



*Pacific County  
Courthouse*

*Wahkiakum County  
Courthouse*



# LOCAL COURT RULES OF THE SUPERIOR COURT FOR PACIFIC AND WAHKIAKUM COUNTIES

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# LOCAL COURT RULES OF THE SUPERIOR COURT FOR PACIFIC AND WAHKIAKUM COUNTIES

The following are the Local Rules for the Superior Court of Pacific County and Wahkiakum County. The Court may modify or suspend any of these Rules in any given case upon good cause being shown or upon the Court's own motion.

## **LOCAL GENERAL RULES (LGR)**

### **RULE 1: SESSIONS, MOTION DAYS AND CALENDARS**

**A. Sessions.** The Court shall be in session on all judicial days from 9:00 a.m. to 12:00 noon and from 1:30 p.m. to 4:30 p.m. Cases may be set by the Court for other dates and times. Court shall be in session beginning at 8:30 a.m. on Motion Day. Except for matters on the motion calendar, all trials and hearings will be set for 9:00 a.m. unless otherwise ordered by the Court (9:30 a.m. in Wahkiakum County). For jury trials counsel should be available for a chambers conference at 8:30 a.m. In the event of a conflict which prevents the second day of a trial from commencing at 9:00 a.m., the parties will be expected to be available to commence the trial at a later time in the day or week.

**B. Office Hours.**

Court Administrator's Office shall be open to the public from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Pacific County Clerk's Office hours shall be from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.

Wahkiakum County Clerk's Office hours shall be from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

**C. Special Christmas Eve Hours.** The Court and the Pacific/Wahkiakum County Superior Court Clerk's Office shall be open each year from 8:30 a.m. to 10:30 a.m. on the last day of work before Christmas Day.

**D. Domestic Docket.** Domestic Dockets will be held once a month. The Superior Court Administrator's Office should be contacted for a list of the scheduled Domestic Docket days. All matters shall be scheduled for 9:00 a.m. If a trial is scheduled for later in the day on the regular Domestic docket and the case settles, counsel or the parties shall **re-note** the matter for 9:00 a.m. as soon as practicable.

**E. Juvenile and Dependency Dockets.** The Court Administrator will schedule (in advance) a specific day each month for juvenile offender cases and a specific day for dependency hearings. The Juvenile Office shall set all juvenile matters on the designated juvenile offender day at 9:00 a.m., except that the Prosecuting Attorney may set first

appearance matters. Dependency actions shall be set on the designated monthly dependency day at 9:00 a.m. Dependency actions or juvenile trials that require more than one hour on the docket shall be noted for 10:00 a.m., unless otherwise set by the Court, by counsel for the respondent or the party requesting the case be tried. If a juvenile trial is scheduled for later in the day on the regular juvenile docket and the case settles, counsel for the respondent **must re-note** the matter for **9:00 a.m.** and advise all the parties, including witnesses, as soon as practicable.

#### **F. Motion Days.**

##### **Pacific County:**

###### **Fridays:**

- Civil Protection Order Hearings 8:30 a.m.;
- Adoptions (in chambers) at 8:45 a.m.;
- Civil Motions at 9:00 a.m.;
- Juvenile and Dependency cases at 10:00 a.m.;
- Criminal Motions commencing at 1:30 p.m.

Domestic matters shall not be scheduled on the regular civil docket except as approved by the Court Administrator's Office. Oral argument shall be limited to 10 minutes per side except as allowed otherwise.

Motion Day may be conducted on another day of a particular week by court order. When a holiday falls on Friday, the previous Thursday may be designated as Motion Day.

##### **Wahkiakum County:**

Motion Day shall generally be scheduled on alternating Mondays but may be changed due to holidays and vacation schedules. A Motion Day may be conducted on another day of a particular week by court order. When a holiday falls on a normal motion day, the following Tuesday may be designated as Motion Day. The Court will hear the criminal docket at 9:30 a.m. and the civil docket at 10:00 a.m. Telephone conferences, if approved, will be allowed on regular Motion Days but are may be scheduled at a special time later in the morning. Telephone conferences must be scheduled through the Clerk of the Court, the Court Administrator's Office, and may be approved only if there will be no oral argument or testimony.

**G. Ex Parte Matters.** Ex Parte matters may be presented to the Judge in chambers, if available. Counsel should call the Court Administrator's Office in advance for scheduling presentations. Emergency matters may be presented any time. If the Judge is not available, they may be presented to a Judge Pro Tem or Court Commissioner, if available. Lawyers should not ask the Court for ex parte orders without notice to opposing counsel if counsel has appeared either formally or informally. All orders must be filed with the Clerk forthwith when signed.

**H. Noting Motions and Hearings.** All matters for the calendar shall be noted through the Clerk's Office on a Note for Motion Docket form (Exhibit B). A Note for Motion Docket must be filed in the Clerk's Office by 1:00 p.m. two days preceding the calendar on which hearing is requested.

**I. Telephone Conferences.** With approval of the Judge, motions and hearings may be heard by telephone conference or set on days other than motion days. Telephone conference hearings may be approved only if there will be no testimony or significant oral argument. Request for consideration of a telephonic appearance must be sent by email to the Court Administrator's Office at least five business days before any scheduled hearing date. Details of the hearing and reason(s) for the request to appear by telephone must be provided in the email. Court Administrator will respond with the Judge's decision by email. If approved, the non-refundable fee for these arrangements and the cost of the call is \$25.00 per party and must be paid to the Clerk's Office prior to the hearing.

**J. Interpreters.** In all cases where an interpreter is required, it shall be the responsibility of the person requesting an interpreter to make arrangements to have an interpreter present at hearings by contacting the Court Administrator's Office.

The Court Administrator's Office shall be responsible for arranging for an interpreter for indigent juveniles or indigent parties in dependency proceedings, upon the request of court appointed counsel, the Juvenile Office, or the Prosecutor's Office. It shall be the responsibility of the requesting party's counsel to notify the Court Administrator's Office 48 hours in advance of any change of hearing date(s) that require an interpreter. Failure to do so may result in sanctions, including, but not limited to, imposition of monetary penalties against the party not in compliance with this rule.

*[Amended effective July 2, 2018, February 5, 2019, September 1, 2019]*

## **RULE 2: WITHDRAWAL OF FILES FROM CLERK'S OFFICE**

The Clerk shall permit no file to be taken from her office or any other place where she has the same in charge, except by a judge, court commissioner, referee, or court administrator's staff. All files in the hands of an attorney for the purposes of any trial or hearing must be returned by him or her to the Clerk at the close thereof. All files must be returned within ten (10) days.

## **RULE 31: ACCESS TO COURT RECORDS**

This local rule is made pursuant to GR 31(d)(2) in order to eliminate conflicts regarding authority to grant access to court files and improve the efficiency of the business of the courts.

Access to all court records and documents by employees of Pacific County Superior Court and Pacific County Juvenile Court shall be determined by the Pacific County Superior Court Judge in consultation with the Pacific County Clerk. Provided however, the Pacific County Superior Court Judge has determined that the Pacific County Superior Court Administrator and Assistant Court Administrator shall have full access to all records of the Pacific County Superior Court because they possess the necessary knowledge and understanding of business of the court. The Pacific County Superior Court Administrator and shall be a “site coordinator” within Odyssey to maintain access and user roles for employees of the Pacific County Superior Court Administration and Juvenile Court. Allowing individuals or other offices to control access without understanding of local court business practices would unduly burden the administration of the court. *[Adopted effective September 1, 2018]*

## **LOCAL ADMINISTRATIVE RULES (LAR)**

### **RULE 1: ELECTRONIC SIGNATURE AND TRANSMITTAL OF DOCUMENTS**

All documents signed by the duly elected Judge of Pacific County Superior Court, or by a visiting Superior Court Judge, appointed Judge Pro Tem of the Pacific County Superior Court or appointed Commissioner of Pacific County Superior Court, including those with electronic signature, and returned to the Pacific County Superior Court Administration or any law enforcement agency via electronic transmission (facsimile or email) shall be treated as an original order and filed by the Pacific County Superior Court Clerk. *[Adopted as emergency rule effective May 2, 2018][Amended effective September 1, 2018]*

### **RULE 2: LAW LIBRARY**

**A. Online Access.** The law library room is adjacent to the Superior Court Administration Office with at terminal for online access to legal resources such as Westlaw. Contact Court Administration to schedule a date and time for terminal access.

**B. Law Books.** Volumes shelved in the courtroom or court’s chambers shall not be removed from the area of the chambers or courtroom without permission of the Judge, Court Administrator, or Clerk. If such permission is granted, a card shall be placed in the location where the volume was removed and be taken to the law library room only.

*[Amended effective September 1, 2019]*

# **LOCAL CIVIL RULES (LCR)**

## **RULE 1: ASSIGNMENT OF CASES**

**A. Setting of Trial Dates.** The Court Administrator shall schedule all trial dates. A Request For Trial Setting substantially in the form set forth herein (Exhibit A) shall be served by the moving party upon all parties involved in the action. The Request For Trial Setting notice shall reflect the number of days requested for trial, whether jury or non-jury, and a list of counsel's available dates for trial and settlement conference (suggested for all trials and mandatory for trials more than one day), in addition to other relevant information, and be noted on the 9:00 a.m. Friday, Civil Docket. The original shall be filed with the Court Clerk, with **a copy sent to the Court Administrator**. If a jury trial is requested the applicable fee payable to the Clerk must accompany the Request for Trial Setting. The opposing party shall serve and file a similar form (Exhibit A) prior to the date noted for hearing indicating his or her available dates for trial and settlement conference (see Rule 2: Settlement Conferences). It is not required that counsel attend the hearing to set a trial date **but only if** they have sent a list of their available dates to the Court Administrator **prior** to the scheduled hearing date.

If available dates are not received by the Court Administrator by the date in which it appears on the motion docket for trial setting, the Court Administrator will schedule the trial using the available dates received by those counsel who have responded to the Request For Trial Setting notice. If the assigned trial date is inconvenient for any party, that party must file a motion with the Court requesting the trial date be changed.

If requesting a jury trial, the Demand For Jury must be filed and fee paid prior to setting a trial date.

The initial Request For Trial Setting shall be accompanied by a list of the names and addresses of all persons entitled to notice. All parties have the obligation to inform the Court Administrator promptly of any errors or changes in this list.

**B. Pacific County/Grays Harbor County Judge Trades.** In the event the Pacific County Superior Court judge either voluntarily disqualifies himself from a case due to a conflict or an Affidavit of Prejudice is filed, in most instances the case will then be heard by a Grays Harbor County Superior Court judge. Motion hearings should be noted up on the Grays Harbor County Superior Court motion docket by contacting the Grays Harbor County Court Administrator's Office at (360) 249-5311 and requesting a date and time prior to preparing a Note For Motion Docket (Exhibit B). The original of the Note For Motion Docket and related pleadings should be filed with the Pacific County Superior Court Clerk with courtesy copies sent to Grays Harbor County Superior Court Administrator, 102 W. Broadway, Montesano, WA 98563 with a request that any enclosed bench copies be given to the judge hearing the matter. The motioning party shall within 5 days prior to the hearing, request the Pacific County Clerk to have the court file transferred to Grays Harbor County prior to the hearing date.

**C. Wahkiakum County/Cowlitz County Judge Trades.** In the event the Wahkiakum County Superior Court Judge either voluntarily disqualifies himself from a case due to a conflict or an affidavit of Prejudice is filed, in most instances the case will then be heard by a Cowlitz County Superior Court Judge. Motion hearings should be noted upon the Cowlitz County Superior Court motion docket by contacting the Cowlitz County Court Administrator's Office and requesting a date and time prior to preparing a Note For Motion Docket (Exhibit B). The original of the Note For Motion Docket and related pleadings should be filed with the Wahkiakum County Superior Court Clerk with courtesy copies sent to Cowlitz County Superior Court with a request that any enclosed bench copies be given to the judge hearing the matter. Upon receipt of the original Note for Motion Docket, the Wahkiakum County Clerk will make arrangements to have the court file transferred to Cowlitz County prior to the hearing date.

*[Amended effective September 1, 2017, September 1, 2019]*

## **RULE 2: SETTLEMENT CONFERENCES**

Settlement conferences are suggested in all cases, and shall be required in all cases involving more than one day of trial time. Settlement conferences shall be scheduled at least two (2) months prior to trial. Settlement conferences are normally heard before retired Judge Joel Penoyar, but may be heard by the presiding judge if the case will be heard by a jury. Upon the agreement of counsel, an arbitrator or mediator of their choice may conduct the settlement conference.

Available dates for settlement conferences shall be included at the time available trial dates are submitted by counsel as set forth in Rule 2 above. Settlement conferences are informal and held off the record. All parties to the action shall be personally present or send a party with full authority to settle (telephone appearances are not allowed). Non-attorney insurance representatives need only be available by telephone. Lead counsel shall personally attend the settlement conference. Counsel should submit a pre-settlement conference brief to the settlement judge outlining their issues in the case three (3) workdays prior to the settlement conference. If the name of the settlement conference judge is not included on the Notice of Settlement Conference and Trial Date, counsel may call the Court Administrator or Asst. Court Administrator for that information.

**ATTENDANCE AT SETTLEMENT CONFERENCES IS MANDATORY UNLESS WAIVED BY THE COURT. TERMS MAY BE IMPOSED FOR ANY VIOLATION OF THIS RULE.**

*[Amended effective September 1, 2017]*

## **RULE 3: PRE-TRIAL/TRIAL PROCEEDINGS**

**A. Jury Trials.** Counsel shall report to the Judge at least one-half hour before the scheduled beginning of a jury trial. Counsel shall be prepared to present any final pretrial matters to the Court. Pretrial matters and Motions in Limine requiring argument shall be noted for hearing at least two weeks prior to the morning of the trial. Jury trials

should be conducted with minimal interruptions of the jury's time. To this end, matters which must be heard outside the presence of the jury should be anticipated and be considered during jury breaks or before or after the jury's day.

Unless otherwise ordered or agreed, Plaintiff shall occupy the counsel table closest to the jury.

**B. Continuances.** The Court is obligated to resolve cases promptly. Continuances shall only be available for good cause shown. Motions for trial continuances shall be in writing and filed at least fourteen (14) days before the scheduled trial date. Later continuances of trials will be considered only upon the filing and noting for hearing a motion for continuance for unforeseeable emergencies with good cause shown and upon terms the Court deems just. Continuances shall be to a date certain.

**C. Notice to Court of Calendar and Trial Changes.** Whenever a cause which has been set for trial is settled or will not be tried for any reason, or if jury trial is waived, the attorneys shall immediately file written notice with the Clerk and the Clerk shall provide a copy of the notice to the Court Administrator (if notice was not already provided by counsel).

If it becomes apparent that the time allocated for a trial will not be adequate to complete the trial, the parties shall promptly notify the Court Administrator's Office of that fact and of the time necessary to complete the trial. The Court may assess actual costs or other sanctions for a violation of this rule.

**D. Appeals on Written Record.** All cases set for jury trial which are appeals based on a written record which is read to the jury will be heard without the presence of a judge or court reporter during the reading of the record. The rulings of the hearing official will stand unless objections are renewed prior to trial. Counsel will meet and confer before trial and negotiate on the order of the record and what portions will be read. Counsel shall notify the trial judge before the jury is empaneled of those portions of the record upon which the trial judge will be asked to rule on and of any other matters relating to the reading of the record that need to be resolved prior to trial.

**E. Motion For Reconsideration.** Motions for Reconsideration shall be noted by Counsel for a civil motion docket day. Counsel shall submit their arguments on Motions For Reconsideration in writing prior to the date noted. There shall be no oral argument (unless specifically requested by the Court) and counsel need not appear. The Court will issue a written opinion based on the written argument of counsel received prior to the date the Motion for Reconsideration is noted for.

#### **RULE 4: VERDICTS**

**A. Proceedings When Jurors Have Agreed.** A party or attorney desiring to be present at return of the verdict must remain in attendance at the courthouse or be

available by telephone call. If a party or attorney fails to appear within ten (10) minutes of telephone notice to the attorney's office, home, or another number, the Court may proceed to take the verdict in the absence of such party or attorney.

### **RULE 5: INSTRUCTIONS TO JURY AND DELIBERATION**

**A. Submission.** Instructions shall be submitted no later than one day prior to the commencement of the trial in the following manner:

- 1) One copy with citations and assembled in numbered sequence shall be provided to the Clerk, Judge, and each opposing counsel.
- 2) The Court Administrator's office should be provided with an electronic copy (email attachment or CD) containing an uncited set of the proposed instructions in Word format.
- 3) The original of each Instruction, together with one copy for each party, shall be paper clipped together and provided to the trial judge. These Instructions shall be unnumbered and without citations.

Washington Pattern Instructions shall be furnished by the parties. Any modifications to the Pattern Jury Instructions shall be clearly noted on the annotated copies.

*[Amended effective September 1, 2017]*

### **RULE 6: BOOKS AND RECORDS KEPT BY THE CLERK**

**A. Exhibits.** When a proposed exhibit is marked for identification it becomes part of the court record and, except when used in the courtroom or on appeal, shall not be removed from the Clerk's custody without a court order. No one shall withdraw exhibits without a court order. After 30 days written notice to all parties of record following final disposition of a civil cause, the Court may order the Clerk to destroy or dispose of physical evidence unless good cause is shown why it should be preserved.

**B. Fax Filings.** Clerk's office does not accept faxed documents for filing. Bench copies may be emailed to the Court Administrator for the Judge's review prior to hearing.

**C. E-mails.** E-filing not permitted. Courtesy e-mails are encouraged for notification purposes only. Parties are required to also file with the Court proper pleadings pursuant to the Local Court Rules.

*[Amended effective September 1, 2017, September 1, 2019]*

## **RULE 7: DOMESTIC RELATIONS/PATERNITY**

**A. Order Pendente Lite.** The following shall apply to all contested hearings in domestic relations matters in which temporary relief is sought during the pendency of the action:

- 1) **Affidavits/Oral Testimony.** Such matters shall not be heard unless affidavits are served and filed as required by this rule. Oral testimony may be offered only to supplement, explain, or controvert affidavits and only upon prior approval of the Court. Such request for oral testimony shall be made no later than the day preceding hearing.
- 2) **Ex Parte Restraining Orders.** Ex parte orders in domestic relations matters shall not change the custody of children or possession of the family home unless the applying party appears personally before the Court and the Court finds that irreparable injury could result if the order is not entered.

## **RULE 8: MANDATORY PARENT EDUCATION WORKSHOP**

The Pacific and Wahkiakum County Superior Courts find that it is in the best interest of any child whose parents or custodians are involved in specific court proceedings to provide such parents with an educational workshop concerning the impact family restructuring has on their child(ren). The workshop offers parents tools to help ensure that their child's emotional needs will not be overlooked during the legal process, to encourage parents to agree on child related matters, and to aid in maximizing the use of court time.

**A. Applicable Cases.** This rule shall apply to all cases filed on or after September 1, 2017, under Ch. 26.09, Ch. 26.10, or Ch. 26.26 RCW, and as amended, which require a Parenting Plan or Residential Plan or Visitation Schedule for minor children, including dissolutions, legal separations, major modifications, paternity actions in which paternity has been established, non-parental custody actions and relocation requests.

**B. Mandatory Attendance.** In all cases governed by this rule, all parties shall complete a parenting seminar/class through the Pacific County Health Department or such other provider as approved by the Court, in-person, within 90 days after service of the Court's Automatic Temporary Order issued under LCR 13. In the case of paternity actions where the responding parent is not having contact with the child, the parenting seminar shall be required only when paternity is established or acknowledged and contact is requested. The class must be completed prior to entry of a permanent Parenting or Residential Plan or Visitation Schedule.

**C. Fees.** Each party attending a seminar shall pay a fee charged by the approved provider and sanctioned by the Court, or the provider may waive the fee for indigent parties.

**D. Special Consideration/Waiver:**

- 1) In no case shall opposing parties be required to attend a parenting seminar/class together. They may do so voluntarily.
- 2) Upon a showing of (a) domestic violence or abuse which would not require mutual decision making pursuant to RCW 26.09.191, or (b) that a parent's attendance at a parenting seminar/class is not in the children's best interest pursuant to Ch. 26.12 RCW, the Court shall either:
  - a) Waive the requirement of completion of the parenting seminar/class; or
  - b) Allow participation in an alternative voluntary parenting seminar/class for battered spouses.
- 3) The Court may waive the parenting seminar requirement for other good cause shown.

**E. Failure To Comply.** Willful refusal to participate in a parenting seminar/class or willful delay in completion of a parenting seminar by any party may constitute contempt of court and result in sanctions, including, but not limited to, imposition of monetary penalties against the party not in compliance with this rule.

- 1) Types of Proceedings Required. Each person named as a party in the following types of proceedings must comply with Local Court Rule 8:
  - a) Dissolution of Marriage with child(ren) under 18 years old;
  - b) Legal Separation or Declaration of Invalidity of Marriage with child(ren) under 18 years old;
  - c) Petition or motions to establish custody or visitation, including paternity;
  - d) Post-judgment petition involving or motion custody or visitation or relocation.
- 2) Service on Parties. The Court Administrator shall prepare a handout which shall include a copy of this Rule, and a statement outlining the program with contact information and address. The Clerk of the Court

shall provide a copy of the handout to the initiating party for service upon all parties against whom relief is sought, together with a statement describing the program, including contact telephone numbers and addresses.

- 3) Mandatory. Each party who files an appearance in a proceeding of the types described above in Section A shall complete the program unless exempted by the Court. **No final order approving any residential or parenting plan shall be entered without proof of completion of such education program by the parents or legal guardians unless otherwise ordered by the Court.**
- 4) Ninety (90) Day Deadline. Each party shall attend and complete an approved parenting workshop within ninety (90) days of filing a proceeding specified in Section A above.
- 5) Exemption. The Court may exempt one or both parties from completion of the program if, after reviewing the requesting party's motion and supporting affidavit, the Court determines that participation is unnecessary.

*[Amended effective September 1, 2017, September 1, 2019]*

**RULE 9: ENTRY OF UNCONTESTED DISSOLUTIONS BY DECLARATION**  
**(WAHIAKUM COUNTY ONLY)**

**A. Wahkiakum County Superior Court Only: Agreed Dissolutions.** The Court may sign an agreed dissolution of marriage, of domestic partnership, or legal separation without a final hearing or oral testimony if (1) both parties have executed approved pattern-form pleadings; and (2) both parties have signed all final orders *and* a verification of the Findings of Fact (as set forth in Exhibit D) with their signatures on the verification notarized; *or* the Petitioner has signed such a notarized verification, the Respondent has signed a notarized Joinder, and the relief granted in the Decree is the same as the relief requested in the Petition.

**B. Wahkiakum County Superior Court Only: Default Dissolutions.** The Court may sign a dissolution of marriage or domestic partnership or legal separation by default without a final hearing or oral testimony if (1) the Petitioner provides proper proof of service; (2) the Respondent does not file a Response; and (3) the relief granted in the Decree is the same as the relief requested in the Petition. Proof of service may be deemed proper if there is written proof on file that the Respondent was personally served; *or* if the Petitioner has made appropriate efforts at personal service which have failed, and the Court has subsequently issued an order for service by mail or by publication and proof of the same in accordance with the order is on file.

**C. Wahkiakum County Superior Court Only: Dissolutions With Children.**

In the event that the dissolution or legal separation involves dependent children, all final orders involving the children must be signed by both parties, *or* the Petitioner must also provide proof that he or she has served the Respondent with any applicable Order of Child Support, Child Support Worksheet, and Parenting Plan, and the Petitioner has declared under penalty of perjury that the final orders the Petitioner has presented to the Court for signing are the same as the Petitioner served on the Respondent. Proof of service of final orders involving children may be deemed proper if there is written proof on file that the Respondent was personally served with the same; or if there is written proof on file that the same were mailed to the address at which Respondent provided for notice of further proceedings in the matter.

**D. Wahkiakum County Superior Court Only: Parent Education Workshop.**

In the event that the Court signs a final Decree of Dissolution or Separation pursuant to this Rule, the requirements of Rule 8 for a Mandatory Parent Education Workshop may be waived without further motion or order of the Court.

*[Amended effective September 1, 2017, September 1, 2019]*

**RULE 10: GUARDIAN AD LITEMS**

A. Registry. The Pacific County Superior Court Administrator or designee shall be responsible for maintaining a registry of those qualified to serve as a Guardian Ad Litem in guardianship proceedings as provided in RCW 11 and RCW 26.

B. Trial. Upon the filing of the Guardian Ad Litem's report, the Guardian Ad Litem is excused from attending all further court proceedings unless ordered by the court to appear.

**RULE 11: MANDATORY MEDIATION IN DOMESTIC CASES**

Prior to a trial being set in domestic cases, including dissolutions, legal separations, major modifications, paternity actions in which paternity has been established, and non-parental custody actions, the parties must pursue a resolution through mediation, unless waived by the Court. Counsel may attend mediation with their client, however they are not required to. A pamphlet containing more information on mediation can be obtained from the Court Administrator's Office or the Clerk's Office.

A. Service On Parties. The Clerk of the Court shall provide a copy of this Rule to the initiating party for service upon all parties against whom relief is sought, together with a pamphlet describing mediation, including contact telephone numbers and addresses.

**B. Mandatory.** Each party who files an appearance in a contested proceeding of the types described above shall attend mediation unless exempted by the Court. Attorneys are not required to attend with their clients but may do so if they wish.

**C. Exemption.** The Court may exempt one or both parties from attending mediation if, after reviewing the requesting party's motion and supporting affidavit, the Court determines that participation is unnecessary.

**D. Fees.** Each party attending the mediation shall pay one-half of the fee charged by the provider, unless otherwise ordered by the Court.

**E. Failure To Comply.** Willful Refusal to participate in mandatory mediation or willful delay in completion by any party contesting an action may constitute contempt of court and result in sanctions, including, but not limited to, imposition of monetary penalties against the party not in compliance with this rule, and entry of a default decision or order.

*[Amended effective September 1, 2017]*

## **RULE 12: PROBATE**

Initial probate matters may be submitted ex parte to the Court.

## **RULE 13: FAMILY LAW ACTION**

**Automatic Temporary Orders - Court's Automatic Temporary Order.** Upon the filing of a Petition for Dissolution/Legal Separation/Invalidity, Petition to Establish a Parenting Plan/Residential Schedule, and a Petition for Non-Parental Custody, the Court on its own motion automatically issues a temporary order.

- a) These rules apply to matters filed under RCWs 26.09, 26.10, 26.12, 26.16, 26.18, 26.19, 26.21, 26.21A, 26.23, 26.26, 26.27 and 26.34
- b) The court's automatic temporary order will not be entered in any law enforcement database.
- c) This rule does not preclude any party from seeking any other restraining order(s) as may be authorized by law.

*[Adopted effective March 21, 2019]*

# **LOCAL CRIMINAL RULES (LCrR)**

## **RULE 1: RIGHT TO AN ASSIGNMENT OF COUNSEL**

**Assignment of Counsel.** Appointment of counsel for indigent defendants shall be made by the Court at the preliminary appearance. The Prosecuting Attorney shall promptly provide defendant or defense counsel with a copy of the Information or other charging document. The Court Administrator's office shall also notify appointment of counsel by electronic mail. *[Amended effective September 1, 2019]*

## **RULE 2: PROCEDURES PRIOR TO TRIAL**

**A. Hearings Requiring An Interpreter.** The Court Administrator's Office shall be responsible for arranging for an interpreter for indigent defendants in criminal proceedings, **only upon the request of court appointed counsel or the Prosecutor's Office.** It shall be the responsibility of the indigent party's counsel to notify the Court Administrator's Office of any hearings scheduled that require an interpreter. Court Administration must be notified at least 48 hours in advance of any hearing that is to be **stricken** requiring an interpreter. **Failure to do so may result in sanctions against the party striking the hearing** including, but not limited to, imposition of monetary penalties against the party not in compliance with this rule.

**B. Pretrial/Omnibus Checklist Hearing.** At arraignment the Court will set a time and date for an omnibus/pretrial hearing under CrR 4.5,. The State shall provide the defense attorney with copies of all officer's reports and other information within five (5) days of receipt thereof. The parties and their representatives shall confer at least once **BEFORE** the pretrial/omnibus checklist hearing as to any discovery problems or any possible settlements. Counsel shall submit completed omnibus hearing checklist at first pretrial hearing.

**C. Motions.** The moving party shall note motions in a timely manner so that all hearings and motions will be heard at least 14 days prior to the date of trial. Failure to timely note motions for hearing in accordance with this rule may be deemed a waiver of the pretrial hearing on such motions. The Local Civil Rules relating to motions and hearings also apply in criminal cases, where not inconsistent with criminal rules.

**D. Omnibus Order.** The parties must submit an "Omnibus Hearing Checklist" at the pretrial/omnibus checklist hearing. The parties may submit an agreed order on omnibus. If an agreed order will not be submitted, each party shall prepare and submit an omnibus application substantially in the form set forth in Criminal Rules for Superior Court at/or before the time set for the omnibus hearing. It is not necessary to make separate written motions where such motions have been checked on the party's omnibus application. The moving party shall note such motions for hearing in accordance with these rules. Briefs and supporting documents shall be submitted two (2) court days prior to the date of hearing.

**E. Settlement of Criminal Cases.** counsel must notify in writing to the Court Administrator and the Clerk of a settlement in a criminal case prior to 14 days of trial. Counsel for defendant shall note the matter up for entry of plea on the first Friday motion day following the plea bargain resolution. See Rule 3 below.

*[Amended effective September 1, 2019]*

### **RULE 3: TIME FOR WAIVER OR PLEA AGREEMENT**

Any waiver of right to speedy trial or waiver of right to jury trial shall be in writing, signed in open court, at least 14 days prior to the scheduled trial date. Any plea entered based upon the State's agreement to reduce or dismiss any charges or to recommend a certain disposition must be entered at least 14 days prior to the scheduled trial date.

### **RULE 4: JURY SELECTION**

Jury Selection shall be by the struck jury method. Jurors shall be randomly selected from reporting jurors and seated in the order so selected starting in the front row of the audience benches in the courtroom.

**Jury Questions.** The Court will ask questions and then counsel shall be allowed alternating periods of time to question the jurors.

**Improper Inquiry.** Questions should be directed solely to determining bias or prejudice and not to direct or implied argument of the case.

### **RULE 5: ADMINISTRATIVE RULES**

Constitutional Court Commissioners may take pleas in all cases except for Class A felonies.

Superior Court of Washington, County of \_\_\_\_\_

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

vs.

\_\_\_\_\_  
Defendant/Respondent.

No. \_\_\_\_\_

**NOTE FOR TRIAL SETTING**

- \*Clerk's Action Required
- \*Court Administrator Action

TO: THE CLERK OF THE ABOVE-ENTITLED COURT; and

TO: \_\_\_\_\_

The above matter is at issue and the matter will be brought on for trial setting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_:00 a.m., and the Clerk is requested to note this cause on the docket for that date. **PARTIES DOES NOT NEED TO APPEAR FOR TRIAL SETTING IF THEY HAVE PROVIDED THE COURT ADMINISTRATOR WITH A LIST OF THEIR UNAVAILABLE DATES PRIOR TO THIS HEARING.**

**LENGTH OF TRIAL:** \_\_\_\_ Day(s) **JURY:** (Yes) \_\_\_\_ (No) \_\_\_\_ (6 person) \_\_\_\_ (12 person) \_\_\_\_  
*(Demand For Jury Trial must be filed and fee paid prior to trial setting)*

**MEDIATION/SETTLEMENT CONFERENCE:**

Completed on: \_\_\_\_\_ Scheduled for: \_\_\_\_\_ Waived on: \_\_\_\_\_

**NATURE OF CASE** \_\_\_\_\_

**NUMBER OF WITNESSES I WILL CALL:** \_\_\_\_\_

**NOTE TO COURT ADMIN:** The following dates the undersigned is **unavailable** for trial:

\_\_\_\_\_

An accurate list of the names of all persons entitled to notice is located on the next page of this document.

*I certify that I sent a copy of this document to the parties listed, the Clerk of the above-entitled Court, and the Court Administrator, postage prepaid on: \_\_\_\_\_.*

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

\_\_\_\_\_  
(Signature)

Superior Court of Washington, County of \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s) / Petitioner(s)

vs.

\_\_\_\_\_  
Defendant(s) / Respondent(s)

No. \_\_\_\_\_

**NOTE FOR MOTION DOCKET**

\*Clerk's Action Required

TO: CLERK OF THE ABOVE-ENTITLED COURT; and

TO: \_\_\_\_\_ (Opposing counsel or party)

Please place this matter on the Motion Calendar on:

\_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m./p.m.

Opposing counsel is hereby notified.

**NATURE OF MOTION:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

(Signature) \_\_\_\_\_

(Address) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Exhibit C)

**OMNIBUS HEARING CHECKLIST**

Case Name: \_\_\_\_\_  
Cause No: \_\_\_\_\_

Trial Date: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

**PLEA NEGOTIATIONS COMPLETED**

Yes \_\_\_ No \_\_\_ Plea Possible  
Yes \_\_\_ No \_\_\_ Sent to Plea Calendar this date  
Yes \_\_\_ No \_\_\_ Strike trial date of \_\_\_\_\_.

**DISCOVERY ISSUES ADDRESSED**

**Provided by:**

Yes \_\_\_ No \_\_\_ All documentary discovery (photos/tapes) \_\_\_\_\_  
Yes \_\_\_ No \_\_\_ Prior convictions of defendant/witness \_\_\_\_\_  
Yes \_\_\_ No \_\_\_ All medical records, expert reports, lab and test results \_\_\_\_\_  
Yes \_\_\_ No \_\_\_ All state witnesses have been interviewed and are ready for trial  
Yes \_\_\_ No \_\_\_ All defense witnesses have been interviewed and are ready for trial  
Yes \_\_\_ No \_\_\_ All remaining witnesses interviews have been scheduled for  
specific dates and times or will be completed by \_\_\_\_\_  
Yes \_\_\_ No \_\_\_ All discoverable defenses have been disclosed  
Yes \_\_\_ No \_\_\_ All discovery has been completed

If no: Issues: \_\_\_\_\_

Yes \_\_\_ No \_\_\_ Motions in Limine requested. All motions in limine must be heard  
not later than the Friday before the trial date. Any Friday motions requiring  
more than five minutes per side must be approved by the Court Administrator's  
office or in open court.

**TRIAL/READINESS ISSUED**

Yes \_\_\_ No \_\_\_ The information will be amended  
Yes \_\_\_ No \_\_\_ Co-defendant(s) is/are ready for trial  
Yes \_\_\_ No \_\_\_ Trial length estimate, including pre-trial motions  
Yes \_\_\_ No \_\_\_ Jury  
Yes \_\_\_ No \_\_\_ **CrR 3.5 hearing:**  
# of hours \_\_\_\_\_ # of witnesses \_\_\_\_\_  
Yes \_\_\_ No \_\_\_ **CrR 3.6 hearing:**  
# of hours \_\_\_\_\_ # of witnesses \_\_\_\_\_ Interview date(s) \_\_\_\_\_  
Briefing schedule \_\_\_\_\_

Other: \_\_\_\_\_

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

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
(Deputy) Prosecuting Attorney

\_\_\_\_\_  
Defendant's Attorney

**VERIFICATION OF FINDINGS OF FACT**

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being first and duly sworn upon oath, deposes and says:  
I am the Petitioner in this case. I have read the foregoing Findings of Fact, and they are true to the best of my knowledge.

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of Washington  
My appointment expires: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being first and duly sworn upon oath, deposes and says:  
I am the Respondent in this case. I have read the foregoing Findings of Fact, and they are true to the best of my knowledge.

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of Washington  
My appointment expires: \_\_\_\_\_