

**Local Court  
Rules  
of the  
Superior Court  
for  
San Juan  
County**

Effective September 1, 2023

**SUPERIOR COURT OF THE STATE OF WASHINGTON**

**FOR THE JUDICIAL DISTRICT OF SAN JUAN COUNTY**

**Kathryn C. Loring**  
Judge

**Jane M. Severin**  
Court Administrator

**ORDER**

**In the Matter of the Adoption**

**of**

**LOCAL RULES OF COURT for the Judicial District composed of  
San Juan County, State of Washington**

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**IT IS HEREBY ORDERED** that the Local Rules herein be, and the same are hereby, approved and adopted as Local Rules of Practice and Procedure in the Superior Court of the State of Washington for the Judicial District of San Juan County.

The Local Rules herein shall take effect and be in force from and after the 1st day of September, 2023, and all other Local Rules or designated Special Rules shall be abrogated.

These Local Rules are a supplement to Rules for the Superior Court.

**DATED** this 28<sup>th</sup> day of June, 2023.

  
KATHRYN C. LORING, Judge

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9:30am Criminal Law and  
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1:00pm Ex Parte matters

1:15pm Therapeutic Court

1:15pm (Family Treatment Court)

2:00pm Dependency Calendar

2:30pm Juvenile Offender  
Calendar

3:15pm Juvenile Civil Calendar

(1) Criminal Law and Motion Day.

(2) Therapeutic Court.

(3) Family Treatment Court

(4) Dependency Calendar.

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**PART I**  
**LOCAL CIVIL RULES (LCR)**  
**SUPERIOR COURT FOR SAN JUAN COUNTY**

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Effective September 1, 2023

**1. INTRODUCTORY (Rules 1-2A)**

**LCR 1. SCOPE OF RULES**

Unless specifically designated otherwise, these Local Civil Rules (LCR) shall supplement the Washington Superior Court Civil Rules (CR) and the CRs and LCRs together shall govern the local procedure for all civil matters in San Juan County Superior Court and San Juan County Juvenile Court. The LCRs shall also apply to criminal proceedings where specifically provided in the San Juan County Local Criminal Rules (LCrR). These rules are subject to amendment at the direction of the Judge. The current local rules are posted on the San Juan County Superior Court website. Counsel and litigants should direct questions about the local rules to the Superior Court Administrator or County Clerk.

*[Amended Effective September 1, 2021]*

**LCR 2 – 2A.** *(No Local Rules)*

**2. COMMENCEMENT OF ACTION; SERVICE OF PROCESS,  
PLEADINGS, MOTIONS AND ORDERS (Rules 3-6)**

**LCR 3 – 4.2.** *(No Local Rules)*

**LCR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

(a) **Service – When Required.**

(1) *Emergency Orders.* A party applying for an emergency order which will require or forbid the doing of some act shall notify the opponent or his or her counsel, if known, orally and in writing as soon as possible regardless of when pleadings are prepared and provided, unless good cause to the contrary is shown. Such motions shall contain a written certification that self-represented parties or attorneys were notified of the time and place of requesting the emergency order, or the reasons why such notice was not given. If the opponent or opponent's counsel does not appear, the judge shall require a full showing with respect to the notice given. See also, LCR 9(m).

(b) – (d) *(No Local Rules)*

(e) **Filing With the Court.** All notices for the Law and Motion calendar shall be filed with the Clerk of the court no later than 4:30 p.m. seven (7) days preceding the date of the hearing. This rule does not modify the required time for service of motions and related documents under LCR 6.

(f) – (i) *(No Local Rules)*

(j) **Filing by Facsimile With Clerk.** See LCR 78(h).

(k) **Service of Papers by Facsimile on Attorney or Party.** Service of all papers other than the summons and other process may be made by facsimile transmission as follows:

(1) *Fax Machine Availability.* Pleadings and such other papers may only be served by facsimile transmission upon a self-represented party or attorney if the intended recipient makes available a facsimile machine at the recipient's residence or place of business.

(2) *Length.* Pleadings and such other papers regarding any hearing which total more than twenty-five (25) pages in length may not be served by facsimile without prior approval of the intended recipient.

(3) *Transmittal Sheet.* Any pleadings or such other papers transmitted by facsimile must be accompanied by a facsimile transmittal sheet containing, at a minimum, the following information: identification of pleading or other paper being transmitted, number of pages of pleading or paper, sender's name and sender's telephone and facsimile numbers.

(4) *Receipt of Documents.* A pleading or such other paper transmitted by facsimile shall be deemed received at the time the recipient's facsimile machine registers the transmission of the last page. If that time is after 5 p.m., the pleading or other paper shall be deemed received the following day. If a pleading or other paper is received after any time set forth as a deadline herein, and prior to the next day, the pleading or other paper shall be deemed received the following day. If a pleading or other paper is not completely transmitted, it shall not be considered received.

(5) *Delivery of Original to Recipient.* The transmitting party shall mail or deliver a copy of the transmitted pleading or other paper to the recipient of the facsimile transmission by the next day.

(6) *Time.* Time shall be computed as set forth in Civil Rule 6 and LCR 6 herein.

(7) *Facsimile Machine Not Required.* Nothing in this rule or other rule allowing service by facsimile transmission shall require an attorney or party to have a facsimile machine.

(l) **Service of Papers by Email on Attorney or Party.** Service of all papers other than the summons and other process may be made by electronic mail (email) as follows:

(1) *Acceptance by Email Required.* Except as otherwise provided herein, every attorney or self-represented party shall provide an email address to which service of pleadings and other papers after original service may be made. An email address shall be provided in a notice of appearance, or upon request by the opposing party or attorney.

(2) *Exceptions – Self Represented Parties.*

A self-represented party may ask the Court for an exception to the email service rule based on a showing of good cause. Such request shall be made by motion, properly noted for hearing and served on the opposing party or attorney.

(3) *How Served.* Documents shall be served by email by attaching each document to one or more emails, with no one email to exceed ten (10) megabytes. Each attachment shall be in Adobe Acrobat format, and each attachment shall be separately labeled with a description of the document. Each email shall contain a list of the documents attached. The sending email shall contain at a minimum a phone number to which any difficulty in receipt or transmission may be reported.

(4) *Delivery of Hard Copies.* Service by email shall be followed by delivery of hard copies the following court day by deposit in the regular mail or hand delivery only (1) on a self-represented party or (2) if the

set of documents served totals over 100 pages and the opposing party has given notice that they require hard copies to be mailed for submissions of such total length, unless otherwise stipulated by the parties.

(5) *Service Confirmation/Effective Receipt*. Service is deemed complete once the sender calls the recipient's phone number and announces service, unless the recipient can prove email service was not actually received. Announcement by phone may be made in voicemail and shall indicate the number of emails sent. Service completed after 5:00 PM shall be considered completed the next court day. The parties may stipulate to an alternate confirmation method.

(6) *Stipulation to Modify Email Service Rule*. The parties may modify the email service rule contained herein by written stipulation, including to agree that email service shall not be used. A sample email stipulation is provided in **Appendix M**.

(7) *Time*. Time shall be computed as set forth in Civil Rule 6 and LCR 6 herein.

*[Amended Effective September 1, 2021; September 1, 2023]*

### **LCR 6. TIME**

(a) – (c) *(No Local Rules)*

(d) **For Motions – Affidavits.**

A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served no later than nine (9) court days before the time specified for the hearing, unless a different period is fixed by statute, these local rules, or by order of the court. When a motion is supported by affidavit or other documents, the affidavit or other documents shall be served with the motion; and, except as otherwise provided in Civil Rule 59(c), opposing affidavits and any other documents responsive to the motion shall be served no later than 4 p.m. four (4) court days prior to the hearing. Affidavits and any other documents in strict reply to the opposing affidavits shall be served not later than 4 p.m. two (2) court days prior to the hearing. No additional responses or replies shall be permitted from either party without permission of the court.

(e) *(No Local Rules)*

## **3. PLEADINGS AND MOTIONS (Rules 7-16)**

### **LCR 7. PLEADINGS ALLOWED; FORM OF MOTIONS.**

(a) **Pleadings** *(No Local Rules)*

(b) **Motions and Other Papers.**

(1) Motions and other papers should contain the following sections:

(i) *Relief Requested*. The specific relief the court is requested to grant;

(ii) *Statement of Grounds*. A concise statement of the grounds upon which the motion is based;

(iii) *Statement of Issues*. A concise statement of the issues of law upon which the court is requested to rule;

(iv) *Evidence Relied Upon.* The evidence on which the motion or reply is based shall be identified with particularity. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim, or a photocopy of relevant pages thereof must be attached to the motion. Deposition testimony in connection with a motion shall not require publication thereof unless a challenge is made thereto and an opposing party shows good cause for such publication. Depositions used in this fashion shall remain unopened and not a part of the court file unless otherwise ordered by the court.

(v) *Legal Authority.* Any legal authority relied upon must be cited.

(vi) *Memorandum of Authority.* Provided, however, that items (i) – (v) above may be contained in a memorandum of authority in support of the motion.

(vii) *Mandatory Forms.* This rule is not intended to modify or replace any mandatory forms required by law.

(b) (2)-(5) *No Local Rules*

(c)-(d) *(No Local Rules)*

(e) **Dispositive Motions.** All dispositive motions shall be noted to be heard at a special set hearing by the judge assigned to preside over the case, except (1) upon agreement of the assigned judge, (2) upon agreement of the parties or attorneys, and (3) only upon good cause shown.

(f) **Limits to Replies.** Replies shall be limited to the issues or facts raised by the responding party in the response to the motion.

(g) **Schedule to Provide Courtesy Copies for Judge.** See LCR 8(h).

(h) **Motions and Orders to be Separate.** Motions and orders shall not be combined into one document. Rather, an order shall always be set forth in a separate document from the motion itself. The original of any proposed order shall be lodged with the Clerk.

(i) **Filing – Multiple Case Numbers.** Except in consolidated cases, no document shall be filed with more than one case number unless sufficient copies are simultaneously provided for each case. If all of the provisions of a document do not apply to each of the case numbers, one document may not be used and separate documents should be filed in the individual cases.

*[Amended Effective September 1, 2021]*

## **LCR 8. GENERAL RULES OF PLEADINGS AND MOTIONS**

(a) – (f) *(No Local Rules)*

(g) **Special Set Hearings.** If a motion or group of motions filed in one case to be heard at the same time are expected to take longer than a total of 15 minutes to be heard, the parties shall obtain a specially set hearing date and time from the Superior Court Administrator. The moving party shall arrange the hearing after conferring with opposing counsel or a self-represented party with regard to conflicts. Dispositive motions and show cause hearings in unlawful detainer proceedings require a special set hearing and shall not be noted on the Civil Law and Motion Calendar.

(h) **Courtesy Copies for Judge.** A copy of all motions, briefs, affidavits and declarations, and other documentary evidence to be considered by the court, as well as a proposed order(s), shall be provided to

the judge assigned to preside over the trial or hearing at the same time as such documents or documentary evidence are filed.

(1) *Identifying the Hearing.* Parties shall indicate the date and time of the hearing on the courtesy copies either by indicating it in the upper right-hand corner of the first page of each courtesy copy, or by including in the body of the email sending such documents to the Superior Court Administrator the date and time of the associated hearing.

(2) *Delivery.* Hard copies of courtesy copies may be mailed to the Superior Court Administrator or left for the Superior Court Administrator: (a) in the Clerk's Office; (b) in the box outside the Superior Court Administration Office; or (c) in the Clerk/Superior Court secure drop box outside of the Sheriff's Office at the Courthouse. Alternatively, courtesy copies may be submitted electronically by emailing them to the Superior Court Administrator if the total submission filed on a given day includes 50 pages or fewer. ***All courtesy copies other than proposed orders that are submitted electronically shall be attached in Adobe PDF format and shall be sent in individual, labelled files; any submission that contains more than one pleading in a single attachment will be rejected.*** Courtesy copies must be provided in hard copy if documents filed by a party in a given matter on a single day total more than 50 pages.

(3) *Courtesy Copies Are Discarded.* Courtesy copies are discarded after ten (10) days from the assigned hearing date, unless counsel or a self-represented party notify the Superior Court Administrator of a new hearing date and request that the courtesy copies be retained. If either party fails to do so, it will be the responsibility of counsel or a self-represented party to provide new courtesy copies to the court as provided herein.

(4) *Proposed Orders.* Courtesy copies of proposed orders shall be submitted electronically to the Superior Court Administrator ***in Word version*** in advance of the hearing. The date and time of the hearing shall be specified in the upper right-hand corner of the proposed order, or in the body of the email. Each proposed order shall be attached as a separate Word document and appropriately labelled with a description of the proposed order.

(i) **Default Orders, Decrees or Judgments.** If an order, decree or judgment has been entered by default, the prevailing party or the attorney representing the prevailing party shall immediately provide a conformed copy of the original order, decree or judgment, to the opponent or opponent's attorney. An affidavit or declaration showing proof of service shall be filed with the Clerk.

(j) **Proposed Orders.** Proposed orders shall have the hearing date and time indicated in the upper right corner of the document, and shall be submitted or "lodged" with the Clerk's office at the time of filing any motion noted for hearing, either in hard copy or by email/PDF. Proposed orders need not be filed unless required by separate rule or statute. If proposed orders are filed, they must be clearly marked with the notation "proposed" in the caption. The Clerk shall maintain proposed orders for up to ten (10) days after the hearing noted on the underlying motion, at which time the proposed orders will be destroyed. If hearings are stricken and/or continued, it is the responsibility of counsel or the self-represented moving party to specifically request that proposed orders be retained, or to re-submit proposed orders for the new hearing date. No proposed orders will be maintained for longer than 90 days.

*[Amended Effective September 1, 2021; September 1, 2022; September 1, 2023]*

## **LCR 9. SPECIAL MATTERS: MOTIONS AND PLEADINGS**

(a) – (l) *No Local Rules*

(m) **Motions to Shorten Time.** Motions to shorten time for a hearing shall be granted only upon: (1) agreement of the parties; (2) good cause shown that harm will occur if the motion is not heard until

the required notice period has elapsed; or (3) other good cause determination by the Court including the efficient use of judicial resources. The party requesting an order to shorten time shall give verbal and written notice as soon as possible to opposing parties regardless of when pleadings are prepared and provided. Such motions shall contain a written certification that self-represented parties or attorneys were notified of the time and place of requesting the order to shorten time, or the reasons why such notice was not given. The court may impose terms, including an award of attorney fees, where the court later finds there was insufficient need for shortening time. See also, LCR 5(a)(1).

*[Amended Effective September 1, 2021]*

## **LCR 10. FORM OF PLEADINGS AND OTHER PAPERS.**

(a) – (c) *(No Local Rules)*

(d) **Form.**

(1) *Paper Size.* The requirements for pleadings, motions, and other papers are as specified in GR 14, except exhibits and forms approved by the Administrative Office of the Courts need not be on letter-size paper (8 ½ by 11 inches).

(2) *One-sided Printing.* All papers filed with the Court shall comply with GR 14, including the requirement that the writing or printing shall appear on only one side of the page.

(3) *Tabs.* There shall be no tabs on filed documents. Exhibits or sections may be denoted or divided by a separator page. Any tabs included in a filed document will be discarded by the Clerk without notice to the party/counsel. Judge's courtesy copies may contain tabs for ease of reference. If tabs are included in courtesy copies, they should also be included in copies provided to opposing parties/counsel.

(4) *Typing/Color Photographs.* All court documents submitted for filing must be typed or printed legibly using black or dark blue ink. Color photographs may not be filed because they do not produce legible scanned images. Color copies of photos may be provided to the Judge in courtesy copies, but if color copies are provided, identical color copies shall be provided to opposing parties/counsel.

(5) *Conformed Copies.* Court documents served on opposing counsel or a self-represented party shall be fully conformed as to signatures, dates signed, date filed if known, and all other information as it appears on the filed original. If a party serves court documents that are otherwise fully conformed, but without the date of filing on the documents, the serving party shall notify the receiving party, as soon as practical after filing, of the date the served documents were filed.

(6) *Page Limits.* Parties are encouraged to limit their submissions to the pertinent legal issues and facts before the court for consideration and to avoid redundancy in submissions. The court imposes no standard page limits for briefs or declarations, but reserves the right to impose specific limitations in individual cases where necessary for efficient judicial administration.

(7) *Page Count.* Page one of each pleading filed with the Court shall on page one identify the total number of pages being filed including all attachments or exhibits. It is preferred that placement of such identification be centered in the lower margin as follows: **TOTAL PAGES FILED - \_\_\_\_\_**.

(8) *Clerk's Action Required.* Parties must indicate in the caption of any document requiring the County Clerk to calendar a hearing or otherwise take an action: "**Clerk's Action Required.**"

(9) *Guardianship Hearing Dates.* In all reports required by RCW 11.92 et seq., the title shall contain, in addition to the name of the report, a notation to the Clerk to set the next report date, i.e., **“Clerk’s Action Required: Next Hearing Date and Time: (date) at 10:30 a.m.”**

(10) *Unsuitable Materials Filed as Pleadings or Documents.* The format requirements of GR 14 shall apply to motions and attachments to pleadings and other papers filed with the clerk. Any item presented to and accepted by the clerk for filing that does not comply with GR 14 and is not a scannable document, such as compact disks, digital video disks, audio tapes, thumb drives, and similar devices containing recorded information, as well as oversized documents, shall be treated as an exhibit and may be converted to an exhibit without further order of the court. In order to make such recorded information part of the permanent court record, they must be transcribed by the filing party and filed as a document in paper format. Filed exhibits are not retained as part of the permanent record and are eligible for destruction pursuant to RCW 36.23.070. The clerk has the authority to reject filings that are not presented in proper form required by rules or practices pursuant to CR 5(e) and GR 14.

(e) – (g) *(No Local Rules)*

*[Amended Effective September 1, 2021; September 1, 2022]*

#### **LCR 11. SIGNING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA**

(a) – (b) *No Local Rules*

(c) **Sanctions.** Violation of any of these local rules 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 these rules.

(d) **Form of Signature.** “Signing” a document is defined by RCW 5.50.010(3). Notwithstanding any provision of GR 30 to the contrary, a fax, scan, or electronic signature shall have the same force and effect as an original or ink signature on filed documents. “Electronic signature” is defined by RCW 1.80.010 to mean: “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” Electronic signature includes a signature made through a computer program that links the signature to an email address or otherwise confirms that the signature was made by the signor, such as DocuSign or Adobe Sign.

*[Amended Effective September 1, 2021; September 1, 2022]*

**LCR 12 – 15.** *(No Local Rules)*

#### **LCR 16. PRETRIAL PROCEDURE AND FORMULATING ISSUES**

(a) – (b) *(No Local Rules)*

(c) **Pretrial Readiness.**

(1) *Time.* The Superior Court Administrator shall set pretrial readiness hearings in all civil and domestic cases approximately one month prior to the assigned trial date.

(2) *Matters Considered.* Matters to be considered at the readiness hearing may include, but are not limited to, the following: completion of mandatory mediation, completion of mandatory parenting seminar, witness availability, issues remaining for trial, technology required for trial, issues related to exhibits, whether parties intend to or object to witnesses appearing remotely, confirmation of length of trial, continuance of trial date pursuant to LCR 40(e), and scheduling of any pretrial motions.



(3) *Completion of Discovery.* Unless otherwise stipulated by the parties, or ordered by the court upon good cause shown and on such terms and conditions as are just, all discovery allowed under the Civil Rules, including responses and supplementation thereto, must be completed no later than the scheduled date of the pretrial readiness hearing. Nothing herein stated shall modify a party's responsibility to comply with the Civil Rules related to discovery.

(4) *Readiness Hearing.* All cases require a readiness hearing, even if all parties are announcing ready and have no disputed issues for resolution by the Court. Counsel and parties may appear remotely for the readiness hearing through the Court's official remote hearing platform consistent with the rules contained herein for remote appearance.

(d) **Settlement Conference.** Except as provided in LCR 93, any party in a civil action may schedule a pretrial settlement conference through the Superior Court Administrator. Settlement conferences will be scheduled by the Superior Court Administrator if at all possible given scheduling limitations, including judge availability.

(1) *Conference Judge.* The settlement conference shall be before a retired judge or an elected judge pro tem or visiting judge who has not been assigned to preside at any subsequent trial.

(2) *Mandatory Attendance.* Attendance at the settlement conference by all parties and counsel shall be mandatory, unless the court determines that circumstances exist precluding said attendance. Any non-party wanting to be present or participate in the settlement conference must obtain written permission of the Settlement Conference Judge. Any request to attend must be submitted in writing, and a copy provided to the other party, at least 48 hours in advance of the scheduled settlement conference.

(3) *Setting.* Settlement conferences shall be set and heard no later than 21 days prior to trial, unless otherwise ordered by the court.

(4) *Issues.* The parties shall provide documentation clearly stating the issues involved to the conference judge at least two (2) court days prior to the conference.

(5) *Format.* The Court Administrator shall schedule settlement conferences for 2-3 hours, to be extended at the discretion of the judge conducting the conference. The judge conducting the settlement conference shall determine the format, including whether the parties will be in the same space or not. Settlement Conferences will occur within the courthouse facility unless space is not available or unless the judge approves a remote settlement conference.

*[Amended Effective September 1, 2021; September 1, 2022; September 1, 2023]*

#### **4. PARTIES (Rules 17-25)**

*(No Local Rules)*

#### **5. DEPOSITIONS AND DISCOVERY (Rules 26-37)**

*(No Local Rules)*

#### **6. TRIALS (Rules 38-53.4)**

#### **LCR 38. JURY TRIAL OF RIGHT**

*[Rescinded Effective September 1, 2021- Replaced by LCR 39]*

## LCR 39. TRIAL BY JURY OR BY THE COURT

(a) – (c) *(No Local Rules)*

(d) **Trial Briefs.**

(1) *Trial Brief or Memorandum.* In all contested civil trials, each party shall prepare a trial brief or memorandum of authorities containing the legal issues involved and the authorities supporting same.

(2) *Time.* By noon two (2) court days prior to the date set for commencement of trial, all required documents shall be filed with the Clerk, copies served on opposing counsel or a self-represented party, and courtesy copies provided to the assigned judge.

(e) **Parties' Exchange of Trial Materials.** Unless otherwise stipulated by the parties or ordered by the Court, the parties must exchange the following trial materials.

(1) *Exhibits. (See also LCR 43(m) regarding exhibit preparation, marking, and courtesy copies)*

- a. Parties are encouraged but not required to confer regarding exhibits and to create a joint exhibit list to avoid duplication.
- b. Parties shall exchange all documentary exhibits other than those intended solely for impeachment or rebuttal by 12:00noon two court days before trial. Parties may stipulate to exchange exhibits electronically. In the absence of a stipulation, the parties shall exchange hard copies of documentary exhibits.
- c. Parties shall make non-documentary exhibits available for inspection by the opposing party(s) at an agreed time at least two court days before trial.

(2) *Witnesses.* Parties shall exchange lists of all witnesses intended to be called in their case in chief no later than 12:00noon two court days before trial.

*[Adopted Effective September 1, 2021-Replacing LCR 38; Amended Effective September 1, 2022]*

## LCR 40. ASSIGNMENT OF CASES

(a) *(No Local Rules)*

(b) **Methods.**

(1) *Note for Trial Assignment.* All notes for trial assignment on contested cases shall, in addition to counsel's or a self-represented party's estimate of time needed for trial, indicate the issues which counsel or the self-represented party believe will be in dispute, and shall contain the names and addresses of all attorneys, guardians ad litem, or self-represented parties. Counsel and self-represented parties shall certify that the issues are joined. If opposing counsel or self-represented parties dispute that the issues are joined or disagree with the statement of issues, do not believe the case is yet ready for trial, or have any other objection to the information contained in the Notice of Trial Assignment, opposing counsel or the self-represented parties shall, prior to the trial assignment date, file and serve an Objection to the Notice of Trial Assignment and note the matter for hearing on the appropriate motion calendar. This will remove the matter from the Superior Court Administrator's trial assignment docket. Counsel and self-represented parties are urged to request sufficient time for these matters. Overestimation is preferred to underestimation of time needed. The form of the Note for Trial Assignment is set forth in **Appendix C**. Time shall be computed as set forth in Civil Rule 6 and LCR 6 herein.

(2) *Conflict Dates.* Counsel shall file a Notice of Conflict Dates with the Clerk of the court and provide a copy to the Court Administrator on or before 9 a.m. of the date set for trial assignment. Conflict dates

shall be limited to previously scheduled vacations and trial dates. The form of the Notice of Conflict Dates is set forth in **Appendix D**.

(3) *Trial Date Assignment*. The Superior Court Administrator will assign cases a specific trial date and notify the parties by mail and/or e-mail of such date. Counsel and self-represented parties shall not appear for the trial assignment calendar. If more than one matter is set for trial for the same day, counsel and self-represented parties shall be prepared for trial on the date set regardless of the order in which the cases are set.

(c) **Preferences**. All matters are subject to the established rule that criminal cases, juvenile proceedings, and civil proceedings entitled to priority settings take precedence over all other matters and may at times cause postponement of lesser prioritized cases.

(d) *(No Local Rules)*

(e) **Continuances**. A trial date may be stricken or continued by agreement of the parties at any time upon presentation of an order to the court. A motion to continue a trial shall be made in writing and shall be noted for consideration on or before the readiness hearing. The Court will only consider a motion for continuance noted for consideration after the readiness hearing if good cause is established that the motion could not have been brought sooner. A motion to continue a trial on the ground of the absence of evidence shall only be made upon declaration showing the materiality of the evidence expected to be obtained, and that due diligence has been used to procure it. The court may also require the moving party to state upon declaration the evidence which they expect to obtain; and if the adverse party admits that such evidence would be given, and that it be considered as actually given in the trial, or offered and overruled as improper, the trial shall not be continued. The court, upon its allowance of the motion, may impose terms or conditions upon the moving party.

(f) *(No Local Rules)*

(g) **Settlement of Cases Set for Trial**. Notice shall be given immediately to the Superior Court Administrator if any case which has been assigned a trial date is settled or will not be tried for any reason whatsoever. If this rule is violated and the court incurs unnecessary expenses, such as jury expenses, the court may, in its discretion, assess such costs to the parties.

(h) **Confirmation of Trials**. It shall be the responsibility of the parties to confirm that their trial will proceed on the scheduled trial date. Confirmation shall be made by telephone to the Superior Court Administrator's office (360) 370-7480 no earlier than seven (7) or later than two (2) court days prior to the scheduled trial date.

*[Amended Effective September 1, 2021]*

**LCR 41 – 42.** *(No Local Rules)*

### **LCR 43. TAKING OF TESTIMONY; EXHIBITS**

(a) – (k) *(No Local Rules)*

(l) **Matters Not Reported**. Only jury trials are reported by a court reporter; in all other matters, the Court creates a recording as the official record of the proceeding. Unless requested by a party and expressly directed by the judge, the following matters may not be reported or recorded:

- (1) Opening statements and closing arguments in non-jury civil trials;
- (2) Ex parte matters on the law and motion calendar;

- (3) Verbal statements in an audio recording used at trial or in a hearing;
- (4) Video recording used at trial or in a hearing; and
- (5) Deposition transcripts read at trial in lieu of live testimony.

(m) **Trial Exhibits.**

- (1) *Numbering.* Each party shall inform the Clerk, Superior Court Administration, and each other, by **12:00 noon two court days** before trial if they reasonably expect to offer more than 50 exhibits between their case in chief and rebuttal. If no party indicates an intent to offer more than 50 exhibits, then Plaintiff(s)/Petitioner(s) shall be pre-assigned exhibit numbers 1-50 and Defendant(s)/Respondent(s) shall be pre-assigned exhibit numbers 51-100. In a case where there are additional parties, the Clerk will pre-assign additional exhibit increments.
- (2) *Submission to Clerk for Marking and With Exhibit List.* Unless a party intends to offer fewer than ten (10) exhibits in their case in chief, each party shall submit their original exhibits intended for their case in chief (not including exhibits for impeachment or rebuttal) to the Clerk by **12:00 noon one court day** before trial in the following format: in hard copy; unbound and without hole punches; with slip sheets between each exhibit indicating the intended exhibit number or other method as pre-approved by the assigned trial clerk; and with the entire set of exhibits secured by binder clips(s). If a party submits more than 50 exhibits, the exhibits must be submitted by **12:00 noon two court days** before trial in order to allow additional time for marking. If a party intends to offer fewer than ten (10) exhibits in their case in chief, the shall submit their original exhibits as set forth above at least one (1) hour before the start of trial. Each set of exhibits shall be submitted to the Clerk with an exhibit list in hard copy and electronic Word version prepared by the submitting party, **on the Clerk's form, Appendix E**. The party should include pre-assigned numbers as described above, as well as the description of the exhibit that party intends the Clerk to use on the master exhibit list. Please consider when preparing exhibits that the Clerk will mark them in the lower right corner with a 1" by 3" label.
- (3) *Exhibits Filed Under Seal.* Consistent with General Rule (GR) 22, financial source documents, personal healthcare records, guardian ad litem (GAL)/parenting evaluator reports, and other reports containing confidential information as defined by GR 22 shall be submitted with the mandatory cover sheet for sealing such documents.
- (4) *Courtesy Copies of Exhibits Required.* Each party shall submit a courtesy copy of their exhibits and exhibit list in a tabbed binder to Superior Court Administration by **12:00 noon one court day** before trial.
- (5) *Coordination and/or Stipulation by the Parties.* The parties are encouraged but not required to confer in advance about exhibits, including to reduce duplication in exhibits being marked for identification, and to create a joint exhibit list with consecutive numbering if desired. If the parties create a joint exhibit list with consecutive numbering, they need not use the pre-assigned exhibit numbers addressed in part (b) above. If the parties stipulate to the admissibility of exhibits, they shall do so in writing or on the record the first day of trial.
- (6) *Master Exhibit List.* The Clerk will circulate by email to all attorneys and self-represented parties the master exhibit list by 8:30a.m. on the morning of the first day of trial. The Clerk will circulate by email the updated exhibit list to all attorneys and self-represented parties each successive morning prior to trial resuming for the day.
- (7) *Exchange of Exhibits.* Parties shall exchange all documentary exhibits other than those intended solely for impeachment or rebuttal by 12:00noon two court days before trial. Parties may stipulate to exchange exhibits electronically. In the absence of a stipulation, the parties shall exchange hard copies of documentary exhibits. Non-documentary exhibits shall be made available for inspection by the opposing party(s) at an agreed time at least two court days before trial.
- (8) *Return or Destruction of Exhibits by Stipulation and Court Order.* When judgment in a civil case shall become final after an appeal or upon judgment or dismissal, or upon filing a satisfaction of judgment, the Clerk, on stipulation of the parties, shall return all exhibits and unopened depositions

or destroy them, as agreed by the respective party offering the exhibit. The court shall enter an order accordingly.

- (9) *Destruction of Exhibits When No Action Taken.* Following the expiration of 90 days after the final disposition of a civil cause, if parties have not otherwise stipulated to the return or destruction of their exhibits, all exhibits will be destroyed without further notice to the parties or order of the Court.
- (10) *Records in Administrative Appeals.* Records of proceedings and exhibits filed as the record in an appeal of any administrative hearing shall be presumed to be exhibits to the file in the superior court. Any video or audio recording shall have a transcript filed in addition to the video or audio recording.
- (11) *Electronic Exhibits.* Digital/electronic information (i.e., video or audio files—not electronic copies of documents) offered as exhibits must be submitted on a clean/empty flash drive used only for this purpose, with only one file or item per device. Both the device and the file must be clearly marked using the same identifying information as listed on the exhibit list prepared by the offering party. (This rule relates to the submission of the exhibit, not the playing of the file, which must be addressed with Court Administration.)

(n) **Video Testimony by Witnesses.** The Court shall presumptively allow live video testimony by all witnesses in civil evidentiary hearings/trials *other than jury trials*. A party objecting to video testimony must make a written motion establishing good cause why live video testimony shall not be allowed and must have such motion considered prior to the hearing/trial. To testify by video, a witness must have access to a device that allows video and reliable connectivity, and must follow the Court’s Remote Hearing Procedures, as updated from time to time.

*[Amended Effective September 1, 2021; September 1, 2022; September 1, 2023]*

**LCR 44 – 50.** *(No Local Rules)*

## **LCR 51. INSTRUCTIONS TO JURY AND DELIBERATION**

(a) **Proposed.** Proposed jury instructions shall be submitted prior to commencement of trial but in no event later than 9:00 a.m. the day on which the case is called for trial.

(b) **Submission.**

(1) *Cited Instructions for Court.* The parties shall file the original proposed jury instructions with the Clerk and shall provide one (1) copy to the trial judge and one (1) copy to the opposing party.

The proposed instructions shall be numbered and identified as to proposing party and shall contain supporting annotation and the number of the Washington Pattern Instruction (WPI) thereon.

(2) *Uncited Instructions for Jury.* The parties shall further provide the trial judge with one (1) set of such proposed jury instructions to be given to the jury, which set shall not be numbered but shall contain a space to enter a number, no citations of authority, no reference to the WPI number, and no identification as to the proposing party. The parties shall also include a title page entitled “Court’s Instructions to the Jury” pursuant to WPI 1.01.01.

(c) – (j) *(No Local Rules)*

## **LCR 52. DECISIONS, FINDINGS AND CONCLUSIONS**

(a) – (b) *No Local Rules*

(c) **Presentation.** Following an oral or written decision of the Court, unless an emergency is shown to exist, or a party has failed to appear at the related hearing or trial, no party shall propose findings of fact or conclusions of law until the defeated party or parties have received at least 5 days' notice of the time and place of the submission, and have been served with copies of the proposed findings and conclusions. Persons who have failed to appear at a hearing or trial after notice, may, in the discretion of the trial court, be deemed to have waived their right to notice of presentation or previous review of the proposed findings and conclusions. The Court, in its discretion, may enter findings of fact and conclusions of law on its own initiative without presentation, and in such circumstance, shall promptly arrange service on the parties by email and/or mail.

(d) – (e) *No Local Rules*

(f) **Time Limit for Presentation.** Written findings of fact, conclusions of law, decrees, judgments or orders shall be presented to the judge hearing the matter within thirty (30) days of the judge's oral or written pronouncement, unless the Court instructs otherwise. Failure to comply with this rule may be grounds for a new trial or hearing and sanctions.

(g) **Responsibility for Preparation.** If a movant's motion is granted in whole or in part, the moving party shall be responsible to prepare and present any written findings, conclusions, and orders necessary as a result of the decision, unless the court instructs otherwise.

*[Amended Effective September 1, 2021]*

**LCR 53 – 53.1.** *(No Local Rules)*

## **LCR 53.2. COURT COMMISSIONERS**

(a) **Appointment of Court Commissioners.** San Juan County Superior Court has no permanent or standing appointed commissioners. Rather, San Juan County Superior Court appoints commissioners as *pro tem* commissioners on an as needed basis.

(b) - (d) *(No Local Rules)*

(e) **Revision by the Court.** Motions for revision of a Commissioner's decision made pursuant to RCW 2.24.050 must follow the provisions of LCR 59, except that the opposing party shall have an opportunity to respond, and the moving party shall have an opportunity to reply, without requiring leave of Court to do so, with the notice period required for motions pursuant to LCR 6(d).

*[Adopted Effective September 1, 2021]*

**53.3 - 53.4.** *(No Local Rules)*

## **7. JUDGMENT (Rules 54 - 63)**

**LCR 54.** *(No Local Rules)*

### **LCR 55. DEFAULT JUDGMENT**

(a) **Entry of Default.**

(1) – (4) *(No local rules).*

**(5) Request for Attorney Fees Where Non-Moving Party Has Appeared But Has Not Filed a Responsive Pleading.**

Where the non-moving party has appeared but has not filed a responsive pleading, the party moving for default may request reimbursement of its reasonable attorney fees incurred to file and present the motion for default; provided that the moving party provides written notice to the non-moving party of the intent to request attorney fees, which includes citation to this local court rule, which notice shall be received by the non-moving party at least ten (10) days prior to filing the motion for default and request for attorney fees. The moving party shall be entitled to reimbursement of its reasonable attorney fees incurred to file and present said motion for default unless the non-moving party establishes good cause for its failure to file a responsive pleading following the ten-day notice.

(b) - (f) *(No Local Rules)*

**LCR 56. SUMMARY JUDGMENT**

(a) – (h) *(No Local Rules)*

**(i) Confirmation of Summary Judgment Motions.**

It shall be the responsibility of the moving party to confirm all summary judgment motions. Confirmation shall be made by telephone to the Superior Court Administrator's office at (360) 370-7480 no earlier than seven (7) or later than two (2) court days prior to the hearing.

**LCR 57-58.** *(No Local Rules)*

**LCR 59. RECONSIDERATION**

(a) **Time for filing.** A motion for reconsideration must be filed within ten (10) days of entry of the written order, judgment, or other decision for which the party seeks reconsideration.

(b) **Response/Reply.** A party should not file a response to a motion for reconsideration unless the Court requests a response. If the Court requests a response, the Superior Court Administrator will write to the parties to provide deadlines for filing briefs in response and strict reply.

(c) **Page Limit.** A motion for reconsideration and any response requested should be no more than twenty (20) pages without prior court approval. A brief in strict reply should be no more than ten (10) pages.

(d) **Only One Motion.** Parties may file only one motion for reconsideration of an individual decision without obtaining leave of the Court to file additional motions, and such leave will be granted in only rare circumstances.

(e) **Oral Argument.** The Court will hear oral argument on motions for reconsideration only if the Court specifically requests it, in which case the Superior Court Administrator will request conflict dates from the parties and will specially set a hearing. Parties should not file a note for motion/hearing with their motion for reconsideration.

(f) **Courtesy Copies for Judge.** Parties must provide courtesy copies of motions for reconsideration, and any response/reply requested, at the time of filing [See LCR 8(h)].

\*All provisions of CR 59 not inconsistent herewith remain in effect.

*[Amended Effective September 1, 2021]*

**LCR 60-63.** *(No Local Rules)*

## **8. PROVISIONAL AND FINAL REMEDIES (Rules 64-71)**

*(No Local Rules)*

## **9. APPEALS (Rules 72-76)**

### **LCR 72. APPEALS FROM COURTS OF LIMITED JURISDICTION**

The rules contained herein do not modify the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ).

(a) **Courtesy Copies.** Parties should provide courtesy copies of all filed documents, including the Notice of Appeal, to the Superior Court Administrator.

(b) **Scheduling Order.** Upon receipt of the Notice of Appeal, the Superior Court Administrator shall send a letter acknowledging the filing of the notice of appeal. Upon certification of the record per RALJ 6.2 this Court shall issue a scheduling order.

**LCR 73-76.** *(No Local Rules)*

## **10. SUPERIOR COURTS AND CLERKS (RULES 77-80.1)**

### **LCR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS**

(a) – (n) *(No Local Rules)*

(o) **Visiting Judge.**

(1) When the elected judge is not sitting on a case, whether from a recusal, a notice of disqualification or otherwise, Island County Superior Court, as the Court designated by Supreme Court of Washington Order 25700-B-548, and consistent with RCW 4.12.040, shall assign a visiting judge from any Washington Superior Court.

(2) Consistent with RCW 2.08.030, RCW 2.08.150, and RCW 2.08.190, unless otherwise stipulated by the parties, San Juan County Superior Court sessions involving a visiting judge shall be held in the San Juan County Superior Court Courtroom at 350 Court St. in Friday Harbor, with the San Juan County Clerk administering and recording the proceeding and the San Juan County Superior Court's remote hearing platform being used, when applicable.

(3) The visiting judge may appear at hearings remotely via video at their option; provided, however, that the visiting judge shall appear in person in the San Juan County Superior Court Courtroom for hearings in criminal cases where testimony is taken and trial in all cases. The parties may request in-person appearance of the visiting judge at other hearings, but such in-person attendance is not guaranteed.

(4) All hearings involving a visiting judge shall be specially set, and the parties shall coordinate scheduling through the Court Administrators for San Juan County Superior Court and the Superior Court of the visiting judge, as directed.



(5) Notices of hearing, notes for motion, and proposed scheduling orders shall include the nature of the hearing, the pre-approved date/time, and the name of the visiting judge.

(6) Unless the visiting judge directs otherwise, all courtesy copies for a visiting judge shall be provided to the court administrator of the Superior Court of the visiting judge in the manner directed by that Superior Court's local court rule or policy (e.g., as to whether a hard copy or electronic copy is required).

(7) The Local Civil Rules for San Juan County shall govern all proceedings heard by a visiting judge except as expressly set forth herein, including as to when parties or witnesses may appear remotely.

(8) The assigned visiting judge may elect to have a court commissioner hear an individual motion as otherwise permitted by law. Where a motion to revise a commissioner's ruling is brought pursuant to RCW 2.24.050, LCR 53.2(e) governs the process.

(p) **Superior Court Administrator.** The Superior Court Administrator is subject to the general supervision of the Judge. The specific powers and duties of the Superior Court Administrator include, but are not limited to, the following, as directed by the Judge:

- (i) Calendaring;
- (ii) Maintenance of the Language Assistance Program, and contracting and scheduling court interpreters;
- (iii) Bench and jury trial management;
- (iv) Maintenance of the GAL and Minor Guardianship Attorney Registries;
- (v) Maintenance of Local Court Rules and local Court forms;
- (vi) Supervision and direction of the work of the Court employees;
- (vi) Preparation and administration of the budget of the Court;
- (viii) Assistance in representing the Court regarding Court management matters; and
- (ix) Acting Drug Court Coordinator.

(q) **Office Hours.** Office hours for the Superior Court Administrator are 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, except on legal holidays. However, the Superior Court Administration Office is not available for walk-in assistance. Please call or email for assistance. Effort will be made to return calls within 24 hours; however, please assume obtaining special set hearing dates may take several days and plan accordingly. If the Superior Court Administrator cannot be reached, please contact the Clerk's Office for assistance. The Clerk's Office will not provide special set hearing dates.

(r) **Court Schedule.**

**Monday:**

9:30 am: Criminal Law and Motion

11:00 am - 12 pm: Therapeutic Court team mtg (1<sup>st</sup> 3<sup>rd</sup> and 5<sup>th</sup> Mondays)(*Not open to the public*)

12:00 pm – 1 pm: Family Treatment Court staffing mtg (2<sup>nd</sup> and 4<sup>th</sup> Mondays) (*Not open to the public*)

1:00 pm: Ex Parte matters

1:15 pm: Therapeutic Court (1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Mondays)

1:15 pm: Family Treatment Court Calendar (2<sup>nd</sup> and 4<sup>th</sup> Mondays)

2:00 pm: Dependency Court Calendar (2<sup>nd</sup> and 4<sup>th</sup> Mondays)

2:30 pm: Juvenile Offender Calendar (1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Mondays)

3:15 pm: Juvenile Civil Calendar

(1) *Criminal Law and Motion Day.* Adult criminal matters, except sentencings, shall be heard every Monday at 9:30 a.m. Sentencings for adult criminal offenders shall be specially set, depending upon schedules of the parties and as confirmed with the Superior Court Administrator per LCvR 7.2(a).

(2) *Therapeutic Court.* Therapeutic court matters shall be heard on the 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Monday of each month, beginning at 1:15 p.m.

(3) *Family Treatment Court.* Any dependency case where a parent has opted into Family Treatment Court will be heard on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month beginning at 1:15p.m.. All matters regarding a case in Family Treatment Court will be heard on this calendar rather than having matters unrelated to Family Treatment Court heard on the Dependency Calendar.

(4) *Dependency Calendar.* Dependency cases where no parent has opted into Family Treatment Court shall be heard on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month at 2:00 p.m., or as soon as the Family Treatment Court calendar has concluded.

(5) *Juvenile Offender Matters.* All juvenile offender matters other than fact finding hearings shall be heard on the 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Mondays, beginning at 2:30 p.m., or as soon thereafter as the court is available.

(6) *Juvenile Administrative Sealing.* All juvenile administrative sealing matters shall be heard on the 1<sup>st</sup> Monday beginning at 2:30 pm, or as soon thereafter as the court is available.

(7) *Juvenile Civil Matters.* All juvenile civil matters (proceedings under Chapter 13.32A and Chapter 28A.225, RCW) shall be heard on Mondays, beginning at 3:15 p.m., or as soon thereafter as the court is available.

If Monday falls on a legal holiday, then all Monday calendars will be heard on the following Tuesday.

**Tues/Wed/Thur:**

9:00 am: Trials, or special set hearings as needed

1:15 pm: Ex Parte matters

1:30 pm: Special set hearings as needed

Trials are scheduled by the Superior Court Administrator to take place on Tuesdays through Thursdays and as otherwise ordered. Parties should be prepared to address preliminary matters at 8:30 a.m. so that trials can begin at 9:00a.m., and recess for lunch from 12:00 noon to 1:30 p.m., continuing until 4:30 p.m. each day, with a minimum 15-minute recess mid-morning and again mid-afternoon. Trials scheduled for a duration exceeding 3 days will be calendared into the following week. Any specific questions about the trial schedule should be directed to the Superior Court Administrator or raised at the readiness hearing.

**Friday:**

8:30 am: Protection Order Calendar [see (1) below]

10:30 am: Ex parte matters; Civil Law and Motion Calendar [see (2)(i) and (ii) below]

2:00 pm: Special set hearings [see (2)(iii) below]

(1) *Protection Order Matters.* Petitions for civil protection orders based on domestic violence, sexual assault, stalking, abuse of vulnerable adults, antiharassment, and extreme risk, shall be heard on Friday of each week, beginning at 8:30 a.m., or as otherwise ordered by the Court or specially set with the Superior Court Administrator. These hearings may occur remotely or in person unless otherwise ordered by the Court. These matters are open to the public and the Courtroom shall be open and available for all hearings. However, remote access to these hearings is limited to those involved in the case. Livestream of these hearings is not available. Remote hearing information for these hearings will not be posted on the Court's website; rather, remote hearing information will be provided directly to the parties and their counsel/advocates.

(2) *Civil Law and Motion Day.* Friday of each week shall be civil law and motion day. Scheduling on law and motion day will be as follows:

- (i) 10:30 a.m. Open civil hearings;
- (ii) 10:30 a.m. Closed civil hearings, which shall follow the Open civil hearings;
- (iii) 2:00 p.m. Motions for summary judgment, show cause hearings in unlawful detainer matters, and all other special set matters [per LCR 8(g)], ***all of which must be scheduled in advance through the Superior Court Administrator's office – no matter may be unilaterally set on this calendar.***

If Friday falls on a legal holiday, all Friday calendars will be heard on the preceding Thursday, except during the week of the Thanksgiving holiday, when they shall be heard on the preceding Wednesday.

***Ex Parte Matters Presented by Parties/Counsel.*** Ex Parte matters may be presented to the judge in chambers Tuesday through Thursday at 1:15p.m. and Mondays at 1:00p.m., and in the Courtroom prior to the Civil Law and Motion Calendars on Fridays at 10:30 a.m. at the beginning of the regularly scheduled Civil Law and Motion Calendar. For ex parte presentation Monday through Thursday, parties shall inform the Court Administrator of the intent to present documents ex parte by phone or email at least one hour in advance. If parties have an emergency matter that cannot be considered at one of the regularly scheduled ex parte calendars, counsel or a self-represented party shall call the Superior Court Administrator's office or the Clerk's office to schedule emergency ex parte presentation to the Court at an alternative time based on the Court's schedule. Parties wishing to present an ex parte matter on the record shall give notice at least one hour in advance to the County Clerk and the Superior Court Administrator.

**(s) Remote Appearance.**

(1) *When Permitted.* Parties and attorneys may appear remotely by telephone or video through the Court's official remote hearing platform for any proceeding other than a civil jury trial, unless otherwise ordered by the Court. A party objecting to a remote appearance/testimony must make a written motion establishing good cause why remote appearance/testimony shall not be allowed and must have such motion considered prior to the hearing/trial.

(2) *Connecting to Remote Court Sessions.* Superior Court Administration will schedule remote hearing sessions for all hearings/trials and will make connection information for such hearings available on the Superior Court website (with the exception of hearings for civil protection orders, for which remote hearing information is not publicly available and will be provided by the Superior Court Administrator only to the parties, advocates and counsel). The Courtroom will join the remote session for all hearings unless otherwise ordered by the Court in an individual case. The Court's official remote hearing platform is the only way to appear remotely for a hearing. The Courtroom remains physically open to the parties, counsel, and the public in addition to remote attendance, unless expressly ordered by the Court.

(3) *Remote Appearance Procedures.* Any person appearing in Court remotely shall follow the Court's Remote Appearance Procedures posted on the San Juan County Superior Court website, which may be amended from time to time. In all cases, persons appearing remotely shall: (a) appear in a location as quiet as possible and with a background that is without distractions and appropriate for Court; (b) appear in attire appropriate for the Court setting; (c) mute your device until your case is called, and during the hearing except when it is your turn to speak or as directed by the Judge; and (d) treat all persons present with the same respect and decorum as you would if you were physically present in the Courtroom.

(4) *Remote Bench Trials.* Any party or attorney appearing for a bench trial remotely shall follow the Court's Remote Bench Trial Procedures posted on the San Juan County Superior Court website, which may be amended from time to time.

(5) *Prohibition on Recording.* The public is prohibited from recording or broadcasting any remote proceeding. An official recording of an open proceeding may be obtained from the Clerk's Office subject to the Clerk's fee schedule. Members of the media must ask to record the audio or video of a remote proceeding, but such recording is presumptively allowed, consistent with GR 16 related to media recording of an in-person proceeding.

(t) **Signature by Judicial Officer.** Whenever an order, judgment, notification or other document requires the signature of a judicial officer, use of a faxed or scanned signature, an electronic signature as defined by RCW 1.80.010, or the judicial officer's signature stamp affixed by Superior Court Administration or Superior Court Clerk staff with written authorization shall have the same force and effect as an original handwritten signature.

*[Amended Effective September 1, 2021; September 1, 2022; September 1, 2023]*

## **LCR 78. CLERKS**

(a) – (f) *(No Local Rules)*

(g) **Self-Addressed, Stamped Envelope.** If an attorney or any other person requests from the Clerk the mailing of an answer to correspondence or conformed copies of any pleadings or other documents, the attorney or person requesting the same shall furnish a self-addressed, stamped envelope and a copy of the document to be conformed and mailed, for the convenience of the Clerk.

(h) **Facsimile Filing of Pleadings With Clerk.** Documents, including pleadings, may be filed with the Clerk by facsimile transmission, in accordance with GR 17, with a required fee. Submissions longer than 25 pages, including the cover page, require prior permission by the Clerk.

(i) **Ex Parte Presentation by the Clerk.** Any document or agreed order sent to the Clerk for ex parte presentation by the Clerk is subject to a \$30 fee. However, no ex parte fee shall be charged when the matter has been assigned to a visiting judge.

(j) **Clerk Correction of Clerical Errors.** The Clerk is authorized to correct cause numbers and page counts, but shall not be required to do so. If the Clerk elects to correct such clerical errors, the correction shall be dated and initialed by the Clerk and shall not be deemed a modification of the document or order.

*[Amended Effective September 1, 2021]*

**LCR 79 – 80.1** *(No Local Rules)*

## **11. GENERAL PROVISIONS (Rules 81-87)**

**LCR 81-86** *(No Local Rules)*

### **LCR 87. PROFESSIONAL CONDUCT.**

(a) **Conduct and Dress Code.** All persons entering the courtroom shall comply with the Conduct and Dress Code posted outside the courtrooms. A copy of the Conduct and Dress Code is set forth in **Appendix J**.

(b) **Professional Conduct.** All attorneys and self-represented parties shall adhere to the "Court Decorum and Practice Guidelines," a copy of which is set forth in **Appendix K**.

(c) **Time Standards.** All attorneys and self-represented parties shall make a good faith effort to meet the Advisory Case Processing Time Standards set forth in the Washington Court Rules.

(d) **Remote Hearing Procedures.** All attorneys and self-represented parties shall follow instructions for remote hearing procedures posted on the San Juan County Superior Court website, which may be amended from time to time.

*[Amended Effective September 1, 2021]*

## **12. INVOLUNTARY COMMITMENT (Rule 88)**

### **LCR 88. INVOLUNTARY COMMITMENT HEARING.**

Involuntary commitment hearings shall be held as occasion demands in deference to expediting the hearing, availability of medical testimony, and the convenience of the court. The office of the prosecuting attorney shall notify the Superior Court Administrator immediately upon the filing of an application, and the time and place of the hearing shall be set by the Superior Court Administrator at the earliest date compatible with the foregoing factors.

*[Adopted Effective September 1, 2021 – Replacing LCR 84]*

## **13. FAMILY LAW CASES (Rules 89-94)**

*[Rules Adopted – Replacing Local Rules for Special Proceedings SPR 94.09 – SPR 98.04.5 and portions of LCRs applicable to family law proceedings - Effective September 1, 2021]*

### **LCR 89. APPLICATION AND SCOPE.**

(a) **Application of Rule.** LCRs 89-94 shall apply to all of the following types of cases:

(1) Family law petitions seeking divorce/dissolution of marriage, legal separation, or declaration of invalidity;

(2) Actions brought by parties to non-marital relationships involving parenting and/or child support of children, or distribution of assets/liabilities;

(3) Petitions for minor guardianship;

(4) Petitions for relative visitation; and

(5) Petitions or motions for modification of any final documents in matters set forth above.

(b) **Scope of Rules.** LCRs 89-94 supplement the Washington Superior Court Civil Rules (CR) and the other San Juan County Local Civil Rules (LCR). Parties must follow all applicable rules.

*[Adopted Effective September 1, 2021]*

### **LCR 90. FILINGS IN FAMILY LAW CASES**

(a) **Court's Automatic Temporary Order.** Upon the filing of a Summons and Petition in any of the actions specified above, the court shall automatically issue a Temporary Order using the form set forth in **Appendix A**. The Petitioner is subject to this order from the time of filing the Petition. The Petitioner shall

serve a copy of this order on the Respondent and file a declaration of service in the court file. The Respondent is subject to this order from the time that the order is served.

**(b) Motions in Dissolution Actions.**

(1) *Standard Forms and Supporting Affidavit or Declaration.* Motions for temporary support, maintenance, restraining orders, parenting plans, costs, attorney fees and show cause orders in connection therewith shall be in compliance with any standard forms required by law and local rules herein and shall be supported by the affidavit or declaration of the moving party.

(2) *Blank Affidavit or Declaration Provided to a Self-Represented Party.* When one of the parties is self-represented, a blank affidavit or declaration shall be attached to the motion for temporary orders and show cause order and served on the other party. In addition, the motion for temporary orders and show cause order shall contain the following language: "At the hearing, the court will consider written sworn affidavits or declarations under penalty of perjury. Oral testimony may not be allowed. If you wish to respond, prior to the hearing you must: (1) file your documents with the court; (2) provide a copy of those documents to the judge; (3) serve the other party's attorney with copies of your documents (or have the other party served if that party does not have an attorney); and (4) complete your filing and service of documents within the time period required by the local court rules in effect in your county. If you need more information, you are advised to consult an attorney or a courthouse facilitator.

*FAILURE TO APPEAR MAY RESULT IN A TEMPORARY ORDER BEING ENTERED BY THE COURT THAT GRANTS THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE."*

(3) *Courtesy Copies.* Courtesy copies shall be delivered to the assigned judge, pursuant to LCR 8.

(4) *Evidence on Motions.* Hearings with respect to all temporary orders shall be held and determined only upon the pleadings, affidavits or declarations, and other papers filed, unless the court directs otherwise. Parties are encouraged to limit declarations in support of and in opposition to motions to specific factual issues that are critical to the Court's determination and to omit or severely limit declarations that provide only general statements as to the parties' character or parenting. The Court reserves the right to limit submissions by page number where filings do not adhere to these principles.

**(c) Filing of Parties' Financial Declarations and Verified Statement of Assets and Liabilities.**

At least sixty (60) days prior to trial, each party shall serve on the opposing party:

(1) A Financial Declaration, using (FL All Family 131), in all cases involving a request for child support, maintenance or attorney's fees. The Declaration shall also be filed with the court;

(2) A Verified Statement of Assets and Liabilities, including both marital and separate assets and liabilities of any kind, in the form set forth in **Appendix B**, in any case involving the division of assets and/or debts. The Verified Statement of Assets and Liabilities shall not be filed with the court; and

(3) Each party shall then file with the court a Declaration of Mailing, attesting that the Financial Declaration and Verified Statement of Assets and Liabilities has been provided to the other party. All parties have a duty to supplement the financial information when additional information becomes available.

(d) **Self-Represented Parties – Review of Parenting Plans and Child Support Orders.** In any action, including modification proceedings, in which the residential care or child support of a minor child or children is at issue and in which none of the parties are represented by counsel, any proposed parenting plan or residential schedule and any proposed child support documents, including the child support schedule worksheet, shall first be reviewed, approved as to form and initialed by the courthouse facilitator or by an

attorney acting as a third-party neutral in accordance with RPC 2.4. Provided, however, this requirement shall not apply to a proposed temporary parenting plan or residential schedule in cases where there has been a recent and substantial change in circumstances that has resulted in a serious and imminent threat to the health, safety or welfare of the child(ren).

(e) **Judicial Information System Background Checks.** Prior to presenting a permanent parenting plan or residential schedule to the court for approval, the party or parties shall comply with RCW 26.09.182 by submitting a completed Judicial Information System (JIS) Background Check form to the San Juan County Clerk. Such request shall include the names and dates of birth of all persons residing in each residence and must be submitted no fewer than 5 days prior to the date of presentation of the final parenting plan. Upon receipt of a completed JIS Background Check form, the Clerk shall complete a search of the Judicial Information System for the existence of any information and proceedings relevant to the placement of the child. This search shall be performed no more than 10 days prior to the proposed date of presentation of the permanent parenting plan. The results of such search shall be available to the judicial officer presiding over the entry of the permanent parenting plan at least 2 court days prior to the proposed presentation date. Per Chapter 2.28 RCW (as amended by SHB 1617, Laws of 2015), if the Court relies upon information in the results of the search in rendering a decision, a copy of the results and the JIS Background Check form must be filed as a confidential document, within the court file, with any confidential contact information such as addresses, phone numbers, or other information that might disclose the location or whereabouts of any person redacted from the document or documents. In the event the Court does not rely upon information in the results of the search, the JIS Background Check form and the results of the search shall be destroyed. JIS Background Check form is attached as **Appendix I**.

(f) **Trial Briefs and Required Documents.** *(See also LCR 39 and 43 regarding Exhibits and Witnesses)*

(1) *Trial Brief or Memorandum.* In all contested family law trials, each party shall prepare a trial brief or memorandum of authorities containing the legal issues involved and the authorities supporting same.

(2) *Other Required Documents.* In addition to the above, in all contested trials in family law matters, each party shall provide the court with the following:

(i) A written pretrial information form indicating a proposed division of assets and liabilities, using the form set forth in **Appendix H**.

(ii) If children are involved, a proposed parenting plan and child support worksheets.

(3) *Time.* By noon two (2) court days prior to the date set for commencement of trial, all required documents shall be filed with the Clerk, copies served on opposing counsel or a self-represented party, and courtesy copies provided to the assigned judge.

*[Adopted Effective September 1, 2021; Amended Effective September 1, 2022]*

## **LCR 91. FINALIZATION OF DIVORCE/DISSOLUTION/SEPARATION BY AGREEMENT**

(a) **Jurisdictional Testimony.** When final documents are entered under RCW 26.09 by joinder, agreement, or default, the parties are required to present jurisdictional testimony. The parties may note entry of final documents by joinder, agreement, or default, including the required jurisdictional testimony, on the regular Civil Law and Motion Calendar. Only one party is required to appear in order to provide the required jurisdictional testimony.

(b) **Jurisdictional Declaration in Lieu of Testimony.** If a decree is entered under RCW 26.09 by joinder, agreement, or default, the parties may elect to present jurisdictional testimony pursuant to a "Request for Entry of Decree and Declaration of Jurisdictional Facts," using the form set forth in **Appendix**

**G**, in lieu of a party's testimony by appearance in court. Neither party need be represented by counsel in order to submit a Request for Entry of Decree and Declaration or Jurisdictional Facts to support entry of final documents. If the Request for Entry of Decree and Declaration of Jurisdictional Facts form is used, the parties may present the final documents for entry ex parte rather than appearing in Court.

*[Adopted Effective September 1, 2021]*

## **LCR 92. PARENTING SEMINARS**

(a) **Applicable Cases.** This rule shall apply to all cases under Chapters 26.09, 26.26, and 11.130 (minor guardianships) RCW which require a parenting plan or residential schedule for minor children, including major modifications and paternity actions in which paternity has been established.

(b) **Mandatory Attendance.** Except as provided in Section (f) below, within ninety (90) days of filing an appearance, answer or other responsive pleading in this action, all parties shall attend a court-approved parent education seminar on the effects of family transitions on children, unless the parties have previously attended such a course.

(c) **Certificate of Completion.** Upon completion of the seminar, each party shall file with the court the seminar completion certificate provided by the sponsoring agency or provider. Additionally, a copy of the certificate of completion shall be provided to the judge at presentation of final documents.

(d) **Fees.** Each party attending a seminar shall pay a fee charged by the approved provider and authorized by the court.

(e) **Seminar Providers.** The court shall establish standards for parenting seminars and shall approve seminar providers. A list of approved parenting seminars shall be available from the Superior Court Administrator, Court Facilitator, and County Clerk. 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.

(f) **Waiver/Special Consideration.**

Pursuant to RCW 26.12.172:

(1) In no case shall opposing parties be required to attend a parenting seminar together; and

(2) Upon a showing of domestic violence or abuse which would not require mutual decision-making, pursuant to RCW 26.09.191, or if the court determines that attendance at a seminar is not in the children's best interest, the court shall either waive the requirement of completion of the seminar or allow participation in an alternative parenting seminar if available; and

(3) The Court may otherwise waive the requirement upon a showing of good cause.

(g) **Exchange of Parenting Plans.** At least sixty (60) days prior to trial, each party shall provide the other parent with a Proposed Parenting Plan, if they have not already done so.

(h) **Failure to Comply.** Willful refusal to participate in a parenting seminar or willful delay in completing the parenting seminar may result in a finding of contempt and imposition of sanctions. The Court may decline to enter finalization documents until both parents have completed the seminar. [See Order to Show Cause Re: Parenting Class in **Appendix F.**]

*[Adopted Effective September 1, 2021]*



### **LCR 93. MANDATORY MEDIATION**

(a) **Mediation in Contested Cases.** Except as provided in Section (b) below, in all cases described in LCR 89(a) having unresolved issues, all parties shall in good faith engage in mediation in an effort to resolve the case. In cases where parenting issues exist, the mediation shall not occur until both parties have completed the parenting seminar required in LCR 92. Mediation shall be completed at least sixty (60) days prior to the scheduled trial date.

(b) **When Mediation is Not Required.** Mediation shall not be required as provided in Section (a) in the following cases:

(1) For good cause shown upon motion and approval by the court; or

(2) Where a domestic violence restraining order or protection order (excluding ex parte orders) involving the parties has been entered by a court at any time within the previous twelve (12) months;

(3) Where a domestic violence no contact order exists pursuant to RCW 10.99;

(4) Where the court upon motion finds that domestic abuse has occurred between the parties and that such abuse would interfere with arm's-length mediation. Notwithstanding the foregoing, either party may by motion seek a court order requiring mandatory mediation in a case where it would not be required as set forth in (b)(2), (b)(3) or (b)(4) above if the moving party believes that the parties would be able to mediate their dispute at arm's-length under the particular circumstances of the case.

(c) **Settlement Conference.** If, after mediation in good faith or where mediation is not required, there remain unresolved issues, the parties may participate in a settlement conference, pursuant to LCR 16(d).

(d) **Effect on Court Proceedings.** Mediation does not stay or otherwise affect the rights and duties of the parties established by statute, court rule, or court order. The court may enter temporary orders and the parties may conduct discovery prior to or during the mediation process.

(e) **Cost of Mediation.** Mediators shall be paid by the parties in accordance with the agreement of the parties, or in the absence of agreement, as determined by the Court.

(f) **Responsibility for Compliance.** The parties shall be responsible for arranging for and completing all mediation requirements established under this rule.

(g) **Failure to Comply.** Willful refusal to participate in mediation or willful delay in completing mediation may result in a finding of contempt and imposition of sanctions.

(h) **Identity of Mediators.** The Court does not approve of or recommend specific mediators. Attorneys licensed in the State of Washington who are engaged in an active practice that includes family law and retired Washington Superior Court Judges/Commissioners are presumed qualified to serve as a mediator in matters listed in LCR 89(a).

(i) **Selection of Mediator; Right of Mediator to Decline.** The parties may either agree to a mediator or the Court shall appoint a mediator upon the motion of either party. A mediator has the right to decline to serve in a particular case. If a mediator declines to serve, the parties shall select a different mediator or move the court to do so.

(j) **Authority of Mediator.** The mediator has the authority to determine the time, place, manner, and duration of mediation. In appropriate cases, the mediator shall have the authority to terminate the mediation prior to completion.

(k) **Attendance at Mediation.** The parties shall personally attend all mediation sessions, unless the mediator permits telephonic or other attendance. The mediator shall have the authority to require other persons to attend.

(l) **Declaration of Completion.** Within seven (7) days of completion of mediation, a declaration that mediation has been completed shall be filed with the court by the mediator. The mediator shall advise counsel and the parties of the results of mediation in writing. The mediator shall advise the court only whether an agreement has been reached on some or all of the issues.

(m) **Confidentiality.** The work product of the mediator and all communications during the mediation shall be privileged and confidential and not subject to compulsory disclosure. The mediator shall not appear to testify in any court proceedings. See RCW 5.60.070.

*[Adopted Effective September 1, 2021; Amended Effective September 1, 2023]*

#### **LCR 94. GUARDIANS AD LITEM**

[See Superior Court Guardian ad Litem Rules (GALR) for general responsibilities of guardians ad litem.]

(a) **Appointments of Guardian ad Litem.** All guardians ad litem shall be appointed as set forth in the policies and procedures for guardians ad litem, approved by the judges and maintained by the Superior Court Administrator's Office.

(b) **Grievance Procedures.**

(1) *Submission of Complaints.* All complaints made by or against guardians ad litem shall be in writing and shall be submitted to the Superior Court Administrator. All complaints must bear the signature, name and address of the person filing the complaint.

(2) *Review of Complaint.* Upon receipt of a written complaint, the Superior Court Administrator shall refer the complaint to the judge for review.

(3) *Findings and Action of Complaint.* Upon review of the complaint, the judge shall either:

(A) Make a finding that the complaint is with regard to a case then pending in the court and decline to review the complaint and so inform the complainant. In such instances, the judge shall advise the complainant that the complaint may only be addressed in the context of the case at bar, either by seeking the removal of the guardian ad litem or by contesting the information or recommendation contained in the guardian ad litem's report or testimony; or

(B) Make a finding that the complaint has no merit on its face, and decline to review the complaint and so inform the complainant; or

(C) Make a finding that the complaint appears to have merit and request a written response from the guardian ad litem or other person against whom the complaint is brought within ten (10) business days, detailing the specific issues in the complaint to which the judge desires a response. The judge shall provide the guardian ad litem or other person against whom the complaint is brought with a copy of the original complaint. In considering whether any complaint against a guardian ad litem has merit, the judge shall consider whether the complaint alleges the guardian ad litem has (i) violated a code of conduct, (ii) misrepresented his or her qualifications to serve as a guardian ad litem, (iii) breached the confidentiality of the parties, (iv) falsified information in a report to the court or in testimony before the court, (v) failed, when required, to report abuse of a child, (vi) communicated with a judicial officer ex parte concerning a

case for which he or she is serving as guardian ad litem, (vii) violated state or local laws or court rules, or (viii) taken or failed to take any other action which would reasonably place the suitability of the person to serve as a guardian ad litem in question.

(4) *Response and Findings on Complaint.* Upon receipt of a written response to a complaint, the judge shall make a finding as to each of the specific issues in the complaint to which the judge desires a response, as delineated in the judge's letter to the person against whom the complaint is brought. Such findings shall state that either there is no merit to the issue based upon the response or that there is merit to the issue.

(5) *Forms of Discipline.* The judge shall have the authority to issue a written admonition or a written reprimand, refer the guardian ad litem (if the complaint is against a guardian ad litem) to additional training, or suspend or remove the guardian ad litem from the registry. In considering an appropriate form of discipline, the judge shall take into consideration any prior complaints that resulted in an admonition, reprimand, referral to training, or suspension or removal from the registry. If the guardian ad litem against whom the discipline is directed is listed on more than one registry, the suspension or removal may apply to each registry the guardian ad litem is listed on, at the discretion of the judge.

(6) *Notice to Complainant and Person Against Whom Complaint is Brought.* The complainant and the person against whom the complaint is brought shall be notified in writing of the judge's decision following receipt of the response to the complaint.

(7) *Confidentiality.* A complaint shall be deemed confidential for all purposes unless the judge reviewing the complaint has determined that the complaint has merit. Any record of complaints filed which are not deemed by the judge to have merit shall be confidential, and shall not be disclosed except by court order, upon good cause shown, after the person against whom the complaint was brought has been given notice and an opportunity to be heard.

(8) *Complaint Processing Standards.* Complaints shall be resolved within twenty-five (25) days of the date of receipt of the written complaint if a case is pending. Complaints shall be resolved within sixty (60) days of the date of receipt of the written complaint if the complaint is filed after the conclusion of a case.

(9) *Removal from Registry.* When a guardian ad litem is removed from the court's registry pursuant to the disposition of a grievance hereunder, the Superior Court Administrator shall send a notice of such removal to the Administrative Office of the Courts. When the Superior Court Administrator receives notice from the Administrative Office of the Courts that a guardian ad litem on the court's registry has been removed from the registry of any other Washington superior court, the Superior Court Administrator shall advise the judge of such removal.

*[Adopted Effective September 1, 2021]*

## **14. TRUST AND ESTATES (Rule 95)**

### **LCR 95. TRUST AND ESTATE DISPUTE RESOLUTION ACT (TEDRA)**

- (a) **Applicability.** This rule shall apply to all judicial proceedings under RCW 11.96A.090.
- (b) **Hearings.** The Clerk will not unilaterally note any TEDRA hearings. Parties shall note all hearings consistent with LCR 6 and CR 56 and at least 20 days after filing and service of the TEDRA petition. If a hearing is reasonably anticipated to take fifteen minutes or less, it may be noted on the Civil Law and Motion Calendar. If a hearing is reasonably anticipated to take longer than fifteen minutes, it shall be specially set pursuant to LCR 8(g). The parties must clearly indicate in their petition and/or answer if they

do not intend for the initial hearing to be a hearing on the merits to resolve all issues of fact and law. If an initial hearing is not intended to resolve all issues of fact and law, the issues to be addressed at said hearing shall be identified clearly in the briefing. Trials shall be scheduled through filing a note for trial assignment pursuant to LCR 40.

*[Adopted Effective September 1, 2021]*

## **15. ADULT GUARDIANSHIP/CONSERVATORSHIP (Rule 96)**

### **LCR 96. CONVERTING GUARDIANSHIPS FROM RCW CH. 11.88 to RCW CH. 11.130**

(a) **Applicability.** This rule shall apply to all adult guardianships created under RCW Ch. 11.88 that were in existence as of January 1, 2022, unless the Court specifically finds under RCW 11.130.910 that applying RCW Ch. 11.130 would substantially interfere with the effective conduct of the proceeding or prejudice the rights of a party. The requirements contained in this rule only apply for the **first** periodic reporting after January 1, 2022. Thereafter, the Guardian/Conservator shall follow the applicable statute(s), Washington pattern forms, and Court orders.

(b) **Conversion.** Due to a significant change in the law, guardianships that originated under RCW Ch. 11.88 now must comply with the new Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, RCW Ch. 11.130. The Court will consider converting your guardianship at the first periodic review hearing after January 1, 2022 on the Court's own motion in an order in substantially the form of **Appendix N**.

(c) **Documents to File for Review.** The following documents must be filed and served on all persons entitled to notice for your first periodic review following January 1, 2022:

- (1) Guardian/Conservator's Report on WA Pattern Form GDN R 204
- (2) Motion for Approval of Guardian's/Conservator's Report on WA Pattern Form GDN R 205
- (3) Proposed Order Approving Guardian/Conservator's Report on WA Pattern Form GDN R 206
- (4) Notice of Substantial Change in Circumstances – *ONLY IF APPLICABLE* - on WA Pattern Form GDN R 207
- (5) Declaration (written statement made under penalty of perjury and dated and signed with the place of signing by you) attesting to whether the person subject to the guardianship's needs can be met with protective arrangements other than guardianship or conservatorship under RCW 11.130.585 and .590 or any other less restrictive alternative to guardianship or conservatorship, including use of appropriate supportive services, technological assistance, or supported decision making. *There is no pattern form for this document.*
- (6) Acceptance of Appointment on WA Pattern Form GDN ALL 003

(d) **Within 30 Days of New Letters of Office Being Issued.** Within 30 days of the new letters of office issuing, the Guardian/Conservator shall serve the person subject to the guardianship/conservatorship and all other persons entitled to notice the Notification of Rights provided on Washington pattern form GDN C 105 or as otherwise provided by RCW 11.130.315, .425, & .655.

(e) **Within 90 Days of New Letters of Office Being Issued.** Within 90 days of the new letters of office issuing you must file and serve on all persons entitled to notice:

- (1) Guardian/Conservator's Plan on WA Pattern Form GDN R 202
- (2) Proposed Order Approving Guardian/Conservator's Plan on WA Pattern Form GDN R 206
- (3) Proof of completion (called the "Declaration of Completion") of the Training for Lay (non-professional) Guardians for Adults and Conservators for Adults or Minors, available online through the Washington Courts website.

*[Adopted Effective September 1, 2022]*

## 16. UNLAWFUL DETAINER (Rules 97-99)

**LCR 97. WHO IS ENTITLED TO BRING OR MAINTAIN THE ACTION.** An owner, lessor, or duly appointed attorney in fact (through a power of attorney) may bring an action for unlawful detainer. Property managers or agents who are not appointed through a power of attorney may not appear in a representative capacity on behalf of an owner/lessor.

*[Adopted Effective September 1, 2022]*

**LCR 98. ALL COMPLAINTS FOR UNLAWFUL DETAINER MUST INCLUDE.** Complaints for unlawful detainer, regardless of which statute the action is brought under unless specifically noted, must include the following:

(a) **Rental Agreement.** A true and correct copy of the rental agreement or lease upon which the tenancy is based, if one exists, must be attached to the Complaint.

(b) **Power of Attorney.** The Power of Attorney appointing an Attorney in Fact with authority over the real property at issue must be attached to the Complaint.

(c) **Just Cause Exception.** If the action is brought under the Residential Landlord Tenant Act, RCW Ch. 59.18, and is based upon any reason other than exclusively nonpayment of rent, the plaintiff must specifically plead the basis under RCW 59.18.650 that permits ending the residential tenancy.

(d) **Subsidy.** If the real property or housing unit at issue is subsidized by the federal government, state government, or a tribe, the Complaint must include the name of the program and the nature of the applicable subsidy.

(e) **Notices.** Copies of all notices required under RCW Ch. 59.12 and any notice required under a standing order of this Court, as well as proof of service, mailing, or posting, must be attached to the Complaint.

*[Adopted Effective September 1, 2022]*

**LCR 99. OBTAINING A WRIT OF RESTITUTION UNDER THE RESIDENTIAL LANDLORD TENANT ACT.** A plaintiff in an action brought under the Residential Landlord Tenant Act, RCW Ch. 59.18, seeking a writ of restitution must either schedule the matter for trial or obtain an order to show cause. The order to show cause must notify the defendant that failure to attend may result in a default judgment and writ of restitution. The Court will not issue an order of default or a writ of restitution in an action under the Residential Landlord Tenant Act until the trial or show cause hearing has occurred.

*[Adopted Effective September 1, 2022]*

## 17. CIVIL PROTECTION ORDERS (Rules 100 - 102)

**LCR 100. REQUESTS FOR EX PARTE TEMPORARY PROTECTION ORDERS.**

(a) **Without a Hearing.** The Court considers ex parte requests for temporary protection orders in chambers and without a hearing unless a hearing specifically is requested by the Petitioner or if a hearing is requested by the Court, including because additional information is deemed necessary.

(b) **Timing.** The Court will consider ex parte requests for temporary protection orders under

RCW 7.105.305 as soon as possible after the related petition is submitted to the Clerk's office for filing, and by the end of the same day, as long as the petition and supporting documents are filed by **4:00p.m.** If a petition for a civil protection order is filed after 4:00p.m., the Court reserves the right to consider any related request for an ex parte temporary protection order the following Court day.

*[Adopted Effective September 1, 2023]*

#### **LCR 101. HEARING ON REQUEST FOR FULL PROTECTION ORDER.**

(a) **Scheduling.** The Court schedules the hearing on a request for a full protection order. Such hearings may be set on the standing protection order calendar on Friday mornings starting at 8:30a.m., or they may be specially set any other time, within 14 days of the filing of a petition.

(b) **Presentation of Documentary Evidence.** Civil protection order proceedings are special proceedings governed by RCW Ch. 7.105. They take place on an expedited timeline and parties need not follow LCR 6(d) with regard to filings in opposition to or in support of a petition. E-mail service as provided by LCR 5(l) is permitted. The parties may file sworn declarations up until the time set for hearing. However, the parties must serve any declaration on the opposing party and submit a courtesy copy for the Court consistent with the Court's LCRs. Parties should not assume that the opposing party will be present in person in the courtroom, and must arrange service prior to the hearing via e-mail or hand delivery. If a declaration is not filed until the hearing or shortly before, the Court reserves the right to delay the start of the hearing to ensure that the Judge and the opposing party have sufficient time to review the contents. The parties also may present documentary exhibits at the hearing, provided that they provide a courtesy copy to the Court and serve the opposing party with a copy by e-mail or hand delivery prior to the hearing. Providing hard copies at the hearing is not sufficient because the opposing party may appear by video or telephone. If copies of exhibits are not provided to the opposing party in advance, the exhibits may not be admitted or the hearing may be delayed or rescheduled.

(c) **Testimony.** Testimony by the parties will be permitted, if requested, subject to time constraints. The parties do not have a right to present live testimony by witnesses other than the parties, but may request the ability to do so at the hearing.

*[Adopted Effective September 1, 2023]*

#### **LCR 102. HEARING ON MOTION FOR RENEWAL.**

(a) **Scheduling a hearing before expiration of the existing order.** If a motion for renewal is filed with sufficient time to schedule the related hearing prior to the expiration of the existing protection order, then the Petitioner may note the motion for renewal for hearing rather than asking the Court to enter an order scheduling the hearing; provided, however, that the Petitioner must obtain a hearing date from the Superior Court Administrator. Alternatively, the Petitioner may submit ex parte a proposed order setting the motion for renewal for hearing (mandatory form PO 054), which the Court will enter, scheduling the hearing as permitted by the Court's calendar.

(b) **Scheduling a hearing after expiration of the existing order.** If a motion for renewal is not filed with sufficient time to schedule the related hearing prior to the expiration of the existing order, then the Petitioner shall submit a proposed order for the Court's entry (mandatory form PO 054), which will schedule the hearing as permitted by the Court's calendar and will extend the existing order through that hearing.

*[Adopted Effective September 1, 2023]*

## 18. INFORMAL FAMILY LAW TRIALS (IFLT) (Rules 103-107)

### LCR 103. Applicability.

Informal Family Law Trials (IFLT) may be held to resolve all issues in original actions or actions for modification for divorce, maintenance, committed intimate relationship, parentage, invalidity, parenting plan/residential schedule, child support, relocation, and other family law matters as established by statute.

*[Adopted Effective September 1, 2023]*

### LCR 104. Election of IFLT.

All of the parties to the case must agree to proceed with an IFLT. The parties may select an IFLT at or before the readiness hearing (which is scheduled approximately 30 days before trial). Each party must file the "Trial Process Selection and Waiver" form, Family Law Mandatory Form 184, to formally elect the IFLT. That form is provided as **Appendix O**.

*[Adopted Effective September 1, 2023]*

### LCR 105. Exhibits.

(a) **Exhibits Permitted.** Each party may submit up to five sworn declarations (limited to 20 pages total) from lay persons whom they otherwise would want to call as witnesses, and any other documentary exhibits that a party wants the Court to consider, including expert reports or written expert opinions. The parties are not limited in the total number of exhibits they may submit, only in the number of declarations. The Rules of Evidence do not apply. The Judge will determine the credibility and weight of the evidence that is offered.

#### (b) **Mandatory Exhibits.**

1. **Financial Declaration:** For any case involving financial issues, including division of assets or debts, child support, spousal maintenance, or requests for attorney fees, both parties must submit a financial declaration on the mandatory court form.

2. **Child Support Worksheets and Proposed Child Support Order and Parenting Plan:** For any case involving dependent children, each party must submit proposed child support worksheets, child support order, and proposed parenting plan on the mandatory court forms.

3. The Domestic Relations Pre-Trial Information form (**Appendix H**) must be submitted in every case.

(c) **Prohibited Exhibits.** Declarations, letters, or other submissions by the parties' minor children should not be submitted and will not be considered.

(d) **Numbering Exhibits.** Each party must mark their exhibits with one number per document, placing the number in the lower right hand corner of the document, and must describe their exhibits, by number, on the exhibit list form provided in **Appendix E**. The Petitioner is assigned numbers 1-50; the Respondent is assigned numbers 51-100; and any third party is assigned numbers 101-150.

(e) **Exchange of Exhibits.** Each party must give the opposing party(s) a copy of their exhibits, marked with numbers in the lower right corner of each document, together with a copy of their exhibit list, 10 days before trial. The parties must exchange hard copies of exhibits unless they agree to exchange them electronically only (whether by e-mail, a shared drive, thumb drive, or otherwise).

(f) **Responsive Exhibits.** Each party may elect to submit additional exhibits in response to

those they received from the opposing party. Such responsive exhibits must be exchanged, with an updated exhibit list, at least 2 court days before the trial.

(g) **Submission of Exhibits to the Clerk's Office.** Each party must submit their exhibits to the Clerk's office by 12:00p.m. (noon) two court days before the trial, with the exhibits marked by number on each document in the lower right hand corner, with an electronic version of their exhibit list. The set of exhibits that is submitted to the Clerk's Office is the official version of the exhibits that will be admitted at trial. This set of the exhibits must be single-sided.

(h) **Exhibits Filed Under Seal.** Consistent with General Rule (GR) 22, financial source documents, personal healthcare records, guardian ad litem (GAL)/parenting evaluator reports, and other reports containing confidential information as defined by GR 22 shall be submitted with the mandatory cover sheet for sealing such documents.

(i) **Submission of Exhibits to GAL/Parenting Evaluator.** If the Court has appointed a GAL or parenting evaluator, each party must provide copies of all of their exhibits related to their children or their proposed parenting plan, including declarations, proposed parenting plan, child support worksheets and proposed order, substance use evaluations or treatment records, school records, etc., to the GAL or parenting evaluator in the manner that the GAL or parenting evaluator has asked to receive such documents.

(j) **Courtesy Copy of Exhibits for the Judge.** Each party must submit a courtesy copy of their exhibits to Superior Court Administration for the Judge, with each document numbered in the lower right hand corner, together with a copy of their exhibit list, by the end of the day two court days before trial. The courtesy copy of exhibits may be submitted in hard copy (double-sided is permitted) or electronically. If the courtesy copy is submitted electronically, each exhibit must be a separate PDF, labeled with the corresponding exhibit number.

*[Adopted Effective September 1, 2023]*

#### **LCR 106. Expert Testimony.**

(a) **Party's Expert Witness.** Either party may request that an expert who has submitted a report or written opinion testify at the IFLT by indicating an intention to have an expert witness testify on the Family Law Informal Trial Selection Form, if it is timely filed, and subject to the expert's availability. Expert testimony will be allowed to occur by video on the Court's remote platform, and the Court will allow the expert to testify when it is convenient for their schedule (within the dates set for trial).

(b) **GAL or Parenting Evaluator.** If the Court has appointed a GAL or parenting evaluator, the report will be admitted as an exhibit and the Court will read the GAL or parenting evaluator's report. The GAL or parenting evaluator will not testify unless one of the parties notes an intention to call the GAL or evaluator on the Family Law Informal Trial Selection Form. If that form is timely filed, and if the GAL or evaluator appears voluntarily or by subpoena, they will be questioned under oath as an expert witness as provided herein.

*[Adopted Effective September 1, 2023]*

#### **LCR 107. Procedure During the IFLT.**

(a) At the beginning of an IFLT, the Judge will ask each party to affirm that they understand the rules and procedures of the IFLT process, they are consenting to this process freely and voluntarily, and they have not been threatened or promised anything for agreeing to the IFLT



process. Parties must affirm that they waive the right to appeal the Court's use of the IFLT process and the Court's admission of evidence that is not consistent with the Rules of Evidence or traditional court processes or other court rules.

- (b) The Judge will ask the parties (or their lawyers if represented by counsel) for a brief summary of the issues to be decided and the exhibits that they have submitted. The Petitioner will be asked to go first, and then the Respondent, followed by other parties, if applicable.
- (c) All exhibits are automatically admitted; neither party needs to offer or move for their admission. The Judge will give the exhibits the weight that they believe is appropriate.
- (d) Each party will be placed under oath to address the Judge regarding all issues in dispute. The Petitioner will go first, and then the Respondent, followed by other parties, if applicable. Parties represented by attorneys will not be questioned by their attorney. Each party will be permitted to speak, and the Judge will ask questions as deemed appropriate in order to obtain the evidence necessary to decide the issues between the parties pursuant to statute or court rule (for example, to analyze the criteria for determining a final parenting plan under RCW 26.09.187, if the parties have dependent, minor children). After the Judge has asked the party questions, the Judge will ask if the party wants to say anything else that was not addressed.
- (e) The parties may reference the exhibits in testifying if they choose to.
- (f) Neither party will cross examine the other party. However, after a party is done testifying, the Judge will ask the opposing party or their attorney whether there are additional areas that they would like the Judge to inquire about or whether there are specific questions that they would like to be asked. The Judge will then proceed to ask about those areas or issues if the Judge agrees that they are relevant to the determination of the issues before the Court at trial.
- (g) The Judge will ask the Respondent if there is anything that the Petitioner said that they specifically want to respond to. Likewise, after the Respondent testifies, the Judge will ask the Petitioner if there is anything else that they want to say in order to respond to the Respondent's testimony.
- (h) Following testimony by the parties, a testifying expert will be placed under oath and subjected to questioning by the party who retained the expert or their attorney, followed by the opposing party or their attorney, followed by the Judge, with additional questioning as deemed appropriate.
- (i) After all parties and any experts have testified, each party will be given an opportunity to make a legal argument, to communicate to the Judge how they believe the law should apply to the facts, and what outcome they are seeking. The parties are permitted to read prepared statements if they choose to. The parties are encouraged to refer to the exhibits as appropriate, and to divide their argument into the distinct issues before the Court, such as division of property and debts, parenting plan/residential schedule, and child support.
- (j) The Judge may put reasonable time limits on any person's testimony or argument.
- (k) The Judge reserves the right to modify these procedures in an individual case as justice and fundamental fairness require.
- (l) Following argument, the Judge may make its ruling, or may take the case under advisement to issue a written decision within 90 days.

*[Adopted Effective September 1, 2023]*

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**PART II**  
**LOCAL CRIMINAL RULES (LCrR)**  
**SAN JUAN COUNTY**

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Effective September 1, 2023

**1. SCOPE, PURPOSE AND CONSTRUCTION**  
**(Rules 1.1-1.5)**

**LCrR 1.1. SCOPE OF RULES**

Unless specifically designated otherwise, these San Juan County Local Criminal Rules (LCrR) shall supplement the Washington Superior Court Criminal Rules (CrR) and the CrRs and LCrRs together shall govern the local procedure for adult criminal matters in San Juan County Superior Court. These rules are subject to amendment at the direction of the Judge. The current local rules are posted on the San Juan County Superior Court website. Counsel and litigants should direct questions about the local rules to the Superior Court Administrator or County Clerk.

*[Adopted Effective September 1, 2021]*

LCrR 1.2-1.5 *(No Local Rules)*

**2. PROCEDURES PRIOR TO**  
**ARREST AND OTHER SPECIAL PROCEEDINGS (Rules 2.1-2.3)**

LCrR 2.1-2.3 *(No Local Rules)*

**3. RIGHTS OF DEFENDANTS (Rules 3.1-3.6)**

**LCrR 3.1. STANDARDS FOR INDIGENT DEFENSE**

- (a) Certificates of Compliance with the Standards for Indigent Defendants required by CrR 3.1 shall be filed quarterly with the San Juan County Superior Court Clerk's Office.
- (b) All Notices of Appearance forms filed by counsel for indigent defendants shall indicate in a separate paragraph whether a current CrR 3.1 Certificate of Compliance with the Standards for Indigent Defendants is on file with the San Juan County Superior Court Clerk's Office.

*[Adopted Effective September 1, 2023]*

LCrR 3.2-3.3 *(No Local Rules)*

*[Amended Effective September 1, 2023]*

**LCrR 3.4. PRESENCE OF THE DEFENDANT**

- (a) *(No Local Rules)*

(b) **When Necessary.** In addition to those hearings listed in CrR 3.4(b) where a defendant's physical presence is presumed to be required, as now or hereafter amended, there is a presumption of good cause to require the defendant to be present physically or remotely (at the Court's discretion) at the following types of hearings:

- (1) The defendant's motion to waive their right to counsel;
- (2) The defendant's motion to waive their right to a jury trial;
- (3) Any hearing where the Court is required to conduct a colloquy with the defendant; and
- (4) Evidentiary hearings conducted pursuant to CrR 3.5 or CrR 3.6.

When the Court finds that the defendant's physical or remote appearance is required for any reason, the Court will enter an order and findings consistent with CrR 3.4(d).

(c) – (f) *(No Local Rules)*

*[Adopted Effective September 1, 2023]*

LCrR 3.5 - 3.6 *(No Local Rules)*

*[Amended Effective September 1, 2023]*

#### **4. PROCEDURES PRIOR TO TRIAL (Rules 4.1-4.10)**

LCrR 4.1 *(No Local Rules)*

##### **LCrR 4.2. PLEAS**

(a) – (g) *(No Local Rules)*

(h) **Scheduling Change of Plea.** Anticipated changes of plea may be scheduled on the Criminal Motion Calendar; however, the Court will call all changes of plea at the end of the calendar. If the parties intend to proceed to sentencing at the same time as a change of plea, the matter should be specially set through the Superior Court Administrator unless the Court determines that there is sufficient time on a specific Criminal Motion Calendar.

*[Adopted Effective September 1, 2021]*

##### **LCrR 4.2(i) AUTHORITY OF COURT COMMISSIONERS**

*[Rescinded – Effective September 1, 2021] [Replaced with LCR 8.11]*

LCrR 4.3-4.10 *(No Local Rules)*

##### **LCrR 4.9 PRETRIAL MOTIONS**

*[Rescinded – Effective September 1, 2021] [Replaced with LCrR 8.2]*

##### **LCrR 4.11. REMOTE PRETRIAL APPEARANCE**

(1) *When Permitted.* Preliminary appearances, bail hearings, and trial settings, which are permitted to be conducted by video pursuant to CrR 3.4, may be conducted by video on the Court's official remote hearing platform so long as: (a) the defendant, counsel, and the Judge may all see and hear each other at

all times; (b) the hearing may be viewed on screen in the Superior Court Courtroom; and (c) the defendant and defense counsel have a means to communicate confidentially or defendant waives the right to communicate confidentially in an individual hearing. The parties and counsel may appear by telephone or video via the Court's Microsoft Teams platform for any other pretrial hearing at which the Court has authorized remote attendance. Pursuant to CrR 3.4(b), a defendant's remote appearance at arraignment is at the discretion of the Court. If a defendant requests remote appearance at arraignment, that request should be made at the first reasonable opportunity, including at the arraignment hearing noted by the State, and the Court will exercise its discretion to determine whether remote appearance is acceptable, rescheduling the hearing if necessary to facilitate an appearance in person. Remote appearance for entry of a guilty plea requires agreement by the parties in addition to the approval of the Court.

(2) *Remote Hearing Sessions.* Superior Court Administration will schedule remote sessions for all hearings and will make connection information for such hearings available on the Superior Court website (with the exception of hearings for no contact orders, for which Microsoft Teams hearing information is not publicly available and will be provided by the Superior Court Administrator only to the parties and counsel). The Courtroom will join the remote hearing session for all hearings unless otherwise ordered by the Court in an individual case. The Court's official remote hearing platform is the only way to appear remotely for a hearing. The Courtroom remains physically open to the parties, counsel, and the public in addition to remote attendance, unless expressly ordered by the Court.

(3) *Remote Hearing Procedures.* Any person appearing for a hearing remotely shall follow the Court's Remote Appearance Procedures posted on the San Juan County Superior Court website, which may be amended from time to time. In all cases, persons appearing remotely shall: (a) appear in a location as quiet as possible and with background that is without distractions and appropriate for Court; (b) appear in attire appropriate for the Court setting; (c) mute your device until your case is called, and during their hearing except when it is your turn to speak or as directed by the Judge; and (d) treat all persons present with the same respect and decorum as you would if you were physically present in the Courtroom.

*[Adopted Effective September 1, 2021; Amended Effective September 1, 2023]*

## **5. VENUE (Rules 5.1 – 5.2)**

LCrR 5.1-5.2 *(No Local Rules)*

## **6. PROCEDURES AT TRIAL (Rules 6.1-6.16)**

### **LCrR 6.1. TRIAL BY JURY OR BY THE COURT**

(a) – (d) *No Local Rules*

(e) **Trial Brief or Memorandum.** In criminal trials with contested legal or evidentiary issues, each party shall prepare a trial brief or memorandum of authorities containing the issues involved and the authorities supporting same and provide the same to the Clerk, opposing counsel or a self-represented party, and the judge by noon two (2) days prior to the date set for commencement of trial. The parties shall endeavor to foresee likely evidentiary issues based on information available to the parties in order to brief such issues, and shall schedule pretrial motions regarding the same if possible.

(f) **Trial Exhibits.**

- (1) *Numbering.* The State as plaintiff shall be pre-assigned exhibit numbers 1-100 and the defendant shall be pre-assigned numbers 101-200 unless otherwise stipulated by the parties or ordered by the Court.
  - (2) *Submission to Clerk for Marking and With Exhibit List.* Unless a party intends to offer fewer than ten (10) documentary exhibits in their case in chief, counsel for each party should present their original documentary exhibits for their case in chief (not including exhibits that may be offered for impeachment or in rebuttal) to the Clerk by **12:00 noon one court day** before trial for marking in the following format: in hard copy; unbound and without hole punches; with slip sheets between each exhibit indicating the intended exhibit number. Each set of exhibits should be submitted to the Clerk with an exhibit list in hard copy and electronic Word version prepared by the submitting party, **on the Clerk's form**, as available on the Clerk's webpage, or on request, as provided in **Appendix E**. The party should include pre-assigned numbers as described above, as well as the description of the exhibit that party intends the Clerk to use on the master exhibit list. Please consider when preparing exhibits that the Clerk will mark them in the lower right corner with a 1" by 3" label.
  - (3) *Courtesy Copies of Exhibits Required.* Counsel for each party shall provide a courtesy copy of each documentary exhibit to the Judge at or before the time an exhibit is offered for admission.
  - (4) *Coordination and/or Stipulation by the Parties.* The Court encourages counsel to raise potential issues regarding management of trial exhibits at the pretrial conference or by motion as deemed appropriate by the parties. The parties may confer in advance about exhibits, including to reduce duplication in exhibits being marked for identification, and to create a joint exhibit list with consecutive numbering if desired. If the parties create a joint exhibit list with consecutive numbering, they need not use the pre-assigned exhibit numbers. If the parties stipulate to the admissibility of exhibits, they shall do so in writing or on the record the first day of trial.
  - (5) *Master Exhibit List.* The Clerk will circulate by email to counsel the master exhibit list by 8:30a.m. on the morning of the first day of trial. The Clerk will circulate by email the updated exhibit list each successive morning prior to trial resuming for the day.
  - (6) *Electronic Exhibits.* Digital/electronic information (i.e., video or audio files, not electronic copies of documents) offered as exhibits must be submitted on a clean/empty flash drive used only for this purpose, with only one file or item per device. Both the device and the file must be clearly marked using the same identifying information as listed on the exhibit list prepared by the offering party. (This rule relates to the submission of the exhibit, not the playing of the file, which must be addressed with Court Administration.)
- (g) **Remote Viewing of Jury Trial.** The Court will not connect to its remote hearing platform for jury trials. However, the Court will make the livestream of its audio available for jury trials.

*[Amended Effective September 1, 2021; September 1, 2022; September 1, 2023]*

LCrR 6.2-6.16 *(No Local Rules)*

## **7. PROCEDURES FOLLOWING CONVICTION (Rules 7.1-7.8)**

LCrR 7.1 *(No Local Rules)*

### **LCR 7.2. SENTENCING**

(a) – (d) *(No Local Rules)*

(e) **Sentencing Hearings.** For all criminal sentencing hearings, the parties shall obtain a special set hearing date and time depending upon schedules of the parties and as confirmed with the Superior Court Administrator, or as otherwise ordered by the Court in a scheduling order.

(f) **Sentencing Memoranda.** Parties are encouraged to provide sentencing memoranda before a sentencing hearing where unique issues of fact or law are raised, including where there is a request for a sentencing alternative or an exceptional sentence or there is a dispute regarding the defendant's criminal history or offender score calculation.

*[Adopted Effective September 1, 2021]*

LCrR 7.3-7.8 (No Local Rules)

## **8. MISCELLANEOUS (Rules 8.1-8.10)**

### **LCrR 8.1. TIME**

Time shall be computed and enlarged in accordance with CR 6, except that with regard to time for motions, see LCrR 8.2(b) below.

*[Amended Effective September 1, 2021]*

### **LCrR 8.2. MOTIONS**

Rules 3.5 and 3.6 and CR 7(b) and LCR 7 shall govern motions in criminal cases. A motion for reconsideration shall be governed by CR 59(b), (e), and (j) and LCR 59.

(a) **Motion Calendar.** The Criminal Motions Calendar occurs at 9:30 a.m. on Mondays.

(b) **Motions.** Unless made orally at a hearing, motions and supporting materials shall be filed and served with the requisite time as set forth below.

(1) *Motions to be Heard on the Criminal Motion Calendar.* Motions brought pursuant to CrR 3.1 and 3.2, motions for competency evaluation, and other procedural pretrial motions, may be scheduled on the Criminal Motions Calendar, and unless made orally at a hearing, must be filed and served at least 5 court days before the hearing, with responsive materials filed and served at least two court days before the hearing and any materials filed in strict reply filed at least 1 court day before the hearing, unless otherwise ordered by the Court.

(2) *Substantive Pretrial Motions.* Substantive pretrial motions such as motions in limine and motions brought pursuant to CrR 3.5 and 3.6 must be specially set prior to the first day of trial either through the Superior Court Administrator or pursuant to the omnibus order. Such motions must be filed and served at least 9 court days prior to the hearing, with responsive materials filed and served at least 4 court days in advance, and materials in strict reply filed at least 2 court days in advance, unless otherwise ordered by the Court.

(c) **Drug/Alcohol and/or Mental Evaluations.** Unless otherwise approved by the court, any evaluation required or presented to the court for consideration must meet the standards set forth in **Appendix L**.

(d) **Presentation of Final Documents.** If a movant's motion is granted in whole or in part, the moving party shall be responsible to prepare and present any written findings, conclusions, and orders necessary as a result of the decision, unless the court orders otherwise.

*[Amended Effective September 1, 2021]*

LCrR 8.3. (No Local Rules)

#### **LCrR 8.4 SERVICE, FILING, AND SIGNING OF PAPERS**

(a) **Filing – Multiple Case Numbers.** Except in consolidated cases, no document shall be filed with more than one case number unless sufficient copies are simultaneously provided for each case. If all of the provisions of a document do not apply to each of the case numbers, one document may not be used and separate documents should be filed in the individual cases.

**LCrR 8.5-8.10.** *(No Local Rules)*

#### **LCrR 8.11. AUTHORITY OF COURT COMMISSIONERS**

Court Commissioners qualified under Article 4, Section 23 of the Washington Constitution are authorized to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.200; accept guilty pleas as authorized in this local rule pursuant to RCW 2.24.040(15); appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances and accept waivers of the right to speedy trial; and issue search warrants.

*[Adopted Effective September 1, 2021]*

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**PART III  
LOCAL JUVENILE COURT RULES (LJuCR)  
SAN JUAN COUNTY**

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Effective September 1, 2023

**TITLE I. SCOPE AND APPLICATION OF RULES (Rules 1.1-1.7)**

**LJuCR 1.1. SCOPE OF RULES**

Unless specifically designated otherwise, these San Juan County Local Juvenile Court Rules (LJuCR) shall supplement the Washington Juvenile Court Rules (JuCR) and the LJuCR and JuCR, together with applicable criminal and civil rules as set forth below, shall govern the local procedure for juvenile matters in San Juan County Superior Court. These rules are subject to amendment at the direction of the Judge. The current local rules are posted on the San Juan County Superior Court website. Counsel and litigants should direct questions about the local rules to the Superior Court Administrator or County Clerk.

*[Adopted Effective September 1, 2021]*

**LJuCR 1.2 – 1.3 (No Local Rules)**

**LJuCR 1.4. APPLICABILITY OF OTHER RULES**

(a) **Criminal Rules.** The Superior Court Criminal Rules (CrR) and Local Criminal Rules (LCrR) shall apply in juvenile offense proceedings when not inconsistent with these rules and applicable statutes.

(b) **Civil Rules.** The Superior Court Civil Rules (CR) and Local Civil Rules (LCR) shall apply in all civil juvenile proceedings when not inconsistent with these rules and applicable statutes.

**LJuCR 1.5-1.6 (No Local Rules)**

**LJuCR 1.7 VOLUNTEER GUARDIAN AD LITEM PROGRAM**

This judicial district has a Volunteer Guardian Ad Litem program and the volunteers are referred to as volunteer child advocates. Applicable policies and procedures may be obtained from Juvenile Court Services.

*[Adopted Effective September 1, 2021] [Replacing and Amending LJuCR 1.6] Amended Effective September 1, 2023]*

**TITLE II. SHELTER CARE PROCEEDINGS (Rules 2.1-2.5)**

**LJuCR 2.1-2.4 (No Local Rules)**

**LJuCR 2.5 AMENDMENT OF SHELTER CARE ORDER**

(a) **30-Day Shelter Care Review.** If a parent, child, guardian ad litem, or volunteer child advocate wishes to contest placement of a child during shelter care or any service ordered at the shelter care hearing, he or she must file and serve on all parties and counsel a notice of contested issues no later than three (3)



court days before the 30-day shelter care review hearing. The notice of contested hearing shall be accompanied by written evidence in support of the issue. Unless good cause is found to consider the issue, failure to provide timely notice of contested issues shall constitute a waiver of the right to raise such issues at the 30-day shelter care review hearing. However, the Court shall review visitation/family time unilaterally at the 30-day shelter care review hearing, regardless of whether a notice of contested hearing is filed, including the presumption in favor of unsupervised and non-monitored visits.

*[Amended Effective September 1, 2021, Amended Effective September 1, 2023]*

### **TITLE III. DEPENDENCY PROCEEDINGS (Rules 3.1-3.11)**

**LJuCR 3.1 – 3.8** *(No Local Rules)*

#### **LJuCR 3.9 REVIEW HEARING**

(a) **Department’s Written Review Report.** A written review report shall be prepared by the department and shall be filed and served on all counsel and parties not less than ten (10) days prior to the review hearing. The report should include a summary of asserted safety threats posed by each parent and what specific steps are needed to reduce such safety threats in order to achieve a return home. The report also should include a summary of visitation during the review period and any recommendations for changes to the visitation plan, including to effectuate the presumption against supervised or monitored visits.

(b) **Notice of Contested Issues.** After receipt of the department’s report, if a parent, child, guardian ad litem, or volunteer child advocate wishes to contest any issue, he or she must file serve a notice of contested issues no later than five (5) court days before the hearing. The notice of contested hearing shall be accompanied by written evidence in support of the issue. Unless good cause is shown, failure to provide timely notice of contested issues shall constitute a waiver of the right to contest any issue, except the department’s permanency plan.

*[Amended Effective September 1, 2021, Amended Effective September 1, 2023]*

#### **LJuCR 3.10. MODIFICATION OF ORDER.**

(a) **Content of Motion.** Any party may move to change, modify, or set aside an order pursuant to RCW 13.34.150. The motion shall be in writing, and must state the basis for the motion and the relief requested.

(b) **Hearing.** Any such motion shall be set on a regular Dependency hearing calendar, which occur on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of each month at 2:00p.m., or shall be specially set through the Superior Court Administrator in coordination with all counsel and unrepresented parties. If a motion is expected to take more than fifteen (15) minutes, it shall be specially set.

(c) **Notice.** Unless the Court finds good cause to shorten time or waive notice, any such motion must be filed and served at least nine (9) court days in advance of the hearing. Responsive materials shall be filed and served at least four (4) court days in advance and materials in strict reply shall be filed and served at least two (2) court days in advance.

*[Adopted Effective September 1, 2021, Amended Effective September 1, 2023]*

**LJuCR 3.11** *(No Local Rules)*

**TITLE IV. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP  
(Rules 4.1-4.3)**

**LJuCR 4.1 - 4.3** *(No Local Rules)*

**TITLE V. PROCEEDINGS FOR CHILDREN IN NEED OF SERVICES  
(Rules 5.1-5.7)**

**LJuCR 5.1 - 5.7** *(No Local Rules)*

**TITLE 5A. PROCEEDINGS FOR AT-RISK YOUTH (Rules 5A.1-5A.6)**

**LJuCR 5A.1 – 5A.6** *(No Local Rules)*

**TITLE VI. JUVENILE OFFENSE PROCEEDINGS – DIVERSION AGREEMENTS  
(Rules 6.1-6.6)**

**LJuCR 6.1 – 6.6** *(No Local Rules)*

**TITLE VII. JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT  
(Rules 7.1-7.15)**

**LJuCR 7.1 – 7.2** *(No Local Rules)*

**LJuCR 7.3. DETENTION AND RELEASE**

(a) – (f) *No Local Rules*

(g) **Facilities In San Juan County.** The San Juan County Juvenile Court shall designate appropriate juvenile detention facilities for use; provided, that the detention area within the San Juan Sheriff's Department building may be used for detention of juveniles prior to an initial court appearance if adult prisoners are separated by sight and sound.

*[Amended Effective September 1, 2021]*

**LJuCR 7.4 - 7.15** *(No Local Rules)*

**TITLE VIII. DECLINING JUVENILE COURT JURISDICTION OVER AN ALLEGED  
JUVENILE OFFENDER (Rules 8.1-8.2)**

**LJuCR 8.1 – 8.2** *(No Local Rules)*

**TITLE IX. RIGHT TO LAWYER AND EXPERTS IN ALL JUVENILE COURT  
PROCEEDINGS (Rules 9.1-9.3)**

**LJuCR 9.1 – 9.3** *(No Local Rules)*

**TITLE X. JUVENILE COURT RECORDS (Rules 10.1-10.9)**

**LJuCR 10.1 – 10.9** *(No Local Rules)*

**TITLE XI. SUPPLEMENTAL PROVISIONS (Rules 11.1-11.22)**

*[Effective September 1, 2021, LJuCR 11.3 was replaced with 11.4; LJuCr 11.4 was replaced with 11.5; LJuCR 11.5 was replaced with LJuCR 11.6. LJuCR 11.7 & 11.8 were adopted effective September 1, 2021.]*

**LJuCR 11.1 - 11.3.** *(No Local Rules)*

**LJuCR 11.4. COURT SCHEDULES FOR JUVENILE MATTERS**

See LCR 77(r)(4)&(5); LCR 8(g)

**LJuCR 11.5. DUTIES OF CLERKS**

(1)(a) **Distribution of Funds.** [See RCW 9.94A.760(l)]

**LJuCR 11.6. FINANCIAL RESPONSIBILITY**

(a) **Financial Obligation.** Pursuant to the intent and standards set forth in RCW 13.16.085 and RCW 13.40.145, in any juvenile court proceeding regarding the detention, disposition or modification regarding a juvenile offender, or in any at risk youth, CHINS, truancy or dependency proceeding, the court may order the parent or parents, guardian, or other person legally obligated to support the juvenile, to pay a reasonable sum for the cost of detention and/or legal services provided by publicly funded counsel.

(b) **Assessment of Costs.** The assessment for the cost of detention and publicly funded counsel should not exceed actual costs to the county. The costs shall be assessed and ordered paid in a reasonable time unless a sworn financial statement is presented to the court at said proceeding justifying reduction or elimination of any such assessment, or there are other circumstances recognized by the court for reducing or not imposing the assessment.

(c) **Notice.** It shall be the duty of the Juvenile Court Services and/or the prosecuting attorney, to notify the parent or parents, guardian, or other person legally obligated to support the juvenile of this rule prior to said proceeding and to provide all necessary documents in order for such person to adequately prepare for said proceeding. Notice shall be provided to the parties five days in advance of any proceeding to assess costs.

(d) **Time.** Proceedings to assess costs shall not be held prior to sentencing or contempt hearing.

(e) **Payments Forwarded.** Juvenile Court Services, the public defense department, or the County Clerk's Office shall receive payments in a manner appropriate to local and state auditing regulations and shall forward such payments to the county treasurer.

(f) **Sanctions.** A show cause hearing with timely notice by Juvenile Court Services or the prosecuting attorney to the delinquent person or agency may be held to inquire into the delinquency of the assessment and the sanctions available under RCW 13.16.085 and RCW 13.40.145.

**LJuCR 11.7 MOTIONS IN JUVENILE OFFENDER MATTERS**

(a) **Motion Calendar.** The Juvenile Offender Motions Calendar occurs at 2:30 p.m. on 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Monday.

(b) **Motions.** Unless changed by the Local Juvenile Court Rules, CR 7, JuCR 7, and LCR 7 shall govern motions in juvenile offender cases. Absent good cause shown or as otherwise ordered by the Court, all motions must be made in writing, supported by written declaration where appropriate, and filed and served with the requisite time as set forth below.

(1) *Motions to be Heard on the Juvenile Offender Motion Calendar.* Motions including for substitution of counsel, for detention, to modify conditions of release or bond, and for violations of conditions of release or of the disposition, may be scheduled on the Juvenile Offender Motions Calendar, and unless made orally, must be filed and served at least 5 court days before the hearing, with responsive materials filed and served at least two court days before the hearing and any materials filed in strict reply filed at least 1 court day before the hearing.

(2) *Substantive Pretrial Motions.* Substantive pretrial motions such as motions in limine or motions to suppress must be specially set prior to the first day of trial either through the Superior Court Administrator or pursuant to the omnibus order. Such motions must be filed and served at least 9 court days prior to the hearing, with responsive materials filed and served at least 4 court days in advance, and materials in strict reply filed at least 2 court days in advance, unless otherwise ordered by the Court.

*[Adopted Effective September 1, 2021]*

#### **LJuCR 11.8 REMOTE APPEARANCES IN JUVENILE OFFENDER MATTERS**

(1) *When Permitted.* Arraignments, detention/release hearings, probation bond hearings, omnibus, readiness and trial settings, and review hearings may be conducted by video on the Court's official remote hearing platform so long as: (a) the respondent, counsel, and the Judge may all see and hear each other at all times; (b) the hearing may be viewed on screen in the Superior Court Courtroom; and (c) the respondent and defense counsel have a means to communicate confidentially or respondent waives the right to communicate confidentially in an individual hearing. The parties, counsel and parents may appear by telephone or video via the Court's remote hearing platform for any other pretrial hearing at which the Court has authorized remote attendance. Remote attendance at show cause or violation hearings requires a written stipulation by the parties or order of the Court.

(2) *Remote Hearing Sessions.* Superior Court Administration will schedule remote sessions for all hearings and will make connection information for such hearings available on the Superior Court website (with the exception of hearings for no contact orders, for which Microsoft Teams hearing information is not publicly available and will be provided by the Superior Court Administrator only to the parties and counsel). The Courtroom will join the remote hearing session for all hearings unless otherwise ordered by the Court in an individual case. The Court's official remote hearing platform is the only way to appear remotely for a hearing. The Courtroom remains physically open to the parties, counsel, and the public in addition to remote attendance, unless expressly ordered by the Court.

(3) *Remote Hearing Procedures.* Any person appearing for a hearing remotely shall follow the Court's Remote Appearance Procedures posted on the San Juan County Superior Court website, which may be amended from time to time. In all cases, persons appearing remotely shall: (a) appear in a location as quiet as possible and with background that is without distractions and appropriate for Court; (b) appear in attire appropriate for the Court setting; (c) mute your device until your cases is called, and during their hearing except when it is your turn to speak or as directed by the Judge; and (d) treat all persons present with the same respect and decorum as you would if you were physically present in the Courtroom.

*[Adopted Effective September 1, 2021; Amended Effective September 1, 2023]*

#### **LJuCR 11.9 – 11.22. (No Local Rules)**

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF SAN JUAN**

[ ] In Re the Marriage of:  
[ ] In Re the Parentage of:  
[ ] In Re the Guardianship of:  
[ ] In Re the Committed Intimate Relationship of:

NO.

TEMPORARY RESTRAINING ORDER  
(TMRO)

\_\_\_\_\_, Petitioner

and

\_\_\_\_\_, Respondent

**I. NOTICE TO PARTIES**

**1.1 An action has been started in this court that affects your family. All parties are now required to obey the following order unless the court changes it. Any party may ask the court to change or clarify this order. The court has the authority to punish violations of this order, including to require the violator to pay attorney fees to the other party for having to bring the violation before the court. The following orders refer to "parties" to be inclusive of the various persons involved in family law proceedings; however, this order does not apply to guardians ad litem or court visitors.**

**II. ORDER**

**IT IS ORDERED:**

**2.1 TEMPORARY ORDERS FOR PARTIES TO DIVORCE/SEPARATION/COMMITTED INTIMATE RELATIONSHIP PROCEEDINGS**

- (a) Parties are restrained from transferring, removing, encumbering, concealing, damaging or in any way disposing of any property except in the usual course of business or for the necessities of life or as agreed in writing by the parties. Each party shall notify the other of any extraordinary expenditure made after this order is issued.
- (b) Parties are restrained from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties or of any dependent children, whether medical, health, life or auto insurance, except as agreed in writing by the parties.
- (c) Unless the court orders otherwise, parties are responsible for their own future debts whether incurred by credit card, loan, security interest or mortgage, except as agreed in writing by the parties.
- (d) Parties shall have access to all tax, financial, legal, and household records. Reasonable access to records shall not be denied without order of the court.
- (e) At least sixty (60) days prior to trial, each party shall serve on the opposing party: (1) a Financial Declaration (FL All Family 131), in all cases involving a request for child support, maintenance or attorney's fees. The Declaration shall also be filed with the court; (2) a Verified Statement of Assets and Liabilities (form is Appendix B to Local Court Rules of the Superior Court for San Juan County, website: <https://www.sanjuanco.com/185/Superior-Court>) including both marital and separate assets and liabilities of any kind, in any case involving the division of assets and/or debts. The Verified Statement of Assets and Liabilities shall not be filed with the Court; and (3) Each party shall then file a Declaration of Mailing, attesting that the Financial Declaration and Verified Statement of Assets and Liabilities have been provided to the other party. All parties have a duty to supplement the financial information when additional information becomes available.

**RESTRAINING ORDER**

**LCR 90**

Page 1 of 2

**FORMS APPENDIX -- A**

Eff September 1, 2023

**2.2 TEMPORARY ORDERS FOR PARTIES WITH MINOR CHILD(REN).**

- (a) All parties are restrained from changing the residence of the child(ren) until further court order, except as agreed in writing by the parties.
- (b) Each parent and any other party legally entitled shall have full access to the child(ren)'s educational and medical records, unless otherwise ordered by the court.
- (c) Each party shall insure that the child(ren) are not exposed to negative comments about the other parties. No party shall make negative comments about another party in the presence of the child(ren).
- (d) Unless waived pursuant to LCR 92, within 90 days of filing an appearance, answer or other responsive pleading in this action, all parties shall attend a court-approved parent education seminar. Upon completion of the seminar, each party shall file with the court the seminar completion certificate provided by the sponsoring agency or provider.
- (e) At least sixty (60) days prior to trial, each party shall provide the other parties with a Proposed Parenting Plan, if they have not already done so.

**2.3 MEDIATION AND SETTLEMENT CONFERENCE**

If the parties are not able to agree on a final resolution of their case, they shall be required to participate in mediation in accordance with LCR 93. If, after mediation, there remain unresolved issues, the parties may participate in a settlement conference, pursuant to LCR 16(b).

**2.4 EFFECTIVE DATE OF ORDER**

The Petitioner is subject to this order from the time of filing the Petition. **The Petitioner shall serve a copy of this on the Respondent(s) and file a declaration of service in the court file.** The Respondent is subject to this order from the time that the order is served. This order shall remain in effect until further court order.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE/ Commissioner

**DO NOT FILE THIS DOCUMENT WITH THE COURT**

**VERIFIED STATEMENT OF ASSETS AND LIABILITIES**

*(Attach additional sheets in the same form if necessary.)*

Petitioner: \_\_\_\_\_ Respondent: \_\_\_\_\_ Case #: \_\_\_\_\_

Date of separation: \_\_\_\_\_ Date Petition for Dissolution filed: \_\_\_\_\_

1. I am the [ ] Petitioner [ ] Respondent in this action.
2. To my knowledge, as of the date of separation, the following community and separate assets and liabilities existed. *(Note: Generally "**Community assets**" means those assets that were acquired during marriage, except by inheritance or gift. "**Community liabilities**" means all debts incurred during the marriage, regardless of whose name the debt is in. "**Separate assets**" means those assets owned before marriage, or acquired after separation, or acquired during the marriage by inheritance or gift. "**Separate liabilities**" means those debts incurred before the marriage or after separation.)*

**COMMUNITY ASSETS**

**SEPARATE ASSETS**

**Real Property:**

1. \_\_\_\_\_
2. \_\_\_\_\_

1. \_\_\_\_\_
2. \_\_\_\_\_

**Vehicles (autos, trailers, boats, etc.):**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**Bank Accounts:**

- |    | <u>Bank Name/Branch</u> | <u>Account No.</u> |
|----|-------------------------|--------------------|
| 1. | _____                   | _____              |
| 2. | _____                   | _____              |
| 3. | _____                   | _____              |
| 4. | _____                   | _____              |

- |    | <u>Bank Name/Branch</u> | <u>Account No.</u> |
|----|-------------------------|--------------------|
| 1. | _____                   | _____              |
| 2. | _____                   | _____              |
| 3. | _____                   | _____              |
| 4. | _____                   | _____              |

**Pensions/Retirement Accounts:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

**Business Interests:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

**Stocks/Bonds/Investments:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**Life Insurance:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

**Household Goods/Furnishings/  
Appliances valued over \$250:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

**Sporting Goods/Tools & Equipment  
valued over \$250:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_



**Jewelry/Artwork valued over \$250:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

**Electronics and Accessories valued over \$250:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

**Other**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**COMMUNITY LIABILITIES**

**Mortgage:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

**Balance at Separation**

- \$ \_\_\_\_\_
- \$ \_\_\_\_\_

**Current Balance**

- \$ \_\_\_\_\_
- \$ \_\_\_\_\_

**Loans (vehicles/student/personal):**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

- \$ \_\_\_\_\_
- \$ \_\_\_\_\_
- \$ \_\_\_\_\_
- \$ \_\_\_\_\_

- \$ \_\_\_\_\_
- \$ \_\_\_\_\_
- \$ \_\_\_\_\_
- \$ \_\_\_\_\_

**Credit Cards:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

- \$ \_\_\_\_\_
- \$ \_\_\_\_\_
- \$ \_\_\_\_\_
- \$ \_\_\_\_\_
- \$ \_\_\_\_\_

- \$ \_\_\_\_\_
- \$ \_\_\_\_\_
- \$ \_\_\_\_\_
- \$ \_\_\_\_\_
- \$ \_\_\_\_\_

**Other (overdue utility/phone bills, IRS, hospital/doctor bills, collection):**      **Balance at Separation**      **Current Balance**

1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____
5. _____	\$ _____	\$ _____
6. _____	\$ _____	\$ _____

**Business Debts:**

1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____

**SEPARATE LIABILITIES**

**Described type:**

1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____
5. _____	\$ _____	\$ _____

**Since the time of separation, there has been the following substantial change in the assets listed above:** (NOTE: Describe how, when and why any of the above assets were sold, traded, consumed or otherwise disposed.)

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I anticipate receiving the following in the future:

- (a) Inheritance  Yes  No
- (b) Settlement proceeds from a lawsuit  Yes  No
- (c) Settlement proceeds from a work-related injury  Yes  No
- (d) Money owed to me by another  Yes  No

I declare under penalty of perjury of the laws of the State of Washington that the above is true and correct to the best of my knowledge.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Washington.

\_\_\_\_\_  
Declarant

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF SAN JUAN**

\_\_\_\_\_, Petitioner/Plaintiff

NO.

vs

\_\_\_\_\_, Respondent/Defendant

NOTE FOR TRIAL ASSIGNMENT  
(Clerk's Action Required)

**TO:** Clerk of the Court  
**AND TO:** Court Administrator  
**AND TO:** \_\_\_\_\_

Please take notice that the above captioned action is now at issue. The Clerk is requested to note this case on the regular Trial Assignment Calendar (Every Friday of the month)

Date requested for trial assignment: Friday \_\_\_\_\_  
(This is an administrative calendar only; no personal appearance required)

Nature of this case: \_\_\_\_\_

Issues in Dispute: \_\_\_\_\_

Estimated Length of Trial (days): \_\_\_\_\_

A jury  of 6  of 12  has  has not been demanded.

Is the Parent Education Seminar requirement under LCR 92 applicable?  Yes  No  
If yes, have the parties attended a court-approved Parent Education Seminar and are the certificates filed with the court?  Yes  No

Is the mandatory mediation requirement under LCR 93 applicable?  Yes  No  
If yes, have the parties completed mandatory mediation and is the declaration of completion filed with the court?  Yes  No

Has a Title 26 Guardian ad Litem been appointed?  Yes  No  
If yes, has the GAL Report been filed with the court?  Yes  No

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature / Printed Name  
Attorney for \_\_\_\_\_  
WSBA No. \_\_\_\_\_  
Address: \_\_\_\_\_

**NOTE FOR TRIAL ASSIGNMENT  
LCR 40**

**FORMS APPENDIX -- C**

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF SAN JUAN**

\_\_\_\_\_, Petitioner/Plaintiff

NO.

vs

\_\_\_\_\_, Respondent/Defendant

NOTICE OF CONFLICT DATES

**TO:** Clerk of the Court  
**AND TO:** Court Administrator  
**AND TO:** \_\_\_\_\_

Please take notice that the above captioned case has been noted for trial assignment on the following date:  
Friday \_\_\_\_\_ (This is an administrative calendar only; no personal appearance  
required)

**The following are the undersigned's conflict dates, which are limited to previously scheduled  
vacations and trial dates:**

Dates of Counsel's  
Unavailability

Reason for  
Unavailability

Reference  
(Court and Cause No.)

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature / Printed Name  
Attorney for \_\_\_\_\_  
WSBA No. \_\_\_\_\_  
Address: \_\_\_\_\_

**NOTICE OF CONFLICT DATES  
LCR 40**

**FORMS APPENDIX -- D**

# Exhibit List

Case No.

Case Name:

Hearing/Trial Date

Attorney for Plaintiff/Petitioner:

Attorney for Defendant/Respondent:

Attorney for Plaintiff/Petitioner:		Attorney for Defendant/Respondent:
	1	
	2	
	3	
	4	
	5	
	6	
	7	

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF SAN JUAN**

In Re the Marriage of:  
 In Re the Parentage of:

\_\_\_\_\_, Petitioner  
and  
\_\_\_\_\_, Respondent

NO.

ORDER TO SHOW CAUSE RE: PARENT  
EDUCATION SEMINAR

Clerk's Action Required: Para./Sect. \_\_\_\_\_

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED**

By sua sponte order of the Court:

The Respondent herein, \_\_\_\_\_, shall complete a court-approved parent education seminar, per LCR 92, no later than \_\_\_\_\_. Proof of completion shall be filed with the Court no later than \_\_\_\_\_.

IT IS FURTHER ORDERED:

In the event proof of completion of the class is not filed with the Court by said date, \_\_\_\_\_ shall appear in person before this court at the place and time set forth below and show cause why he / she should not be held in contempt of court for failure to abide by this order and why sanctions should not be entered for such failure to-wit:

Date: \_\_\_\_\_ / Time: \_\_\_\_\_

Place: San Juan County Courthouse  
350 Court Street  
Friday Harbor, WA 98250

Room: Superior Courtroom, Second Floor

Judge: Honorable Kathryn C. Loring

IF YOU FAIL TO APPEAR IN PERSON AND SHOW CAUSE AT THESE PROCEEDINGS THE COURT MAY ORDER SANCTIONS, INCLUDING CONTEMPT, AND/OR ISSUE A BENCH WARRANT FOR YOUR ARREST WITHOUT FURTHER NOTICE TO YOU.

This order may be served by mail.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Kathryn C. Loring, Judge

**ORDER TO SHOW CAUSE RE: PARENTING CLASS  
LCR 92**

**FORMS APPENDIX -- F**

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF SAN JUAN**

In Re the Marriage of:

\_\_\_\_\_, Petitioner

and

\_\_\_\_\_, Respondent

NO.

REQUEST FOR ENTRY OF DECREE AND  
DECLARATION OF JURISDICTIONAL FACTS

**REQUEST:** The petitioner requests immediate entry of Findings of Fact, Conclusions of Law and • Decree of Dissolution of Marriage, • Decree of Legal Separation, or • Declaration of Invalidity without a final hearing, and states:

**RESIDENCE:** I was a resident of the state of Washington when the petition was filed.

**TIME LIMITS:** More than 90 days have elapsed since the later of \_\_\_\_\_, 20\_\_\_\_, the date on which the Petition was filed, and \_\_\_\_\_, 20\_\_\_\_, the date on which

1. The Respondent signed an acceptance of service of the Summons and Petition **and**
  - the Respondent has signed the original final documents; **or**
  - the Respondent waived notice **and** the final documents provide for only that relief requested in the petition; **or**
  - an order of default has been entered against Respondent;**or**
2. The Summons and Petition:
  - were personally served upon the Respondent, **or**
  - the summons was first published pursuant to a court order, **or**
  - the summons and petition were mailed pursuant to a court order;**and**
  - an order of default has been entered against Respondent.

**MARRIAGE &  
SEPARATION:**

The parties were married on \_\_\_\_\_, \_\_\_\_\_, (date) at \_\_\_\_\_, (city and state) and separated on \_\_\_\_\_, \_\_\_\_\_ (date).

- The marriage is irretrievably broken, **or**
- The parties wish to be legally separated, **or**
- The marriage of the parties is invalid.

**PREGNANCY:**

- Neither party is pregnant.
- (Name) \_\_\_\_\_ is pregnant. [Note: Under RCW 26.26.116, the other party is the presumed parent. If either party believes the other party is not the parent, this presumption may be challenged up to four years after the birth of the child or as otherwise provided in RCW 26.26.500 through 26.26.625.]

**REQUEST FOR ENTRY OF DECREE AND  
DECLARATION OF JURISDICTIONAL FACTS**

**LCR 91**

Page 1 of 2

**FORMS APPENDIX -- G**



DEPENDENT CHILDREN: All dependent children of the marriage are identified and the Child Support worksheets are accurate.

PARENTING CLASS: • Petitioner  has  has not / Respondent  has  has not completed the mandatory court-approved parent education seminar and the certificate(s) of completion is/are attached.  
• The parent education seminar has been waived by the court.

PROPERTY & DEBTS: All property and all debts of the parties are fairly and completely divided in the Decree.

IF DEFAULT: If entry of the Decree is sought after default of the Respondent, the final documents provide for only that relief requested in the petition.

PERJURY DECLARATION: I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Washington.

\_\_\_\_\_  
Signature of Petitioner

Presented by:

\_\_\_\_\_  
Signature & Printed Name of Petitioner's Attorney

Approved, Notice of Presentation Waived:

\_\_\_\_\_  
Signature & Printed Name of Respondent's Attorney

\_\_\_\_\_  
Signature & Printed Name of Respondent

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF SAN JUAN**

\_\_\_\_\_, Petitioner

and

\_\_\_\_\_, Respondent

NO.

DOMESTIC RELATIONS PRE-TRIAL INFORMATION  
SUBMITTED BY: \_\_\_\_\_

**NOTE: This form shall be filed and served by noon two judicial days before trial.**

**I. INFORMATION**

A. Ages: Petitioner \_\_\_\_\_ Respondent \_\_\_\_\_

B. Date of Marriage, if applicable: \_\_\_\_\_

C. Dependent children living with either party:

1. Of this marriage:

Name	Age	With Whom Residing
_____	_____	_____
_____	_____	_____

2. Children of former marriages:

Name	Age	With Whom Residing
_____	_____	_____
_____	_____	_____

**II. INCOME & EMPLOYMENT**

A. Petitioner:

1. Employer's name and address: \_\_\_\_\_

2. Net take-home pay per month: \$ \_\_\_\_\_

Other income: Source	Monthly Amount
_____	\$ _____
_____	\$ _____

B. Respondent:

1. Employer's name and address: \_\_\_\_\_

2. Net take-home pay per month: \$ \_\_\_\_\_

Other income: Source	Monthly Amount
_____	\$ _____
_____	\$ _____

**III. ASSETS & LIABILITIES**

**Instructions:** Indicate your proposed division of assets and liabilities on a sheet of paper divided in the middle, vertically, by listing the property to be awarded to the petitioner on the left side of the page and listing the property to be awarded to the respondent on the right side of the page. (See **Sample** on following page.) Such lists should begin with items of community property having the greatest value and should be described in such detail as may be reasonable in

**DOMESTIC RELATIONS PRE-TRIAL INFORMATION  
LCR 90**

view of the total assets of the marital community.

Generally, assets having an individual value of more than \$500 should be listed separately. Any property subject to an encumbrance or security interest should disclose the nature of such security interest, the unpaid balance owing at the time of trial and the net fair market value of such asset after the deduction of such encumbrance.

The proposed property division should conclude with a list of liabilities to be assumed by each party, including, except as may be disclosed above, the name of the creditor, amount of the monthly payment, the unpaid balance on each such debt and the total amount of all such liabilities to be assumed by each party.

Deduction of the total amount of liabilities to be assumed by each party from the net total fair market value of the community property awarded to such party will constitute the net fair market values for your proposed property division. This should be followed by a list of separate property to be awarded to each spouse.

### SAMPLE

#### III. ASSETS & LIABILITIES

#### PROPERTY DIVISION PROPOSED BY PETITIONER

##### Property to be Awarded to Petitioner:

###### Real Estate:

Family Home (FMV) \$60,000

Less: Mortgage to

Hometown Bank ( 30,000 )

Net Equity: \$30,000

###### Motor Vehicles:

1985 Chev. Caprice

(FMV) \$ 8,500

Less: Loan to

Credit Union ( 5,000 )

Net Equity: \$3,500

###### Household Goods:

Living room furniture \$750

Console TV \$600

Bedroom Furniture \$500

Kitchen Appliances \$300

Misc. Dishes/utensils \$200

Total Household Goods \$2,350

Cash: (from savings acct) \$1,500

Clothing & Personal Effects: \$1,000

Total Value Community Property

Awarded to Petitioner: \$ 38,350

###### Less Debts Assumed by Petitioner:

Sears \$450

VISA \$600

Total Debts: ( \$1,050 )

Net Value of Award to Petitioner: \$ 37,300

Less: Lien on Family Home (\$6,375)

**Total Community Property  
Awarded to Petitioner: \$ 30,925**

Separate Property:

100 Shares Puget Power (from father) \$ 2,000

**Total Award to Petitioner: \$ 32,925**

##### Property to be Awarded to Respondent:

###### Pension (Present Cash Value

at dissolution) \$20,000

###### Motor Vehicles:

1983 Ford pickup (FMV) \$ 5,000

Less: Loan to Second

National Bank (\$2,000)

Net Equity: \$ 3,000

###### Household Goods:

Living Room Furniture \$500

Bedroom Furniture \$350

Misc. Dishes/utensils \$150

Total Household Goods: \$1,000

Cash (from checking & savings) 1,000

Power Tools \$350

Clothing & Personal Effects \$750

Total Value of Community Property

Awarded to Respondent: \$26,100

###### Less Debts Assumed by Respondent:

Bon Marche \$350

Mastercard \$500

Ace Finance Company \$700

Total Debts: (\$1,550)

Net Value of Award to Respondent: \$24,530

Plus: Lien on family home \$ 6,375

**Total Community Property  
Awarded to Respondent: \$ 30,925**

**I SWEAR UNDER PENALTY OF PERJURY THAT THE ABOVE IS TRUE AND CORRECT.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

**DOMESTIC RELATIONS PRE-TRIAL INFORMATION  
LCR 90**

Page 2 of 2

**FORMS APPENDIX -- H**

Eff September 1, 2023

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF SAN JUAN**

In re the Marriage of:

In re the Parentage of:

Petitioner(s),

and

Respondent(s).

No.

Sealed Cover Sheet for JIS  
Background Check  
(Permanent Parenting Plan)

**CLERK'S ACTION REQUIRED:**

**(JIS Background Check cannot be completed  
unless the information below is provided.)**

The following information is provided for completion of the JIS Background Check required by LCR 90 of the Local Rules for San Juan County.

Permanent Parenting Plan or Residential Schedule to be noted for presentation on:  
\_\_\_\_\_ [date].

Attached is JIS Background Check for **the Petitioner, the Respondent, all minor children over the age of 11 years who reside in the residence of either party, and all other adults who reside in the residence of either party based on the following information provided by the Petitioner, the Respondent, or legal counsel.** Use additional forms, if necessary, for additional children or adults.

I declare under penalty of perjury of the laws of the state of Washington that the information contained herein is true and accurate.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_.  
(day) (month) (year) (city and state)

Petitioner: \_\_\_\_\_ Respondent: \_\_\_\_\_

County Clerk Received by: \_\_\_\_\_ Date: \_\_\_\_\_

<b>CHILD(REN) INFORMATION</b>	
Child's FULL Name (Last, First, MI):	Child's FULL Name (Last, First, MI):
Child's Date of Birth (MO/DAY/YEAR):	Child's Date of Birth (MO/DAY/YEAR):
Child's CURRENT Address:	Child's CURRENT Address:
Child's FULL Name (Last, First MI):	Child's FULL Name (Last, First MI):
Child's Date of Birth (MO/DAY/YEAR):	Child's Date of Birth (MO/DAY/YEAR):
Child's CURRENT Address:	Child's CURRENT Address:

<b>PETITIONER'S INFORMATION</b>			
1 <sup>st</sup> Petitioner's FULL Name (Last, First MI):		2 <sup>nd</sup> Petitioner's FULL Name (Last, First MI):	
Has the 1 <sup>st</sup> Petitioner ever been known by another name? Including hyphenated or maiden names. If so, list name(s):		Has the 2 <sup>nd</sup> Petitioner ever been known by another name? Including hyphenated or maiden names. If so, list name(s):	
1 <sup>st</sup> Petitioner's Date of Birth (MO/DAY/YEAR) :		2 <sup>nd</sup> Petitioner's Date of Birth (MO/DAY/YEAR):	
COURT USE ONLY		COURT USE ONLY	
JIS/JABS Checked <input type="checkbox"/>	Checks attached <input type="checkbox"/>	JIS/JABS Checked <input type="checkbox"/>	Checks attached <input type="checkbox"/>
SCOMIS Checked <input type="checkbox"/>	No information <input type="checkbox"/>	SCOMIS Checked <input type="checkbox"/>	No information <input type="checkbox"/>

<b>RESPONDENT'S INFORMATION</b>			
1 <sup>st</sup> Respondent's FULL Name (Last, First MI):		2 <sup>nd</sup> Respondent's FULL Name (Last, First MI):	
Has the 1 <sup>st</sup> Respondent ever been known by another name? Including hyphenated or maiden names. If so, list name(s):		Has the 2 <sup>nd</sup> Respondent ever been known by another name? Including hyphenated or maiden names. If so, list name(s):	
1 <sup>st</sup> Respondent's Date of Birth (MO/DAY/YEAR):		2 <sup>nd</sup> Respondent's Date of Birth (MO/DAY/YEAR):	
COURT USE ONLY		COURT USE ONLY	
JIS/JABS Checked <input type="checkbox"/>	Checks attached <input type="checkbox"/>	JIS/JABS Checked <input type="checkbox"/>	Checks attached <input type="checkbox"/>
SCOMIS Checked <input type="checkbox"/>	No information <input type="checkbox"/>	SCOMIS Checked <input type="checkbox"/>	No information <input type="checkbox"/>

<b>OTHER MINORS OR ADULTS RESIDING IN PETITIONER'S HOUSEHOLD</b>		<b>OTHER MINORS OR ADULTS RESIDING IN RESPONDENT'S HOUSEHOLD</b>	
Other's FULL Name (Last, First MI):		Other's FULL Name (Last, First MI)	
Has the Other ever been known by another name? Including hyphenated or maiden names. If so, list name(s):		Has the Other ever been known by another name? Including hyphenated or maiden names. If so, list name(s):	
Other's Date of Birth (MO/DAY/YEAR):		Other's Date of Birth (MO/DAY/YEAR):	
Other's FULL Name (Last, First, MI):		Other's FULL Name (Last, First, MI):	
Has the Other ever been known by another name? Including hyphenated or maiden names. If so, list name(s):		Has the Other ever been known by another name? Including hyphenated or maiden names. If so, list name(s):	
Other's Date of Birth (MO/DAY/YEAR):		Other's Date of Birth (MO/DAY/YEAR):	
Other's FULL Name (Last, First MI):		Other's FULL Name (Last, First MI):	
Has the Other ever been known by another name? Including hyphenated or maiden names. If so, list name(s):		Has the Other ever been known by another name? Including hyphenated or maiden names. If so, list name(s):	
Other's Date of Birth (MO/DAY/YEAR):		Other's Date of Birth (MO/DAY/YEAR):	
<b>COURT USE ONLY</b>		<b>COURT USE ONLY</b>	
JIS/JABS Checked <input type="checkbox"/>	Checks attached <input type="checkbox"/>	JIS/JABS Checked <input type="checkbox"/>	Checks attached <input type="checkbox"/>
SCOMIS Checked <input type="checkbox"/>	No information <input type="checkbox"/>	SCOMIS Checked <input type="checkbox"/>	No information <input type="checkbox"/>

**SAN JUAN COUNTY SUPERIOR COURT  
CONDUCT AND DRESS CODE**

THE FOLLOWING CONDUCT AND DRESS CODE SHALL  
APPLY WHEN COURT IS IN SESSION:

**Conduct Code:**

1. No firearms or other weapons, including knives, are allowed in the courtroom.
2. No food is allowed in the courtroom. All drinks must be in containers that can be securely closed to avoid spills.
3. All cell phones or electronic devices with audible signals activated shall be allowed in the courtroom.
4. All persons in the courtroom shall, in their speech and actions, conduct themselves in a manner appropriate to the dignity and decorum of the courtroom setting. All persons shall refrain from conduct or behavior that manifests disrespect for others or disrupts the proceedings.
5. No photography, video recording, or audio recording in the courtroom, except members of the press with prior approval of the Court.

**Court Participant Attire:**

Please dress comfortably for court while wearing clothing appropriate for the dignity of the court setting. Acceptable court attire is business casual or casual dress. Jeans are allowed. Please do not wear shorts, tank tops, loungewear, beach wear, or athletic wear. Additionally, please avoid clothing with graphics or messages on them. The judge reserves the right to ask people to change clothes or to turn their shirts inside out if their clothing is potentially disruptive or distracting to the proceeding. Hats are not allowed unless worn for religious or medical purposes. Out of respect for those with allergies, please refrain from wearing any strongly scented fragrances.

**Attorney Attire:**

Attorneys should wear professional attire appropriate for the dignity of the court setting. Attorneys should wear the same attire for video appearance that they would wear in the courtroom. While jackets are presumed to be part of such professional attire, they need not be worn when temperatures make doing so uncomfortable.

# COURT DECORUM AND PRACTICE GUIDELINES

## PREFACE

The pursuit of justice is a serious undertaking and conduct during the litigation process, both within and outside the courtroom, must at all times satisfy the appearance as well as the reality of fairness and equal treatment. Dignity, order and decorum are indispensable to the proper administration of justice.

A trial is an adversary proceeding, and lawyers must advocate for their clients' positions. However, conduct that may be characterized as discriminatory, abusive, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully and efficiently. Such conduct tends to delay and often to deny justice.

Attorneys are privileged to participate in the administration of justice in a unique way, and are responsible to their own consciences, to their clients, to one another, and to the public to conduct themselves in a manner which will facilitate, and never detract from, the administration of justice.

A trial is a truth-seeking process designed to resolve human and societal problems in a rational and efficient manner. A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. A judge's conduct should be characterized at all times by courtesy, patience, and fairness toward all participants. The courts belong to the people of this state. The guidelines are intended to facilitate access to the courts for the fair resolution of disputes and should never be applied to deny access.

### Application

The purpose of these guidelines is to provide lawyers, judges, and parties with a reasonable standard of conduct in judicial proceedings. However, these guidelines are not intended to homogenize conduct or remove individuality from the courtroom. To facilitate professional growth and foster voluntary compliance with these guidelines, the WSBA Court Congestion and Improvement Committee periodically review these guidelines. Comments are considered by the committee and changes are incorporated as needed.

All participants in judicial proceedings should voluntarily adhere to these guidelines. These guidelines shall not be used as a basis for litigation or for sanctions or penalties. Nothing in these guidelines supersedes or detracts from existing codes or rules of conduct or discipline or alters existing standards by which lawyer negligence may be determined.

## COURT DECORUM

### I. General Court Hearing Decorum

- A. Always be prompt.
- B. Stand when the judge enters or leaves the courtroom.
- C. Do not make personal attacks on opposing counsel.
- D. Do not interrupt. Wait your turn.
- E. Enhancing courtroom decorum is a cooperative venture among bench and bar. It is appropriate to call to the attention of opposing counsel any perceived violations of these guidelines out of the presence of the jury.
- F. After the court has ruled, ask the court's permission before arguing further.
- G. Advise clients and witnesses of the formalities of the court, the appropriate guidelines, and any rulings on motions in limine. Encourage their cooperation. This applies both to attorneys and to self-represented parties.



H. If there is a live microphone, remember not to confer with others or rustle papers near the microphone. With the importance of making an accurate court record, be mindful of speaking into the microphone in an audible and clear fashion.

I. Courtrooms equipped for recording may require special precautions, such as remaining near a microphone.

J. Treat everyone in the proceeding with fairness, consideration, and respect. Refrain from conduct that discriminates on the basis of race, color, national origin, religion, creed, gender identity, age, disability, sexual orientation, or marital status.

## **II. General Trial Conduct**

A. Offers of and requests for stipulations are appropriate to facilitate the presentation of a case, but should not be employed to communicate to the jury a party's willingness or unwillingness to stipulate.

B. During trial, maintain appropriate respect for witnesses, jurors, and opposing counsel, avoiding informality. Address adults by their titles or surnames unless permission has been given to use first names. Avoid referring to adults by biased and demeaning expressions or labels such as "girl," "gal," or "boy." Address jurors individually or by name only during voir dire.

C. Treat jurors with respect and dignity, avoiding fawning, flattery, or pretended solicitude. Suggestions regarding the comfort or convenience of jurors should generally be made to the court out of the jury's hearing.

D. During the opening statement and argument of opposing counsel, never inappropriately divert the attention of the court or the jury.

E. Avoid expressing an opinion to the jury about the testimony of a witness, a ruling of the court, or argument of counsel through exaggerated facial expressions or other contrived conduct.

F. When practical, give the court advance notice of any legal issue that is likely to be complex, difficult, and which you expect to require argument.

G. Do not argue the case in the opening statement.

H. Counsel should not express to the jury personal knowledge or personal opinions about the evidence.

I. Address your remarks to the court, not to opposing counsel except when extending necessary courtesies, e.g., thank you.

J. Only attorney, parties, court personnel, and witnesses, when called to the stand, are permitted within the bar of the courtroom, unless otherwise allowed by the court.

## **III. Examination of Witnesses**

A. When examining a witness, avoid undue repetition of the witness' answer.

B. Make objections for evidentiary reasons without delivering a speech or guiding a witness. Recapitulate testimony only as needed to put an objection in context.

C. If a witness was on the stand at a recess or adjournment, have the witness ready to proceed when the court is resumed.

D. Attempt to anticipate witness scheduling problems and discuss them with opposing counsel and the court. Try to schedule witnesses in advance of trial.

## **IV. Exhibits and Documents**

A. Pre-mark exhibits with the clerk for identification prior to trial where appropriate and in accordance with the applicable rules.

B. Return all exhibits to the clerk at each adjournment.

C. Whenever referring to an exhibit, identify the exhibit by its exhibit number.

**COUNTY OF SAN JUAN**  
**SUPERIOR and DISTRICT COURTS**  
350 Court Street, Friday Harbor, WA 98250

**EVALUATION STANDARDS**

A defendant, who is required by the court to obtain an evaluation of any kind, must ensure that the evaluator complies with the minimum requirements set forth below. The defendant must also sign a waiver of confidentiality so that the court, probation officer and prosecutor may provide the evaluator with pertinent information, and the evaluator can provide evaluations and progress reports to the court, probation officer and prosecutor.

**THE EVALUATOR** must meet all certification and registration requirements for the State of Washington. The evaluation must be conducted in person. As part of the evaluation process, the evaluator must comply with all procedures required by the State of Washington and **MUST ALSO OBTAIN AND CONSIDER THE FOLLOWING:**

1. The arrest and criminal history of the defendant;
2. The driving record of the defendant (if charge is driving related);
3. The police reports relating to the incident underlying the charges;
4. Any prior relevant evaluations;
5. Information from at least one collateral contact who has significant knowledge of the defendant;
6. Any additional information provided by the District Court probation officer;
7. The defendant must submit a urinalysis for alcohol and drug testing (if charge is alcohol/ drug related).

**AUTHORIZATION TO RELEASE INFORMATION**

I understand that federal and state laws and regulations provide that information obtained by drug, alcohol, mental health counselors and treatment agencies are confidential and may not be disclosed without my specific written consent, unless otherwise permitted by such regulations. A general authorization for the release of medical or other information is not sufficient to allow disclosure. I also understand that I may revoke this consent at any time EXCEPT to the extent that action has been taken in reliance on it for purposes of sentencing, probation or parole. I have read the above evaluation standards, and understand that the evaluator must comply with those standards.

**I HAVE READ AND UNDERSTAND** the evaluation standards set forth above and **AGREE TO COMPLY** with these standards and to **PROVIDE A COPY** of these standards to the person or agency that will be conducting my evaluation.

**I AUTHORIZE** the court, prosecutor, sheriff and probation department to release any arrest, criminal, and driving records, incident reports, and any prior evaluations relating to me, to the person(s) or agencies named below who will perform a court-ordered evaluation in this case.

**I AUTHORIZE** \_\_\_\_\_  
(name, address & tel. of agency) to release tests results, evaluations and progress reports to the court clerk, prosecuting attorney, and District Court probation department in San Juan County.

DATE:

Superior Court: 360-370-7480  
County Clerk: 360-378-2163  
District Court: 360-378-4017  
Prosecutor: 360-378-4101  
D.C. Probation: 360-378-8208  
Juvenile Court: 360-370-7442

\_\_\_\_\_  
Defendant  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: \_\_\_\_\_

**Evaluation Standards**  
**LCrR 8.2(c)**

**FORMS APPENDIX --L**

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF SAN JUAN**

In re the Marriage of:  
 In re the Parentage of:  
 In re the Intimate Committed Relationship of:  
 In re the Guardianship of:  
 In re the Estate of:  
\_\_\_\_\_ Plaintiff(s)/Petitioner(s),  
and  
\_\_\_\_\_ Defendant(s)/Respondent(s).

No.  
STIPULATION TO MODIFY EMAIL SERVICE RULE

COME NOW THE PARTIES ABOVE-NAMED, by and through their respective counsel of record or individually if pro se, and hereby stipulate as follows:

The San Juan County Local Court Rule (LCR) 5(l) regarding email service of pleadings or other papers after original service of process is hereby modified as follows:

- No party shall be entitled to serve by email.
- Documents served by email shall be limited to \_\_\_\_\_ size per \_\_\_ day/\_\_\_ email.
- Each party agrees to service of \_\_\_ discovery requests/ \_\_\_ discovery responses by email.
- \_\_\_\_\_ party does **not** wish to have hard copies delivered after email service.
- Confirmation of email service shall be by: \_\_\_\_\_.

The parties further stipulate as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

DATED: \_\_\_\_\_

DATED: \_\_\_\_\_

NAME OF FIRM or party

NAME OF FIRM or party

\_\_\_\_\_  
Signature of attorney/party  
WSBA# \_\_\_\_\_  
Attorney for \_\_\_\_\_

\_\_\_\_\_  
Signature of attorney/party  
WSBA # \_\_\_\_\_  
Attorney for \_\_\_\_\_

**Stipulation to Modify Email Service Rule  
LCR 5(I)**

**FORMS APPENDIX -- M**

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF SAN JUAN**

In the Guardianship of:

,

Incapacitated Person.

No.

ORDER CONVERTING  
RCW 11.88 GUARDIANSHIP TO  
RCW 11.130 GUARDIANSHIP &  
CONSERVATORSHIP

This matter came on for a [ ] annual, [ ] biannual, [ ] triennial guardianship review hearing on \_\_\_\_\_, with the Guardian's regular \_\_\_\_\_ report having been filed on \_\_\_\_\_. The Guardian originally was appointed as the full/limited Guardian of the person/estate for \_\_\_\_\_ on \_\_\_\_\_.

The Court, on its own motion, considers the conversion of the existing guardianship under RCW Ch. 11.88 to a guardianship and conservatorship under the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, RCW Ch. 11.130. which became effective as to adult proceedings on January 1, 2022.

Further, the Court has considered whether protective arrangements less restrictive than guardianship and conservatorship are available, and has determined that given the needs of \_\_\_\_\_, such less restrictive arrangements would not be appropriate or sufficient here. Additional findings if applicable: \_\_\_\_\_.

NOW, THEREFORE, THE COURT ENTERS THE FOLLOWING ORDERS:

1. The Clerk is directed to convert the existing guardianship to a guardianship and a conservatorship under RCW Ch. 11.130.
2. Upon the filing of the Acceptance of Appointment of Guardian and Conservator, the Clerk is directed to issue new letters of office appointing \_\_\_\_\_ as the full/limited guardian/conservator for \_\_\_\_\_. The new letters shall expire \_\_\_\_\_ (180 days from the end of the reporting period).
3. \_\_\_\_\_ shall serve the person subject to the guardianship/conservatorship and all other persons entitled to notice the Notification of Rights provided on the Washington pattern form or as otherwise provided by RCW 11.130.315, .425, & .655, within 30 days from the date of this order.

///

4. \_\_\_\_\_ shall file and serve on all persons entitled to notice a Guardian's Plan pursuant to RCW 11.130.340 and/or a Conservator's Plan pursuant to RCW 11.130.510 on the Washington pattern forms within 90 days from the date of this order (if these have not already been filed/served). Upon receipt, the Court shall determine whether any further review hearing is necessary. \_\_\_\_\_ shall lodge proposed orders approving said plans, also on the pattern forms, at the same time as filing the plans.
5. \_\_\_\_\_ is required to complete the online lay guardian training and to file proof of completion within 90 days from the date of this order. The training is available through the Washington Courts Guardian Portal.
6. The Court separately enters an order approving the Guardian's report for the prior reporting period, which sets future reporting and review dates.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE KATHRYN C. LORING

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF SAN JUAN**

In re:  
Petitioner/s (*person/s who started this case*):  
\_\_\_\_\_  
And Respondent/s (*other party/parties*):  
\_\_\_\_\_

No. \_\_\_\_\_  
Family Law Informal Trial Selection  
*Choose One:*  
 Petitioner (**IFTP**)  
 Respondent (**IFTR**)  
**Clerks Action Required**

**Family Law Informal Trial Selection**

**Use this form** if you want an Informal Trial instead of a Traditional Trial. You must file this form 30 days before the trial date (or trial setting if no trial date is scheduled).

Here are some of the differences between the 2 types of trials:

- **In a Traditional Trial**, both parties are allowed to call witnesses and to cross-examine the opposing witnesses. The Rules of Evidence apply.
- **In an Informal Trial**, the judge, not the parties, questions the witnesses. Other than the parties, only expert witnesses are allowed. The Rules of Evidence do **not** apply. Instead, the process follows General Rule 40.

I have reviewed the *Two Kinds of Family Law Trial* brochure attached to this form.

**1. I want an Informal Trial.** I am the (*check one*)

Petitioner  Respondent

I understand that if the other party does not agree to an Informal Trial, we will have a Traditional Trial.

**2. I understand than an Informal Trial works like this:**

- Both parties will give a brief summary of the issues that need to be decided. Both parties will speak to the judge under oath about the issues in the case (*examples: how to divide property and debt, parenting plan, child support, spousal support*).
- Both parties will have an opportunity to respond to the other party's statement and explain how the law applies to their case.
- There is no cross examination. The judge may ask questions.
- Most of the time, the 2 people in the case are the only witnesses in an Informal Trial. Sometimes a party needs an expert witness (someone with special training and education) to give an opinion, which is allowed in informal trials. The parties or their lawyers may ask experts questions. The expert's report will be received as an exhibit.
- Non-expert witnesses are not allowed. Instead, each party may submit up to 5 declarations from other people with a maximum page count of 20 pages. Also, each party can submit any document or other evidence they want the judge to review.

- The judge will decide what credibility and weight to give documents, physical evidence, and testimony that is entered as evidence during the Informal Trial. The judge is not bound by the Rules of Evidence.
- The judge will follow the same law to decide the case, whether it is an Informal or Traditional Trial.

**3. Expert witnesses** (*check one*)

- I do **not** want an evaluator or other expert witness to testify at my trial.
- I want an evaluator (CASA, GAL or FCS) to be a witness at my trial.
- I want another type of expert to testify at my trial. (*Name*) \_\_\_\_\_ has expertise in \_\_\_\_\_ and has information relevant to my case.
- I have filed the report they prepared for my case.

**4. I give up my right to a Traditional Trial**

By agreeing to an Informal Trial, I agree to the following:

- **Voluntary.** My participation in an Informal Trial is strictly voluntary. No one can force me to agree to this process. I have not been threatened or promised anything for agreeing to an Informal Trial.
- **Format.** The normal question and answer format of trial will not be used. The judge may ask me questions about the case. The other party and I can both tell the judge anything we feel is relevant.
- **Rules.** The Rules of Evidence will not apply in this Informal Trial. I will follow the procedures of GR 40, the rule on Informal Family Law Trials.
- **Evidence.** Neither party will call any witnesses except for experts.
- **No appeal of the process.** I give up my right to appeal the judge's use of the Informal Family Law Trial process. I still have a right to appeal the final decision.

Signed on \_\_\_\_\_ Signature: \_\_\_\_\_  
 (Date) Printed Name: \_\_\_\_\_

## **TWO KINDS OF FAMILY LAW TRIALS**

### **Do you have a family law trial coming up? If you do, you have a choice to make.**

There are two different kinds of family law trials in Family Court. A family law trial is about divorce, legal separation, parenting plans, relocation, or child support. The two types of trials are called an Informal Family Law Trial (Informal Trial) and a Traditional Trial. You decide which type of trial is best for you.

### **What are the differences between Informal Trials and Traditional Trials?**

	<b>Informal Trials</b>	<b>Traditional Trials</b>
<b>How formal is the trial?</b>	Less formal	More formal
<b>How easy is this type of trial for a person who does not have a lawyer?</b>	Easier	Harder
<b>What evidence does the judge consider?</b>	The judge decides what is important. You can talk to the judge about things that may not be allowed under the Rules of Evidence, like conversations you had with people outside the courtroom (hearsay). You can bring sworn statements from people who support your case, as well as other evidence or documents.	The parties need to follow the Rules of Evidence and make formal objections if they want to stop the judge from considering evidence.
<b>Who asks questions?</b>	Usually, only the judge.	Mainly the parties or their lawyers, but the judge can also ask witnesses questions.
<b>Can I talk directly to the judge?</b>	Yes.	Not usually. You can usually only talk to the judge during opening and closing arguments, and the other party can object while you are talking to the judge.
<b>Who are the witnesses in the case?</b>	Usually only the parties in the case and the Guardian ad Litem, if there is one. You can ask the judge to allow other expert witnesses, like a doctor or counselor.	Whoever you or the other party lists as a witness before trial starts.
<b>Can I ask the witnesses questions?</b>	No. This means that the other party or their lawyer can't interrupt you when you talk to the judge.	Yes. This means that you can ask the witness to talk about what you think is important.



# TWO KINDS OF FAMILY LAW TRIALS

## What do I need to know about my trial?

### ALL TRIALS

1. Decide what type of trial you want. It will be a Traditional Trial unless both parties agree to an Informal Trial.
2. Before trial starts, both parties **must** prepare and give to the clerk, judge, and the other party:
  - If this is a divorce case, a list of everything you and your spouse own and owe and explain how you want the court to divide these properties and debts.
  - If child support or spousal support are an issue: a Financial Declaration, the last six months of pay stubs, and your tax returns for the last two years (with schedules, W2, and/or 1099).
  - If there are children, a proposed parenting plan.
3. Before trial, each party must give the judge and the other party a copy of all of the documents and other evidence that you will give to the judge.
4. The judge will follow the same law to decide your case, whether you have an informal or formal trial.
5. After trial, the judge will tell one party to draft the final orders. The final, written orders must contain all of the decisions that the judge made after trial. The case is not over until the judge signs the final

### INFORMAL TRIALS

6. Before trial, the judge will make sure the parties understand how the informal trial works and that the parties volunteer to have that kind of trial.
7. If there is a Guardian ad Litem (GAL), they will usually testify first.
8. The petitioner will speak to the judge under oath.
9. The judge asks questions. If there is a lawyer, they can ask the judge to ask about certain topics.
10. The respondent then speaks to the judge under oath.
11. The judge will review expert reports, if there are any, and may let experts testify.
12. The judge reviews evidence presented in court.
13. Each party can respond briefly to the other party.
14. Each party can explain to the judge about how the laws apply in the case.
15. The judge decides the case or sets another hearing for a decision.

### TRADITIONAL TRIALS

6. Both parties make an opening statement, telling the judge about the case and how they think the judge should rule. The petitioner goes first.
7. The petitioner calls all of their witnesses. They ask the witnesses questions and may give the judge evidence. The respondent then asks the witnesses questions. The parties usually testify.
8. The respondent then calls their witnesses and presents evidence. The petitioner can question the respondent's witnesses too.
9. The judge can allow a witness to be questioned again.
10. The parties make closing argument. This summarizes the evidence, explains how the evidence means they should prevail, and tells the judge what is important.
11. The judge decides the case or sets a hearing for a decision.

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