

SAN JUAN COUNTY SUPERIOR COURT
350 Court Street; No. 7
Friday Harbor, WA 98250

Re: Emergency Local Rule Amended December 15, 2023; Effective January 1, 2024;
Effective April 1, 2024

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 Superior Court Administration are 8:30 a.m. to 12:00 noon and from 1:00 p.m. to 4:30 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 Superior Court Administration 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.** (This rule addresses only the Court's schedule; parties are responsible for complying with all other applicable rules.)

Monday:

- 9:30 am: Criminal Law and Motion
- 11:00 am - 12 pm: Therapeutic Court team mtg (1st 3rd and 5th Mondays)(*Not open to the public*)
- 12:00 pm – 1 pm: Family Treatment Court staffing mtg (2nd and 4th Mondays) (*Not open to the public*)
- 1:15 pm: Therapeutic Court (1st, 3rd, and 5th Mondays)
- 1:15 pm: Family Treatment Court Calendar (2nd and 4th Mondays)
- 1:15 pm: Dependency Court Calendar (2nd and 4th Mondays)
- 2:00 pm: Juvenile Offender Calendar (1st, 3rd, and 5th Mondays)
- 3:00 pm: In-Custody Criminal Calendar (every day as-needed)
- 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 Superior Court Administration per LCR 7.2(a).

(2) *Therapeutic Court.* Therapeutic court matters shall be heard on the 1st, 3rd, and 5th 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 2nd and 4th 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 2nd and 4th Monday of each month once 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 1st, 3rd, and 5th Mondays, beginning at 2:00 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 1st Monday beginning at 2:00 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 Wednesday.

Tuesday:

- 9:00 am: Protection Order Calendar
- 10:30 am: Ex parte matters; Civil Law and Motion Calendar
- 1:30 pm: Special set hearings (prior approval required from court administration)
- 3:00 pm: In-Custody Criminal Calendar (every day as-needed)

If a Tuesday falls on a legal holiday, all Tuesday calendars shall be held on the following Wednesday.

(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 Tuesday, Wednesday or Thursday at 9:00 a.m., or as otherwise ordered by the Court or specially set through Superior Court Administration. These hearings may occur remotely or in person unless otherwise ordered by the Court. 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 and to others upon request to Court Administration.

(2) *Ex Parte Matters*. Ex Parte matters may be heard in the Courtroom on Tuesdays at 10:30 a.m. at the beginning of the Civil Law and Motion Calendar. 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 Superior Court Administration or the Clerk's office to schedule emergency ex parte presentation to the Court at an alternative time based on the Court's schedule.

(3) *Civil Law and Motion Calendar*. Any motion or set of motions in a pending civil case, including family law, guardianship, and trust and estate matters, which will take fifteen (15) minutes or less, may be scheduled on the Civil Law and Motion Calendar by filing a notice of hearing/note for motion. Finalization of divorce and separation cases by agreement may be scheduled on the Civil Law and Motion Calendar by filing a notice of hearing/note for motion. No permission is required from Superior Court Administration to set matters on this calendar.

(4) *Special Set Hearings*. All matters requiring a special set hearing pursuant to LCR 8(g), and all motions for summary judgment and show cause hearings in unlawful detainer matters, shall be noted as a special set hearing and must be scheduled in advance through Superior Court Administration – no matter may be set unilaterally by a party on this calendar.

Wednesday and Thursday Hearings:

- 9:00 am: Protection Order Calendar
- 1:15 pm: Ex Parte matters
- 1:30 pm: Special set hearings (prior approval required from court administration)
- 3:00 pm: In-Custody Criminal Calendar (every day as-needed)

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 Tuesday, Wednesday or Thursday at 9:00 a.m., or as otherwise ordered by the Court or specially set through Superior Court Administration. These hearings may occur remotely or in person unless otherwise ordered by the Court. 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 and to others upon request to Court Administration.

(2) *Ex Parte Matters.* Ex Parte matters may be presented to the judge in chambers Wednesday and Thursday at 1:15p.m. 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 Superior Court Administration 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 Superior Court Administration.

(3) *Special Set Hearings.* All matters requiring a special set hearing pursuant to LCR 8(g), and all motions for summary judgment and show cause hearings in unlawful detainer matters, shall be noted as a special set hearing and must be scheduled in advance through Superior Court Administration – no matter may be set unilaterally by a party on this calendar.

Wednesday-Friday Bench and Jury Trials:

Trials are scheduled by Superior Court Administration to take place on Wednesdays through Fridays 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 1:15 p.m., continuing until 4:30 p.m. each day, with a 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 Superior Court Administration or raised at the readiness hearing.

Only trials and in-custody criminal hearings are scheduled on Fridays.

(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 provided by Superior Court Administration upon request). 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.

Emergency Local Rule of San Juan County Superior Court