bail may move for reconsideration of bail. This is allowed one time only. In connection with this motion, both parties may present information by proffer or otherwise. If deemed necessary for a fair determination of the issue, the court may direct the taking of additional testimony.

(2) A hearing on the motion shall be held within a reasonable time. An electronic or stenographic record of the hearing shall be made. Following the hearing, the court shall promptly enter an order setting out the conditions of release in accordance with section (i). If a bail requirement is imposed or maintained, the court shall set out its reasons on the record or in writing.

Effective July 1, 2023.

LCrR 4.2
PLEAS

(e) Agreements. If the defendant intends to plead guilty pursuant to an agreement with the prosecuting attorney, both the defendant and the prosecuting attorney shall, before the plea is entered, file with the court their understanding of the defendant's criminal history, as defined in RCW 9.94A.030. The nature of the agreement and the reasons for the agreement shall be made a part of the record at the time the plea is entered. The validity of the agreement under RCW 9.94A.431 may be determined at the same hearing at which the plea is accepted. The agreement shall comply substantially with the following form. See Exhibit A.

Effective July 1, 2024.

LCrR 4.5
OMNIBUS HEARING

(a) When Required. When a plea of not guilty is entered, the court shall set a time for an omnibus hearing.

(b) Time. The time set for the omnibus hearing shall allow sufficient time for counsel to (i) initiate and complete discovery; (ii) conduct further investigation of the case, as needed; and (iii) continue plea discussions.

(c) Checklist. At the omnibus hearing, the trial court on its own initiative, utilizing a checklist substantially in the form of the omnibus application by plaintiff and defendant in CrR 4.5(h) shall: (i) ensure that standards regarding provision of counsel have been complied with; (ii) ascertain whether the parties have completed discovery and, if not, make orders appropriate to expedite completion; (iii) make rulings on any motions, other requests then pending, and ascertain whether any additional motions, or requests will be made at the hearing or continued portions thereof; (iv) ascertain whether there are any procedural or constitutional issues which should be considered; (v) upon agreement of counsel, or upon a finding that the trial is likely to be protracted or otherwise unusually complicated, set a time for a pretrial conference; and (vi) permit defendant to change his plea.

(d) Motions. All motions and other requests prior to trial should be reserved for and presented at the omnibus hearing unless the court otherwise directs. Failure to raise or give notice at the hearing of any error or issue of which the party concerned has knowledge may constitute waiver of such error or issue. Checklist forms substantially

like the memorandum required by CrR 4.5 (h) shall be made available by the court and utilized at the hearing to ensure that all requests, errors and issues are then considered. No hearing date shall be given for a Motion unless the Motion has been filed and served on opposing counsel.

(e) Continuance. Any and all issues should be raised either by counsel or by the court without prior notice, and if appropriate, informally disposed of. If additional discovery, investigation or preparation, or evidentiary hearing, or formal presentation is necessary for a fair and orderly determination of any issue, the omnibus hearing should be continued from time to time until all matters raised are properly disposed of.

(f) Record. A verbatim record (electronic, mechanical or otherwise), shall be made of all proceedings at the hearing.

(g) Stipulations. Stipulations by any party shall be binding upon that party at trial unless set aside or modified by the court in the interests of justice.

(h) Appearance of Defendant

Unless ordered by the court, the appearance of the defendant at the Omnibus Hearing is optional and not mandatory.

The agreement shall comply substantially with the following form. See Exhibit B.

Effective July 1, 2023.

LCrR 4.7 DISCOVERY

The Court adopts CrR 4.7 as its local rule with the following addition: Written omnibus responses shall be filed with the court and provided to opposing counsel no later than two weeks after the omnibus hearing or setting of trial, whichever is later. Failure to do so may result in CR 11 sanctions.

The response shall be in substantially the following form. See Exhibit C.

Effective July 1, 2024.

LCrR 4.9 FINAL PRETRIAL CONFERENCE

(a) Initial Setting of Trial and Readiness Hearing

At the time of arraignment, unless a delay is requested by either party and granted by the court, the court shall set the date for trial within the time limits prescribed by CrR 3.3.

(b) Readiness Hearing

1. At the time a criminal case is set for trial, the court shall also set a readiness

hearing/pre-trial. The readiness hearing shall be set approximately 10 days before the date trial is scheduled to commence. Prior to such hearing, the following matters shall be concluded;

- i. All plea bargaining,
 - ii. All hearings on motions to suppress and other legal and evidentiary pre-trial issues,
 - iii. The full exchange of discovery.
2. A violation of the above section shall be grounds for sanctions.
 3. After final pretrial, if counsel for either party intends to request a continuance of a matter set for trial, counsel shall file motion to continue no later than close of business three days before the matter is set for trial - except that if the trial is set for a Monday, counsel shall submit the motion to continue by close of business the preceding Thursday. The motion to continue shall state (1) the basis for the continuance; (2) whether opposing counsel opposes the continuance; (3) proposed case management dates (e.g. pretrial conference date and trial date) and (4) counsel's representation of the speedy trial deadline which would result if continuance is granted.
 4. 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.
 5. A failure of the defendant to be present at the readiness hearing shall result in the issuance of a bench warrant for failure to appear and the vacation of the scheduled trial date.
 6. The requirements of this readiness hearing rule can be waived or modified only by order of the court.

Amended July 1, 2023.

**LCrR 6.3
SELECTING THE JURY**

- (a) The procedure used for jury selection in a criminal case shall be as set forth in LCR 47.

**LJuCR 7.4
DETENTION HEARING**

- (a) Scheduling of Hearing. For all juveniles taken into custody and held in detention, the court shall make every reasonable effort to conduct a hearing on the issue of detention the next judicial day. The prosecutor shall schedule all detention hearings on the daily offender calendar at a time specified by the court. No hearings shall be scheduled unless the probable cause affidavit is completed and sent to the court.

Effective July 1, 2023.

LJuCR 12.1
TRUANCY PROCEEDINGS

(b) An attorney shall be appointed by the Court to represent a child when a school district requests a hearing alleging that the child is in contempt of a truancy order.

(c) Contempt Proceedings. The school district shall personally serve a party alleged to be in contempt of a truancy order at least five court days, not including the day of service, before the hearing. The documents to be served will include the motion, declaration, and order to show cause. The child shall also be served with the notice of appointment of counsel. If the party alleged to be in contempt of an order compelling attendance was not present at the fact-finding hearing, the district shall provide evidence that the party had notice of the terms of the order.

Effective July 1, 2023.

EXHIBIT A

SUPERIOR COURT OF WASHINGTON
FOR ASOTIN COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

v.

*,

Defendant.

NO: %

PLEA AGREEMENT

The Plaintiff, State of Washington, and the Defendant, *, enter into this plea agreement, which is accepted ONLY by a guilty plea. This agreement may be withdrawn at any time prior to entry of the guilty plea.

This plea agreement is as follows:

CHARGES

The State will amend the Information by reducing the charge in Count ___ from ___ to __, dismissing Counts ___and ___, by withdrawing the Deadly Weapon/Firearm Enhancement on Count ___. The Defendant will plead guilty as charged in the Amended Information to ___.

The Defendant will plead guilty as charged in Count _____ to ___.

The State will dismiss the charge in Count _____ of ___.

The State will reduce the charge in Count _____ from ___to ___. The Defendant will plead guilty to the reduced charge.

The State will consolidate the charges in Counts _____ of ___ into a single Count of _____. The Defendant will plead guilty to the consolidated charge.

The State agrees not to file any additional charges based upon information currently in the possession of the prosecutor's office or law enforcement concerning conduct of the Defendant alleged to have occurred in Asotin County on ___.

SENTENCE

The Defendant hereby represents and stipulates that his criminal history is as set forth in the Statement on Plea of Guilty and includes ___ prior felony convictions and ___ prior juvenile felony adjudications and was on supervision at the time of this offense, resulting in an offender score of _____. The State agrees to recommend ___months incarceration followed

by one year of supervision on standard conditions or as modified by the Department of Corrections.

on the following conditions: commit no violations that represent the same behavior as the current conviction; not consume and/or possess controlled substances unless prescribed by a physician; submit to urinalysis at the direction of the Department of Corrections supervising officer; enter into drug evaluation and/or counseling if so directed by the Department of Corrections supervising officer; not ingest beverages containing alcohol and submit to BAC testing at the direction of the Department of Corrections supervising officer.

The State agrees to recommend sentencing as a first time offender: thirty days incarceration converted to 240 hours of community service followed by up to one year of supervision on standard conditions or as modified by the Department of Corrections to include chemical dependency screening and treatment if indicated. The Defendant hereby stipulates that his/her chemical dependency contributed to the offense.

The State agrees to recommend incarceration under the terms of the Drug Offender Sentencing Alternative (Prison Option) (12 months confinement followed by 12 months of Community Custody on standard conditions or as modified by the Department of Corrections.). The State will not object to a defense request for sentencing under the DOSA Residential Treatment Option if the Defendant is found amenable and bed space is available. The State will request that the Court retain jurisdiction for the period of confinement and community custody to monitor compliance with the terms of the sentence.

The State agrees to recommend 24 months incarceration under the terms of the Drug Offender Sentencing Alternative option (12 months confinement followed by 12 months of Community Custody on standard conditions or as modified by the Department of Corrections.). The State will request that the Court retain jurisdiction for the period of confinement and community custody to monitor compliance with the terms of the sentence.

The State agrees to recommend ____days incarceration with all but time served suspended on one year of unsupervised probation during which time the Defendant will remain crime free, not possess or consume controlled substances or alcohol without a valid prescription, obtain an evaluation for Domestic Violence/Anger, Management/Chemical Dependency/Mental Health and comply with all recommendations of the evaluator, attend AA/NA or other suitable secular support group at least ___ times per week, not have any contact with_____, and pay toward legal financial obligations as ordered.

The Defendant further warrants that the statements made to law enforcement on _____ were truthful regarding the facts of this case and involvement of other persons and continue cooperation with law enforcement regarding this investigation. The Defendant agrees to testify truthfully regarding these events at any trial of any co-defendants.

LEGAL FINANCIAL OBLIGATIONS

The Defendant agrees to pay the following:

| | |
|------------|---|
| \$ 500.00 | Crime Victim's Compensation |
| \$ 200.00 | Filing Fee |
| \$ 750.00 | Court Appointed Attorney's Fees |
| \$ 100.00 | Lab Fee |
| \$ 125.00 | BAC Fee |
| \$ 100.00 | DNA Collection Fee |
| \$1,000.00 | Civil Penalty |
| \$3,000.00 | Mandatory "Methamphetamine Clean Up" Assessment |
| \$1,000.00 | Fine |

\$ TBD Sheriff's Service Fees

TOTAL \$2,550.00 3,650.00 + Sheriff's Fees

RESTITUTION The Defendant agrees to restitution to be paid to the victim(s), including dismissed or reduced charges, in the amount of \$_____. in an amount to be determined.

Such restitution to be joint and several with co-Defendant _____ in cause _____.

The State is not aware of any restitution in this matter.

Payments of \$50.00 per month beginning no later than 60 days after release from incarceration, or when funds become available while incarcerated, after sentencing are to be made to:

Asotin County Superior Court Clerk
P.O. Box 159, Asotin WA. 99402

JUSTIFICATION Disposition is in the interests of justice because:

- The Defendant is pleading guilty as charged.
- Confinement on other charges. RCW 9.94A.440(d)
- Conviction of the additional offenses would not serve any significant deterrent purpose. RCW 9.94A.440(d)(iii)
- Pending conviction on another charge. RCW 9.94A.440(e)
- Evidentiary problems make conviction on the original charges doubtful. RCW 9.94A.450(2)(a)
- The Defendant is willing to cooperate in the investigation or prosecution of another whose criminal conduct is more serious or represents a greater public threat. RCW 9.94A.450(2)(b)
- At the request of the victim, not the result of pressure by the Defendant. RCW 9.94A.450(2)(c)
- Discovery of facts which mitigate the seriousness of the Defendant's conduct. RCW 9.94A.450(2)(d)
- The Defendant's previous criminal history. RCW 9.94A.450(2)(f)
- The Defendant's lack of previous felony history. RCW 9.94A.450(2)(f)
- The nature and seriousness of the offense or offenses charged. RCW 9.94A.450(2)(g)
- Probable effect on witnesses. RCW 9.94A.450(2)(h)

PLEA AGREEMENT

DATED: _____

Defendant

@, W SBA#
Attorney for Defendant

Name, W SBA# _____
Prosecuting Attorney

COURT APPROVAL

The Court having reviewed this Plea Agreement and having heard the statements of counsel regarding the reasons for the Plea Agreement finds the Plea Agreement is consistent with the interests of justice and the prosecutorial standards.

DATED: _____

JUDGE/COURT COMMISSIONER

EXHIBIT B

SUPERIOR COURT OF WASHINGTON
FOR ASOTIN COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

v.

*

Defendant.

NO: %

**OMNIBUS APPLICATION BY
PLAINTIFF AND DEFENDANT**

I.

MOTIONS BY DEFENDANT

COMES NOW the Defendant and makes the applications or motions checked off below:

| | <u>gtd</u> | <u>dnd</u> | <u>rsvd</u> |
|---|------------|------------|-------------|
| _____ 1. To dismiss for failure of the indictment (or information) to state an offense. | _____ | _____ | _____ |
| _____ 2. To sever Defendant's case and for separate trial. | _____ | _____ | _____ |
| _____ 3. To sever counts and for separate trial. | _____ | _____ | _____ |
| _____ 4. To make more definite and certain. | _____ | _____ | _____ |
| _____ 5. For discovery of all oral, written, or recorded statements made by Defendant to investigating officers or to third parties and in possession of the Plaintiff. | _____ | _____ | _____ |
| _____ 6. For discovery of the names and addresses of Plaintiff's witnesses and their statements. | _____ | _____ | _____ |
| _____ 7. To inspect physical and documentary evidence in Plaintiff's possession. | _____ | _____ | _____ |
| _____ 8. To suppress physical evidence in Plaintiff's possession because of (1) illegal search, (2) illegal arrest. Hearing set for _____ | _____ | _____ | _____ |

gtd dnd rsvd

_____ 22. To inform the Defendant of any information indicating entrapment of the Defendant.

_____ 23. Defendant's attorney states that the last day by which to comply with Speedy Trial Rule is: _____

DATED this _____ day of _____, 20__.

Attorney for Defendant, W SBA#

II.

MOTIONS BY PLAINTIFF

The Plaintiff makes the following applications or motions:

gtd dnd rsvd

_____ 1. Defendant to state the general nature of his/her defense.

_____ 2. Defendant to state whether or not he/she will rely on an alibi and, if so, to furnish a list of his/her alibi witnesses and their addresses.

_____ 3. Defendant to state whether or not he/she will rely on a defense of insanity at the time of the offense.

_____ (a) If so, Defendant to supply the name(s) of his/her witness(es) on the issue, both lay and professional.

_____ (b) If so, Defendant to permit the Prosecution to inspect and copy all medical reports under his/her control or the control of his/her attorney.

_____ (c) Defendant to state whether he/she will submit to a psychiatric examination by a doctor selected by the Prosecution.

_____ 4. Defendant to state whether there is any claim of incompetency to stand trial.

_____ 5. Defendant to appear in a lineup.

_____ 6. Defendant to speak for voice identification by witnesses.

_____ 7. Defendant to be fingerprinted.

| | | <u>gtd</u> | <u>dnd</u> | <u>rsvd</u> |
|-----------|--|------------|------------|-------------|
| _____ 8. | Defendant to pose for photographs (not involving a re-enactment of the crime). | ___ | ___ | ___ |
| _____ 9. | Defendant to try on articles of clothing. | ___ | ___ | ___ |
| _____ 10. | Defendant to permit taking of specimens of materials under fingernails. | ___ | ___ | ___ |
| _____ 11. | Defendant to permit taking samples of blood, hair and other materials of his/her body which involve no unreasonable intrusion thereof. | ___ | ___ | ___ |
| _____ 12. | Defendant to provide samples of his/her handwriting. | ___ | ___ | ___ |
| _____ 13. | Defendant to submit to a physical external inspection of his/her body. | ___ | ___ | ___ |
| _____ 14. | Defendant to furnish results of scientific tests, experiments, or comparisons and the names of persons who conducted the tests. | ___ | ___ | ___ |
| _____ 15. | For discovery of the names and addresses of Defendant's witnesses and their statements. | ___ | ___ | ___ |
| _____ 16. | To inspect physical or documentary evidence in Defendant's possession. | ___ | ___ | ___ |
| _____ 17. | To take the deposition(s) of witness(es). | ___ | ___ | ___ |
| _____ 18. | To secure the appearance of witnesses at trial or hearing. | ___ | ___ | ___ |
| _____ 19. | Defendant to state whether his/her prior convictions, if any, will be stipulated or need to be proved. | ___ | ___ | ___ |
| _____ 20. | Defendant to state whether he/she will stipulate to the continuous chain of custody of evidence from acquisition to trial. | ___ | ___ | ___ |

Name, W SBA# _____
Prosecuting Attorney

IT IS SO ORDERED this ____ day of _____, 20____

JUDGE/COURT COMMISSIONER

EXHIBIT C

SUPERIOR COURT OF WASHINGTON
FOR ASOTIN COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

v.

*,

Defendant.

NO: %

**STATE'S RESPONSE TO OMNIBUS
APPLICATION**

COMES NOW the Plaintiff, State of Washington, by and through its attorney, Name, Asotin County Prosecuting Attorney, and provides the following response to the omnibus application:

1. [Respond accordingly to the motion to dismiss or reservation]
2. [Respond accordingly to the motion to sever case or reservation]
3. [Respond accordingly to the motion to sever counts or reservation]
4. [Respond accordingly to the motion for Bill of Particulars or reservation]
5. [Respond accordingly to request for discovery of statements of the Defendant or reservation]
6. The Plaintiff may call any or all of the following listed persons whose statements are summarized in the reports and statements previously provided to Defense Counsel or provided with this response:
 - (1) [List witness names and addresses, subject to confidentiality]
 - (2)
7. [Respond accordingly to request for inspection of documentary evidence or reservation]
8. [Respond accordingly to request for hearing pursuant to CrR 3.6 or reservation]
9. [Respond accordingly to request for hearing pursuant to CrR 3.5 or reservation]
10. [Respond accordingly to request for hearing pursuant to suppress identification or reservation]

11. [Respond accordingly to request for deposition or reservation]
12. [Respond accordingly to request for to secure witnesses or reservation]
13. [Respond accordingly to request for modification of bond conditions]
14.
 - a) [Respond accordingly to request for involvement of informer or reservation]
 - b) [Respond accordingly to request whether informer will be called as a witness]
 - c) [Respond accordingly to request whether the Plaintiff intends to claim the privilege as to the CI]
15. [Respond accordingly to request for exculpatory information in the possession of the State or reservation].
16. [Respond accordingly to request the State will rely on prior acts or convictions]
17. [Respond accordingly to request as to whether the State does intends to call any individuals as expert witnesses.

[If yes] [(a) provided identity of expert witness]
 [(b) [provide status of or a copy of any expert report]
18. [Respond accordingly to request for any mental examinations test results]
19. [Respond accordingly to request for any scientific test results]
20. [Respond accordingly to request for inspection of documents]
21. [Respond accordingly to request for any criminal history of witnesses]
22. [Respond accordingly to request for any information regarding entrapment]

Dated this ____ day of May 2024.

Name, W SBA#
Prosecuting Attorney