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MASON COUNTY SUPERIOR COURT LOCAL COURT RULES

LOCAL GENERAL RULES (LGR)

LGR 29 PRESIDING JUDGE IN SUPERIOR COURT

(a) Election, Term, Vacancies, Removal and Selection Criteria - Multiple Judge Courts.

(1) Election. The judges of the superior court shall elect a Presiding Judge and an Assistant Presiding Judge who shall serve for a period of two years. The election will take place in December of odd-numbered years, and the term shall commence on January 1. The Presiding Judge and the Assistant Presiding Judge shall perform all duties of the position required by General Rule 29.

[Adopted effective 9-1-2012]

LOCAL SUPERIOR COURT CIVIL RULES (LCR)

LCR 7 MOTIONS

(b) Motions and Other Papers.

(1) How Made.

(A) *Motion Docket.* There shall be a civil motion docket held according to the published schedule available at the courthouse or through the Mason County Superior Court Administrator's Office at http://www.co.mason.wa.us/superior_court. All civil motions and motions for revision shall be heard on the civil motion docket.

The schedule may change. Parties and counsel are advised to review the current schedule before noting matters for hearing. Incorrectly scheduled matters may be stricken.

(B) *Confirmation Procedures.* For a contested matter to be heard by the court, the hearing must be confirmed as set forth below. This includes hearings scheduled by notice of issue or court order, including hearings which are administratively continued.

- (i) Confirmations must be made by calling the Clerk of the Court at (360) 427-9670, Ext. 346, or by e-mail at superiorcourt-confirm@co.mason.wa.us, no later than 10:00 a.m. two (2) court days prior to the civil motion docket (example: for a motion on Monday, confirmation must be made by 10:00 a.m. on Thursday of the preceding week).
- (ii) If the deadline for confirmation falls on a court holiday, confirmations shall be made before 10:00 a.m. on the last court day before the holiday.
- (iii) Motions filed by those persons physically confined under a court order shall be deemed confirmed at filing.
- (iv) Matters not confirmed may be heard at the end of the docket only at the discretion of the Court and upon agreement of all parties.

(C) *Continuance of Confirmed Matters.* Matters confirmed in accordance with paragraph (B) (i) and (ii) are not subject to continuance, except with permission of the Court. If not heard, these matters shall be *stricken* and may be re-noted by the moving party.

(D) *Time Limits.* Arguments on motions other than summary judgment shall be limited to ten (10) minutes per side. Arguments which will exceed the time limit of this rule, if allowed by the Court, will ordinarily be placed at the end of the docket.

[Amended effective 9-1-2010; 9-1-2012; 9-1-2013; 9-1-2015]

LCR 16 PRETRIAL PROCEDURE AND FORMULATING ISSUES

(c) Public Records Act Cases - *In Camera* Review.

(1) When commenced. In a Public Records Act case, *in camera* review will occur only if the court enters an order requiring such review. Agreement between parties or submission of records to the court, without an appropriate order, will not trigger *in camera* review.

(2) Electronic records. Records for *in camera* review shall be submitted in an electronic form unless the court orders otherwise on a showing of good cause.

(3) Identification of records. Records for *in camera* review must have a unique identifying number, such as a Bates number. The system for numbering and the placement of page numbers must be uniform for all records.

(4) Entirely exempt record. If a record is claimed entirely exempt, it must be clearly designated as exempt or withheld on the first page of the document for *in camera* review.

(5) Identification of redactions. Records redacted in part must be submitted to the judge in a manner that will permit the judge to read the entire record and immediately understand which parts were withheld by redaction and which parts were produced. For example, the redactions may be outlined or indicated with a lightly shaded or colored overlay.

(6) Submission of spreadsheet. In cases with numerous records at issue, or if ordered by the judge, a spreadsheet shall be submitted as part of the *in camera* procedure. The spreadsheet must clearly identify which records are claimed entirely exempt and have been withheld and which records have been redacted in part. The spreadsheet(s) shall list the following information in separate fields or columns: (A) the unique identifier for the record or page being reviewed, such as a Bates number; (B) descriptive information that accurately identifies the record, including author(s), recipients(s), and date(s) (or if descriptive information is protected, other means of sufficiently identifying particular records without disclosing protected content); (C) identification of a specific exemption claimed and an explanation of how it applies to the record; and (D) an expandable cell for the court's notes. The spreadsheet shall be filed and served on all parties and also shall be submitted to the court in electronic form.

(7) Basis for exemption. The basis for the claim of exemption may appear on the document if doing so would not obliterate text or other information necessary for the court's review.

[Adopted September 1, 2013]

LCR 40 ASSIGNMENT OF CASES

(b) STATUS CONFERENCES, MEDIATION, TRIAL SETTING CONFERENCES

1. Status Conferences.

1.1 A status conference may be assigned at the time a case is filed, by notice from the court administrator's office, or upon motion of any party.

1.2 At the status conference, the court may set a discovery schedule, mediation deadline, a trial setting conference date, and other dates and deadlines as necessary, or may transfer the case to arbitration.

2. Mediation.

2.1 **Presumption of Mediation.** It is presumed that all contested civil and family law matters, with the following exceptions, will have completed mediation prior to a trial date being

assigned:

- Dependencies and termination of parental rights;
- Uniform Parentage actions, up until establishment of paternity;
- Matters in which a domestic violence or sexual assault protection order is in place;
- Petitions for Civil Commitment (Sexual Predators);
- Actions regarding seizure of property by the State;
- Matters that have been previously mediated consistent with the standards set forth in this rule; and
- By court order upon motion of any party, upon the court's determination that there is good cause not to require mediation.

Any party may move the court for an order that there is good cause to require mediation in any matter, including those cases designated as exceptions above.

2.2 Mediators. Parties may stipulate to a mediator from the Mediation Panel established by the court or other mediator not on the Mediation Panel who has qualifications and knowledge of the subject matter. If the parties cannot agree, 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.

2.3 Cost of Mediation. Parties may stipulate to the allocation of mediation costs. If the parties are unable to agree, the court will order the same upon motion of any party.

2.4 Mediation Orders and Process.

2.4.1 Mediation Status and Terms. If the parties agree as to mediation status and/or terms, they may so stipulate and submit an agreed order for the court's approval prior to the mediation deadline. 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.

2.4.2 Litigation Process During Period of Mediation. Pending mediation, all litigation processes such as discovery, motions for temporary orders, and motions for dispositive orders shall continue.

2.4.3 RCW ch. 7.07. All mediations undertaken pursuant to this Rule are subject to the provisions of RCW ch. 7.07, the Uniform Mediation Act, including its requirements regarding privilege and confidentiality.

2.4.4 Civil Mediation Statements. In civil actions, all parties shall prepare and deliver a Civil Mediation Statement to the mediator and opposing parties, no later than five working days prior to the mediation. The statement shall not be filed with the court.

2.4.5 Family Law Mediation Statement or Family Law Information Form.

In family law actions, all parties shall prepare and deliver a Family Law Mediation Statement or Family Law Information Form to the mediator, opposing parties, and the State of Washington, if the State is a party, no later than five working days prior to the mediation. The Family Law Information Form is available on the Mason County Superior Court website. The statement or form shall not be filed with the court.

2.4.6 Appearance at Mediation.

The parties shall appear in person at mediation unless otherwise agreed to by the parties or the court orders in advance that they may be present by telephone or electronic means sufficient to allow full participation. Each party shall ensure the presence of a person or persons with decision making authority at the mediation.

2.4.7 Mediation Report.

Within five days after completion of mediation, the parties shall file a Mediation Report indicating whether the case has been resolved. A copy of the Mediation Report shall be provided to the court administrator's office.

3. Discovery.

Discovery shall be completed in accordance with the case schedule set at the time the case is filed or at a status conference. Exceptions will be made only upon prior approval of the court, and for good cause.

4. Trial Setting Conference.

4.1 A date for a trial setting conference may be set at the time case is filed, at a status conference, by notice from the court administrator's office, or upon motion of any party. A party may also request an accelerated trial date by motion at any time prior to the trial setting conference date.

4.2 Trial setting conferences shall not be continued absent a showing of good cause and upon prior approval of the court.

4.3 At the trial setting conference, the court shall consider compliance with dates and deadlines, the status of mediation, and readiness for trial.

5. Sanctions for Noncompliance.

Failure to comply with deadlines, dates, or other requirements set out in these rules, or failure to appear at a conference set by the court, may result in sanctions being imposed, including terms. The court may also strike a trial date if mediation has not been completed by the applicable deadline.

[Amended effective 9-1-2011; 9-1-2018; 9-1-2020]

LCR 53.2 COURT COMMISSIONERS

(e) **Revision by Court.**

1. *Time for Motion.* A motion for revision must be filed and served within ten (10) days after the commissioner's written order is entered. At the time it is filed, the motion for revision shall be scheduled for hearing to be held within thirty (30) days after entry of the commissioner's written order.

2. *Abandonment.* Absent extraordinary circumstances and/or unless reset by the court, any motion for revision not heard within thirty (30) days after entry of the commissioner's written order shall be considered abandoned, stricken by the court and the commissioner's ruling affirmed.

3. *Findings of Fact and Conclusions of Law.*

3.1 Findings of fact and conclusions of law to support the order or judgment shall be entered by the court commissioner before the hearing on the motion for revision, unless the commissioner orders that findings of fact and conclusions of law will not be entered.

3.2 Proposed findings of fact and conclusions of law or requests that findings of fact and conclusions of law not be entered shall be filed and served within the time provided for serving motions and any supporting affidavits in accordance with CR 6(d).

4. *Form of Motion.* A motion for revision shall:

4.1 Specify each alleged error; and

4.2 Identify each document in the court file related to the issues raised by the motion for revision.

5. *Hearing on Motion.* At the time a motion for revision is filed, the moving party shall schedule a hearing on a civil calendar by filing a notice of issue. Unless otherwise directed by the Court, the hearing on the motion for revision shall be scheduled to occur within thirty (30) days after entry of the commissioner's written order.

6. *The Record.*

6.1 The motion for revision shall be heard upon the record that was before the court commissioner.

6.2 In all proceedings for which an audio recording of *live* testimony is made, the party moving for revision shall, within five (5) calendar days after filing the motion, make arrangements through Superior Court Administration for a transcript of the proceedings to be provided to the court. Where a transcript is required, *the party moving for revision shall be responsible for arranging for and payment for the transcript* and ensuring that the transcript of proceedings is filed with the court not later than five (5) calendar days before the scheduled hearing.

7. *Scope of Motion.* The court may revise any order or judgment that is related to the issues raised by the motion for revision; for example, all issues related to child support or all issues related to the parenting plan. The court will not consider issues that are not related to the motion for revision without a separate motion, except:

7.1 The court may consider requests for attorney's fees by either party for the revision proceedings; and

7.2 The court may consider issues in the original order when the motion for revision is filed as to a motion denying a motion for reconsideration.

8. *Effect of Motion.* When a motion for revision is timely filed the following shall occur:

8.1 With the exception of findings of fact and conclusions of law, until the revision proceeding is completed, the court commissioner loses jurisdiction to conduct further proceedings and/or enter orders on issues that are the subject of revision proceeding.

8.2 The court commissioner may continue to hear proceedings and/or enter orders on issues that do not involve the subject of the revision proceeding.

8.3 A court commissioner's order shall remain valid and in effect pending the outcome of a motion for revision unless stayed by a court order.

[Adopted effective September 1, 2012; amended effective September 1, 2017.]

LCR 65 INJUNCTIONS

(f) Motions for Ex Parte Restraining Orders.

(i) Applicability. This section applies to motions for temporary restraining orders (also known as Ex Parte Restraining Orders) entered on an emergency basis to prevent immediate injury, loss or damage. See also CR 65. This local rule does not apply to protection orders entered under Chapter 26.50 RCW, Chapter 10.14 RCW, Chapter 74.34 RCW, and Chapter 7.90 RCW.

(ii) Notice of Motion. The party asking for an Ex Parte Restraining Order (the moving party) shall give notice to the attorney for the opposing party, whether the attorney has appeared either formally or informally. If unrepresented, notice shall be given to the opposing party. If necessary, notice may be by telephone. The moving party or attorney shall certify to the court in writing the efforts which have been made to give notice to the opposing party. Such notice is required in all cases unless the moving party clearly shows by sworn declaration that immediate injury, loss or damage will result if notice is given. Failure to give notice may result in the imposition of terms and/or sanctions on the moving party and/or his/her attorney.

(iii) Where Presented. The moving party shall present the Motion for Ex Parte Restraining Order and Order to Show Cause on the Ex Parte Docket, unless otherwise allowed by a judicial officer for exigent circumstances.

(iv) Motion to Quash Ex Parte Restraining Orders Entered Without Notice. Unless otherwise directed by the court, a party seeking to quash an Ex Parte Restraining Order entered without notice shall present the motion on the Ex Parte Docket. Notice shall be required in the same manner as it applies to a moving party described in Section (ii), above.

[Adopted effective September 1, 2017]

LOCAL SUPERIOR COURT CIVIL ARBITRATION RULES **(LSCCAR)**

1. SCOPE AND PURPOSE OF RULES

LSCCAR 1.1 APPLICATION OF RULES

The purpose of mandatory arbitration of civil actions under RCW 7.06, as implemented by the Superior Court Civil Arbitration Rules, is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes. The Superior Court Civil 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.

[Amended effective September 1, 2012; September 1, 2020.]

LSCCAR 1.2 MATTERS SUBJECT TO ARBITRATION

The following matters are subject to mandatory arbitration: (a) civil actions at issue in the Superior Court where the sole relief sought is a money judgment not in excess of \$100,000,

exclusive of attorney fees, interest, and costs; and (b) claims in which the sole relief sought is the establishment, modification, or termination of maintenance or child support payments which are not capable of resolution on the motion docket or by agreement, regardless of the number or amount of payments.

[Amended effective September 1, 2012; September 1, 2018; September 1, 2020.]

LSCCAR 1.3 RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER RULES

(c) Motions. All motions before the court relating to mandatory arbitration shall be noted on the civil motion calendar except as may be otherwise provided in these rules.

[Adopted effective September 1, 2012; amended effective September 1, 2020.]

2. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

LSCCAR 2.1 TRANSFER TO ARBITRATION

(a) Court Order Required. Cases shall be transferred to arbitration only by court order and after mediation has been completed pursuant to LCR 40.

(b) Statement of Arbitrability. When any party determines that the case is ready for trial and that the case is subject to mandatory arbitration, such party shall file and serve a Statement of Arbitrability on the form prescribed by the Court.

(c) Response to Statement of Arbitrability. Any party disagreeing with the Statement of Arbitrability shall, within ten (10) days after the Statement of Arbitrability has been served, file and serve a Response to the Statement of Arbitrability on the form prescribed by the Court. 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 subject to mandatory arbitration.

(d) Failure to File - Amendments. A party failing to file and serve an original response within the time prescribed may later do so only upon leave of the court. A party may amend the Initial Statement of Arbitrability or response at any time before assignment of an arbitrator or assignment of a trial date, or thereafter only upon leave of the Court for good cause shown.

(e) By Stipulation. A case in which all parties file a stipulation to arbitrate under SCCAR 8.1(b) regardless of the nature of the case or amount in controversy may be transferred to arbitration by court order presented to the Court with the stipulation.

(f) Interpreter. In a case transferred to arbitration, if a party: (1) is hearing impaired or has a limited ability to speak or understand the English language, or (2) knows, or after reasonable inquiry has reason to believe, that any other party or any witness is hearing impaired or has limited ability to speak or understand the English language, the party shall advise the Arbitration Supervisor in writing that an interpreter is needed.

[Amended September 1, 2012; September 1, 2020.]

LSCCAR 2.3 ASSIGNMENT TO ARBITRATOR

(a) Generally. When a case is set for arbitration, a list of five proposed arbitrators shall be furnished to the parties by the Arbitration Supervisor. A list of other approved arbitrators shall be furnished upon request. The parties are encouraged to stipulate to an arbitrator. In the absence of the stipulation, the arbitrator shall be chosen from among the five proposed arbitrators in the manner defined by this rule.

(1) Response by Parties. Within fourteen (14) days after the list of the proposed arbitrators is furnished to the parties, each party shall nominate two arbitrators and strike two arbitrators from the list. If both parties respond, an arbitrator nominated by both parties shall be appointed. If no arbitrator has been nominated by both parties, an arbitrator shall be appointed from among those not stricken by either party.

(2) Response by Only One Party. If only one party responds within fourteen (14) days, an arbitrator shall be appointed from that party's response.

(3) No Response. If neither party responds within fourteen (14) days, the arbitrator shall be randomly appointed from the five proposed arbitrators.

(4) Additional Arbitrators for Additional Parties. If there are more than two adverse parties all represented by different counsel, one additional proposed arbitrator shall be added to the list for each additional party so represented with the above principles of selection to be applied. The number of adverse parties shall be determined by the arbitration department, subject to review by the Presiding Judge.

[Adopted effective September 1, 2012; amended effective September 1, 2020.]

3. ARBITRATORS

LSCCAR 3.1 QUALIFICATIONS

(a) Qualifications. All arbitrators shall meet the qualifications to serve as an arbitrator as prescribed by SCCAR 3.1 and RCW 7.06.040 (and any amendments thereto).

(b) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the Superior Court Judges may determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the court. A list showing the names of the arbitrators available to hear cases and information sheets will be available for public inspection in the Superior Court Administration Office. The oath of office on the form prescribed by the court must be completed and filed prior to an applicant being placed on the panel.

(c) Refusal - Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Arbitration Supervisor immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case on any of the grounds of interest, relationship, bias, or prejudice set forth in the Code of Judicial Conduct governing disqualification of judges. If disqualified, the arbitrator must immediately return all materials in a case to the Arbitration Supervisor.

[Amended September 1, 2012; September 1, 2020.]

LSCCAR 3.2 AUTHORITY OF ARBITRATOR

In addition to the authority given to arbitrators under SCCAR 3.2, an arbitrator has authority to require a party or attorney advising such party, or both, to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney, or both, to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified, or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the Clerk of the Court, with proof of service on each party. The aggrieved party shall have ten (10) days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within ten (10) days after the award is filed no party appeals, a judgment shall be entered in a manner described under SCCAR 6.3.

[Amended effective September 1, 2012; September 1, 2020.]

4. PROCEDURES AFTER ASSIGNMENT

LSCCAR 4.2 DISCOVERY

(a) 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 except as the parties may stipulate or as authorized by SCCAR 4.2 and LSCCAR 4.2 below.

(b) Additional Discovery. In determining when additional discovery beyond that directly authorized by SCCAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of

discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the civil rules except that motions concerning discovery shall be determined by the arbitrator.

(c) Interrogatories. Notwithstanding the foregoing, the following interrogatories may be submitted to any party:

- (1) State the amount of general damages being claimed;
- (2) State each item of special damages being claimed and the amount thereof;
- (3) List the name, address and phone number of each person having knowledge of any facts regarding liability, and a short summary of their intended testimony at the arbitration hearing;
- (4) List the name, address and phone number of each person having knowledge of any facts regarding the damages claimed, and a short summary of their intended testimony at the arbitration hearing;
- (5) List the name, address and phone number of each expert witness you intend to call at the arbitration. For each such expert, state the subject matter on which the expert is expected to testify; state the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

Only these interrogatories, with the exact language as set out above, are permitted, except as permitted by section (a).

[Amended effective September 1, 2012; September 1, 2020.]

5. HEARING

LSCCAR 5.1 NOTICE OF HEARING

In addition to the requirements of SCCAR 5.1, the arbitrator shall give reasonable notice of the hearing date and any continuance to the Arbitration Supervisor.

[Amended effective September 1, 2012; September 1, 2020.]

LSCCAR 5.2 PREHEARING STATEMENT OF PROOF

In addition to the requirements of SCCAR 5.2, each party shall also furnish the arbitrator

with copies of pleadings and other documents contained in the court file which the party deems relevant. The court file shall remain with the Clerk of the Court.

[Amended effective September 1, 2012; September 1, 2020.]

6. AWARD

LSCCAR 6.1 FORM AND CONTENT OF AWARD

(a) Form. The award shall be prepared on the form prescribed by 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.

[Amended effective September 1, 2012; September 1, 2020.]

7. TRIAL DE NOVO

LSCCAR 7.1 REQUEST FOR TRIAL DE NOVO

(a) Service and Filing. In addition to the provision for service and filing in SCCAR 7.1, a copy of the Request for Trial de Novo shall be provided to the Arbitration Supervisor.

(d) Calendar. When a trial de novo is requested as provided in SCCAR 7.1, a status conference shall be set by the court administrator in accordance with LCR 40.

[Amended effective September 1, 2012; September 1, 2020.]

8. GENERAL PROVISIONS

LSCCAR 8.1 STIPULATIONS

(c) To Arbitrate Other Cases – Effect on Relief Granted. 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.

[Amended effective September 1, 2012; September 1, 2020.]

LSCCAR 8.4 TITLE AND CITATION

These rules are known and cited as the Mason County Superior Court Civil Arbitration Rules. LCCAR is the official abbreviation.

[Adopted effective September 1, 2012; amended effective September 1, 2020.]

LSCCAR 8.6 COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the Superior Court; provided, however, the portion of the compensation from the Superior Court shall not exceed \$1,000.00 for any case without approval of the presiding judge.

(b) Form. When the award is filed, the arbitrator shall submit to the Court Administrator a request for payment on a form prescribed by the Washington State Administrative Office of the Courts. The presiding judge shall determine the amount of compensation to be paid.

[Adopted effective September 1, 2012; amended effective September 1, 2020.]

LOCAL SPECIAL PROCEEDINGS RULES (LSPR)

LSPR 94.04 FAMILY LAW, PROBATE, GUARDIANSHIP AND ADOPTION CASES

1. FAMILY LAW, PROBATE, GUARDIANSHIP AND ADOPTION MOTION CALENDARS, CONFIRMATION PROCEDURES AND TIME LIMITS

1.1 *Motion Calendars.* There shall be the following motion calendars held according to the published schedule available at the courthouse or through the Mason County Superior Court Administrator's Office at http://www.co.mason.wa.us/superior_court:

- Adoption
- Probate and Guardianship
- Family Law (where at least one party is represented by an attorney at the time a matter is noted for hearing)
- Pro Se Family Law (where no party is represented by an attorney at the time a matter is noted for hearing)
- State Family Law (where the State is a party for purposes of establishing paternity and/or setting child support)
- Non-Parent Custody
- Ex Parte

The schedule for the above calendars may change. Parties and counsel are advised to review the current calendar schedules before noting matters for hearings. Incorrectly scheduled matters may be stricken.

1.2 *Confirmation Procedures.* For a contested matter to be heard by the court, the hearing must be confirmed as set forth below. This includes hearings scheduled by notice of issue, court order and hearings which are administratively continued.

- (a) Confirmation must be made by calling the Clerk of the Court at (360) 427-9670, Ext. 346, or by e-mail at superiorcourt-confirm@co.mason.wa.us, no later than 10:00 a.m. two (2) court days prior to the motion (examples: for a motion on Wednesday, confirmation must be by 10:00 a.m. on Monday; or for a motion on Friday, confirmation must be by 10:00 a.m. on Wednesday).
- (b) If the deadline for confirmation falls on a court holiday, confirmation shall be made before 10:00 a.m. on the last court day before the holiday.
- (c) Motions filed by those persons physically confined under a court order shall be deemed confirmed at filing.
- (d) Matters not confirmed may be heard at the end of the calendar only at the discretion of the Court and upon agreement of all parties.

1.3 *Continuance of Confirmed Matters.* Matters confirmed in accordance with paragraph 1.2 are not subject to continuance, except with permission of the Court. If not heard, these matters shall be *stricken* and may be re-noted by the moving party.

1.4 *Time Limits.* Arguments on motions shall be limited to ten (10) minutes per side. Arguments which will exceed the time limit of this rule, if allowed by the Court, will ordinarily be placed at the end of the docket.

2. PLEADINGS, MOTIONS AND OTHER PAPERS

2.1 *Format.* All pleadings, motions and supporting documents shall use mandatory forms where applicable, follow the format required by GR 14 and meet the requirements of GR 31(e). If typed or computer printed, documents shall be in 12 point or larger type, single-sided and double-spaced. If handwritten, documents shall be single-sided, double-spaced and written legibly using black or dark blue ink. Illegible documents will not be considered.

3. CHILDREN'S STATEMENTS.

3.1 *Children's Statements.* Declarations by minors in family law matters are disfavored and the Court may, in its discretion, refuse to consider such declarations.

4. PAGE LIMITATIONS ON DECLARATIONS

4.1 *Generally.* Absent prior authorization from the Court as set forth in paragraph 4.7 below:

- (a) The entirety of all declarations and affidavits in support of motions, including any reply, shall be limited to a total of twenty-five (25) pages for all motions scheduled on the same date in a single case.
- (b) The entirety of all declarations and affidavits submitted in response to motions shall be limited to a total of twenty-five (25) pages for all motions scheduled on the same date in a single case.

4.2 *Applicable Cases.* This rule shall apply to all family law motions.

4.3 *Exhibits.* Exhibits that consist of declarations or affidavits shall count toward the above page limits. All other exhibits attached to a declaration or affidavit, including deposition excerpts, shall not be counted towards the page limit.

4.4 *Financial Declarations.* Financial declarations and financial documents do not count toward the page limit.

4.5 *Expert Reports and Evaluations.* Declarations, affidavits or reports from guardians ad litem and expert witnesses do not count toward the page limit.

4.6 *Miscellaneous Exceptions.* Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the Court in lieu of the court file do not count toward the page limit.

4.7 *Authorization.* A party seeking authorization to exceed the page limit may do so by noting a motion to exceed the page limit on the family law calendar. Parties may appear in person or by telephone; provided, however, that authorization to appear by telephone must be made in advance by calling the Court Administrator's Office at (360) 427-9670, Ext. 348. Notice of this hearing shall be given in the same manner as provided in CR 5.

4.8 *Consequences of Non-Compliance.* If the Court finds that one or more parties have violated this rule, the Court may, in its discretion, assess terms, strike or continue the matter, or refuse to consider materials that violate this rule.

5. PARENTING SEMINARS

5.1 *Applicable Cases.* This rule shall apply to all cases which require a custody decree, parenting plan, residential schedule or visitation order for minor children.

5.2 *Mandatory Attendance.* All parties involved in cases governed by this rule shall complete an approved parenting seminar, except parties who have previously attended such a parenting seminar within the last two years. In the case of paternity actions initiated by the prosecuting attorney's office, the parenting seminar shall be required only when paternity is established or acknowledged and a parenting plan is requested.

5.3 *Seminar Providers.* A list of approved parenting seminars shall be available from the Superior Court Administrator, Family Law Facilitator and Clerk of the Court. If a parenting seminar is not included on the list, then the Court, upon proper motion, may allow other seminars to fulfill this requirement on a case-by-case basis.

5.4 *Timing.* Parties required by this rule to participate in a parenting seminar shall complete an approved parenting seminar within ninety (90) days after service of a petition.

5.5 *Proof of Completion.* Parties shall file a certificate of completion or other documentation showing proof of completion of the parenting seminar as soon as possible after completion.

5.6 *Fees.* Each party attending a seminar shall pay a fee charged by the approved provider.

5.7 *Special Consideration/Waivers.* Pursuant to RCW 26.12.172:

- (a) Opposing parties shall not be required to attend seminars together.
- (b) Upon a showing of domestic violence or abuse which would not require mutual decision making pursuant to RCW 26.09.191, or that a parent's attendance at the seminar is not in the children's best interests, the court shall either:
 - (i) Waive the requirement of completion of the seminar; or
 - (ii) Accept an alternative, voluntary parenting seminar.
- (c) The Court may otherwise waive the seminar requirement or extend the time for attendance of the seminar for good cause shown.

5.8 *Failure to Attend/Sanctions.* Willful refusal to participate in a parenting seminar or willful delay in completing the parenting seminar by any party may constitute contempt of court and may result in sanctions including, but not limited to, imposition of monetary terms, striking of pleadings, or denial of affirmative relief to a party not in compliance with this rule.

6. TEMPORARY ORDERS IN CASES INVOLVING CHILDREN - DISCRETIONARY JUDICIAL ACCESS BROWSER SYSTEM (JABS)/JUDICIAL

INFORMATION SYSTEM (JIS) SEARCH.

6.1 In all Temporary Order hearings regarding the adoption or modification of Parenting Plans or Residential Schedules, the Court shall inquire with all parties whether there is a request for the Court to determine the existence of any information and proceedings relevant to the placement of the child(ren) that are available in the JABS or JIS databases. If a party requests the Court to review JABS/JIS records, then the Court shall allow the other party or parties to the case to be heard before deciding whether such review would be legally appropriate. The Court should specifically describe the records that it has reviewed or will review, as opposed to generally stating that it will review JABS/JIS records. Following the court's review, the Court shall describe the substance of such records. Any review of JABS/JIS records conducted by the Court shall be limited to reviews conducted in accordance with the Court's decision after all parties to the case have had an opportunity to be heard.

7. FAMILY LAW TRIALS

7.1 In all trials in family law matters, each party shall file and serve on the opposing party and the court by 9:00 a.m. three court days prior to the trial, a written Family Law Information Form. The Family Law Information Form is available on the Superior Court website at http://www.co.mason.wa.us/superior_court.

7.2 The following forms shall also be filed and served along with the Family Law Information Form:

- (a) Financial Declaration (Washington Form FL All Family 131) whenever there is a dispute about the award of Spousal Support and/or child support.
- (b) Child Support Worksheet (WA Form WSCSS) whenever there is a dispute about the amount of child support owing.
- (c) Proposed Parenting Plan (WA Form FL All Family 140) whenever there is a dispute about the custodial arrangements regarding a child.

8. PRESENTATION OF NON-CONTESTED FINAL ORDERS

8.1 All final decrees, final orders and any accompanying Findings of Fact/Conclusions of Law, Parenting Plans, Orders of Child Support and Child Support Worksheets presented to the Court shall be reviewed for form and completeness before presentation. The review shall be performed by an attorney of record in the case, a Limited License Legal Technician, the Courthouse Facilitator, the Thurston County Volunteer Legal Clinic or an attorney not of record who approves the pleadings as to form and completeness. A Guardian ad Litem's approval of the parenting plan shall meet the review requirement for the parenting plan.

9. ESTABLISHMENT OF RESPONDENT(S) PARENT-CHILD RELATIONSHIP IN NON-PARENT CUSTODY MATTERS

9.1 The parent-child relationship between the child(ren) and the Respondent parent(s) in a non-parent custody matter filed pursuant to RCW 26.10 must be established in the manner set forth in RCW 26.26.065. Proof of the establishment of the parent-child relationship(s) must be filed with the Court at or before the presentation of any final orders.

10. REQUIRED LANGUAGE FOR OATH OF PERSONAL REPRESENTATIVE/ ADMINISTRATOR

10.1 The following additional language shall be included in all oaths of a proposed Personal Representative/Administrator of an estate provided pursuant to RCW 11.28.170:

“I am qualified under RCW 11.36.010 to serve as a Personal Representative as I am not a corporation, a minor, a person of unsound mind, or a person who has been convicted of any felony or of any crime involving moral turpitude.”

[Adopted effective 9-1-2006; amended effective 9-1-2010; 9-1-2012; 9-1-2013; 9-1-2014; 9-1-2015; 9-1-2017; 9-1-2018; 9-1-2020]

LSPR 95.01 TORRENS ACT PETITIONS (Chapter 65.12 RCW)

1. (a) Filing. A party filing an application for registration of title shall present a proposed order referring the application to an examiner of titles pursuant to RCW 65.12.110 to the commissioner ex parte department immediately upon filing of the abstract of title as required by RCW 65.12.085.

(b) Examiner of titles. The Court, upon receipt of an application for registration of title and proposed order referring the application to an examiner of titles, shall appoint an examiner of titles or assign the application to a previously appointed examiner.

(c) Notification. The applicant shall notify the clerk of court, in writing, within 30 days of issuance of the examiner’s opinion, if the applicant elects to proceed further. If no notice is provided within 30 days, the application shall be deemed withdrawn and the matter dismissed. If the applicant elects to proceed further, the clerk of the court shall issue a summons pursuant to RCW 65.12.120 in the format required by RCW 65.12.125.

2. Hearing. If no person responds to the summons issued as set forth in RCW 65.12, the applicant may bring a motion on the judge’s civil motions calendar for entry of an order and decree confirming title pursuant to Chapter 65.12 RCW. If any person responds, then any party may bring a motion before the civil motions judge for hearing pursuant to RCW 65.12.160. If, in

the determination of the civil motions judge, the matter should be set for a trial or evidentiary hearing, the civil motions judge shall set the matter to an available date on the Superior Court trial calendar.

3. Service. The applicant is responsible for all service requirements except that required of the clerk under RCW 65.12.140. The applicant shall notify the clerk in writing of the publication dates in a manner timely and appropriate to allow the mailed service to non-residents required in RCW 65.12.140.

4. Fees and costs. The applicant is responsible for all fees and costs as spelled out in RCW 65.12.

[Adopted effective 9-1-2020]

LSPR 96.01 CIVIL CONTEMPT PROCEEDINGS; REQUIREMENTS

The following shall apply to indirect, remedial or civil contempt proceedings brought under RCW 7.21.030 or similar statutes.

(a) Warnings; Failure to appear. The Order to Show Cause shall contain language warning the responding party that failure to appear could result in a warrant for arrest.

(b) Personal Service. Unless otherwise authorized by the court, the Order to Show Cause, motion, affidavits and declarations must be personally served upon the responding party if not represented by an attorney. If the responding party is represented by an attorney, then personal service on the attorney is required.

(c) Arrest or Other Remedies Upon Failure to Appear. At the hearing, if the responding party fails to appear and upon showing of proof of service, and if the warning required above is in the order, the court may order a warrant for arrest. Other requested remedies may also be ordered upon default, even if a warrant is not authorized.

[Adopted effective September 1, 2017; amended effective September 1, 2018.]

LOCAL GUARDIAN AD LITEM RULE (LGAL)

LGAL 5 SPECIFIC GUARDIAN AD LITEM REGISTRY REQUIREMENTS

1. Title 11 - Guardianship Registry.

1.1 All registry applicants must meet the qualifications set forth by statute and all requirements for training and certification established by statute and/or court rule to be considered for placement and retention on the Title 11 registry.

1.2. In addition to any qualifications required by statute, the following are specific education and experience requirements for inclusion on the Title 11 registry:

(a) *Attorneys.* Members of the Washington State Bar Association in good standing with a minimum of one year of practice of law with some experience in the needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons.

(b) *Non-Attorneys.* Four years experience in the needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities and/or other areas relevant to the needs of incapacitated persons documented in the applicant's Statement of Qualifications.

2. Title 26 - Family Law Registry.

2.1 All registry applicants must meet the qualifications set forth by statute and all requirements for training and certification established by statute and/or court rule to be considered for placement and retention on the Title 26 registry.

2.2. In addition to any qualifications required by statute, the following are specific education and experience requirements for inclusion on the Title 26 registry:

(a) *Attorneys.* Members of the Washington State Bar Association in good standing with a minimum of one year of practice of law, including family law cases, and at least eight hours of family law CLE in the preceding twenty-four months.

(c) *Non-Attorneys.*

(1) A minimum of a B.A. degree with four years field experience working with children and families;

(2) A Masters degree with two years of field experience working with children and families; or

(3) Licensed psychologist or psychiatrist with preference given to those who specialize, or have developed expertise, in working with children and families.

3. Retention on Registry.

3.1 Each person requesting to remain on any Guardian ad Litem registry shall annually submit an updated background information report to the Court Administrator's Office. The

background information report shall include, but not be limited to, the following:

- (a) Level of formal education;
- (b) Training related to the guardian's duties;
- (c) Number of years' experience as a guardian ad litem;
- (d) Number of appointments as a guardian ad litem and county or counties of appointment;
- (e) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and
- (f) Criminal history, as defined in RCW 9.94A.030.

[Adopted 7-1-04]

LEGAL 7 GUARDIAN AD LITEM GRIEVANCE AND COMPLAINT PROCEDURE

(a) Guardian ad Litem Committee. A Mason County Guardian ad Litem Committee (the Committee) is created to address grievances concerning conduct by guardians ad litem involved in Title 11 and 26 RCW cases. The Committee shall consist of three members: a representative of the Mason County Superior Court, selected by the Court Administrator and approved by the Presiding Judge; an active guardian ad litem, selected by the Court Administrator and approved by the Presiding Judge; and a member of the Mason County Bar Association, selected and approved by the Association. The guardian ad litem member shall be a member of the Mason County Guardian Ad Litem Registry who has not received any sanctions in the past three years. Service on the Committee is a voluntary service for the good of the community.

(b) Submitting a Grievance.

(1) Grievance in Ongoing Case.

(A) Format. In an ongoing case, a grievance concerning conduct by a guardian ad litem is hereinafter referred to as a "Complaint." It shall be brought before the Court as a written motion filed by a party to the case or his or her attorney and must be properly served and noted for hearing in compliance with court rules.

(B) Response by Guardian ad Litem. The guardian ad litem may respond as provided by court rules governing motion practice.

(C) Court's Decision. If the Court determines that the Complaint has merit, the Court may remove the guardian ad litem or require other action in the case. The Court may also refer the Complaint to the Court Administrator to be forwarded to the Committee in the form of a "Grievance."

(2) *Grievance After Conclusion of Case*. After the conclusion of a case, a grievance concerning conduct by a guardian ad litem is hereinafter referred to as a "Grievance." It shall be submitted in writing within 12 months after the conclusion of the case and signed by at least one individual with their address and telephone number. It shall be based upon personal knowledge and shall explain in clear and concise language the grounds for the grievance. Supplemental materials may be attached. It shall be submitted to the Superior Court Administrator at 419 N 4th Street, P.O. Box X, Shelton, WA 98584.

(3) *Action Upon Receipt of Grievance*. Upon receipt, the Court Administrator shall forward the Grievance and any supplemental materials to the Committee and to the guardian ad litem named in the Grievance.

(c) Action by Guardian Ad Litem Committee.

(1) *Review Procedure*. The following rules apply once a Grievance is forwarded to the Committee.

(A) Response to Grievance in Ongoing Case. For a Grievance in an ongoing case pursuant to (b)(1)(C), the Committee will consider any motion materials submitted to the Court by the guardian ad litem pursuant to (b)(1)(B). The guardian ad litem may submit additional responsive materials in writing within 10 days from the date the Grievance is forwarded by the Court Administrator.

(B) Response to Grievance After Conclusion of Case. For a Grievance after the conclusion of a case pursuant to (b)(2), the guardian ad litem shall respond in writing within 30 days from the date the Grievance is forwarded by the Court Administrator. Supplemental materials may be attached.

(C) Action Pending Resolution. The Committee may recommend to the Presiding Judge that a guardian ad litem's further participation on the registry be suspended pending resolution of the Grievance. The guardian ad litem shall be notified of any such recommendation and may respond in writing within 72 hours.

(D) Materials to Consider. The Committee shall consider written materials only, including the court file. No oral testimony or argument shall be allowed. If the Committee finds the Grievance has merit, the Committee may then consider prior Grievances which resulted in sanction.

(E) Time for Decision on Grievance in Ongoing Case. For Grievances pertaining to an ongoing case under section (b)(1)(C), the Committee shall issue a decision no later than 25 days from the date the Grievance is forwarded by the Court Administrator.

(F) Time for Decision on Grievance After Conclusion of Case. For Grievances after the conclusion of the case under section (b)(2), the Committee shall issue a decision no later than 60 days from the date the Grievance is forwarded by the Court Administrator.

(2) *Decision.*

(A) Basis. In determining whether the Grievance has merit, the Committee shall consider whether the guardian ad litem:

- (i) Violated the guardian ad litem Code of Conduct;
- (ii) Misrepresented his or her qualifications to serve as a guardian ad litem;
- (iii) Failed to meet the annual training requirements set forth in the Registry requirements;
- (iv) Breached the confidentiality of the parties;
- (v) Falsified information in a report to the Court or in testimony before the Court;
- (vi) Failed, when required, to report abuse of a child;
- (vii) Communicated with a judicial officer ex parte concerning the case for which he or she is serving as a guardian ad litem, except as allowed (such as an emergency restraining order);
- (viii) Violated state or local laws or rules in the person's capacity as a guardian ad litem;
- (ix) Took or failed to take any other action which would reasonably place the suitability of the person to serve as guardian ad litem in question.

(B) Resolution by Committee. If the Committee determines the Grievance has merit, the Committee shall have the authority to issue a written admonishment or reprimand, impose additional reasonable requirements for continued service as a guardian ad litem, and/or require the guardian ad litem to take corrective action to remedy or mitigate matters. The Committee may also recommend to the Presiding Judge that the guardian ad litem be suspended or removed from the Court Registry.

(C) Notice of Decision. The guardian ad litem and any complaining party shall be notified of the decision on the Grievance. A copy of the decision of the Committee shall be

placed in the guardian ad litem file maintained by the Superior Court Administrator.

(d) Review and Reconsideration of Decision.

(1) *Time for Request.* The guardian ad litem may seek review or reconsideration of a sanction by making a written request to the Court Administrator within 15 days of the date of decision.

(2) *Review of Request.* The Court Administrator shall forward the request and any supporting documents to the Presiding Judge. The Presiding Judge shall present the matter to the Superior Court judges to review and issue a final decision within 10 days. Prior Grievances which resulted in an admonishment, reprimand, referral to training, removal of the guardian ad litem from a particular case, or suspension or removal from a registry shall be taken into consideration.

(e) Removal from Registry. If the guardian ad litem is listed on more than one registry, at the discretion of the Presiding Judge, the suspension or removal may apply to each registry on which the guardian ad litem is listed. The Court Administrator shall notify the Administrative Office of the Courts of the name of any guardian ad litem removed from the registry after such removal becomes final.

(f) Confidentiality. A Grievance shall be confidential for all purposes unless the Committee has determined that it has merit. Any record of Grievances which are not found by the Committee to have merit shall be confidential and shall not be disclosed except by court order.

[Adopted 9-1-03; Amended 9-1-14]

LOCAL SUPERIOR COURT CRIMINAL RULES (LCrR)

LCrR 3.1 RIGHT TO AND ASSIGNMENT OF COUNSEL

(d) Assignment of Lawyer.

(4) Certificates of Compliance with the Standards for Indigent Defense required by CrR 3.1 shall be filed quarterly with the Mason County Clerk. All Notice of Appearance forms filed by counsel for indigent defendants shall indicate in a separate paragraph whether or not a current CrR 3.1 Certificate of Compliance with the Standards for Indigent Defense is on file with the Mason County Clerk.

[Adopted effective 9-1-2013]

LCrR 3.4 PRESENCE OF THE DEFENDANT

(d) Video Conference Proceedings.

(2) *Agreement.* In criminal matters, proceedings may be conducted by video conference as authorized by CrR 3.4(d)(1). Other criminal proceedings may be conducted by video conference by agreement of the parties in writing or on the record, and upon approval of the judge.

[Adopted effective 9-1-2014]

LCrR 4.2 SUPERIOR COURT COMMISSIONERS-AUTHORITY-CRIMINAL CASES

The Judges of Mason County Superior Court hereby adopt the provisions of RCW 2.24.040, as amended, and specifically authorize Mason 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 9-1-00]

LOCAL JUVENILE COURT RULES (LJuCR)

LJuCR 9.2 ADDITIONAL RIGHT TO REPRESENTATION BY LAWYER

(d) Juvenile Offense Proceedings.

(1) Certificates of Compliance with the Standards for Indigent Defense required by JuCR 9.2 shall be filed quarterly with the Mason County Clerk. All Notice of Appearance forms filed by counsel for indigent defendants shall indicate in a separate paragraph whether or not a current JuCR 9.2 Certificate of Compliance with the Standards for Indigent Defense is on file with the Mason County Clerk.

[Adopted effective 9-1-2013]

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

LRALJ 6.3.1 CONTENT OF TRANSCRIPT OF ELECTRONIC RECORD

(c) Content of Transcript. The transcript shall contain only those portions of the electronic recording necessary to present the issues raised on appeal. *In a transcript provided at public expense, approval by the Court shall be obtained prior to requesting transcription of jury voir dire, opening and/or closing statements, and reading of the jury instructions.* If the appellant intends to urge that a verdict or finding of fact is not supported by the evidence, the appellant shall include in the transcript all testimony relevant to the disputed verdict or finding. If the appellant intends to urge that the court erred in giving or failing to give an instruction, the appellant shall include all objections to the instructions given and refused and the court's ruling.

[Adopted 9-1-99]

